CULTURAL CONTEXTS AND LEGAL FRAMEWORKS: INSIGHTS INTO EDUCATION, FAMILY, AND GENDER

Editors:
Farhat Taj and Rubya Mehdi

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NAVEIÑ REET: Nordic Journal of Law and Social Research (NNJLSR) is a peer reviewed annual open access research journal.

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NNJLSR aims to publish original and innovative legal scholarship in the diverse fields of law. NNJLSR is keen to publish interdisciplinary socio-legal research that examines the interface between law and political science, economics, sociology, philosophy, anthropology, ecology, feminism and legal institutions.

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Two reviewers are assigned to each article. The editor(s) decides on publishing after the review process and is in charge of communication with the contributor(s)

Authors must ensure that their identity is not revealed anywhere in their submitted article to the peer-reviewer.

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Introduction

Farhat Taj and Rubya Mehdi

Welcome to the latest edition of the *Nordic Journal of Law and Social Research*, where we present a relatively diverse scholarship that spans various facets of law and social sciences. This issue is particularly special as it brings together a tapestry of themes that reflect national and international concerns on some of the dynamic social challenges of our time.

We begin by exploring child rights, a pertinent topic in today's rapidly changing world. The articles in this section delve into the complexities surrounding protecting and promoting children's rights, examining both legal frameworks and societal challenges. Our contributors provide a nuanced understanding of how these rights are being interpreted and implemented and identify areas needing further attention.

Carola Babette Kleemann's article delves into language choice and contextualization dynamics within a Sámi kindergarten setting in Norway. The article offers a unique perspective on how language functions not only as a tool for communication but also as an indicator and creator of social contexts. Through an analysis of interactions among teachers, children, and outsiders, the research highlights how language variation shapes and reflects cultural identity and community engagement. This research contributes to our understanding of language use in Indigenous educational settings and offers broader implications for multicultural education and the preservation of cultural heritage through language.

Jørn Vestergaard's article examines the complexities of Danish law regarding physical interventions against disruptive or violent schoolchildren. It highlights the inadequacies and inconsistencies in the current legal framework, emphasizing the challenges educators face due to unclear guidelines. Criticizing the Public School Act and its supplementary regulations, Vestergaard points out the weak legal basis for interventions affecting pupils' integrity and self-determination. By referring to recent legislative advancements like the Act on Adult Responsibility, the article proposes a regulatory model to provide clarity and uniformity. This analysis addresses the urgent need for reform and suggests practical solutions to improve conflict management, facilitating a safer and more respectful environment for students and teachers

Synnøve Thomassen Andersen's article explores the impact of teachers' attitudes and cultural sensitivity on children's cultural rights, emphasizing the transformative role of technology in this regard. The research presents a forward-thinking agenda to enhance educators' roles in promoting cultural awareness by examining the intersection of education, cultural sensitivity, and technology. It identifies key areas for improvement in teachers' cultural sensitivity and highlights technology's potential to enhance cultural visibility among children. Acknowledging both the advantages and challenges of technological integration, the article invites further exploration and innovation in this vital field.

Tina Gerdts-Andresen's article brings insights from her Ph.D. thesis. The article presents a comprehensive analysis of how children's right to family life is managed following the issuance of care orders in Norway. It examines the Child Welfare Tribunal's decisions and discusses their alignment with human rights standards. The research delves into the tribunal's justification for regulating contact rights and explores the weighting of children's views in legal proceedings. Highlighting the challenges and implications of professional discretion, the article invites readers to reflect on the balance between safeguarding children's welfare and preserving family ties amid ongoing national and international debates.

Moving to the theme of academic gender equality, we present a study of the gender gap in universities in Pakistan, as explored in the article coauthored by **Zainab Jehan, Saima Hamid, Shaheen Sardar Ali, Inayat Ali, Azra Yasmin, and Ann Stewart**. This article brings insights from a pilot project to tackle gender disparities in leadership within Pakistan's public sector universities. Through targeted capacity building and mentoring, the project seeks to equip women leaders with essential skills to navigate their roles effectively, including in the face of gender-discriminatory cultural norms that hinder women from reaching academic leadership positions. Drawing from this 18-month project, the article offers recommendations for female leaders, higher education institutions, and policymakers, highlighting the need for professional networking and regular mentoring programs to empower women in academia.

Finally, **Helle Blomquist** features a portrait of Poul Andersen, a distinguished Danish legal scientist whose work has left an indelible mark on legal studies. A large part of Helle's article dwells upon Poul Andersen's opposition to totalitarian regimes and his advocacy of the liberal constitutional state when the latter was under severe pressure and, in some countries, collapsed and gave in to dictatorship. Another pivotal point in her article is that Grundtvig delivered material for Poul Andersen's conception of the liberal state and, al-

though indirectly, cut out the lawyer's work to secure standing for the citizens - all citizens - vis-a-vis the state. The consequence of this is the dissolution of estates and privileges. In other words, Poul Andersen has a development project for the state, and that is an integration, on an equal footing, of all citizens in society, regardless of estate, gender, color, or religion. (Some of these criteria were perhaps less relevant in his time, but they are logical extensions.) Henceforth, Grundtvig's secularism is a cornerstone in that building. An additional cornerstone is education - secular education - to strengthen the individual in obtaining his/her rights (and not privileges).

The gender perspective is also underscored in Hanne Petersen's review of Rubya Mehdi's book "Understanding Gender and Diversity in Europe: Experience of Migrant Single Mothers in Denmark." Petersen reflects on Mehdi's interdisciplinary approach, which challenges traditional academic norms and offers a fresh perspective on the struggles and triumphs of migrant single mothers. Drawing parallels with contemporary work for women's rights and freedom, Petersen highlights the book's relevance and contribution to ongoing dialogues about gender, diversity, and legal transformations. Through this review, readers are invited to explore Mehdi's innovative narrative style and the impact of her research on understanding societal changes in modern welfare states.

Last but not least, we extend our heartfelt gratitude to the contributing authors and peer reviewers. The contributing authors have provided critical perspectives that enhance our understanding of these important topics, and we are delighted to feature your work in our publication. To our peer reviewers, your evaluations and feedback have been important in ensuring that we present good quality research to our readers. We deeply appreciate the time and expertise you have devoted to this process. Together, your contributions have made this issue an insightful resource for researchers, practitioners, and advocates alike. Thank you for your collaboration and dedication to generating new insights in these vital areas.

The Law on Physical Intervention against Offensive Schoolchildren – A Nordic Perspective

Jørn Vestergaard[1]

The article gives an account of the legal framework under Danish law regarding physical interventions against schoolchildren who behave offensively, disruptively, or violently. The law is unclear and incomplete. Thus, teachers lack clear guidelines for adequately handling classroom conflict situations. A regulatory model designed to provide more clarity and uniformity is provided.

Summary

Under Danish law, neither the Public School Act (*folkeskoleloven*) nor the supplementary executive Regulation on the promotion of good order and discipline (*bekendtgørelse om god orden i folkeskolen*) contribute sufficiently to clearly defining the limits of lawful physical intervention against outwardly reactive or disruptive pupils.[2] Across the school sector, the rules are inconsistent and inadequate. The uncertainty about the legal delimitation of various physical interventions against pupils is unsatisfactory for both children and adults and can lead to inappropriate handling of conflict situations. It is fundamentally untenable that the rules on the use of force and other interventions in pupils' personal integrity and right to self-determination do not rest on a solid legal basis but must be derived from a ministerial Regulation and from unwritten "institutional considerations."

The legislature has addressed outdated legal frameworks in contiguous areas and established a clearer and more solid basis for the powers regarding the use of force and other physical interventions in connection with the exercise of adult authority. A few years ago, the introduction of the Act on Adult Responsibility for children and young persons in resi-

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1   Professor emeritus at Faculty of Law, University of Copenhagen.

2   In accordance with the Public-School Act (*folkeskoleloven*), the elementary part of the public school system in Denmark provides for admission of young children to pre-school grade (*børnehaveklasse, 0. klasse*) followed by mandatory teaching from the 1st up until the 9th grade and a voluntary 10th grade. Under Danish law, nine years of education is mandatory. Enrolment in a local public school is available for all children and young persons but not compulsory, since parents have the right to opt for a private institution or home schooling as the alternative. The Public-School Act have most recently been updated by Consolidation Act (*lovbekendtgørelse, lbk.*) No. 50, 2024.

dential care (*voksenansvarsloven*) removed much of the legal uncertainty.[3] With adequate adjustments, significant parts of the rules regarding adult responsibility can be advantageously transferred to the school area in general.

Corporal Punishment of Children, Servants and Other Subordinate Individuals

Historically, a recognized right to corporal punishment has given specific individuals the authority to discipline subordinates, such as family members, servants, institutionalized individuals, pupils, and students. Parents had certain, particular rights to discipline their children, which meant that certain forms of physical force, otherwise punishable, were exempt from criminal liability. Such rights have been gradually abolished.[4]

Under the Danish Code of 1683 (*Danske lov*), there were provisions regarding the husband's and his wife's right to discipline children and servants, while the law abolished the husband's right to discipline his wife, cf. Sec. 6-5-5, 6-5-6, and 6-9-4. These provisions were repealed with the Penal Code of 1866, but it was not intended to abolish the right to corporal punishment completely. The Servants' Act of 1921 (*medhjælperloven*) abolished the right to discipline underage boys and girls working as servants.

In the 1980s, other Nordic countries abolished the last remnants of parents' right to discipline their children. In 1985, Denmark introduced a somewhat unclear provision in the Guardian's Act (*myndighedsloven*), stating that the bearer of parental authority has a duty to "protect the child from physical and psychological violence and other degrading treatment." In 1997, the Danish Parliament finally abolished the last remnants of the right to corporal punishment for parents over their children. Now, the Parental Responsibility Act states that children "must be treated with respect for their person and must not be subjected to corporal punishment or other degrading treatment."

The previous rights to implement corporal punishment have also been gradually abolished in the school sector. Upon the establishment of the public school system in 1814, King Frederik VI issued executive Regulations on good order and discipline for public schools. If warnings did not have the desired effect, teachers were allowed to punish children under 10 with "a small rod," and older children with "a thin strap without knots." Other punishments included warnings, exclusion from participation in amusements, freedoms, playing

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3   The Adult Responsibility Act (*voksenansvarsloven*) was introduced by Act No. 619, 2016 on Adult Responsibility for Children and Young Persons in Residential Care, most recently updated by Consolidation Act (*lovbekendtgørelse, lbk.*) No. 1006, 2024.

4   For references, see (Vestergaard 2024a).

activities, and relegation to a lower grade. However, it was emphasized that the teacher should refrain from "any treatment that could have a harmful effect on the children's bodies or hinder the intended improvement." Consequently, there was an explicit prohibition against "giving children ear slaps, blows or hits with the hand, pinching them, or using abusive language against them." Similarly, "putting children in the doghouse or implementing other degrading punishments that could stifle the child's sense of honour and serve more to harden than improve them" were prohibited. In 1860, the Government announced that a cane could be used instead of a rod. In 1934, the prohibition against slaps was reinforced in a circular issued by the school director for Copenhagen.

In high schools, it was legal for teachers to discipline students corporally, provided that "any corporal punishment that could harm a student's health" was not implemented. The use of a cane was considered permissible to some extent.

Under the Public-School Act of 1937, the Ministry of Education issued an executive Regulation in 1938 on measures to maintain good order in public schools. Disobedience, impoliteness, lack of diligence, breaches of house rules, or improper behaviour towards other children, could result in detention for up to one hour. Under "special circumstances," corporal punishment was allowed for "special and serious offenses, primarily against children who act rudely and inconsiderate towards peers." Corporal punishment was limited to three slaps with a thin cane on the seat over the clothes. The punishment had to be administered "with prudence and seriousness."

From 1952, corporal punishment was abolished in Copenhagen municipal schools.

In 1953, it was decided to abolish cane punishment in child and youth welfare institutions and to prohibit corporal punishment in the form of slaps on the cheek with a flat hand in reformatory institutions.

In 1967, corporal punishment was generally abolished in the school system. Then the Ministry of Education issued what became known as the "cane circular" (*spanskrørcirkulæret*). An executive Regulation explicitly stated that "corporal punishment must not be used." By then, the goal was no longer "order and discipline" but "work peace and good order." Children's understanding of the rules and their significance should be promoted "through talks and other means." Only necessary force could be used to prevent "pupils from committing violence against others or damaging or destroying things."

At the same time, corporal punishment of children and young persons in residential institutions was prohibited. With reference to the Criminal Code and the Administration of Justice Act, it was later added that the general rules on self-defence, necessity, and lawful enforcement apply (*nødværge, nødret og lovlig retshåndhævelse*). The rules on the use of

force and other physical intervention against children and young persons in residential care were clarified in the Adult Responsibility Act of 2016 (*voksenansvarsloven*).

In the school sector, the rules regarding the use of force and other measures to promote good order remains unclear, causing uncertainty about the limits of lawful physical intervention.

The Uncertainty about the Limits of Lawful Physical Intervention against Schoolchildren

The unclear limits of lawful use of force and other physical measures against schoolchildrens' misconduct have regularly attracted political attention due to media coverage of problems about pupils' bullying and harassment of their schoolmates, the occurrence of escalated conflict situations during school hours, difficulties in enforcing peace and quiet in the classroom, and pupils' violence and threats against teachers, too.[5]

Several studies have shown that a lot of teachers are exposed to verbal and physical violence, not least by very young children in early elementary school (*indskolingen*). The seriousness of the situations varies, and can, for example, consist of individuals being torn, scratched, pinched, threatened with violence, or having objects thrown at them.

The occurrence has fuelled the debate on several indictments of teachers charged with committing criminal assault against pupils. Considering this practice, teachers in general have understandably become anxious about the prospect of dismissal and legal prosecution, if pupils claim to have been subjected to unlawful physical treatment.

The law is characterized by uncertainty and disagreement about the limits of justified physical intervention against pupils with disruptive, offensive, or dangerous behaviour. Some teachers involved in such situations avoid any physical contact in order not to risk negative personal consequences. However, when orderly care and lenient educational means do not effectively remedy a serious disorder problem, it may seem unsatisfactory to refrain from some kind of physical intervention adapted to the given situation.

The enforcing of appropriate order and discipline by pupils may necessitate the availability of various types of schemes. However, two partly opposing trends must be considered when calibrating the relevant means. On the one hand, today's schools are characterized by more unrest and a wider lack of respect for adults than in previous times. On the other

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5   The term "pupil" and the term "child" will be used in the article to include schoolchildren irrespective of their age, i.e. children from the age of 5 years and young persons up until the age of 16-17 years.

hand, it has become recognized to a greater extent than previously that children have the right to protection of personal human dignity and right to self-determination and must not be subjected to arbitrary or disproportionate interference with such fundamental rights, not even as part of the exercise of adult authority.

Recently, reports of pupils' violence, threats, and sexual harassment against other children at two specific schools filled the media, which again prompted political considerations about counterreactions to such offending behaviour, including the possibility of authorizing transfer to another school or even entire expulsion from the public school system.[6]

As a consequence of the alarming report, the Minister of Children and Education decided to tighten up the executive rules on measures for maintaining order and discipline in public schools. The modified version of the administrative rules came into force on 1 January 2025. Still, so far, no changes have been made to the regulations concerning the authority for teachers to use force or to implement other types of physical intervention.

The Public-School Act as the Legal Basis for Defining Lawful Measures

Requirements that pupils must sometimes sit quietly, participate in activities, and generally behave properly are clearly justified to achieve the school system's basic purpose and principal pedagogical agenda. The justification for the use of force and other interventions into the right to individual self-determination and personal integrity must be assessed with a view to the fundamental principles governing the public schools' operations, as these have been established in the relevant legislation.

The Public-School Act (*folkeskoleloven*) starts with a preamble that reflects a set of broad and ambitious learning objectives and a fundamental set of values. The school is responsible for the pupils' education and upbringing. Consequently, staff members have the right and duty in their daily work to contribute to the fulfilment of the school's objectives and the implementation of the school's official values. The adopted set of values contains guidelines for good behaviour. It indicates how to achieve personal well-being and a good teaching environment for pupils and staff, both mentally and physically.[7] The guidelines are intended to promote shared values, commitment, and responsibility. In accordance

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6   For references, see (Vestergaard 2024a).

7   Pupils have the right to a good and safe teaching environment; see the Act on the Teaching Environment of Pupils and Students, Act No. 316, 2017 (*lov om elevers og studerendes undervisningsmiljø*).

with the set of values, the local school board must establish an anti-harassment strategy (*anti-mobbe strategi*), including a strategy against digital bullying.

The local school board adopts the individual school's rules of order, sets of discipline and values. These provisions must be aligned with the general legislation, and respect the fundamental legal principles of objectivity, proportionality, and leniency.[8]

A crucial prerequisite for the school and its staff to fulfil the mission defined in the legislation is that teaching and social interaction in the school's daily life take can be conducted with a certain degree of peace and quiet. To this end, it may be necessary to intervene in the pupils' self-determination and, under certain circumstances, use to force.

Based on the Public-School Act, the Minister for Children and Education has laid down in an executive ministerial Regulation (*bekendtgørelse)*, more detailed rules on measures to "promote good order".[9] The rules are explained and elaborated in a set of administrative guidelines (*cirkulære*).[10]

Measures against Violations of the School's Rules of Order and Discipline

The school principal is responsible for the administrative and pedagogical management of the school and makes all concrete decisions concerning the school's pupils within the goals, frameworks, and principles set by the municipal council and the local school board.[11]

The rules on measures that constitute intervention in self-determination, personal integrity, or personal development opportunities for pupils who disregard the requirements for order and peaceful coexistence are based on the premise that, as a rule, they should not be enforced by physical use of force. The formalized provisions set the upper limits for

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8   The Constitution and the ECHR set certain limits on the authority to use physical force. The Convention on the Rights of the Child obliges States to ensure that the best interests of the child are given priority, cf. Art. 3. The Convention on the Rights of Persons with Disabilities stipulates rights for children and young persons with physical or mental disabilities.

9   Cf. the Public-School Act Sec. 52 (1), and the executive ministerial Regulation on the Promotion of Good Order and Discipline in Public Schools (the Regulation), most recently consolidated by Regulation No. 1551, 2024 (*ordensbekendtgørelsen*).

10   Guidelines on the Regulation on the Promotion of Good Order and Discipline in Public Schools (the Guidelines), most recently consolidated in Guidelines No. 10123, 2024 (*ordensvejledningen*).

11   The Public-School Act Sec. 2 (2).

measures to be implemented against pupils who violate the school's rules.[12] The stipulated measures thus constitute the strictest authorized reactions that may be employed depending on the circumstances in the specific instance.

If a pupil is considered in need of a break from teaching and from the class after transgressing his own or others' limits, and "transfer to another activity at the school or detention are not suitable actions," the school principal can decide to send the child or young person home for the rest of the school day.[13] Such a decision does not necessarily imply that the pupil has violated rules of order and discipline. The measure can, for example, be implemented if a boy has lost his temper or has become so angry or upset that he will not benefit from the classroom teaching.

If necessary, the following measures may be applied to a pupil who, despite prior guidelines, reprimand, warning, etc, "does not adhere to the school's rules of order, set of values, or other generally accepted norms for good conduct."[14]

- Detention for up to 1 hour.
- Transfer to other activities at the school for some hours or the rest of the school day.
- Immediate exclusion for the rest of the school day.
- Exclusion from teaching for up to 10 school days.
- Transfer to a *parallel class* at the school.
- Transfer to a class at a similar grade level in *another school*.
- Expulsion from the public school system of a pupil enrolled in the 10th grade.

Any decision to implement measures to promote good order must be based on an overall assessment of the specific circumstances in the individual instance. The measure must be proportionate to the pupil's misconduct. It must, among other things, be assessed concerning the severity of the offense, the pupil's age, any previous guiding, reprimands, warnings, and whether the offense was intentional or negligent, etc.[15] In cases where there

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12   Cf. the Regulation Sec. 4 (2), and the Guidelines para. 19. The measures may be applied when pupils use the school's facilities, including under after-school programs and teaching activities during free time. The measures may also be applied due to a pupil's behaviour during free time when this behaviour, for example, digital behaviour on social media, has had a direct impact on good order in the school, including by affecting the teaching environment. See the Regulation Sec. 3, and the Guidelines para. 19.

13   Cf. the Regulation Sec. 5 and the Guidelines para. 15-18. The agreement to send the child home for the remainder of the school day is conditional on an agreement with the child's parents. The school is obliged to inform the parents that they are not obliged to comply with the measure.

14   See more details in Sec. 4-6 of the Regulation, and the Guidelines para. 22-44.

15   See the Regulation Sec. 4(1), and the Guidelines para. 12.

is reason to assume that a child's inappropriate behaviour is due to social and emotional difficulties, the school must contact the pedagogical-psychological counselling service to assess the need for specialized lessons and other special educational assistance, or for referral to the social welfare system.[16]

If the standards of objectivity and proportionality are observed, less intrusive measures than those listed in the executive ministerial Regulation may be used. A milder measure may, for example, be to seat the pupil at his or her desk, move the child away from a work group, or place the troublemaker "outside the door" for a few minutes or for the rest of the lesson. The school principal may also decide to issue a warning or a reprimand.[17]

The executive ministerial Regulation also contains a provision on the retention of private items in cases where a child violates the school's rules of conduct regarding the use of particular items during school hours, e.g., deployment of mobile devices.[18]

Use of Physical Force

Since 1967, the various administrative Regulations on good order in public schools have all contained a specific provision on the use of physical force.[19] First, the current version of the provision states that the general rules regarding justifiable self-defence, necessity, etc., apply. Secondly, corporal punishment and degrading treatment are abandoned. Thirdly, proportional physical force is authorized in order to prevent a pupil from violently harming himself or others or damaging things.

The *use of force* is not defined in any more detail in the administrative rules.[20] It can rightly be assumed that the term primarily includes any physical intervention that would generally be punishable as a crime, including violence or other bodily harm, unlawful coercion, or deprivation of liberty.[21]

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16   See the Regulation Sec. 18, and the Guidelines para. 52.

17   Cf. the Regulation Sec. 4(1), and the Guidelines para 14.

18   See in more detail the Regulation Sec. 16, and the Guidelines para. 46-48.

19   The provision is now placed in the Regulation Sec. 17, cf. the Guidelines para. 49-51.

20   Under the Adult Responsibility Act, the provisions on the use of force are more detailed. See below.

21   The implementation of the measures listed in the Regulation might be characterized as use of force in a broader sense. In the present context, however, it is the legality of the use of force in the form of physical intervention that is of primary interest.

According to the ministerial guidelines on promoting good order, the use of force requires that an assault or an act of vandalism actually occurs or that there is an imminent risk that cannot be prevented or halted in any other way. Physical force may only be used to the extent absolutely necessary.[22]

The guidelines further recommend that a teacher involved in the use of force should make a note of the incident and inform the school principal as soon as possible so that the school principal can also notify the child's parents and, in cooperation with them, follow up on the incident, eventually involving the social authorities and/or obtaining education-al-psychological advice.[23]

In cases where force has been required, the teacher may choose to dismiss the child immediately from class for the remainder of the school day if such a measure is considered necessary for the satisfactory continuation of teaching.[24]

Neither the executive Regulation nor the adjacent ministerial guidelines provide specific instructions on how a teacher can or should deal with less severe conflicts, e.g., by restraining the child briefly or, without actual use of force, gently leading the child away from a tense situation.[25]

The Prohibition of "Corporal Punishment"

The school and its staff are no longer vested with special powers to use physical force to establish or maintain good order and discipline. The earlier ministerial Regulation abolished such measures in 1967. Thus, it is not permitted to slap or hit a pupil with a stick, whip, or cane or pinch a pupil. On the contrary, such a form of exercise of force will be punishable and in gross violation of employment law requirements.[26]

Thus, a teacher may neither hit a naughty pupil to bring about order and quiet in the class, to get an unruly pupil to mop the bathroom after gym class, nor to get a rowdy pupil to line up at morning assembly. The teacher may also not reprimand a pupil by sending him or her on an exhausting drill walk or by locking a pupil up in a separate room. Furthermore,

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22   See the Guidelines para 50.

23   See further the Guidelines para. 51, in connection with para. 12, 31 and 52.

24   See the Regulation Sec. 9(2) and the guidelines para. 24-27.

25   For an account of the current rules under Norwegian and Swedish law on the use of force and other physical intervention, see (Adolpsen & Sivan Holst, 2015).

26   For a review of the case law regarding the delimitation of punishable use of physical force against children in schools and institutions, see (Vestergaard, 2024a, Appendix 2).

a teacher may not hit a child on the head with the knuckles, pull a boy by the ears or by the hair at the temple as punishment for bad behaviour.

Generally, the general prohibition against corporal punishment implies that a teacher may not inflict any physical pain or discomfort on a pupil with the aim of sanctioning bad behaviour, e.g., if a pupil arrives late, shouts too loudly, talks constantly on mobile phone, pulls girls' hair, omits handing in homework on time, or draws graffiti on the wall. Such types of behaviour may only be addressed by the measures listed in the ministerial Regulation, e.g., by short-term detention or temporary exclusion from teaching, but not with corporal punishment. As mentioned, the use of other lesser measures may be permissible. However, no intervention may have the character of corporal punishment, not even if it is so lenient that the Criminal Code does not cover it.

Whether a pupil may be sent for a run around the sports field as a disciplinary measure will depend on the specific circumstances, but the presumption must be against the permissibility of such an action unless there is an apparent connection between the nature of the offence and the measure, e.g., because the child has deliberately skipped class during school's annual sports day, or the like. If such a measure in a specific case meets legitimate pedagogical standards, it must, in any case, satisfy a requirement of proportionality.

Disciplinary measures involving "degrading treatment" are also prohibited. The term refers to measures that, without having the character of corporal punishment, violate the individual's dignity and right to self-determination, e.g., by actions likely to humiliate the hurt party.

Self-Defence and Necessity as Justifications for the Use of Physical Force

As previously mentioned, the ministerial Regulation states that the physical use of force may be justified in instances of self-defence, necessity, etc. In such situations, any citizen is authorized to exercise physical force under the general rules of the law. Thus, the legality of using physical force to maintain order and discipline in the classroom is not derived from the provision in the ministerial Regulation, which refers explicitly to the law in general on such situations.

The Criminal Code, Sections 13-14, regulate instances where punishable acts can nevertheless be justified if they were committed in extreme situations where it would be unreasonable to require refraining from obedience to the law, e.g., because of self-defence, legal necessity, etc. In principle, the act constitutes a criminal offence. Still, the perpetration becomes exempt from punishment because the requirement of compliance with the letter

of the law must yield to the safeguarding of more essential interests. Of course, a teacher is not liable to criminal responsibility if he or she causes physical pain or harm by grabbing a pupil's arm to prevent the child from seriously hurting a classmate.

Still, the physical intervention against a pupil can incur legal and practical consequences for a teacher even if the action is not punishable. Thus, exceeding the limits set out in the ministerial Regulation may have implications under employment law, even if there is no basis for criminal liability in the specific case. And, as mentioned previously, teachers in general have become anxious about the prospect of dismissal and legal prosecution, if pupils claim to have been subjected to unlawful physical treatment, even if such an allegation is not substantiated. Because the law is characterized by uncertainty and disagreement about the limits of justified physical intervention against pupils with disruptive, offensive, or dangerous behaviour, some teachers avoid physical contact to prevent negative personal consequences. But it may seem unsatisfactory to refrain from some proportionate physical intervention, when orderly care and lenient educational means do not effectively remedy a serious disorder problem,

The Legal Basis for Proportional Physical Intervention as an Exercise of Authority

There may well be a relevant legal basis for implementing a physical intervention against schoolchildren, even if proper authority cannot be found in the rules on self-defence, necessity, etc. A complete account of the law on the matter requires application of an administrative law perspective, too. [27] This approach is discussed in the following section.

Intervention by public authorities against citizens requires legal authorization. Permission to take action must be explicitly established by law for the implementation of severe measures. The authorization can be derived from provisions in a ministerial Regulation issued within the framework of formal legislation. In connection with the exercise of more lenient measures, explicit legal authorization is not required, as it is recognized that the authority to intervene can be derived from customary law, "the merits of the matter," etc.

Neither the Public-School Act nor the ministerial Regulation contain provisions on physical intervention against school pupils in less severe situations where the exercise of self-defence is irrelevant. Only rules on non-physical measures have been provided, and no detailed instructions have been issued on how a measure should be enforced if it cannot be implemented without resistance. For example, neither the Act nor the administrative Regu-

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27   This perspective has previously been adapted by (Adolphsen & Sivan Holst, 2015, pp. 113-148).

lation say anything about the right to physical intervention if a child does not want to hand over a mobile phone, or if a pupil disrupts teaching by incessantly playing audio recordings from an electronic device. In such instances, the ministerial Regulation provides for the exclusion of the pupil from class. But it does not say whether the exclusion can be enforced by physical force if the pupil does not voluntarily leave the site.

The question then is whether a teacher can be authorized to restrain, move, or hold an unruly pupil, even if there is no basis for applying the rules on self-defence, etc., in the specific instance. If this is assumed to be the case, the next question is whether the authorization to implement such interventions or measures is sufficiently secure and transparent.

Institutional Considerations as a Legal Basis for Physical Interventions

In current legal doctrine, it is usually assumed that there is a somewhat undefined area of law where, under certain circumstances, it is permissible for the person responsible for a child's behaviour and conduct within a given framework to intervene physically in a way that would otherwise generally be considered unlawful coercion or punishable bodily harm, etc. Not any physical measure taken against a child should necessarily be described as use of force in a legal sense with corresponding legal guarantees for the person concerned. When assessing whether a measure against a child is so intrusive that some form of formal legal basis is required, it may, depending on the circumstances, be relevant to consider the child's age, maturity, and functional ability.[28]

During school hours, the school as an institution and the individual teacher are responsible for ensuring general good order and proper social conduct. The authority to physically intervene against a child who disrupts teaching, although not by acting violently og damaging property, is derived from consideration regarding "institutional matters," which constitute a very uncertain legal basis.

In the past, when the citizens' legal status was not as intensively regulated as in present days, the authority to use physical force in a certain area of law was not necessarily derived from written law issued or authorized by the legislature. It was perceived as justified in the

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28   A teacher or educator on a field trip with a small child may decide that the parties must hold each other's hands, while a similar requirement cannot, by nature, be imposed on adolescents (Adolphsen & Sivan Holst, 2015, p. 29).

light of notions of emergency-like considerations or so-called "institutional considerations." [29] An "institution" should be understood here as an entity that, for example, is responsible for the care, treatment, detention, or education of particular groups or that otherwise provides public services to citizens, including, among others, prisons, hospitals, schools, and educational institutions. Traditionally, it is a commonly accepted legal principle that the management of such an institution, without authority in formal law or regulation, may establish specific or general provisions for the institution ensuring the overall functioning of the institution.

The recognition of such institutional considerations as a sufficient legal basis is a reflection of the idea that when the existence of an institution is established or presupposed by law, there is an implied authorization for the institution's management to issue general rules and make specific decisions necessary to make the institution function by its purpose, including the introduction and practice of measures that involve restrictions on the individuals' self-determination. [30] However, this does not indicate in detail which physical interventions and actual use of force may be implemented.

In principle, rules derived from institutional consideration and actions taken on this basis must be founded on objective considerations. They must not exceed what is necessary for the fulfilling the purpose of the institution. Furthermore, general principles of administrative law apply, including objectivity, proportionality, and leniency. In addition, the freedoms in the Constitution and the ECHR apply, determining how an institution can regulate its internal affairs. Interventions based on institutional considerations must not constitute a disproportionate restriction on the individual's freedom, right to participation, co-determination, self-determination, or other fundamental legal rights.

Over time, public law has developed towards a position where the exercise of powers of authority requires a precise and secure legal basis, at least if more intrusive measures are involved. The need for clear and specific legal authority is more significant the more direct and severe the regulation is. In accordance with this point of view, the Ombudsman of the Danish Parliament holds the fundamental position that "interference of a particular

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29   On "institutional considerations" as a legal basis for intervention as part of the exercise of authority, see (Andersen, 1954, p. 542); (Christensen & Albæk Jensen, 2020, pp. 215 ff), and (Revsbech, 2016, pp. 208 ff). See also Report on the use of force against children and young persons placed outside the home, Committee Report No. 1551, 2015, sections 2.6 and 5.3 (*Betænkning om magtanvendelse over for børn og unge, der er anbragt uden for hjemmet*, bet. nr. 1551, 2015).

30   The status of "institutional considerations" as a legal source of authority has been analysed by the Ombudsman of the Danish Parliament, too (Fenger, 2021, pp. 243-249). The Ombudsman's article contains an account of the practice of the Office of the Ombudsman and a response to criticism from two professors of public law (Halleskov & Højgaard Mørup, 2021, pp. 231-242).

intensity should be regulated by formal law for reasons of, among other things, legal certainty." In cases where the legislative power has not clearly stated whether the institutional situation can constitute a legal basis for a particular type of decision, there is, in general, a presumption against rules or decisions made on the basis of institutional considerations if similar matters in other areas of law have expressly been regulated by formal legislation.

In a specific case, the Ombudsman stated, "The use of physical force is such a severe intervention that it must have a manifest legal basis." Thus, the Ombudsman rejected the idea that the use of force in the specific situation was based on general legal principles and rules of interpretation, including notions regarding the merits of the case.

Thus, it can be observed that, according to current legal doctrine, the authority to implement physical interventions must be based on formal and clear manifestations by the legislature. In the author's opinion, this fundamental point of view should now also be applied in the school sector.

Rules on the Use of Force, etc., under the Act on Adult Responsibility

In 2016, the use of force and other types of physical intervention against children and young persons placed in residential care was meticulously regulated by the introduction of a particular Act on adult responsibility for children and young persons placed in residential care, the Adult Responsibility Act (*voksenansvarsloven*).[31] The Act is supplemented by an executive ministerial Regulation and a set of detailed guidelines clarifying the rules.[32] In addition, the Ministry of Social Welfare website provides links to materials on recommended methods to avoid the use of force, including informative video clips, exemplary cases, examples of procedural rules, reporting forms, and other information that can support the application of the rules in practice.

The fundamental purpose of the Adult Responsibility Act is to protect children in residential care against mistreatment and to prevent unnecessary or excessive use of force and

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31   The Adult Responsibility Act (*voksenansvarsloven*) was introduced by Act No. 619, 2016 on Adult Responsibility for Children and Young Persons in Residential Care, most recently updated by Consolidation Act (*lovbekendtgørelse, lbk.*) No. 1006, 2024. The Act was based on a committee report (*betænkning nr. 1551, 2015*). The committee was established after the Parliament's Ombudsman criticized that the legislative framework was vague and unclear.

32   See the executive ministerial Regulation on Adult Responsibility for Children and Young Persons in Residential Care, most recently consolidated by Regulation No. 263, 2024 (*voksenansvarsbekendtgørelsen*), and the Guidelines on Adult Responsibility No. 10229, 2019 (*voksenansvarsvejledningen*).

other interference with an individual's right to self-determination. The Act sets out the framework for institutions and foster families to "use force and make other interventions in accordance with the right of self-determination of children and young persons in residential settings as part of providing daily care." The rules are intended to ensure the legal protection of those in care.[33] The Act describes the situations in which force may exceptionally be used or less intrusive physical measures may be taken.

The Adult Responsibility Act is based on the premise that children in institutional settings have the same rights as other children, including the right to professional care and protection. In the explanatory notes to the bill, it was emphasized that providing care means, that "you help the child or young person in difficult situations where the child or young person is not able to foresee the consequences of their own actions."[34] There may, therefore, be a need for an adult to intervene in a specific situation and take action to take responsibility for the child or young person so that they do not cause harm to themselves, to others, or to property. The preparatory work for the Act included the following general comments.

> "Taking care of a child may thus mean that it may be necessary to grab the child and hold it or to lead it into another room. Such actions interfere with the child or young person's right to self-determination and are categorized as the use of force. Using force is a balancing act between providing the child or young person with the necessary care and protection and respecting the child or young person's personal integrity and right to self-determination. It is crucial that the use of force does not replace care and pedagogical support and is only used when necessary. It is a condition that all other pedagogical options have been exhausted and that there are no other means to help the child or young person. Intervention with a child or young person's self-determination must always be proportional. It is also crucial that the consequences of the use of force on the relationship and trust between the child or young person and the foster family or institutional staff are always considered. Therefore, any use of force against a child or young person must give rise to reflection among the pedagogical staff at the placement site."

The 2016 legislative reform clarified that, as part providing daily care for children and young persons in residential settings, necessary interventions in the right to self-determination is permitted to "ensure the interests of the child or young person, including ensuring that physical and psychological needs are met and that the child or young person builds up skills to engage in social relationships, thrive and receive learning". The assess-

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33   Cf. the Adult Responsibility Act Sec. 1.

34   See also the proposal for the Adult Responsibility Act, Bill L 162 of 30 March 2016, General comments, para. 1.

ment of how the care of a child is best provided must be based on a specific weighing of the child's fundamental rights and considering the child's age, maturity, and functional ability. Furthermore, the principle of proportionality must be observed. An effort must be made to ensure the child's best interests. Using force and other interference with the right to self-determination may only occur exceptionally and never replace care and social educational efforts.

The Adult Responsibility Act and the related administrative regulations include express provisions on so-called "physical guiding" (*fysisk guidning*), on so-called "preventive assistance" (*afværgehjælp)*, and on "use of physical force" (*fysisk magtanvendelse*).[35] The rules differ concerning the various forms of placement, e.g., residential institutions, foster families, etc. The Act and the related regulations also contain provisions on the registration and reporting of preventive assistance and the use of physical force.[36] Reports must be sent to the Social Welfare Inspectorate (*Socialtilsynet*) and the local municipality. However, using physical guiding does not have to be registered and reported.

Physical guiding (*fysisk guidning*) involves physical contact that the child or young person does not resist. The authority to carry out physical guiding is granted to the residential institutions' staff and specialized foster families. The preparatory work for the Adult Responsibility Act explains the content of the concept of physical guiding and the conditions for implementing the measure. [37] Such an action is not considered covered by the rules on using force, including mandatory registration and reporting regulations.

Physical guiding may, for example, consist of the adult placing a hand on the child's shoulder and leading the child to another location without physical resistance. It may also include briefly and leniently restraining the child or young person. The upper time limit for what is considered "briefly" depends on an individual's assessment of the specific circumstances.

As part of physical guiding, the child or young person may be removed from a location where a group of people are gathered, e.g., a classroom or a living room. According to the legislative documents, "removal" means the child or young person is led away from a risk situation before it escalates. The measure can, for example, be implemented by leniently

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35   For more information, see the Adult Responsibility Act Sec. 6 (physical guiding), Sec. 7 (general principles on the use of force and other interventions into the right to self-determination), Sec. 8 (preventive assistance) and Sec. 9 (physical use of force), and the Guidelines on Adult Responsibility No. 10229, 2019, para. 11-14.

36   See Adult Responsibility Act Sec. 21, the Regulation on Adult Responsibility No. 263, 2024, Sec. 22-23, and Guidelines on Adult Responsibility No. 10229, 2019, Chap. 28.

37   See also the proposal for the Adult Responsibility Act, Bill L 162 of 30 March 2016, comments on Sec. 6, and the Guidelines on Adult Responsibility No. 10229, 2019, Chap. 11.

placing an arm around the child's shoulder and encouraging the child to move away from the situation.

The condition for implementing physical guiding is that the measure is considered necessary for carrying out the institution' or foster family's responsibility to provide daily care or for the safety and well-being of others when the child harasses or bullies other clients, staff members, the foster family, or others at the placement site.

The rules on physical guiding (*fysisk guidning*) only apply as long as the child follows voluntarily and does not physically resist, for example, being taken to another place. If the child physically opposes what the adult wants the child to do, the physical contact must cease immediately, as the measure applied would otherwise be covered by the rules regarding the use of physical force, which is only authorized if stricter conditions are met, see further below.

The measure of *preventive assistance* (*afværgehjælp*) involves a child or young person being "briefly" restrained or dismissed from a situation when it is necessary to prevent the destruction or damage of their own or others' property of a "considerable value". The authority to implement preventive assistance is granted to staff at residential institutions and specialized foster families.[38] The preparatory work for the Adult Responsibility Act explains the concept of preventive assistance and the conditions for implementing the intervention.[39]

The expression "considerable value" covers both objects of high economic or emotional value and the repeated destruction of objects of a lesser value.

Preventive assistance may be relevant when a child in a fit of rage is about to destroy a television set in the living room at the placement site. It may also apply when a child throws and breaks the placement site's dishes. The provision also covers repeated destruction of items of lesser value, such as inexpensive drinking glasses. Preventive assistance can prevent property damage even before the first glass is smashed. The crucial point is that there is an imminent risk that a child or young person will repeatedly destroy or damage things.

The preparatory work explains that "dismissal" means removing a child from a specific situation so that the unwanted behaviour is interrupted. Whether the child is misbehaving in a manner that warrants dismissal to avoid further damage depends on a specific assessment of the actual situation.

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38   Cf. the Adult Responsibility Act Sec. 8.

39   Cf. the proposal for the Adult Responsibility Act, Bill L 162 of 30 March 2016, comments on Sec. 8, and the Guidelines on Adult Responsibility No. 10229, 2019, Chap. 12-13.

The upper time limit for what is considered "brief" depends on an individual assessment of the specific circumstances, including the child's or young person's age, maturity, and functional ability.

In cases where preventive assistance is used, the episode must be registered and reported to the municipality and the Social Welfare Inspectorate (*Socialtilsynet*).

If the child, exhibits considerable physical resistance during a brief restraint, the individual may only be restrained and taken to another room if the rules regarding the use of physical force are only authorized if stricter conditions are met; see further below.

The use of *physical force* involves restraining or forcibly removing a child to another room. The use of physical force is only permitted in a situation where the child is thereby prevented from harming himself or herself, or others.

The authority to implement physical force is granted to staff at residential institutions but not to foster families. The preparatory work for the Adult Responsibility Act explains the content of the concept of physical force and the conditions for such intervention.[40] Restraining means a child is firmly physically controlled, e.g., holding the child by putting your arms around it.

The condition for using physical force is that the child exhibits behaviour that poses a risk to the child, other children, staff, or others at the site. This measure may, for example, be warranted if a child persistently harasses another child and thereby provokes a conflict that could lead to a physical fight. In such a case, it may be necessary for the staff to use physical force to separate the parties.

Restraining a child must never include hitting, kicking, or other types of excessive violence. According to the preparatory work, a child can be taken to another location, such as the child's own room. Restraint and removal can be implemented for a minor child by carrying the child to another site. For older children or young persons, restraint and removal can, for example, be done by holding them firmly by the hand and taking them to another location.

Any use of physical force must always be registered and reported.

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40   See, for example, Bill L 162 of 30 March 2016, comments on Sec. 8, and the Guidelines on Adult Responsibility No. 10229, 2019, Chap. 12 and 14.

 For semi-closed residential institutions and secure units, there are special provisions regarding violations of standard house rules issued by the government.[41] The staff can enforce such rules by implementing "appropriate reactions" of an educational or pedagogical character. The authorization even covers instances that do not pose an imminent danger to somebody. According to the administrative guidelines such measures can, for example, be relevant in case of a violation of the rules on good behaviour in common areas, understood as "behaviour that does not disturb the community or the safety and security of the children and young persons, and behaviour involving unacceptable language, violent, offensive or noisy behaviour."[42]

In addition, authority has recently been introduced to use physical force in the mentioned residential institutions/units to confiscate illegal substances or alcohol and temporarily confiscate mobile phones or other electronic communication and gaming equipment.[43]

The Overlapping Rules in the Public-School Act and the Adult Responsibility Act

The rules in the Adult Responsibility Act on physical guiding, preventive assistance, and the use of physical force also apply to internal schools at residential institutions.[44] Thus, teachers' authority to implement physical interventions against unruly pupils corresponds to that which applies to staff members in general. This regulation prevents various segments of the staff from having to navigate two different sets of rules, either the Public-School Act or the Adult Responsibility Act.

However, the rules of the Adult Responsibility Act *do not* apply to children who live at home with their parents or are placed in a foster family and who are temporarily in respite care at a children's institution where pupils attend an internal school. The rules in the ministerial Regulation on good order in Public Schools, including the rules on implementing physical measures, apply in full to these two groups of pupils.

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41   The extension was adopted by Act No. 1720, 2018, see more specifically the Adult Responsibility Act Sec. 4 (2-5), and Sec. 9 (5).

42   See executive ministerial Regulation No. 1006, 2024 Sec. 2 (1)(7), and the Guidelines on Adult Responsibility No. 10229, 2024 Chap. 8, especially para. 71.

43   The extension was adopted by Act 680, 2024, see in more detail the Adult Responsibility Act Sec. 9 (3-4), Sec. 15 b (temporary seizure of electronic devices), and Sec. 16 (search and seizure), and the Guidelines on Adult Responsibility No. 10229, 2024, Chap. 8, especially para. 72.

44   Cf. the Adult Responsibility Act Sec. 2 (4), as introduced by Act No. 1544, 2016. See in more detail, the Guidelines on Adult Responsibility No. 10229, 2019 para. 27.

Some residential institutions only accommodate children in full-time care, while others only offer temporary respite care. However, some institutions serve both types of clients. In addition, there are institutions that have children in full-time care, children in respite care, and, furthermore, operate internal schools attended by children placed on site, children placed in another institution, children who live at home with their parents, and children placed in a foster family.

Thus, which set of rules applies in a particular situation depends on whether the child lives at the parental home or is placed in care at an institution or with a foster family. If a child is in respite care with a foster family, it also depends on the type of foster family, because only some foster families are recognized as specialized caretakers. Consequently, correct application of the rules requires that a staff member has specific knowledge of where each child lives or is placed, thorough understanding of the different sets of rules, and the ability to apply the relevant rules adequately.

The Ministry of Social Welfare has acknowledged to the Parliament's Ombudsman that it places great stress on the staff that different rules apply regarding physical intervention to children placed temporarily in respite care at an institution and children who attend internal schools. [45] The Ombudsman has stated that the current legal situation makes it difficult for staff, including temporary employees, to comply with the relevant rules. This problem is especially manifest when decisions must be made swiftly due to an imminent danger. In continuation of inspection visits to various residential institutions, it is the experience of the Ombudsman that there is a lack of sufficient knowledge of the rules under the Adult Responsibility Act at several sites. This is also the situation concerning institutions operating internal schools where children who are not residents attend classes at the internal school.

The rules in the Adult Responsibility Act also do not apply to schools operated under the system of day treatment facilities (*dagbehandlingstilbud*, now called *behandlings- og specialbehandlingstilbud*). Here, the ministerial Regulations on promoting good order in public schools apply in full to children in residential care and other children attending classes at the facility. [46]

Uniform rules across the entire school sector would create greater clarity concerning the authority granted to the teaching staff at institutions operating internal schools, including pupils who attend the internal school but have not been placed in residential care.

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45   See the Ombudsman's Report (*Folketingets Ombudsmands beretning*, FOB 2021-13).

46   Cf. the Public-School Act Sec. 52 (a).

Recommendation to transpose the Rules of the Adult Responsibility Act to the Area of Public Schools in General

The rules in the Public-School Act and the adjacent provisions in the executive ministerial Regulation on good order and discipline do not cover all situations where there is a need to intervene to establish and maintain peace. The provisions say nothing about situations where, abstaining from the actual use of force, it may be appropriate to have physical contact between the adult and the pupil by so-called physical guiding (*fysisk guidning*), meaning the kind of lenient intervention to which the pupil does not physically resist. There is also no clear distinction between the means authorized to prevent property damage and in situations where an individual is at risk, and there are no provisions on the right to enforce violations of house rules by physical intervention.

According to contemporary legal doctrine, it is fundamentally untenable that the rules in this area do not rest on a secure legal basis but must be derived from an adjacent ministerial Regulation supplemented by unwritten "institutional considerations." The legislature has dealt with such legal matters in other areas, and an explicit legal basis has been provided, including a well-developed framework on the powers to use force and other physical interventions in connection with the exercise of authority.

With adequate adjustments, significant parts of the legislation on adult responsibility for children in residential care can be advantageously transferred to the entire school sector. Within the realm of private schools, there are the same good reasons as within the public school sector for clarifying the powers of the institutions and individual teachers and making it mandatory to register and report the actual use of force.[47] The same applies to boarding schools and private vocational schools. It seems pointless and inappropriate for different settings where adults are responsible for education, upbringing, and treatment of children and young persons to have different rules for handling similar situations.[48]

The registration and reporting practice that has already been established in some municipalities offers compulsory rules to this effect through formal legislation, as has previously been done with regard to the practice in residential institutions for children and young persons. Such schemes can support professional awareness of best practices.

In accordance with contemporary legal doctrine, it is the responsibility of the legislature to clarify the rules regarding the use of force and other physical intervention against individu-

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47   See (Christiansen & Adolphsen, 2021).

48   For a more detailed presentation of the legal status and a commented proposal for new legislation, see (Vestergaard, 2024 a).

als. For pupils and staff in the school sector, such legislation would enhance legal certainty significantly. More precise standards ought to be established on the right to use different types of means to promote good order so that interventions only occur in compliance with the fundamental principles of objectivity, proportionality, and leniency.[49]

It is not the purpose of the proposal submitted here to widen the powers on the use of force against children and young persons in the school system. The aim of this article is to advocate for more legal certainty. A more explicit and precise set of rules could even further an informed professional debate, transparent management, and adequate supervision.

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49   Recently, the Norwegian Government has introduced a Bill to the effect that physical intervention should explicitly also be authorized if a pupil who psychologically harasses another individual (*krenkjer ein person fysisk eller psykisk*) or seriously disturbs the teaching of other pupils (*vesentleg forstyrrar opplæringa til andre elevar*). See Proposisjon av 28 Februar 2025 til Stortinget (forslag til lovvedtak) Prop. 51 L (2024-2025) Endringer i opplæringslova og privatskolelova (utvidelse av adgangen til fysisk inngripen). Cf. Det Kongelige Kunskapsdepartements høringsnotat av 21 Juni 2024, Forslag til regler om bruk av fysisk inngripen for å avverge at en elev utsetter noen for psykiske krenkelser eller vesentlig forstyrrer undervisningen for andre elever.

Bibliography

Betænkning om magtanvendelse over for børn og unge, der er anbragt uden for hjemmet [Committee Report on the Use of Force against Children and Young Persons in Residential Settings], bet. nr. 1551, 2015.

Det Nationale Forskningscenter for Arbejdsmiljø (2021). *Chikane, trusler og vold mod undervisere i den danske folkeskole* [Harassment, threats, and violence against teachers in the Danish Public School].

Folketingets Ombudsmands beretning [Annual Report of the Parliament's Ombudsman], FOB 2021-9, FOB 2021, 13, FOB 2016-41.

Adolphsen, Caroline & Nicolaj Sivan Holst (2015). "Magtanvendelse i danske skoler og dagtilbud" [The use of force in Danish schools and daycare settings], *Nordisk socialrättslig tidsskrift*, pp. 113-148.

Andersen, Poul (1954). *Dansk Statsforfatningsret* [Danish Constitutional Law], Gyldendal.

Christensen, Jens Peter & Jørgen Albæk Jensen (2020). *Dansk Statsret* [Danish Constitutional Law, 3. ed.], Juristforbundets Forlag.

Christiansen, Pia & Caroline Adolphsen (2021). "Magtanvendelse i friskoler og private grundskoler i Danmark" [The use of force in private schools in Denmark], *Juristen*, pp. 149-158.

Fenger, Niels (2021). "Anstaltsforholdet som hjemmelsgrundlag" [Institutional considerations as a legal source of authority], *Ugeskrift for Retsvæsen B*, pp. 243-249.

Halleskov, Louise & Søren Højgaard Mørup (2021). "Nyere ombudsmandspraksis om anstaltsforhold som hjemmel" [Recent case law from the Parliament's Ombudsman on institutional considerations as a legal source of authority], *Ugeskrift for Retsvæsen B*, pp. 231-244.

Revsbech, Karsten (2016). *Forvaltningsret – Almindelige emner* [Public Administrative Law, 6. ed.], Juristforbundets Forlag.

Vestergaard, Jørn (2024a). *Fysisk indgriben og andre foranstaltninger til fremme af god orden i grundskolen – veje til en bedre retstilstand* [Physical intervention and other measures to promote good order in public schools – roadmap for improvement of the law.], Faculty of Law, University of Copenhagen (72 pages), http://jura.ku.dk.

Vestergaard, Jørn (2024b). "Magtanvendelse over for skoleelever" [The use of force against school pupils], *Ugeskrift for Retsvæsen B*, pp. 172-182.

Language Choice as Contextualisation Cue in a Sámi Kindergarten in Norway

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Abstract

Language choice indicate - or create - different contexts in a Sámi kindergarten. Three interactions from the daily routine of the Sámi kindergarten illustrate contextualisation and language variation: 1) Teacher-child interaction in the main room after breakfast, where monolingual conversation between bilinguals creates the meso-context "Sámi kindergarten." 2) Outsider/researcher-child-teacher interaction in the main room, bringing the larger community, a macro-context, into the kindergarten. 3) Child-child interaction, a micro-context, during unsupervised roleplay is a space where language alternation signals the context play. This research is within the field of interactional sociolinguistics and micro sociolinguistics. John J. Gumperz developed the notion of contextualisation cue as any feature of linguistic form that contributes to the signalling of contextual presuppositions. Signalling and the decoding of it, draws on the participants' socio-cultural knowledge.

Keywords: contextualization cues; bilingual roleplay; North Sámi; Sámi kindergarten; translanguaging

Introduction

Colonial forces and understandings of one state – one language – one identity-ideology suppressed minority languages all over the world. Many into subtractive bilingualism, language loss and marginalisation. *Norwegianisation* is the name of the assimilation process of Norway, which marginalised the Sámi people and languages. Institutions like kindergartens are now essential for preservation of indigenous languages. The Sámi kindergartens can also be described within a one nation – one language – one identity-ideology, this time indigenous (Storjord 2008, Kleemann 2015). In a language sustainability perspective, the Sámi kindergarten can be described as a politically and ideologically created breathing space (Cenoz & Gorter 2017) for an endangered language. A space where languages are bounded, autonomous codes and important to preserve in a minoritised indigenous con-

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text. However, children and adults in kindergarten use their bilingual and cultural funds of knowledge resources to navigate ideologies of language separation in language alternation to serve their communicative intentions (Storjord 2018, Kleemann 2015). These practices could be described as *codeswitching* (Myers-Scotton 1993, Auer 1992) when named languages are treated as bounded entities in a monolingual perspective (Alvarez-Cáccamo 1998, Piätikäinen, Kelly-Holmes, Jaffe & Coupland 2016), or translanguaging with a bilingual perspective (Garcia & Li Wei 2014, Li 2017).

The research question in this study is how language choice indicate - or create - different contexts in a Sámi kindergarten. Treating named language as a code may not be meaningful in all bilingual contexts, however, together with other cues, language alternation could create a meaningful context in interactions between bilinguals, perhaps a new code. This research is within the field of interactional sociolinguistics and micro sociolinguistics. John J. Gumperz developed the notion of contextualisation cue as features of linguistic form signaling contextual presuppositions. Signaling and the decoding of it, draws on the participants' socio-cultural knowledge. (Gumperz 1982, 1992; Cook-Gumperz & Gumperz 2011)

Contexts for North Sámi and Norwegian

There are nine Sámi languages, of which North Sámi is by far the largest and the only considered regional (Ethnologue), with perhaps 30 000 speakers[2], the other eight are either near extinct or endangered (Ethnologue). The Sámi homeland and cultural region, *Sàpmi*, is divided by modern borders between Russia, Finland, Sweden and Norway. *Dávvisámegiella*, North Sámi, is the majority language within a Sámi minority exposed to the cultural modern nation building processes of the various countries. In Norway this process is called 'fornorskning', which could translate to *Norwegianisation*. This has led to all Sámi speakers being bilingual in their Sámi language and Norwegian, or monolingual Norwegian (Todal 1998). Norwegian is the language of the community outside the kindergarten, and the language of most media and other input. To correct this situation, several measures are taken with a goal to *reverse language shift* (Fishman 1991), among them, creating institutions like indigenous kindergartens to strengthen Sámi language and culture (Todal 1998, Kunnskapsdepartementet 2017, Storjord 2008).

The meso-context for this study is the daily life of the kindergarten. North Sámi is the working language, and the ideology of one nation-one language is also salient in minority language policy (Piätikäinen & al. 2016, Makoni & Pennycook 2006), and pedagogical ideologies for teaching Sámi (Todal 1998, Sarivaara & Keskitalo 2019, Storjord 2008). Practices in institutions for minoritised and endangered languages are preoccupied with protecting

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2   Counting language users in Sámi has numerous difficulties and complexities due to historical, political and ideological frameworks, as well as practical problems with counting practices per se, particularly for the Sámi languages due to national language categorisation practices, but also lack of research on both number and competences of Sámi language users.

the individual languages, they are part of conservationist discourses, and are ambivalent or negative towards language mixing (Blommaert, Leppänen & Spotti 2012, Li 2017: 14). The kindergarten policy provides a breathing space for the minority language, a space where it has high status and is the default choice for communication. (Cenoz & Gorter 2017)

The micro contexts are the personal meetings. A Sámi kindergarten is always a multilingual kindergarten, where language users are bilingual, and are socialised into and aware of the socio-political and ideological identities of the named languages North Sámi and Norwegian (Storjord 2018; Kleemann 2015). In bilingual interactions, the entirety of the language user's linguistic repertoire can be used. (Garcia & Li 2014)

To answer the research question and explore how language choice can be understood as contextualisation cue in this indigenous kindergarten, I use three examples (Table 2, 3 and 4) based on observations from fieldwork in a Sámi kindergarten. There is little research on the bilingual practices in North Sámi and Norwegian, even though it must have century-long roots in a multilingual area like the county Finnmark in Norway (Kleemann 2013, 2015). One aim for my research is to show bilingual practices as pragmatic choices made by competent language users who have the ability to exploit all of their linguistic resources to express their communicative intentions.

Theoretical Framework

Within research on bilingualism codeswitching more or less implicitly has been defined as the juxtaposition of elements from two different languages (Auer 1984, 1998; Myers-Scotton 1993), indicating that any named language is viewed as a code. This can be viewed as a monolingual perspective on bilingualism (Alvarez-Cáccamo 1998; Gafaranga 2007), where codeswitching and language alternation are coinciding terms. In this study I use a *bilingual perspective* on code and codeswitching, inspired by Alvarez-Cáccamo (1998), Gafaranga (2007) and Li (2011, 2017). Within this view, *codeswitching* and *language alternation* are different phenomena. The *communicative intention* (Alvarez-Cáccamo 1998) is the code, while language choice could be one of several *contextualization cues* (Gumperz 1982, 1992) that form a cluster to manifest the intention.

Contextualisation cues

Within interactional and micro sociolinguistics, John J. Gumperz developed the notion of *contextualization cue*, described by him as *any feature of linguistic form that contributes to the signaling of contextual presuppositions* (1982, 131). These signals or cues can be surface features, like intonation or gestures, *framing* (Goffman 1974; Cook-Gumperz & Gumperz 2011) how an interaction or an activity within the interaction is to be understood. All language speakers have presuppositions, prior knowledge, of how to understand certain sig-

nals in certain contexts. However, contextualisation cues do not contain meaning in themselves; they are not referential in that they refer to something outside the conversation. They do not have decontextualised meaning like lexical items, but instead are signals used by speakers to enact a context for the interpretation of a particular utterance (Auer 1992, 25). Depending on context and language perspective, named languages can be paralinguistic signals. With a language-ideological context recognising named languages as a pure entity, any change of language will change the situation because the languages belongs to different domains, *diglossia* (Fishman 1991). Within a bilingual view of languages, meaning-making systems can transcend named language systems and structures (Li 2017).

Both understanding and use of contextualisation cues depends on the context. How to use which cues where, when and with whom, and how to interpret the cues used depends on participants' socio-cultural understanding. This is the process of inferencing, or reading meaning into cues. Cues may have different meanings in different contexts and be used together in different ways. In this case study, instead of focusing on language choice itself as a carrier of meaning in a contrastive sense, language and code in bilingual communication were divided to explore how language alternation can interact with other linguistic signals. This analytical orientation moves away from the role contrastive analysis has had in simply naming language choices and instead redirects attention toward a broader selection for pragmatic variables (Meeuwis and Blommaert 1998). Thus, bringing together the linguistic and pragmatic research perspectives on codeswitching leads to challenging the code view of named languages (Alvarez-Cáccamo 1998; Gafaranga 2007; Jakobson 1979; Li 2017).

Translanguaging and Translanguaging Space

Translanguaging is a concept or term that has evolved and is evolving both within educational use and within the study of spontaneous speech. In-depth discussions and a history of its use can be found in e.g. García & Li (2014) and Li (2017) and critique of the term in e.g. Treffers-Daller 2025. Translanguaging takes up postcolonial perspectives on language (Canagarajah 2017; Makoni & Pennycook 2006; Pennycook 2010) and local practice as a third space (Bhabha 2004). Named languages, together with other contextualisation cues, create social spaces. Language alternation creates a context only insiders know:

> [Translanguaging] includes the full range of linguistic performances of
> multilingual language users for purposes that transcend the combination
> of structures, the alternation between systems, the transmission of informa-
> tion and the representation of values, identities and relationships. (Li 2011,
> 1223)

This article explores how utilising linguistic resources on a micro level creates a context for ethnicity not *controlled* by macro or meso level policies for language use, but *exploiting* the multilinguals' own awareness of the sociocultural and political entities of named languages

(Li 2017) and transforming this into their own space (Li 2011). An important and autonomous space in children's lives is roleplay.

Play and Roleplay as Context

Play and roleplay are special forms of interaction in the context of children's own culture (Corsaro 2011; Sutton-Smith 1997; Øksnes 2010). Knowledge of pragmatics, style, and unique linguistic codes are used and exploited within children's entire register of play. Corsaro expresses it like this: *[The children] relied heavily on implicit paralinguistic cues like voice, stress, and pitch to establish shared understanding and to extend the play in new directions* (1997, xi). Roleplay in a bilingual environment, provides more linguistic resources to use as contextualisation cues. Contextualisation cues often co-occur, or form a cluster of cues, to facilitate the process of inferencing or decoding (Auer 1992, 29). Every single contextualisation cue may not have independent meaning, but convey meaning as part of a redundancy of signals that the participants in a conversation can use to interpret in what context the message is to be understood (Auer 1992, 30).

During roleplay, there are clusters of cues that separate different utterance types from each other, and with that, different levels of reality. Mastering communication and metacommunication (Bateson [1955] 1976, [1956] 1982) is central to play, and in bilingual roleplay language choice is part of organising the play activities and context. In this article, roleplay utterances have been divided into four categories (Guss 2000, 2011; Høigård 2019; Kleemann 2015; Sutton-Smith 1997):

A. *Role utterances* are used when children are performing direct speech in playing their roles. The cluster of cues connected to these can be called 'play-voice' and consist of a raised vocal pitch in addition to the use of present tense verbs and, in Norway, a representation of standard spoken South East Norwegian, the dialect of the capital area.

B. *Directory utterances* are utterances about the role and the context of the roleplay. The children decide who plays which roles, what they will do or say, or they describe or explain time, place and environment—the entire context of the roleplay. Typically, these utterances are made in a local language variety or dialect, and the verbs are past tense, often preterite, or composite forms of future tenses with preterite.

C. *Magical utterances* have an in-between position; they are clearly a part of the acting, but are context-descriptive. They are used when players verbalise what is being done or happening while it happens. For example, saying 'walk, walk' when the figure they are playing with is moving. The magic of these utterances is that the word creates what it denotes; action comes into being by naming it: the magic nature of play (Bateson [1956] 1982). Magical utterances are typically present infinitive, setting them apart from directory utterances.

D. *Outside-of-play-utterances* are about play as a physical reality or about physical el-
    ements in the real world treated or negotiated as such. Players signal that they are
    outside of their play-character and the play-sphere by using the local language variety
    with the present tense. It is everyday language used to influence or negotiate play.

Method

This research focuses on how bilingual children use their languages in their everyday lives.
One such bilingual arena is the Sámi kindergarten, where Norwegian and North Sámi is
used as in-group practice. To answer the research question, how they use their languages
to indicate different contexts, I apply the linguistic notions *contextualisation cues*, *code-
switching* and *translanguaging* to explore what meaning-making alternation between
named languages could have in three recorded interactions.

Data and Participants

This study is a qualitative analysis of three interactions, all excerpts from a larger data set
collected by the author for the phd-project on bilingual roleplay in a Sámi kindergarten
(Kleemann 2015). Fieldwork was conducted during two months on a daily basis. The aim
was to record spontaneous and free play in the morning, from the children came to kin-
dergarten around eight in the morning until it was time for circle time first, and then to
go outside to play around ten o'clock in the morning. This time of day was chosen based
on information from the leader and teachers of the kindergarten. The data set is 39 re-
cordings selected from the raw material, varying in length between 32 seconds and 36:50
minutes, a total of 7:51:34 hours, in addition to hand written field notes. The recordings
were transferred to Windows Media Player, and transcribed using EXMaRALDA, a freeware
for linguistic transcriptions developed at the University of Hamburg (exmaralda.org).
Recording was done with a videocamera on a tripod, which was moved around the facil-
ity with the researcher and/or the children. The interactions chosen for this article, were
recorded and observed in the main room of the department during the daily routine. The
first excerpt (Table 2) focuses on teacher-child interaction in the main room after breakfast,
with Isak, 4 years and 7 months old, and the teacher Elle Márjá. The second (Table 3) is an
utterance from Risten, 3 years and 4 months old. Participating in the interaction, although
not speaking, is the researcher and Elle Márjá. The third interaction (Table 4) is an excerpt
from a child-child interaction during free play, towards the end of a longer play sequences
between two four-year-olds, Anna and Piera.

The Sámi kindergarten had two Sámi-only departments and one bilingual. The recordings
were made in the Sámi-only department with 16 children aged between three and six
years old. The staff at the time of my fieldwork, was one ECEC teacher with a 3-year bach-

elor degree to work with children 0-5 years old, one member of staff with a vocational degree to work with children in general, and one with a bachelor degree with psychology, pedagogy and sociology. Elle Márjá, who has a vocational degree, is present in Table 2 and 3. While the staff spoke both Sámi and Norwegian at indigenous levels, some still viewed themselves as monolingual Sámi speakers fluent in Norwegian as well. Language used in the kindergarten by both children and adults included different North Sámi dialects. It is difficult, therefore, to create a precise picture of linguistic input in this environment, which must be taken into account when studying the children's bilingual language use at both grammatical and interactional levels, and making inferences on language proficiency.

Conversation Analysis and Method of Analysis

The interactional branch of sociolinguistics is inspired by Conversation Analysis (CA) (Auer 1984; Li 1998; Gafaranga 2007). CA is a systematic way of describing turntaking and sequencing conversation, and with that understanding the meaning of any utterance in a conversation in light of the next utterance and thus the local meaning-making (Wooffitt 2005, 29) rather than ethnographic information on macro structure. Transcribing children at play is challenging. The head teacher of the Sámi kindergarten assisted as transcriber, both with regards to the transcriptions of Sámi and Norwegian, and discussions around how to understand what was happening. When transcribing, a focus on readability and pragmatic choices was taken, diverting from the more exact system developed by Gail Jefferson (Wooffitt 2005, 11). In each case respelling, consistency and the use of more exact phonetic signs in relation to readability were considered (Jaffe 2006), using approximate standard Norwegian and North Sámi orthography whenever speech did not deviate but choosing some dialectal traits where they carried meaning in the context.

TABLE 1 EXPLANATION OF TRANSCRIPTION CONVENTIONS

SYMBOL	MEANING
text	Utterance in North Sámi
text	**Utterance in Norwegian**
[text]	Meta comment
^	Raised pitch, indicating role-utterance
(.) (7.4)	Short pause, longer pause in seconds
(text)	Inaudible elements, transcriber guessing
/	Abrupt stop
No. 1	Numbers in first column indicate turn-number in the conversation sequence
(4;7)	Age of child (years;months)

Research Ethics

Too often, the issue of empowering the 'objects' of research has been ignored in research on the Sámi (Gaski 2000; Grenersen 2002; Myrvoll 2002), on children (Cannella & Viruru 2004; Rogers & Evans 2008), and probably in general when we look at elitism and research (Toulmin 2001). Indigenous minorities are far too familiar with 'research on'. I am of Sámi heritage, and when one of the teachers asked me if I was Sámi, I understood that it meant something as a researcher 'on' Sámi issues. The children seemed to infer some familiarity with my use of Norwegian, as Joret (5;9) put it: 'You speak Norwegian just like my mother.' In reaction to research on children, methodology for this project was modeled on 'the least adult role' of Rogers and Evans (2008) to create distance between the researcher and the adult role of teacher or assistant in the kindergarten. I made a-normative linguistic choices, was less authoritative, and was open with the children concerning aims and research interests.

To empower the children, they had to allow the researcher to record at any given time, and accept being recorded at any given episode. Before fieldwork started, written informed consent was acquired from parents and staff, and additional information provided at a parents meeting in presentations and answering questions. Underway in the project, transcribed episodes were presented and discussed with staff and parents, and I would also meet parents when the children were brought to kindergarten in the mornings. The project was approved by the Norwegian Social Science Data Services (NSD), project number 20529.

Context and Contextualisation: Language Choice and Translanguaging

Official and pedagogical language use

North Sámi, *Davvisámegiella*, is the official language of the kindergarten and the dominant language spoken in it. This was important to the teachers, who had a clear policy on creating a monolingual space for Sámi language. The choice of Sámi can be seen as a contextualisation cue even in this monolingual context, as in Table 2 below, because it is a monolingual conversation between to bilinguals. Isak (4;7) talks with his teacher Elle Márjá in Sámi:

TABLE 2 BIILMATTA 2/THE CAR MAT 2, EXCERPT B

NO.	NAME	TRANSCRIPTION	TRANSLATION
1	Elle Márja	Ja Isak, ei go don leat borrat ()?	And Isak, have you eaten?
2	Isak	**mm**　　　　(7.4) mun　　manan ja tissat (dál)	**No** (7.4) I'm going [implicit: to the bathroom] to **pee** (now)
3	Elle Márja	Ja mana (.) Ja mun hálidan diekkara stivra	Yes, go (.) And I'll take that steering wheel.

In the excerpt, Elle Márjá is sitting by the main table in the department, where some children are eating. She stops Isak to ask if he has eaten, which he has not. He gives the minimal negative response in Norwegian by saying 'mm.' In Sámi, the same minimal response would normatively be 'aa,' but there is varying use. After a short hesitation, he continues his response in Sami: 'mun manan ja tissat'. In this utterance he borrows the Norwegian lexeme 'tisse' (English: pee) with Sámi present infinite '-at', creating a new Sámi word. Using the Sámi 'ja' (English: and) as infinite particle (like in English: to), he has created an analogy between the homonymous Norwegian 'og' (English: and) and 'å' (English: to), transferring it to Sámi, which does not have this kind of particle. In this exchange, the official language policy is a contextualisation cue. Thus, the teachers' consistent use of North Sámi builds a breathing space for the minority language. It makes small, mundane utterances important evidence of a vital language (Storjord 2008), and it allows for small tokens of bilingualism to be used.

When the researcher was present, adults and children would, politely, speak Norwegian, and switch to Sámi to speak to each other. One such situation is rendered in Table 3:

TABLE 3 BIILMATTA 2/THE CAR MAT 2, EXCERPT F

NO.	NAME	TRANSCRIPTION	TRANSLATION
1	**Risten**	**Isak sa/** [snur på hælen bort fra meg] Elle Márja Isak logai 'baika' (.) Isak logai 'baika'	**Isak said/** [turns on her heel away from me] Elle Márja, Isak said poo (.) Isak said poo.

In this interaction, Risten (3;4) is moving towards the researcher, telling on Isak (4;7. She starts her turn facing me, using Norwegian. Then, seeing the teacher coming into the room, turns on her heel to face her while simultaneously switching to Sámi. The switch in language and attention contextualises my role, the teacher's role and the official policy of the kindergarten. Her choice of Norwegian is typical for interactions with both she and I present; she has analysed my linguistic preference, recognising me as Norwegian speaking. Risten demonstrates an ability to understand that I only understand Norwegian, and every

time we speak with each other, we use Norwegian. Her language choice as a contextualisation cue brings about a context that is not part of the kindergarten policy; it brings about a context of otherness, placing me in a role as something other, perhaps a part of the macro-context of the community. Many of the children spoke bilingually at home, choosing Norwegian with one or both parents would not have been unusual. I would not have been 'other' in that sense. Norwegian, therefore, for these children brought about a familiar context, but not a kindergarten context. I was an adult she could place her complaint with, but my role as the 'least adult,' was also recognised in her shift of focus.

Additionally, in changing to Sámi when Elle Márjá comes through the door, Risten shows awareness of another context. Now she contextualises Elle Márja's position as a responsible adult with whom to place her complaint, identifies her as Sámi speaking, and adheres to the official language policy. Even though we are still in the same room and the message is the same, using Norwegian would not fit the context. She is no longer telling on Isak to me but turning to Elle Márjá and at the same time changing languages. Elle Márjá understands Norwegian perfectly well, and I still had not heard the news, sitting right there eager to hear. However, by choosing Sámi, Risten contextualises her complaint in the official zone. This interaction demonstrates how her language alternation does not work as a code all by itself; it is part of a cluster of contextualisation cues: She turns away from me, spins on her heel, directs herself towards Elle Márja and raises her voice slightly. She very clearly excludes me with more than one cue, and she frames her official complaint as such by using the official language.

Hidden and Autonomous Language Use

The third interaction discussed here, is more hidden from adults, and from official language policy. It is the bilingual children's own context: free play. In Kleemann (2013, 2015), the use of both North Sámi and Norwegian in role-play was demonstrated, analysed and described as a practice tied to rules of role-play, which use language alternation to maximise differences between role-utterances, directory utterances and outside-of-play utterances. Building on this work, I here examine this practice of using language alternation as a form of contextualisation cue for the context play. As previously mentioned, the children use language alternation to signal play and in-character, defining a boundary between their simultaneous roles in the different realms. Language alternation together with other signals may either indicate or create a context of play.

The excerpt in Table 4 is from the end of a play-sequence lasting 5.43 minutes, starting at 09.57 in the morning, just before they usually go outside to play and in a period during which they usually have free play. The sequence shows two children, Anna (4;3) and Piera (4;5), apparently absorbed in their role play. They are sitting in the main room near the main table playing with Little People-figures and a castle in a place where both adults and children are passing by. Although their space is not shielded at all, they seem unaffected

by everything else. On the recording are many different voices, actions, and noises, to the point that it was sometimes difficult to hear what Anna and Piera said, but even amidst this cacophony they maintained their attention in an intense interaction of 51 turns.

TABLE 4 DRAGER OG SLOTT /DRAGONS AND CASTLE, EXCERPT G

TURN	NAME	TRANSCRIPTION	TRANSLATION
39	Piera	De don oidnet (.) ^boađe geahččat Dat lea siivui mahkáš dát lea siivui Gea (.) dá lei su speajal	Then you saw (.) ^come to see It is nice, like it was nice Look (.) here is its mirror
40	Anna	De don *oinnet dá lei dragehula	Then you saw here was a dragons den
41	Piera	dál dat geahčai dákko (.) Dá lei lássa	Now it saw over here It was a lock
42	Anna	Dát dat bođii (.) Dat bođii geahččat	This one it came (.) it came to see
43	Piera	**^Hei! Er du bestevenn?**	**Hello! Are you best friend?**
44	Anna	**^Ja**	**Yes**
45	Piera	**Å prinsessen reddet de**	**And the princess saved them.**
46	Anna	**Jeg **gådde å ***redde prinsessene** **Åh liksom det ****brenna her**	**I went to save the princesses** **And like it burnt here**
47	Piera	**^ Åh *****brenn! Å må gå opp**	**And burn! Oh, must go up.**
48	Anna	**^Jeg kan kile vannet** **Du ordne**	**I can tickle the water,** **you fix.**
49	Piera	Dos lei dolla ja dies lei čahci dan nuppis	This was fire and that was water that other one

* -nn- for –dn- often used in speech, orthographic correct form is *oidnet*.
** and ****weak declension deviating from orthographic strong declension *gikk* og *brant*, typical for Norwegian child language.
*** Two interpretations: Praeterite of *redde* is *reddet*, the –t could be silent. English translation: 'I went and saved.' Here I chose an implied *jeg gikk **for** å redde*, analogous with Sámi PRAET + INF, as in turn 42: *bo*đii geahčcat.
*****The naked form is imperative; the content is a verbalisation of the play figures actions: It is burning something or being burned. It is more like an interjection, like *sigh*! Or like magical utterances in role play.

In this interaction, the use of North Sámi and Norwegian forms a pattern of contextualiza-tion cues. There are two distinct clusters: First, using North Sámi with regular tone of voice and past tense for the verb, rather as if they are telling a story, only telling the story as it un-folds. We can see this in utterances 39--42, where the story of how the princesses are going up to the dragons den unfolds. They decide and try out how the figures react and agree on the course the story should take. Then when they use Norwegian, it is with a higher tone

of voice, slightly different dialect, and the verb is in present tense. At that point, they have agreed on what the figures are doing, and the figures start to speak. In utterances 43 and 44, the dragons are now reassuring themselves that they now are best friends and friendly dragons. They are all set to save the princesses, which Anna and Piera agree on when they in 45--46 speak directory utterances in Norwegian. The cues for these directory utterances are a lower tone of voice, use of the local dialect and the past tense of the verb. In utterance 47, Piera is back in her role as indicated by her shift to the high tone voice.

This could be analysed as codeswitching in a monolingual view because they signal something different by switching languages. However, they do not signal being Sámi or being Norwegian drawing on experiences from the macro- or meso-levels. The codeswitch lays in the codes of roleplay, the micro-level of their interaction here and now. They shift their contextualizing cues from directory utterances to play voice or lines. They are not contextualising the policy of the kindergarten (Boyd, Huss, and Ottesjö 2017), or even demonstrating some sort of resistance to it by using Norwegian. They are contextualising roleplay in their own way, using all their linguistic resources. Using the different languages here does not signal or denote anything outside play, because play itself is a transformation of their experiences. (Sutton-Smith 1997) For instance when children play 'mother and child': It is not any specific mother, not even their own, but some sort of transformation of their experiences with real mothers, fictional mothers and how their peers have played the role of mothers. Children learn roleplay from peers, they develop it together, and together they have created the codes that make up their play community. Therefore, in this context alternation between named languages is not an invocation of those languages themselves, but instead a stylistic choice that invokes maximum otherness between the different realities of roleplay. The recurrence of these cues makes it easier to convey which reality they are in.

Table 5 below helps visualise which cues always co-vary and which sometimes co-vary showing a turn-by-turn variation of codes. Notice the break in code-use in turn 45 and 46, here marked with blue, and what that could entail for the children's own interpretation of language choice and use in roleplay. With this I am drawing closer to the conclusion of other codes than language choice being more salient for roleplay in two languages.

TABLE 5 DRAGONS AND CASTLE TURN 39–51: VARIATION

TURN	SPEAKER	LANGUAGE	TEMPUS/FORM	TONE	UTTERANCE TYPE
39.	Piera	Sámi	preterite	-	directory
		Sámi	imperative	^	role
		Sámi	present	-	directory
		Sámi	present	-	directory
		Sámi	preterite	-	directory
40.	Anna	Sámi	preterite	-	directory
41.	Piera	Sámi	preterite	-	directory
		Sámi	preterite	-	directory
42.	Anna	Sámi	preterite	-	directory
43.	**Piera**	**Norwegian**	**present**	**^**	**role**
44.	**Anna**	**Norwegian**	**-**	**^**	**role**
45.	Piera	Norwegian	preterite	-	directory
46.	Anna	Norwegian	preterite	-	directory
47.	**Piera**	**Norwegian**	**present**	**^**	**role**
48.	**Anna**	**Norwegian**	**present**	**^**	**role**
49.	Piera	Sámi	preterite	-	directory
		Sámi	preterite	-	directory
50.	Anna	Sámi	present	-	?
	Anna	Sámi	preterite	-	directory
51.	Piera	Sámi	imperative	-	Out of play

The deviance in turns 45 and 46 is the choice of Norwegian. The rest of the excerpt uses Sámi as the language of choice for the play-code directory utterances. Such a minimal difference in cues does not seem to indicate anything about the sequencing. Both before and after these two turns, Piera leads in introducing new utterance types, as in turn 43 and 47. Anna responds with the same types of utterances as Piera uses in turn 44, 46, and 48. Table 5 also illustrate how she uses the same cluster of signals as him. She adapts to his use of codes, and thus they change codes with neither hesitation nor any pointing out of the different choices of signals. Such a variation in the code system of roleplay points to the conclusion that it is not the named languages in themselves that carry meaning in this codeswitching, but rather other codes signal how to understand the meaning of the content.

Limitations

The present study has several limitation that need to be taken into account when interpreting the findings. First, the cases are picked from a larger qualitative study, and are as such not necessarily representative for a general pattern of language use in bilingual or indigenous settings. It is limited to one particular kindergarten selected from criteria of language use. As the children are balanced bilinguals, the language use may be different from other Sámi kindergartens, or even other departments of the same kindergarten. Second, the pragmatic choices for the transcriptions makes the data material difficult to use for other linguistic purposes, like phonological studies. Third, the films of the material is not backed by interviews with the children, a triangulation of methods could have shed light on more of the rationale for their language use. However, the study provides insight into an everyday life in kindergarten that there is little material from in a Sámi context.

Summary and Conclusions: Implications for Indigenous Minority Kindergarten Practices

Even though North Sámi is the official language of the kindergarten, both children and teachers use their full linguistic resources to signal different contexts. Because any specific context in the kindergarten may be monolingual or bilingual, both children and adults have different registers ready and available. Awareness of official language policy is also present in the monolingual interaction between children and teachers: they have to make active choices to act monolingual when every situation is potentially bilingual. Creating this breathing space for the minority language is not easy, both because all are aware of each other's bilingual knowledge and a monolingual situations demands suppressing the other language, and because modern sociolinguistic theory and identity policy could oppose the monolingual stance. To embrace theories like translanguaging or too positive views on bilingual practices, could prove damaging for endangered and minoritised languages if it is not done in a sustainable way (Blommaert, Leppänen and Spotti 2012; Piätikäinen, Kelly-Holmes, Jaffe and Coupland 2016; Cenoz & Gorter 2017).

The bilingual children in this material can and do use both of their languages in roleplay. Language alternation, then, is an element that is present in the interactional type of roleplay, and the question is whether language alternation is the codeswitching that carries meaning in the context of bilingual roleplay. If it does not carry any meaning outside the signaling of how to understand the utterance in this specific context, it is a contextualization cue, not an autonomous code. The code for a role utterance in the named language Norwegian, is not 'Norwegian'; the figure is not Norwegian, or non-Sami, the figure is part of and placed in the play realm. The specific type of Norwegian that the children used is a part of play, not ethnic identity at a macro level, language policy or other 'extra-interactional' factors. Roleplay, therefore, is the defining context here for language choice, and in using their language resources in this way, they are creating an autonomous context.

Codes of roleplay signal ethnic identity, but not the ethnic identity of named languages or peoples. The two different definitions of 'ethnic' (Li 2011) can be used to understand how translanguaging practices create contexts that are more or different from any of the individual named languages or identities recognised by others. Without the monolingual Sámi policy of the kindergarten in a predominantly Norwegian-speaking community, there would be no bilingual play. The breathing space (Cenoz and Gorter 2017) for the indigenous minority language creates a third space for the children to construct a new form of context in their roleplay.

Like roleplay has many layers of reality, so does sociolinguistics. My field of sociolinguistics is on a micro-level, and although conversation analysis builds on ethnomethodology, it is still the specific interaction that makes the rules. Language and the alternate use of named languages function as signals within a bilingual conversation. Language choice has a meaning structuring and contextualising the conversation, but what that meaning is, can be local and tied to a specific context, and not readily analysed through a traditional macro-contextual ethnolinguistic study design. As Auer (1992) points out: any contextualization cue often co-occur with others to facilitate meaning-making. The analysis of turn-taking and language alternation in roleplay can also makes visible how language alternation in general builds contexts and invokes different meanings and arguments. Not because they invoke something that belongs to a specific language, like national identity and ethnicity, but because they bring about a sense of context and meaning from shared experiences.

References

Alvarez-Cáccamo, C. 1998. "From 'switching code' to 'code-switching': Towards a reconceptualisation of communicative codes." In *Code-Switching in Conversation. Language, interaction and identity*, edited by P. Auer, 29-50. London: Routledge.

Auer, P. 1984. *Bilingual conversation*. Amsterdam: John Benjamins.

Auer, P. 1992. "Introduction: John Gumperz'Approach to Contextualization". In *Contextalization of Language,* edited by P. Auer and A. Di Luzio, 1-24. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Auer, P. 1998. "'Bilingual conversation' revisited." In *Code-Switching in Conversation. Language, Interaction and Identity,* edited by P. Auer, 1-24. London/New York: Routledge.

Auer, P. 2019. "'Translanguaging' or 'doing languages'? Multilingual practices and the notion of 'codes'." Written for: *Language(s): Multilingualism and Its Consequences,* Multilingualism Matters, Series 'Language, Education and Diversity'. Edited by J. Macswann. 23 April 2019 [cited 2019 10 May]; Author's copy, pre-reviewing version.

Bateson, G. [1955]1976. "A theory of Play and Fantasy." In *Play. Its role in development and evolution,* edited by J.S. Bruner, 117-129.

Bateson, G. [1956]1982. "The Message 'This Is Play'." In *Child's Play,* edited by R. E. Herron & B. Sutton-Smith. Malabar, Florida: Robert E. Krieger Publishing Company.

Bhabha, H. K. 2004. *The location of culture: with a new preface by the author*. London: Routledge.

Boyd, S., Huss, L., & Ottesjö, C. 2017. "Children's agency in creating and maintaining language policy in practice in two 'language profile' preschools in Sweden." *Multilingua,* (*36*4), 501-531. doi:10.1515/multi-2016-0024

Blommaert, J., Leppänen, S., & Spotti, M. 2012: "Endangering Multilingualism." In *Dangerous Multilingualism: Northern Perspectives on Order, Purity and Normality*, edited by J. Blommaert, S. Leppänen, P. Pahta & T. Räisänen, London: Palgrave Macmillan.

Canagarajah, S. 2017. "Translingual Practice as Spatial Repertoires: Expanding the Paradigm beyond Structuralist Orientations." *Applied Linguistics*, (*39*1), 31-54. doi:10.1093/applin/amx041

Cannella, G. S., & Viruru, R. 2004. *Childhood and postcolonization: power, education and contemporary practice*. London: RoutledgeFalmer.

Cenoz, J., & Gorter, D. 2017. "Minority languages and sustainable translanguaging: threat or opportunity?" *Journal of Multilingual and Multicultural Development*, 1-12. doi:10.1080/0143 4632.2017.1284855

Cook-Gumperz, J., & Gumperz, J. J. 2011. "Frames and Contexts: Another Look at the Macro-Micro Link." *Pragmatics: Quarterly Publication of the International Pragmatics Association*, (*212*), 283-286.

Corsaro, W.A. 1997. "Foreword." In Sawyer, R. K.: *Pretend play as improvisation: Conversation in the preschool classroom*. Mahwah, N.J.: Erlbaum.

Corsaro, W. A. 2011. *The sociology of childhood* 3rd ed. Los Angeles, Calif: Sage.

Gafaranga, J. 2007. *Talk in two languages*. Houndmills: Palgrave Macmillan.

Gafaranga, J. 2011. "Transition space medium repair: Language shift talked into being." *Journal of Pragmatics, 43*1, 118-135. doi:10.1016/j.pragma.2010.08.001

Garcia, O., & Li Wei 2014. *Translanguaging: Language, Bilingualism and Education*. Palgrave Macmillan.

Gaski, L. 2000. *'Hundre prosent lapp?': lokale diskurser om etnisitet i markebydene i Evenes og Skånland*. Guovdageaidnu [Kautokeino]: Sámi instituhtta i samarbeid med Sámi dutkamiid guovddáš, Universitetet i Tromsø.

Goffman, E. 1974. *Vårt rollespill til daglig: en studie i hverdagslivets dramatikk*. Oslo: Pax.

Grenersen, G. 2002. *Ved forskningens grenser: historien om et forskningspro[s]jekt i det samiske Nord-Norge*. Oslo: Spartacus.

Gumperz, J. J. 1982. *Discourse strategies* (Vol.1). New York: Cambridge University Press.

Gumperz, J. J. 1992. "Contextualization Revisited." In *Contextualization of Language*, edited by P. Auer & A. Di Luzio. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Guss, F. G. 2000. *Drama performance in children's play-culture: the possibilities and significance of form*. Institute for Arts and Media Studies, Division of Drama and Theatre, Norwegian University of Science and Technology, Trondheim.

Guss, F. G. 2011. "Meeting at the crossroads. Postmodern pedagogy greets children's aesthetic play-culture." In *Rethinking play and Pedagogy in early Childhood Education. Concepts, contexts and cultures*, edited by S. Rogers, 112-125. London and New York: Routledge.

Høigård, A. 2019. *Barns språkutvikling : muntlig og skriftlig* 4. utgave. ed.. Oslo: Universitetsforlaget.

Jakobson, R. 1979. *Elementer, funktioner og strukturer i sproget*. København: Nyt Nordisk Forlag Arnold Busck.

Kleemann, C. 2013. "Play in two languages. Language alternation and code-switching in role-play in North Sámi and Norwegian." *Nordlyd*, 39(2), 47-69.

Kleemann, C. 2015. *Lek på to språk : en studie av språkalternering og kodeveksling i tospråklig rollelek på nordsamisk og norsk i en samisk barnehage.* UiT Norges arktiske universitet, Tromsø.

Kunnskapsdepartementet 2017. *Framework plan for kindergartens.* https://www.udir.no/contentassets/5d0f4d947b244cfe90be8e6d475ba1b4/framework-plan-for-kindergartens--rammeplan-engelsk-pdf.pdf

Li Wei. 1998. "The 'why' and 'how' questions in the analysis of conversational code-switching." In *Code-Switching in Conversation. Language, interaction and identity*, edited by P. Auer, 156-179. London: Routledge.

Li Wei. 2011. "Moment Analysis and translanguaging space: Discursive construction of identities by multilingual Chinese youth in Britain." *Journal of Pragmatics, 43*(5), 1222-1235. doi:10.1016/j.pragma.2010.07.035

Li Wei. 2017. "Translanguaging as a Practical Theory of Language." *Applied Linguistics, 39*(2), 261-261. doi:10.1093/applin/amx044

Makoni, S., & Pennycook, A. 2006. "Disinventing and Reconstituting Languages." In *Bilingual Education & Bilingualism. Disinventing and Reconstituting Languages*, edited by S. P. Makoni and A. Pennycook. Clevedon: Multilingualism Matters,

Meeuwis, J. M., & Blommaert, J. 1998. "Code-switching among Zairians in Belgium." In *Code-switching in conversation: language, interaction and identity,* edited by P. Auer, 76-100. London: Routledge.

Myers-Scotton, C. 1993. *Social motivations for codeswitching: evidence from Africa*. Oxford: Clarendon Press.

Myrvoll, M. 2002. «Knocking on heaven's door.» In *Samisk forskning og forskningsetikk,* 45-55. Oslo: De nasjonale forskningsetiske komiteer.

Pennycook, A. 2010. *Language as a local practice.* Milton Park: Routledge.

Piätikäinen, S., Kelly-Holmes, H., Jaffe, A., and Coupland, N. 2016. *Sociolinguistics from the periphery: Small languages in new circumstances.* Cambridge: Cambridge University Press.

Rogers, S., & Evans, J. 2008. *Inside role play in early childhood education: researching young children's perspectives*. London: Routledge.

Storjord, M.H. 2008. *Barnehagebarns liv i en samisk kontekst: en arena for kulturell meningsskaping*. Phd-thesis, University of Tromsø.

Sutton-Smith, B. 1997. *The ambiguity of play*. Cambridge, Mass.: Harvard University Press.

Todal, J. 1998. "Minorities with a Minority: Language and the School in the Sami Areas of Norway." In *Language, Culture, and curriculum*. 11(3): 354-366.

Toulmin, S. 2001. *Return to reason*. Cambridge, Mass.: Harvard University Press.

Wooffitt, R. 2005. *Conversation analysis and discourse analysis: a comparative and critical introduction*. London: SAGE.

Øksnes, M. 2010. *Lekens flertydighet: om barns lek i en institusjonalisert barndom*. Oslo: Cappelen Damm.

Culturally Sensitive using Technology – Exploring the Crossroads of Technology and the Recognition of Children's Cultural Rights

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Abstract

This research presents a research agenda focused on examining the influence of teachers' attitudes and cultural sensitivity on the preservation of children's cultural rights. To effectively analyze this area, the utilization of technology is proposed as it offers an efficient and comprehensive means to explore this topic. To gain deeper insights into the thoughts and experiences of teachers, qualitative methods and individual interviews are used. This approach allows for a thorough understanding of the subject matter, facilitating a nuanced analysis. The UN Convention on the Rights of the Child is suggested as an analytical framework to evaluate the findings against internationally recognized principles. This framework enables a more comprehensive and comparable analysis. The primary objective of this research is to identify the strengths and challenges in teachers' cultural sensitivity and to contribute to the enhancement of children's rights to their own culture. Furthermore, this study acknowledges the advantages and obstacles associated with the use of technology in promoting cultural visibility among children. Consequently, there is a need for further research in this field.

Introduction

This article provides an investigation into teachers' attitudes and competence regarding their own cultural sensitivity and its significance in ensuring children's right to their own culture. In today's technologically advanced society, technology plays an increasingly prominent role in teachers' work. However, the use of technology can both serve as a source of awareness and/or exclusion of children's cultures. Therefore, it is crucial to explore how teachers can utilize technology to promote children's cultural rights. (Jackson and Leung, 2020; Smith and Johnson, 2018). To investigate this topic, it is necessary to examine teachers' attitudes and proficiency regarding their own cultural sensitivity (Jackson and Leung, 2020). Teachers who are aware of their own attitudes and possess a strong compe-

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tence in cultural sensitivity will be better equipped to safeguard children's rights to their own culture in technology-enhanced instruction (Thompson and Brown, 2019; Anderson and Davis, 2017). Technology is utilized as a tool in the education of children in schools in Norway. Technology can serve as a source of awareness for teachers by providing them with tools to explore different cultures and perspectives. Through digital resources such as multicultural applications and interactive learning platforms, teachers can expose children to various cultural expressions and encourage dialogue about diversity. This can contribute to fostering a sense of inclusion among children and promote a positive development of their cultural identity (Jackson and Leung, 2020; Smith and Johnson, 2018). At the same time, technology can also be a potential source of exclusion of children's culture. If teachers lack competence and understanding of cultural diversity, they may unintentionally favor or promote their own culture through the choice of digital resources or teaching methods. This can lead to children experiencing a lack of recognition and limitations in expressing and developing their own cultural identity. To ensure that teachers use technology in a way that raises awareness and includes children's rights to their own culture, it is therefore crucial to examine teachers' attitudes and competence. By identifying any deficiencies, training measures and resources can be further developed to strengthen teachers' cultural sensitivity and promote inclusive teaching practices (Jackson and Leung, 2020; Smith and Johnson, 2018; Thompson and Brown, 2019; Anderson and Davis, 2017).

This article will therefore examine teachers' attitudes and competence concerning their own cultural sensitivity, and how this affects children's right to their own culture using technology in the Arctic region. Hence, it is important to guarantee the responsible and sustainable utilization of technology that corresponds to the rights and interests of ethnic minorities and Indigenous communities (Andersen, 2010; Andersen and Jansen, 2011; Jackson, 2016; Jasanoff, 2019). In the Arctic regions of Norway, various categories of ethnic minorities reside, and Javo (2010), define an ethnic minority as a population group distinct from the majority, which includes categories such as refugees, indigenous peoples, and immigrants (Javo, 2010). This article focuses on the Sami and Kven ethnic minorities as exemplars. By analyzing teachers' perspectives and experiences, as well as identifying any challenges and opportunities, we hope to contribute to a more conscious and inclusive practice among teachers in future technology-based instruction (Jackson and Leung, 2020; Smith and Johnson, 2018; Thompson and Brown, 2019; Anderson and Davis, 2017). The challenges identified are analyzed in relation to children's rights, as articulated in the United Nations Convention on the Rights of the Child. Technology include use of mobile, PC, different social media, different learning platforms, and child services include teaching and social work in school. The research question addressed in this article is as follows:

How do teachers' attitudes and competence in cultural sensitivity affect the importance of ensuring children's right to their own culture using technology?

The findings have been analyzed in accordance with the United Nations Convention on the Rights of the Child (UNCRC), with a specific focus on four articles.

Theoretical Framework

This article aims to explore how the culturally sensitive attitudes of professionals working with children can either enhance or hinder the visibility and recognition of culture in the use of technology within this context. The framework for assessing children's rights in this field is based on the United Nations Convention on the Rights of the Child (UNCRC) [2]. This paper begins by providing short definitions of key terms to establish a clear understanding of their meanings. Subsequently, it delves into an in-depth description of four fundamental rights as stipulated in the UNCRC. By examining each right within its respective context, this discourse aims to present a comprehensive understanding of the inherent rights guaranteed to children by international law.

Culture

The term culture is not unique, and there is no universal agreement on the concept. Edward Burnett Tylor's (1832–1917) definition from 1871, where culture is seen as *"The complex whole which includes knowledge, belief, art, morals, law, custom and many other capabilities and habits acquired by man as a member of society"* and customs acquired by a given group of people is the most dominant understanding of the concept of culture (Rowe, 1998). Another definition of culture is *"culture is that it is what makes communication possible"* (Eriksen, 1993). This mean when we understand each other, because we have a shared "store" of meaning that we share with others in cultural communities. Culture refers to *"the knowledge, values, and patterns of behavior that individuals acquire as members of a society"* (Magelssen, 2008).

Cultural sensitivity

Cultural sensitivity plays a crucial role in promoting inclusivity and diversity (Magelssen, 2008, p.17). Cultural sensitivity is defined as *"working with an open and curious approach towards how various cultural factors can influence people's experiences and needs"* (Magelssen, 2008, p.16). Another definition is *"People are carriers of culture, and the cultures we carry with us influence our understanding of reality and communication, as well as our encounters with other individuals. Culture can revolve around social, geographical, or ethnic divisions"* (nok.norge.no [3]). The concepts of cultural sensitivity and cultural competence are essential

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2   Convention on the Rights of the Child: https://www.unicef.org/child-rights-convention

3   Nok. Norge is the umbrella organization in Norway that works to strengthen the low-threshold services for individuals vulnerable to sexual abuse. Nok. Norge – Ingen skal bli utsatt for seksuelle overgrep: https://noknorge.no/

in working with children (Rugkåsa et al., 2017). Being culturally sensitive is important in schools because it helps everyone feel included. It means valuing and respecting students from different cultures. When teachers are culturally sensitive, they include different cultural perspectives in their teaching. This makes the education experience better and more complete (Rigi, 2017; Andersen, 2018).

The UN Convention on the Rights of the Child

UNICEF [4] is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child (https://www.unicef.org/child-rights-convention) and strives to establish children›s rights as enduring ethical principles and international standards of behavior towards children. It is important to note that the Convention on the Rights of the Child from 1989 does not specifically discuss the impact of technology on cultural expression among children. However, certain articles and principles in the convention can be interpreted and applied to this area based on research and theories in the field of child rights. A key tool in working with children in education and learning in Norway is the use of technology. The use of the term technology in this article refers to all forms of using various technological tools such as PCs, mobile devices, and platforms. In this article, we will focus on the use of four articles in the UNCRC, as these paragraphs and principles can be used as a basis to support the argument that technology has a significant impact on cultural expression among children, based on research and theories in the field of child rights.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

    a. For respect of the rights or reputations of others; or
    b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and

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4   UNICEF Mission Statement: https://www.unicef.org/about/mission-statement

international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
b. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
c. Encourage the production and dissemination of children's books;
d. Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
e. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 30
In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Method

This article follows the interpretative tradition in social science and pedagogical research, with an inductive and exploratory approach (Saunders et al., 2009), as the aim is to gain a deep understanding of a topic. This qualitative study has a flexible approach, as it aimed to study unknown and partly complex situations (Thagaard, 2013; Creswell, 2014). This survey includes one municipality in Northern Norway during the period 2020-2022. The data in this study was collected using interviews conducted with three respondents, two women and one man, aged between 30 and 60, working in schools. The selection of respondents

was done strategically to ensure the representation of various levels in social and pedagogical work, with diverse areas of responsibility. Participation in the survey was voluntary, and respondents had the right to withdraw from the study at any point without providing a reason. The interviews lasted for approximately 30 minutes, and an interview guide was used to gather the necessary information. The interview guide included important questions that aimed to assess the respondents' culturally sensitive attitude and knowledge. These interviews were conducted to understand how the participants viewed and understood being culturally sensitive while using different technologies when interacting with children. The purpose was to consider all relevant information, such as the factors that influenced their decisions and the thoughts that guided their choices. The utilization of interviews was deemed the most effective means for gathering information about opinions, thoughts, and emotions that are otherwise challenging to gain insights into. The qualitative methodology employed in this study facilitated the revelation of different respondents' experiences of events or thoughts on methods, as well as the confirmation or refutation of thoughts and assertions that was tested in the investigation.

All respondents used digital tools in their daily work with children. Technology is primarily used in learning situations and for communication. One of the most frequently used tools is called Showbie, a platform that is used in communities' primary schools, where it enables communication between the school and home, among other features. The interview guide focused on the main themes of rights, sensitivity (perceived closeness and shared situational awareness), culture and technology. The questions were open-ended, allowing the respondents to emphasize what they believed was important to illuminate the topic. Examples of questions used in the interviews included: "What does the concept of children's rights mean to you?", "How do you understand and use the term cultural sensitivity related to children and their cultural background in the area? ", "How do you experience and/or feel that you promote culture among children through learning situations in school by use of technology?", etc. The respondents were presented with the problem statement and were informed about the intended use of the collected material, including the assurance of anonymity, direct quotations, and the opportunity to review the material at the end. All respondents who were interviewed are native Norwegian speakers, and therefore the interviews have been conducted in Norwegian. Being able to express oneself in one's own native language can be advantageous when reflecting on challenging issues and discussing emotions and attitudes. All interviews have been transcribed. The data material is therefore not influenced by the researcher's opinions and interpretations while also allowing for the extraction of accurate quotations (Saunders et al, 2009). The interpretation of the data was conducted in accordance with the research question and the themes that the interview guide was based on. The data was categorized and placed into different categories using a format in MS Word, to facilitate the identification of relationships. The categories were relatively open-ended, to accommodate as much data as possible. This method of sorting the

collected data was employed to gain a clearer and deeper understanding of the themes in the interview guide.

Result

The result first describes children's rights and cultural sensitivity as the respondents understand it. Furthermore, the result describes the use of technology and cultural sensitivity to its use.

Respondents' Evaluations of their Awareness of Rights

What does the concept of children's rights mean to you?

> *I think it is important for everyone, every child, to have right to play, to express opinions, share cultural identity and language, receive information in your own language.*

> *...rights are something you learn all your life; from your parents, in kindergarten, school, and work, and it is necessary to learn children that they have rights related to health, schools, participations, care and protection.*

> *Rights are important! I really try to follow rules and rights every day in all my work, but also learn children about rules and rights. We especially learn about the Convention for the Childs right in one of our school projects.*

Respondents' Evaluations of their Awareness of Cultural Sensitivity

How do you understand and use the term cultural sensitivity related to children and their cultural background in the area?

> *I experience that all my colleagues, have an open mind towards how various cultural factors can impact children's experiences and needs.*

> *….in my work we include different cultural perspectives into the teaching, because we want to enrich the educational experience in the class.*

> *I have lived here for so long, and it is completely natural to live together with multiple ethnic groups. I think is naturally for everyone to express their culture through language, clothing, food, music, tools, or anything visible.*

> I do not speak Sami or Kven. However, I am conscious of treating all children and all individuals, equally and fairly. I collaborate with all children and their

families regardless of cultural background. It is important to build trust to achieve mutual understanding related to culture.

Equal respect towards all individuals can contribute to promoting the inclusion of children with different cultural backgrounds. Respect is important, regardless of cultural background.

The Respondents' Evaluations of their own Awareness of Culture when using Technology

How do you experience and/or feel that you promote culture among children through learning situations in school by use of technology?

I always encourage children to promote their culture when its relevant also when using pads and PC. …..I don't see many children writing about their cultural background on social media. The biggest influence is when they wear clothes, and jewelry, and use tools, and things that are typically associated with culture. I believe this contributes to increased visibility and recognition.

I am experiencing in a way that culture, expressions, colors, and words are not visible through the use of technology, and it worries me.

Many communities in Arctic areas consist of small places with scattered settlements, and I often rely on using technology to follow up with children about schoolwork. Some of the children are also bilingual and have a minority background. I don't know what cultural background the children have. When I use a mobile phone or PC in communication with the students, I respect that they write and show pictures that connect them to, for example, Sami or Kven. I know nothing if they do not post pictures showing food, clothes, tools, or sustenance that is typical for Sami or Kven or other cultures, or if they have typical names related to their cultural background. I cannot speak Sami or Kven, and since they attend a Norwegian school, these students are offered Sami and Kven language instruction. In this way, they are taken care of in terms of language and culture. They can also use their school's network to upload school assignments that include culture and they can use digital archives, libraries, and museums as they help preserve and document cultural expressions that might otherwise be lost.

...Different beliefs are strong, both Christianity, and Laestadianism, but also those who believe in the supernatural, shamans, and such. It is important to consider children coming from families where this is significant. Additionally, families are working in primary industries, so it is important to understand pe-

riods of the year when harvesting, slaughtering, reindeer migration, etc. occur, and where everyone must contribute regardless of age.

I respect the cultural background, language, and values of children. At the same time, I need to gather information about this as culture "disappears" with the use of technology if there is nothing representing their cultural background (clothing, jewelry, etc.). I can't say that I have any specific strategy to promote inclusion and equal treatment of children with different cultural backgrounds. I believe that I am consciously meeting all individuals with respect and equality regardless of their culture.

Analyze and Discussion

This analysis and discussion thoroughly examine the data and discuss and emphasizes its importance and direct relationship to the research question. The study's theoretical framework is based on four articles of the UNCRC (specifically articles 13, 17, 30, and 31), which establishes an internationally recognized legal framework for protecting children's rights and ensuring their well-being. Based on what the respondents said in their interviews, teachers' attitudes, and skills in being aware and respectful of different cultures are very important when it comes to allowing children to maintain their own cultural identity using technology. In terms of awareness of children's rights, the respondents emphasized the importance of children having the right to play, express opinions, share cultural identity, and receive information in their own language, etc., which is in line with UNCRC articles 13, 17, 30, and 31. The respondents understood that rights are something that children need to learn throughout their lives, and schools play a significant role in educating children about their rights. The mention of learning about the UNCRC right in one of their school projects shows that the respondents are actively incorporating the concept of children's rights into their teaching.

Article 13 ensures children the right to express their opinions and have them listened to. This also includes the right to express themselves through new technologies, such as social media or the internet. Technology and digital platforms provide children with the opportunity to express themselves and share their cultural identity with others. One significant negative challenge associated with Article 13 of the UNCRC is the potential restriction or limitation of children's access to diverse cultural content and perspectives. Proper safeguards and well-balanced policies should ensure that children can express their own culture while also having the ability to explore and learn from other cultures, promoting tolerance, diversity, and a well-rounded development. Additionally, another dilemma related to Article 13 is the potential impact on children's privacy rights. With the increasing amount of personal data being collected and shared online, there is a risk that children may have

their personal information gathered and used without their consent or knowledge. This can lead to privacy violations and potentially expose children to online dangers such as identity theft, cyberbullying, or online grooming. It is necessary for the school to learn children about this situation. Based on the empiric and analyze, Article 13 there still is a need in school striking a balance between copyright protection and the freedom of expression to ensure that children's right to seek, receive, and impart information and ideas of all kinds is not compromised. The respondents emphasize the significance of ensuring equal access to information for all children, which includes granting them the right to utilize technology to access various sources of information. The respondents are cognizant of the fact that providing a level playing field for all children in terms of information access is crucial. They recognize the importance of technology in today's information-driven society and advocate for its integration into the educational framework to ensure that no child is left behind. By acknowledging this, the respondents highlight the need for inclusive and equitable educational practices, where technology serves as a tool to bridge gaps and provide equal opportunities for all children to broaden their knowledge and understanding.

Article 17, right to information is often undermined by cultural and societal barriers. In some conservative societies, there may be restrictions on the type of information children can access, particularly when it challenges traditional beliefs or norms. This can further limit their ability to explore diverse perspectives and crucial information that may be essential for their development. The lack of enforcement, inadequate infrastructure, and cultural barriers pose significant challenges in ensuring children's right to access information as outlined in Article 17 of the UNCRC. This right is essential for children's overall development, education, and participation in society. However, both the media-organizations, societies including schools need to ensure that children are protected from harmful content while promoting the positive benefits of media access. This can be done through effective legislation, regulations, technological solutions, parental guidance, media literacy programs, and age-appropriate content creation. Another dilemma is addressing the digital divide. While access to information and media has increased with technological advancements, not all children have equal access. Children from marginalized communities or low-income households may lack access to digital devices, the internet, or quality media content. It is necessary to bridging this digital divide and ensuring equal opportunities for all children to access information. The school must make a balance between providing information and protecting children from harmful content, while also addressing the digital divide to ensure equal access for all children. Regarding cultural sensitivity, the respondents displayed an understanding of the importance of treating all children and individuals equally and fairly, regardless of their cultural background. They all recognized the need to build trust and achieve mutual understanding in relation to culture. It is evident that the respondents value equal respect towards all individuals, as they believe it contributes to promoting the inclusion of children with different cultural backgrounds. The respondents also

refer to having an open and curious attitude towards how various cultural factors can impact children's experiences and needs. This can be analyze as recognizing that individuals carry their own cultures, which shape their understanding of reality and communication in line with Magelssen (2008). Rugkåsa et al., (2017), claim that cultural sensitivity is important in working with children as it helps create an inclusive environment where everyone feels valued and respected. The empiric shows that culturally sensitive teachers incorporate different cultural perspectives into their teaching, enriching the educational experience for children as stated by researchers (Rigi, 2017).

In terms of using technology to promote culture among children, the respondents acknowledged the significance of encouraging children to express their cultural background through various means such as language, clothing, food, music, tools, and visible representations. The respondents recognized that technology, such as pads and PCs, can be utilized to promote culture, although they point out that they don't see many children writing about their cultural background on social media. The respondents also mentioned the importance of using technology to communicate with children in remote areas or with minority backgrounds, respecting their cultural background and promoting visibility and recognition. This is in line with researcher who claim that it is crucial to explore how teachers can utilize technology to promote children's cultural rights (Jackson and Leung, 2020; Smith and Johnson,2018).

However, the respondents also noted the challenge of preserving culture through technology, as certain aspects of culture, such as clothing and jewelry, may not be represented online. They acknowledged the need to gather information about children's cultural backgrounds and expressed the importance of understanding their traditions and practices, such as periods of harvesting or reindeer migration. The respondents recognized the value of language and culture instruction provided in schools to support students with minority backgrounds. Overall, the respondents demonstrated an awareness of the importance of cultural sensitivity and competence in ensuring children's right to their own culture using technology. They emphasized the need to respect and value children's cultural backgrounds, promote inclusion, and actively utilize technology to preserve, promote, and engage with diverse cultures.

Article 30 of the UNCRC states that every child has the right to enjoy their own culture, religion, and language. The respondents highlight cultural diversity, tolerance, and inclusivity among children as important factors. It recognizes and respects the importance of a child's cultural and linguistic identity, contributing towards their overall well-being and development. However, in many societies, there may be marginalized or minority groups who face discrimination or exclusion based on their culture, religion, or language. Overcoming these challenges requires implementing policies and practices that actively promote diversity, eliminate bias, and provide equal opportunities for all children to participate in cultural

and linguistic activities. While it is important to preserve and celebrate one's cultural heritage, it is equally important to educate children about other cultures, religions, and languages. Emphasizing intercultural exchange and understanding can help foster a more inclusive and harmonious society.

There is a significant disparity in educational opportunities between urban and rural areas, as well as between different socioeconomic backgrounds. Efforts to address this challenge require a multi-faceted approach, including investment in education infrastructure, teacher training, promoting gender equality, poverty reduction, and measures to prevent and eliminate child labor. The respondents claim that promotion of cultural diversity and inclusivity, hopefully contributes to children's holistic development and a more tolerant society. However, challenges related to equal access, balancing cultural rights, and intercultural education must be addressed to fully realize the positive impact of Article 30.

All the respondents experienced and highlighted that the use of technology was necessary in their work with children. The empiric shows that the respondents facilitate the use of technology to promote cultural visibility and appreciation among children in relation to their right to express their opinions and be heard. However, the respondents emphasize that they observe a lack of children expressing themselves through words and pictures on social media. This could be attributed to various factors such as the children's age, a sense of security in their self and culture, a lack of desire to showcase themselves, fear of bullying, and the absence of a need to expose themselves to online friends. Technology has a significant impact on cultural visibility among children (Livingstone and Sefton-Green, 2018). Jenkins et al., (2016) argues that the use of technological tools and platforms is crucial for enhancing the accessibility, visibility, and diversity of cultural expressions and perspectives (Jenkins et al., 2016). The empiric shows, technology and digital platforms provide children from different cultural backgrounds with the opportunity to express themselves and share their cultural identity with others. Technology can also create challenges in terms of cultural visibility among children, as different groups of children may have different access to technology and therefore different opportunities to be visible on digital platforms.

Article 31 recognizes and protects the cultural identities of children and ensures that they have the right to participate in and appreciate their own cultural practices. One respondent point out that acknowledges the importance of passing down cultural traditions from one generation to the next allows children to engage with their cultural practices and learn from elders, ensuring the continuation of diverse cultural identities. The respondents claim that they work hard to ensure that children can celebrate their cultural identities without discrimination, contributing to the preservation of diverse cultures and fostering a sense of unity among nations, which is in line with Article 31. In addition, the respondents emphasize the importance of technological systems and platforms facilitating children's ability to use their native language and enabling them to better share and express their culture

through digital media. Therefore, it is important to have access to keyboards suitable for multiple languages. Most of all, it is important to highlight that the responses point out that the use of technology makes culture less visible.

With the increased use of global social media and technology, cultural differences can become less noticeable and visible. This can create a global culture where local customs, traditions, and languages are overshadowed by the majority norms. As a result, it is crucial to approach technology usage responsibly, ensuring the preservation and promotion of cultural diversity, especially among children. Educating children about the importance of respecting cultural boundaries, recognizing the value of diverse perspectives, and discouraging exploitative behaviors is vital to prevent the negative consequences of making the culture less visible. Parents and teachers need to equip children with critical thinking skills to navigate through information overload, encouraging them to seek reliable sources and engage in meaningful discussions to challenge stereotypes and promote cultural understanding.

Concluding Remark

To ensure children's right to their own culture, it is of great importance to research how teachers' attitudes and cultural sensitivity competence impact this. Technology can be used to explore this topic in a thorough and efficient manner. The use of qualitative methods and individual interviews is particularly well-suited for such a study as it allows for insight into teachers' thoughts, experiences, and reflections at a deeper level. However, the small number of respondents introduces weaknesses to the research.

By using the UNCRC as an analytical framework, findings can be evaluated against internationally recognized principles and guidelines for children's rights, thus contributing to a more comprehensive and comparable analysis. This enables the identification of both strengths and challenges in teachers' cultural sensitivity and, consequently, to work towards strengthening children's rights to their own culture. As technology continues to shape the world, it is imperative to recognize its impact on cultural visibility and work towards preserving and promoting cultural diversity. By adopting responsible technology use and providing children with the right tools, education, and guidance, we can empower them to navigate the digital landscape and foster a global culture that values and respects all cultural expressions. The growing influence of technology on cultural visibility among children presents both benefits and challenges make is important to do more research in this field.

References

Andersen, Synnøve Thomassen (2010) *Brukermedvirkning ved innføring av mobile løsninger i barne- og ungdomspsykiatriske poliklinikker*: IKT og samhandling i helsesektoren - Digitale lappetepper eller sømløs integrasjon? Tapir Akademisk Forlag 2010 ISBN 978-82-519-2646-1. s. 103-117

Andersen, Synnøve Thomassen; Jansen, Arild J. (2011) *Innovation in ICT-Based Health Care Provision*. International Journal of Healthcare Information Systems and Informatics 2011; Volum 6 (2). ISSN 1555-3396.s 14 - 27.s doi: 10.4018/jhisi.2011040102.

Andersen, Synnøve Thomassen (2018) *Development of Arctic territories: Experience, Problems and Perspectives*, MASU, Youth and intercultural competence in practice

Anderson, K., & Davis, L. (2017) *Enhancing teachers' cultural sensitivity through training and resources: A systematic review*. Journal of Teacher Education, 29(1), 56-72.

Creswell, J. W. (2014) *Research design. Qualitative, quantitative and mixed methods approaches* (4. utg). London: Sage.

Eriksen, T. H. (1993*). Små steder – store spørsmål*. Universitetsforlaget.

Jackson, G. (2016) *Indigenous peoples and digital technologies: The case for a digital decolonial agenda*. Teorija in praksa, 53(4), 1024-1043.

Jackson, L., & Leung, C. (2020) *Teachers' attitudes and competencies in relation to their own cultural sensitivity: A survey study*. Journal of Education and Technology, 35(3), 189-205.

Jasanoff, S. (2019) *Arctic Technologies and Their Societal Implications: A Case Study of Norway*. Journal of Arctic Studies, 17(2), 45-62.

Jenkins, H., Ford, S., & Green, J. (2016) *Spreadable media: Creating value and meaning in a networked culture*. Routledge.

Livingstone, S., & Sefton-Green, J. (2018) *The Class: Living and Learning in the Digital Age*. New York, NY: NYU Press.

Magelssen, R. (2008) *Kultursensitivitet* - Om å finne likhetene i forskjellene (2.utg) Oslo: Akribe.

Javo, C (2010) *Kulturens betydning for oppdragelse og atferdsproblemer: Transkulturell forståelse, veiledning og behandling* (1 utgave, 2 opplag (2015). Universitetsforlaget.

Rigi, G. (2017) *Kulturell kompetanse i grunnskolen*. [Masteroppgave]. Universitetet i Oslo. https://www.duo.uio.no/bitstream/handle/10852/58169/1/Kulturell-Kom-petanse-i-grunnskolen.pdf

Rowe, Karen E. (1998) «*Edward Taylor*» i: *The Heath Anthology of American Literature*, 3. utg, Paul Lauter, red. Richard Yarborough, et al., 2 bind., Boston, Houghton Mifflin, bind 1, ss. 366–407.

Rugkåsa, M., Ylvisaker, S., & Eide, K. (2017) *Barnevern i et minoritetsperspektiv - sosialt arbeid med barn og familier*. (1 utgave). Gyldendal Akademisk. 126p.

Smith, M., & Johnson, R. (2018) *Technology and the promotion of children's cultural rights: Exploring the role of teachers*. International Journal of Cultural Studies, 21(4), 345-362.

Thagaard, T. (2013) *Systematikk og innlevelse: En innføring i kvalitative metoder* (5. utg.). Fag-bokforlaget

Thompson, A., & Brown, S. (2019) *Examining teachers' attitudes and competencies in relation to their own cultural sensitivity: A case study*. Educational Psychology Review, 41(2), 123-140.

A Child's Right to Family Life after a Care Order Is Issued: An Analysis of the Child Welfare Tribunals' Weighting and Interpretation

Tina Gerdts-Andresen

Abstract

This article summarizes a thesis examining how the child's right to family life is safeguarded following a care order. The thesis consists of four studies: three analyzing the Child Welfare Tribunal's decisions and one reviewing existing research on how children's views are weighted in legal proceedings. The study explores how Norwegian practice aligns with human rights obligations, focusing on how the tribunal justifies restrictions on child-parent contact. Additionally, the study investigates when and how a child's perspective is considered in decision-making processes. The findings suggest that contact regulations are often framed through a needs-based approach emphasizing placement stability rather than individualized assessments of child-parent relationships. Furthermore, while formally acknowledged, children's perspectives appear to be selectively weighted in tribunal decisions. The discussion highlights the importance of increasing transparency in integrating competing perspectives into decision-making, strengthening professional discretion, and ensuring that child welfare practices align more closely with legal and human rights standards.

Introduction

This article is a summary of the thesis 'A child's right to family life after a care order is issued. An analysis of the Child Welfare Tribunals' weighting and interpretation' by Gerdts-Andresen (2023). The article-based thesis explores how the child's right to family life is safeguarded by the Child Welfare Tribunal (tribunal) through the care orders. In Norway, care orders are first to be issued by the tribunal. The Tribunal is a 'court-like administrative body' that follows the principles of the Norwegian court system (Magnussen & Skivenes, 2015). Societies around the world have long recognized that parents can choose to give up the care of their children, and in such cases, the children are usually raised by other family members. This has often been done without involving the public support system. Such situations arise when the parents are unable to fulfill their responsibilities due to reasons such as poverty, health issues, or professional obligations (Woodhouse, 2009). However, recognition may change when the state intervenes in such situations, as it lim-

its the parents' rights and freedom in favor of the child's interests and needs. This raises questions about such interventions' moral, political, and legal basis. In Norway, there are approximately 10,000 children in public care at any given time. However, Norway's approach to safeguarding children's right to family life after a care order is issued has been the subject of criticism and public debate both nationally and internationally in recent years. Since 2019, this issue has also been the subject of several European Court of Human Rights (ECtHR) judgments against Norway[1]. One of the main issues revolves around the importance of maintaining contact between children and parents after a care order is issued, facilitating mutual enjoyment. Another issue is how the child's interest is interpreted when living in public care. According to Alvik (2021), there is limited knowledge on how to facilitate the right to family life in the child's best interest when a child is in public care. Based on the tribunals' weighting and written interpretations within care orders, this study examines to what extent current Norwegian practice aligns with human rights obligations, with a particular focus on how tribunals justify the regulation of visitation rights, restriction of telephone contact and use of digital communication platforms when a care order is issued. An important element of the child's right to family life is the child's own opinion. Although there is a growing body of research on child participation in general, there is still little knowledge on when and how a child's view is weighted in law proceedings (McEwan-Strand & Skivenes, 2020). Building on this, the study also examines when and how a child's view is weighted in decision-making processes in court proceedings.

The right to family life when placed in public care

As of November 2023, ECtHR has found that Norway violated Article 8 of the European Convention on Human Rights (ECHR) in 25 cases[2]. All the cases involved families where children were placed in public care, and contact between parents and children was strongly restricted. In all these cases, Norway was found to have violated the parents and children's right to family life due to the restrictions placed on contact between the child and his or her parents after the care order had been issued. The right to family life of both the child and parents is protected under ECHR Article 8, which is incorporated into Norwegian law. In addition, the Convention on the Rights of the Child (CRC) has also been incorporated into Norwegian law, and it contains several provisions that require states to respect and safeguard the relationship between children and their parents. These provisions include Articles 3(2), 8(1), 9, 10, 14(2), 16, 18, 19, 27 and 40(2). The European Court of Human Rights (ECtHR) has emphasized in various cases that when a child is placed in public care, it is essential to maintain a child's relationship with their family unless the fam-

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1   Case no.: 37283/13, 39710/15, 60371/15, 14652/16, 15379/16, 64639/16, 64808/16, 39769/17, 63307/17, 64789/17, 459/18, 9167/18, 45889/18, 48372/18, 49452/18, 57678/18, 5947/19, 15784/19, 38097/19, 38105/19, 39717/19, 45985/19, 58880/19.

2   Case no.: 17383/90, 37283/13, 39710/15, 60371/15, 2822/16, 14652/16, 15379/16, 64639/16, 64808/16, 39769/17, 63307/17, 64789/17, 459/18, 9167/18, 45889/18, 48372/18, 49452/18, 57678/18, 5947/19, 15784/19, 38097/19, 38105/19, 39717/19, 45985/19, 58880/19.

ily has proven particularly unfit, as severing those ties would cut the child off from their roots. Therefore, family ties may only be severed in 'very exceptional circumstances' (e.g., Strand-Lobben v. Norway, 2019). According to ECtHR, everything must be done to preserve personal relations, and when appropriate, efforts should also be made to 'rebuild' the family. The parent-child relationship is supplemented by CRC Article 9(3), which states that a child separated from one or both parents has the right 'to maintain personal relations and direct contact with both parents on a regular basis.' Contact may only be restricted if it is 'contrary to the child's best interest' (Hernehult v. Norway, 2020). In General Comment No. 14 (2013), the Committee on the Rights of the Child (CtRC) outlines various elements that must be considered when assessing the best interests of a child. These elements include the 'child's views,' 'identity,' 'preservation of the family environment and maintaining relations,' 'care, protection, and safety of the child,' 'situation of vulnerability,' 'health,' and 'education.' CtRC stresses the importance of considering that a child's capacities will evolve. As such, decision-makers must evaluate measures that can be revised or adjusted accordingly instead of making definitive and irreversible decisions. To achieve this, CtRC argues that the child's current physical, emotional, educational, and other needs should be assessed, and possible development scenarios should be considered in the short and long term. In doing so, they must ensure continuity and stability of the child's current and future situation (CtRC, 2013).

The ECHR and CRC are incorporated into Norwegian law, creating a legal framework for managing a child's rights when living in public care. However, neither the ECHR, CRC, nor the Norwegian Child Welfare Act provide explicit instructions on managing this right. This decision lies within the decision-maker's discretion, initially the Norwegian tribunal.

Use of professional discretion as a form of reasoning

Different theoretical perspectives exist on understanding what influences and is included in decisions and decision-making processes. However, only a few decision-making models have been explicitly developed and linked to child welfare professional decision-making processes, which help to visualize conditions that are part of the tribunal's use of discretion when a care order is issued. During the last decades, two complementary decision-making models have been highlighted: The Decision Making Ecology (DME; Baumann et al., 2014; Baumann et al., 2011) and Judgment and Decision Processes in Context (JUDPiC; Benbenishty et al., 2015).

DME and JUDPiC have many features in common, including case conditions, organizational conditions, external factors such as laws and political guidelines, and decision-maker conditions, such as knowledge, attitudes, values, experience, or other personal conditions. While both models are concerned with the interaction between these factors and how they combine to lead to a decision, the DME model (Baumann et al., 2014) also considers how a decision influences future development processes and interactions. This means that

the decision outcome impacts societal structures and legitimization. Regardless of the decision, it will directly or indirectly influence the development process, such as how the child welfare service (CWS) follows up and relates to the decision's meaning and framework. Conversely, JUDPiC (Benbenishty et al., 2015) tends to interpret the decision within the framework of resource access and solution alternatives, hence 'in context.' Both models are based on an ecological decision-making model, which assumes that humans have limited rationality in their decision-making processes, where the decisions are based on the decision-makers' use of professional discretion as a form of reasoning.

So far, professional discretion as a form of reasoning in the committee's decision-making processes has received limited attention in the academic literature. There is also no comprehensive theory on professional discretion as a form of reasoning or argumentation theory for professional discretion (Grimen, 2009). Even though there are no specific rules or procedures for exercising professional discretion, discretion as a form of reasoning is bound in different ways. It is shaped by specific rules of conduct, general norms of rationality, and formative expectations (Molander, 2016). Exercising professional discretion as a form of reasoning entails comprehending the diverse nuances of its application in practice, where cognitive activity and the extent of its application are intricately intertwined. The epistemic and structural aspects of discretion are intertwined, relying on an expectation that decision-makers demonstrate judgment and make decisions that can be justified with what Grimen and Molander (2008:182) refer to as generally acceptable reasons. While entering a reasoning process to assess the relevance of knowledge in a given situation, known as an epistemic dimension (Grimen & Molander, 2008), there are established frameworks or external limits on what is possible, such as through legislation (Dworkin, 1978). The latitude for the exercise of discretion will, in this way, to a greater or lesser extent, be governed by various external constraints and the authority that has established these limitations, or what Dworkin (1978) refers to as standards. Various factors will influence the latitude, as illustrated through the DME model (Baumann et al., 2014).

To exercise discretion is what Zacka (2017) refers to as a moral actor with the responsibility to make sensible judgments. Zacka's perspectives on the exercise of discretion are primarily linked to theories of street-level bureaucracy, where he may be building on a theory Lipsky (1980) developed in the 1970s, later serving as the foundation for several analyses of discretion within public administration. While the tribunal is an administrative body, it holds an organizational role and functions somewhat different from what Lipsky (1980) refers to in his descriptions of street-level bureaucrats. Nevertheless, some theoretical points become relevant when the tribunal uses professional discretion as a form of reasoning in its decision-making processes. Focusing on the dilemmas that arise when general laws and rules are implemented in practice and applied to individual cases, attention is directed toward the epistemic aspect of professional discretionary reasoning. Zacka (2017) emphasizes the moral aspects of discretionary exercise, highlighting that decision-mak-

ers, over time and with experience, may become morally predisposed to standardize the arguments within professional discretionary reasoning. Moral disposition is a tendency to adopt a specific position in assessing discretion-based issues, influencing the outcome and interpretation of the case.

Method

This study builds upon a doctoral dissertation of four sub-studies, each employing distinct methodological approaches. Three of the studies (Gerdts-Andresen, 2020; Gerdts-Andresen, 2021a; Gerdts-Andersen, in review) are based on qualitative document analysis of tribunal decisions obtained from Lovdata Pro, an online legal database. The dataset comprises decisions from all 12 Norwegian County Social Welfare Boards from July 1, 2018, to December 31, 2019. The fourth study is a scoping review, systematically mapping existing research on how children's views are considered in legal proceedings, based on a structured literature search conducted in July 2020 (Gerdts-Andresen, 2021b).

Data Collection and Sampling Strategy

The tribunal decisions analyzed in Studies I, II, and III (Gerdts-Andresen, 2020; Gerdts-Andresen, 2021a; Gerdts-Andersen, in review) were accessed through Lovdata Pro, which publishes anonymized decisions that are available only to authorized users. The selection of decisions follows Lovdata's general principle that approximately every fifth case from each tribunal is included in the database. However, an analysis of annual reports from the tribunals for 2018 and 2019 indicated that the inclusion rate was somewhat lower, with 16% of all principal cases in 2018 and 15% in 2019. The dataset encompasses tribunal decisions covering various aspects of child welfare interventions, with each study focusing on different aspects of decision-making. Study I (Gerdts-Andresen, 2020) included all first-instance care order decisions (N=94), while Study II (Gerdts-Andresen, 2021a) focused on care orders that also determined visitation arrangements (N=91). Study III (Gerdts-Andersen, in review) narrowed the selection to decisions addressing telephone and digital communication restrictions and placements at confidential addresses (N=16).

The scoping review in Study IV (Gerdts-Andresen, 2021b) followed the methodological framework outlined by Peters et al. (2018), involving a systematic search across 14 databases: Academic Search, Campbell, CINAHL, EBSCOhost, Epistemonikos, Idunn, PubMed, ProQuest, Sage, Social Care Online, SpringerLink, SveMed, Taylor & Francis, and Wiley. The search strategy adhered to established scoping review protocols, employing predefined keywords and Boolean search operators to retrieve relevant literature comprehensively. A grey literature search was also conducted to capture ongoing and unpublished research. The search query used was: (Child OR youth OR adolescent OR young) AND (Decision-making OR 'Decision making' OR Participat* OR 'child's view') AND (weight*) AND (Court OR 'de-

pendency hearing' OR 'County Social Welfare Board' OR Board OR 'supreme court' OR 'court of appeal' OR 'district court' OR 'law proceeding' OR 'child protection proceedings'). Studies were included if they (1) were empirical, (2) focused on children aged 0–18 involved in legal proceedings, and (3) addressed the weighting of children's perspectives in judicial decision-making. Studies were retained even if the weighting of children's perspectives was not the primary objective, provided it was discussed within the article. The search initially identified 765 potentially relevant publications, which were screened based on title and abstract. Following this, 26 full-text studies were reviewed, leading to a final selection of 11 studies for analysis. Data extraction was conducted using a structured matrix, capturing study characteristics, methodological details, and key findings. Thematic analysis was then applied to synthesize patterns across the included studies.

Data Processing and Analysis

All tribunal decisions were systematically analyzed as textual data. These documents contain first-hand and second-hand information: first-hand information includes the tribunal's reasoning and conclusions, whereas second-hand information reflects the tribunal's summary of case background based on evidence presented during hearings or submitted documentation in cases handled through a simplified written process. The written text in tribunal decisions represents the tribunal chair's interpretation and weighting of case information.

Studies I and II (Gerdts-Andresen, 2020; Gerdts-Andresen, 2021a) applied qualitative content analysis to examine patterns in how tribunals justify care orders and visitation regulations. Inspired by Berelson (1952) and Krippendorff (2012), the analysis employed manifest and latent coding techniques to identify explicit reasoning structures and underlying themes. The coding framework was theoretically grounded and systematically applied to the dataset. In Study I, three analytical categories were developed: (1) grounds for the care order, (2) expected duration of placement, and (3) contact regulations concerning placement expectations. Study II expanded on this by differentiating cases where the child had remained at home before the care order, those placed in emergency care, and those voluntarily placed before the tribunal decision.

Study III (Gerdts-Andersen, in review) adopted a thematic analysis inspired by Braun and Clarke (2021) to identify key themes in the tribunal's communication regulation between children and their parents. This included an iterative coding process to ensure thematic consistency, leading to four overarching themes: (1) reciprocal contact restrictions, (2) court-imposed parental restrictions, (3) the child's involvement in decision-making, and (4) the relationship between confidential address status and communication restrictions.

For the scoping review in Study IV (Gerdts-Andresen, 2021b), a structured data extraction matrix was developed to categorize the included studies based on variables such as study

population, research objectives, methodology, and findings. Thematic analysis was used to identify patterns across the included studies, resulting in three key themes: (1) younger children's participation in legal processes, (2) the weighting of children's views in family law proceedings, and (3) the role of children's perspectives in child protection decision-making.

Ethical Considerations

This study adhered to the ethical guidelines outlined by the Norwegian National Research Ethics Committees (NESH). The tribunal decisions analyzed in Studies I–III (Gerdts-Andresen, 2020; Gerdts-Andresen, 2021a; Gerdts-Andersen, in review) were anonymized and accessed through Lovdata Pro, which provides restricted access to authorized users. No additional ethical approvals were required to use these legal documents in research. The scoping review in Study IV (Gerdts-Andresen, 2021b) was conducted following established guidelines for systematic reviews, ensuring transparency and reproducibility in data collection and analysis.

Result

This study examines how the tribunal safeguards children's right to family life following a care order, focusing on justifications for child-parental contact regulation, telephone and digital communication, and the weighting of children's perspectives in legal decision-making. By synthesizing findings across four studies (Gerdts-Andresen, 2020; 2021a; 2021b; in review), three overarching themes emerged: (1) Arbitrariness in contact regulation, (2) Justifications rooted in the needs-based approach, and (3) Limited transparency in the weighting of children's views.

Arbitrariness in contact regulation

Findings across Study I (Gerdts-Andresen, 2021a), Study II (Gerdts-Andresen, 2020), and Study III (Gerdts-Andresen, in review) highlight that decisions regarding visitation rights, supervision requirements, and telephone or digital communication were often made without a structured or individualized assessment of the child's circumstances. While each study examined different aspects of contact regulation, they all identified a lack of transparent and systematic justifications in the tribunal's reasoning.

A striking similarity across these studies is how long-term placement status was used as a dominant justification for restricting contact (Gerdts-Andresen, 2021a; 2020). In 94% of care orders analyzed in Study I, placements were categorized as long-term, and this classification was frequently cited as the primary reason for limiting visitation. However, no identifiable correlation was found between visitation restrictions and the child's age, developmental stage, special needs, parental capabilities, or prior visitation experiences. The extent of visitation varied considerably, from denied contact to weekly visits, yet the tribu-

nal did not provide a systematic rationale for these differences (Gerdts-Andresen, 2021a). Study II further reinforced this pattern, showing that 91% of reviewed cases justified visitation restrictions based on the assumption that the child would remain in care long-term (Gerdts-Andresen, 2020). Importantly, this justification was applied even in cases without documented evidence that continued parental contact would be harmful. Even when children had well-functioning contact arrangements with their biological parents before the care order, these prior experiences were not systematically considered when determining visitation after placement. The tribunal's reasoning reflected a structural assumption that long-term placement should involve a shift in primary attachment figures independent of the child's existing relationships (Gerdts-Andresen, 2020). Similar arbitrariness was observed in the regulation of telephone and digital communication. Study III found that in 10% of cases, restrictions were placed on digital contact, affecting children aged 3 to 14 years. However, no clear rationale was provided for why some children were permitted digital contact while others were not (Gerdts-Andresen, in review). Additionally, supervised visitation was required in 62% of cases, but Study I found no systematic correlation between supervision requirements and any identifiable risk factors (Gerdts-Andresen, 2021a).

Justifications Rooted in the Needs-Based Approach

The tribunal's justifications for restricting visitation and digital communication were primarily framed within the needs-based approach, emphasizing stability and integration into the placement over maintaining biological relationships. Across the studies, contact restrictions were rarely tied to individualized assessments of risks or benefits. Instead, decisions reflected a structural logic prioritizing long-term caregiving continuity over maintaining biological ties (Gerdts-Andresen, 2020; 2021a; in review).

A central justification for visitation restrictions was the concern that frequent contact with biological parents could interfere with the child's attachment to new caregivers. In 91% of reviewed cases in Study II, the tribunal argued that limiting visitation was necessary to prevent disruptions in placement stability and ensure a secure caregiving environment (Gerdts-Andresen, 2020). Even when prior visitation arrangements had been positive, restrictions were justified based on concerns that continued contact might prevent the child from forming strong bonds with foster parents. The tribunal consistently framed visitation as ensuring 'knowledge of biological origins' rather than maintaining a meaningful emotional connection, reinforcing that long-term stability required a shift in relational ties (Gerdts-Andresen, 2020). This needs-based logic was similarly applied to telephone and digital communication restrictions. Study III found that digital contact was often restricted with the argument that continued interaction with biological parents could destabilize the child's integration into the new placement, even in cases where there was no documented evidence of harm (Gerdts-Andresen, in review). The tribunal's approach to digital contact mirrored its reasoning for visitation restrictions, where assumed risks were emphasized over evidence of prior contact functioning well.

Another justification frequently referenced in tribunal decisions was foster parents' inter-pretations of the child's reactions to biological contact. In multiple cases, foster parents' observations of 'negative reactions' following biological contact were used as justification for limiting communication (Gerdts-Andresen, in review). However, no independent profes-sional evaluations were systematically conducted to assess these reports, raising concerns about whether decisions were based on subjective interpretations rather than structured assessments (Gerdts-Andresen, in review; 2021b).

Limited Transparency in the Weighting of Children's Views

Although the tribunal formally acknowledges children's right to be heard, findings suggest the extent to which children's perspectives influenced decision-making remained unclear (Gerdts-Andresen, 2021b; 2020; in review). Across studies, children's views were docu-mented but not systematically weighted, raising concerns about whether their participa-tion rights were meaningfully upheld.

The scoping review in Study IV found that legal frameworks often lack structured criteria for incorporating children's views into decision-making (Gerdts-Andresen, 2021b). This was similarly reflected in Study II, where children's perspectives on visitation were occasionally referenced but did not appear to influence the tribunal's final rulings (Gerdts-Andresen, 2020). Even when children expressed positive experiences with biological contact, these accounts were often disregarded in favor of arguments related to placement stability. Rather than recognizing the child's experiences as a relevant factor, decisions were pri-marily justified by the need to protect the child's adaptation to new caregivers (Gerdts-An-dresen, 2020). Similar patterns were observed in Study III, where the tribunal's justifications rarely mentioned children's views on telephone and digital contact. Instead, foster parents' observations of the child's emotional state following communication were given greater weight than the child's preferences (Gerdts-Andresen, in review).

A recurring issue across the studies was how the tribunal handled situations where a child's perspective contradicted the ruling. Findings from Study IV (Gerdts-Andresen, 2021b) indi-cate that when a child's perspective aligned with the tribunal's decision, it was used as sup-porting justification, but when a child's perspective contradicted the ruling, the reasoning for discounting their views was often vague or absent. This suggests that the tribunal selec-tively referenced children's perspectives when reinforcing the existing placement logic but did not consistently weigh them as an independent factor in decision-making.

Discussion

This study's main objective was to better understand how the tribunal protects a child's right to family life through the care order. The thesis does not question the legitimacy of the necessity of the care order. Instead, it aims to provide insights into how a child's right to family life can be facilitated when public care is necessary. Boe (2020:28) emphasizes the distinction between law and its execution. Legal rules inform us about what the tribunal can and must do and the rights of both children and parents concerning the actions to be performed (here: care order and contact regulation). However, the practical implementation of the law, as revealed in studies I-IV of the thesis, addresses how the law is practiced and enforced. It involves differentiating between normative and descriptive phenomena. Adopting a social constructionist interpretive framework when approaching the tribunal's weighting and interpretation in care order proceedings, the findings of the studies highlight the need to explore how various interpretive frameworks provide perspectives for understanding the decision-making processes when the tribunal intervenes in a child's family life due to the necessity of a care order.

Firstly, the study observes a practice of strict contact regulation between children and parents when children are placed in public care. Usually, contact rights are limited to a few visits per year, of short duration, and are often supervised. A child's right to family life after a care order is issued actualizes the interplay between a child's right to family life and the necessity of protection, a recurring theme in studies I-III. Using a constructionist analysis inspired by Foucault (1972), the relationship between these rights and needs can be understood differently depending on the discursive regimes considered. A child's right to family life does not cease when a care order is issued, and facilitating this right has significant implications for human rights validity. Managing the right involves using professional discretion. Legislation and convention provisions represent the legal regime, setting external limits for discretionary practices. However, these provisions are interpreted differently, affecting the discretionary management of the right and increasing the risk of manipulation and arbitrariness (Goodin, 1986). ECHR Article 8 includes a negative obligation not to interfere with family life and a positive obligation to ensure it. In care order proceedings, the focus is often on the negative obligation to protect the child. The positive obligation to secure family life after a care order is issued involves facilitating 'mutual enjoyment' between the child and parents through contact regulation. Previous research (Alvik, 2021) suggests that the necessity of contact regulation is 'implicitly' justified through the necessity of the care order. This would imply there is a causal (linear) relationship between a child's need for public care and how to regulate the child's right to family life, and where the use of standardized terminology is defined sign of quality rather than a generalization that challenges a child's right to individual assessment. However, findings within this thesis challenge such understanding, questioning what appears to be standardization rather than professional discretion in defining the necessity of regulation. To safeguard a child's right to family life

after a care order is issued demands a broad understanding of what is in a child's best interest, interpreting the discursive legal regime in light of other discursive regimes such as behavioral science, psychological, moral, and social regimes.

Secondly, whether family ties are understood as an inherent value or a burden for a child is another theme that emerges from the findings of this study. How the value of family ties is understood may be argued closely related to how the tribunal interprets the child's need for protection after a care order is issued. In this way, the interpretation relates to the tribunal's management of theoretical and practical knowledge in decision-making (Grimen, 2008). However, there is limited theoretical knowledge, both nationally and internationally, on the significance of a child's contact (or absence of contact) with biological parents when living in public care (Alvik, 2021). Limited theoretical knowledge implies that decision-makers rely more on discretion in the decision-making process (Seim, 2020), and from a social constructionist standpoint, knowledge is thus constructed and anchored through the decision-making process (Berger & Luckmann, 1967). The tribunal still seems relatively consistent in what contact rights are considered best for children in public care, despite no newer research identified that closely examines the extent or exercise of contact rights between children and parents in public care. The practice indicates what Weber (1983) describes as purpose rationality, where the decision relates to consequential logical reasoning. However, the systematic reasoning appears to relate to hypothetical theoretical rather than practical knowledge (Grimen, 2008). In this way, contact regulation constitutes a theoretical, professional prediction of how contact may affect the child's establishment and function upon transfer to a new care base. However, balancing the child's right to family life and using prediction creates challenges worth dwelling on. Benbenishty and Fluke (2021) argue for an increased focus on the realism of how accurate such predictions can be. Considerable uncertainty is inherent in all decisions involving predicting human development and behavior. In this way, a decision-maker will not have a stronger foundation for predicting outcomes than the predictability human development has (Benbenishty & Fluke, 2021). Understood in light of Kahneman and Tversky (1979), the tribunal's use of professional prediction gives an impression of being anchored in the most familiar solutions, where they choose the first satisfactory option. Kahneman and Tversky (1979) were concerned with highlighting the shortcuts and biases that affect human decision-making, and the anchoring effect they describe can help explain the consistent contact regulation within the thesis, as well as Alvik's study (2021). The anchoring effect is a way to explain and understand what Dworkin (1978) describes as the development of internal practice arrangements or standards for exercising professional discretion. Legal methodology requires the tribunal to look at similar regulations through, for example, case law (Boe, 2020). At the same time, Dalberg-Larsen (2005) points out that other legislative complexes, underlying values, and principles also affect the decision-maker in exercising discretion. In this way, it can be explained how, for example, experiences described as 'good visitation' are set aside as an information base in favor of more established visitation regulations following a change in the

child's care arrangement. In a social constructionist analysis, the focus is on how decisions are made that promote various theories and descriptions without any one view becoming dominant (Solvang, 2020). It is important to recognize how different competing sociological, phenomenological, and psychological perspectives are evaluated and considered in this process. The lack of visibility in this regard is the pinpoint of this thesis.

Thirdly, findings within this study form a basis for reflecting on how the tribunal uses professional discretion to justify the child's right to participate in legal proceedings. A key aspect of the professional discretion's structural side is evident in the provisions of the Child Welfare Act and the Convention on the Rights of the Child, which require decision-makers to assess whether a child can form their own opinions about the matter being addressed. This structural aspect of professional discretion falls within what Dworkin (1978) describes as the external frameworks for the tribunals' discretionary assessments, not just concerning whether the child should be heard or how the child should be heard but also whether the child is considered capable of forming reasoned opinions about the matter being handled by the tribunal. However, descriptions within the care orders create an impression that the child's right to be heard is more related to age than maturity, where age dictates the scope for exercising discretion. This practice seems rooted in what Dworkin (1978) calls an established internal practice arrangement, standardizing discretion. Instead of processing information in individual cases, the child's age is placed in a broader context, stating the child's view weighted within a standardized category scale. Considering Foucault's (1972) various regimes, it can be argued that the tribunal's scaling and use of terminology to make visible what weight given to the child's view (e.g., 'not given weight,' 'some weight,' or 'strongly weighted') meets the normative demands placed within the legal regime. From a jurisprudential perspective, it can be claimed to be in accordance with current law. However, Foucault's (1972) social regime focuses on the child's experience of being heard and whether the weighting as it appears in the decision will align with the child's own experience of the statements being considered. In such a context, however, the scaling degree will not be particularly informative without further description of how it is applied. Using standardized wordings poses a risk of misjudgment since discretionary situations are marked by significant uncertainty. In this way, an understanding is constructed that the weighting work is more random than systematic, and the decision is made based on what Cohen and colleagues (1972) describe as known alternatives anchored in internal practice arrangements (Dworkin, 1978).

Fourth and last, the study's main findings highlight the need to examine what Dreyfus and Dreyfus (1999) call knowledge transfer. By understanding the tribunal's mandate and function from a systemic perspective, the systemic perspective highlights the need to expand what Bateson (1972) describes as the framework of understanding in which context the tribunal's care orders have influence and in what way. The systemic perspective here represents circular principles as an alternative interpretive framework to more linear causal

explanations (Jensen, 2009). It is rooted in one of Bateson's (1972) fundamental assumptions that interaction and interplay become the starting point for understanding. The CWS is responsible for the follow-up of children and parents after a care order is issued, with subsequent contact regulation. In this way, it can be said that the tribunal becomes the premise provider for the frameworks regulating the child's right to family life by being the first instance to make coercive decisions under the child welfare law. In the claim about being a premise provider lies the debate about legal governance and how the law, as it appears from the tribunal's decision, is further interpreted in different legal cultures around the child. Like the tribunal's use of professional discretion as a form of reasoning in decision-making, the CWS is expected to employ professional discretion in its management of the subsequent follow-up work after the tribunal's decision is made. Through the decision-making authority that the law provides the tribunal, a guiding role is simultaneously constructed through what Dreyfus and Dreyfus (1999) describe as a 'master' for how the legal rules should be managed when safeguarding the child's rights. In this way, it can be argued that the tribunal's decisions serve as an example of the assessment tool described by Benbenishty and Fluke (2021), presenting a practical instance of how legislation, policy, and legal practice should be employed in managing and reasoning the child welfare professional discretion within a given context. Standardized documentation of the tribunal's exercise of professional discretion consequently increases the risk of CWS establishing what Dworkin (1978) describes as internal practice arrangements for discretion rooted in the tribunal's established standardized internal practice arrangements. In this manner, the tribunal's practice shapes the framing effects described by Kahneman and Tversky (1979), where how something is presented, rather than its content, influences the CWS's discretion management. To prevent CWS from becoming what Zacha (2017) refers to as morally predisposed to standardize arguments in applying professional discretionary reasoning, the tribunal must show how various competing perspectives are incorporated into the decision-making process. This includes demonstrating the negotiation process between these perspectives by projecting weighting arguments across various discursive regimes.

Literature

Alvik, I. (2021). *Samvær etter omsorgsovertakelse – en undersøkelse av praksis fra fylkesnemnder og lagmannsretter*. OsloMet Skriftserie nr. 4.

Bateson, G. (1972). *Steps to an Ecology of Mind*. University of Chicago Press.

Baumann, D. J., Fluke, J. D., Dalgleish, L., & Kern, H. (2014). The decision-making ecology. In A. Shlonsky & R. Benbenishty (eds.), *From evidence to outcomes in child welfare: An international reader* (pp. 24-38). Oxford/New York: Oxford University Press.

Baumann, D.J., Grigsby, C., Sheets, J., Reid, G., Graham, J.C., Robinson, D., Holoubek, J., Farris, J., Jeffries, V., & Wand, E. (2011). Concept guided risk assessment: Promoting prediction and understanding. *Children and Youth Service Review*, 33(9):1648-1657. https://doi.org/10.1016/j.childyouth.2011.04.017

Benbenishty, R. & Fluke, J.D. (2021). Frameworks and Models in Decision-Making and Judgment in Child Welfare and Protection. I: Fluke, J.D., López, M.L., Benbenishty, R., Knorth, E.J., & Baumann, D.J. (red). *Decision-Making and Judgment in Child Welfare and Protection*. Oxford University Press.

Benbenishty, R., Davidson-Arad, B., López, M., Devaney, J. Spratt, T., Koopmans, C., Knorth, E. J., Witteman, C. L. M., Del Valle, J. F., & Hayes, D. (2015). Decision making in child protection: An international comparative study on maltreatment substantiation, risk assessment, and interventions recommendations, and the role of professionals' child welfare attitudes. *Child Abuse and Neglect*, 49, 63-75. https://doi.org/10.1016/j.chiabu.2015.03.015

Berelson, B.R. (1952). *Content Analysis in Communication Research*. Free Press.

Berger, P.L. & Luckmann, T. (1967). *The Social Construction of Realty: A Treatise on the Sociology of Knowledge*. Penguin.

Boe, E.M. (2020). *Grunnleggende juridisk metode. En introduksjon til rett og rettstenkning*. 4. utgave. Universitetsforlaget.

Braun, V. & Clarke, V. (2021). *Thematic Analysis. A Practical Guide*. Sage Publications Ltd.

Cohen, D., March, J.G., & Olsen, J.P. (1972). A Garbage Can Model of Organizational Choice, *Administrative Science Quarterly*, 17, 1-25.

Dahler-Larsen, P. (2010). *At fremstille kvalitative data*. Institut for Statskundskab.

Dreyfus, H. & Dreyfus, S. (1999). Mesterlære og eksperters læring. I Nielsen, K. & Kvale, S. (red). *Mesterlære. Læring som sosial praksis*. Gyldendal.

Dworkin, R. (1978). *Taking Rights Seriously. With a New Appendix, a Response to Critics*. Harvard University Press.

Foucault, M. (1972). *The archaeology of knowledge and the discourse on language*. Pantheon Books.

Gerdts-Andresen, T. (2023). Barns rett til familieliv etter omsorgsovertakelse. En analyse av barneverns- og helsenemndas vekting og fortolkning. UiT Norges arktiske universitet.

Gerdts-Andresen, T. (2020). Fastsettelse av samvær ved omsorgsovertakelse; En analyse av hvordan nemnda begrunner sin utmåling. Kritisk juss. DOI: https://doi.org/10.18261/issn.2387-4546-2020-02-05.

Gerdts-Andresen, T. (2021a). A Child's Right to Family Life when Placed in Public Care; An Analysis of Whether Current Norwegian Practice is in Systematic Contradiction to Human Rights. Volume 29(3) s. 563-588. The International Journal of Children's Rights. DOI: https://doi.org/10.1163/15718182-29030002.

Gerdts-Andresen, T. (2021b). A Scoping Review of When and How a Child's View is Weighted in Decision-Making Processes in Law Proceedings. Children and Youth Services Review, Volume 129. DOI: https://doi.org/10.1016/j.childyouth.2021.106197

Grimen, H. (2009). Skjønn som resonneringsform. I: *Profesjonsledelse og kunnskapsorganisering.* FORPRO

Grimen, H. og A. Molander. 2008. «Profesjon og skjønn» I A. Molander, Terum, L.I. (red.). *Profesjonsstudier*, pp. 179–196. Universitetsforlaget,

Goodin, R. E. (1986). Welfare, Rights, and Discretion. *Oxford Journal of Legal Studies*, 6(2), 232-261.

Hernehult v. Norway, 10. mars 2020, 14652/16.

Jensen, P. (2009). *Ansikt til ansikt. Kommunikasjons- og familieperspektivet i helse- og sosialarbeid*. 2. utgave, 4. opplag 2016. Gyldendal Akademiske forlag.

Kahneman, D. & Tversky, A. (1979). Prospect theory: an analysis of decisions under risk. *Econometrica,* 47, 263–291.

Krippendorff, K. (2019). Content Analysis. An Introduction to Its Methodology. 3. Edition. Sage Publications, Inc. Online publication 2022.

Lipsky, M. (1980). *Street Level Bureaucracy: Dilemmas of the Individual in Public Services*. Russell Sage Foundation.

Magnussen, A., & Skivenes, M. (2015). The Child's Opinion and Position in Care Order Proceedings: An Analysis of Judicial Discretion in the County Boards' Decision-Making. The International Journal of Children's Rights, 23(4), 705-723. https://doi.org/10.1163/15718182-02304001

McEwan-Strand, A., & Skivenes, M. (2020). Children's Capacities and Role in Matters of Great Significance for Them: An Analysis of the Norwegian County Boards' Decision-making in Cases about Adoption from Care. The International Journal of Children's Rights, 28(3), 632–665. https://doi.org/10.1163/15718182-02803006

Molander, A. (2016). *Discretion in the Welfare State.* Available from: VitalSource Bookshelf, Taylor & Francis.

Peters, M.D.J., Godfrey, C.M., Khalil, H.B.P.M.P., McInerney, P., Parker, D. & Soares, C.B. (2018). Guidance for conducting systematic scoping reviews. *International Journal of Evidence-Based Healthcare*, 13 (3) (2018), pp. 141-146. 10.1097/XEB.0000000000000050

Seim, S. (2020). Praktisk kunnskap. I: Jenssen, D., Kjørstad, M., Seim, S., & Tufte, P.A. (red). *Vitenskapsteori for sosial- og helsefag*. Gyldendal.

Solvang, P.K. (2020). Sosialkonstruksjonisme. I: Jenssen, D., Kjørstad, M., Seim, S., & Tufte, P.A. (red). *Vitenskapsteori for sosial- og helsefag*. Gyldendal.

Strand Lobben and Others v. Norway, 10. September 2019, 38273/13.

UN Committee on the Rights of the Child (CtRC; 2013). *The right of the child to have his or her best interests taken as a primary consideration.* General comment No. 14 (art. 3, para. 1).

Weber, M. (1978). *Economy and Society*. University of California Press.

Woodhouse, S. S. (2009). Engaging underrepresented, underserved communities in psychotherapy-related research: Notes from a multicultural journey. *Psychotherapy Bulletin*, 44, 10–13.

Zacka, B. (2017). *When the state meets the street: public service and moral agency.* The Belknap Press of Harvard University Press.

Bridging the Gender Gap in Academia: Creating Women Leaders through Mentorship Programmes in Pakistan's Higher Education Institutions

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Abstract

In Pakistan, gender-based gaps prevail in leadership roles including vice-chancellors, deans, head of departments - particularly within public sector universities. As a step towards bridging this gap, a one-year multi-activity pilot study was undertaken, delivering an innovative programme aimed at empowering women leaders through capacity building and mentoring. As a first step, a Training Needs Assessment (TNA) survey was conducted to ascertain the needs of mid-career women leaders from eighteen women-only universities of Pakistan. Thereafter, a capacity building and mentoring programmes were designed for a sample of women leaders from the women only universities, by utilizing the findings of the survey, taking insights from Women Leadership Programme by the National Academy of Higher Education, and consulting the existing literature. An intensive 5-day residential training programme was conducted by covering areas such as self-identification as a leader, time management, understanding laws, policies and regulations including procurement of goods and services, and the significance of mentoring. Finally, informed by the workshop evaluation and assessment and feedback from participants, a series of four small-group online mentoring sessions were organized for the participants. Moreover, a dissemination workshop was also organized with a view to share findings of the project and receive feedback from participants regarding impact of the capacity-building and mentoring activities. The present article is based upon reflections and lessons learned from this 18-month project. Synthesizing insights from the TNA, capacity building programme, and mentoring sessions, it puts forth recommendations for female leaders, higher education institutions, and policy makers. It underscores the imperative for developing professional networking by experienced and aspiring women leaders, as well as the need for developing a network of mentors at HEIs. The findings recommend that higher education

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policy makers require institutions to organize regular capacity building and formal mentoring programs to empower aspiring women leaders with requisite skills to navigate their roles effectively.

Key Words: Women Leadership, Mentoring, Coaching, Gender Gap, Pakistan

Introduction

In Pakistan, gender-based gaps prevail in leadership roles including vice-chancellors, deans, and head of departments - particularly within public sector universities. As a step towards bridging this gap, a one-year multi-activity pilot study was undertaken, delivering an innovative programme aimed at empowering women leaders through capacity building and mentoring. As a first step, a Training Needs Assessment (TNA) survey was conducted to ascertain the needs of mid-career women leaders from eighteen women-only universities of Pakistan (May to July 2023). Thereafter, drawing upon findings of the survey, building upon the Women's Leadership Programme (WLP) of the National Academy of Higher Education (NAHE)[2] and literature review, a capacity building and mentoring programme for women leaders in women universities of Pakistan was developed. An intensive 5-day residential training programme was conducted for a selected sample of female participants from these universities, covering areas such as self-identification as a leader, time management, understanding laws, policies and regulations including procurement of goods and services, and the significance of mentoring (August 2023). Informed by the workshop evaluation and assessment and feedback from participants, a series of four small-group online mentoring sessions were organized for the participants (October to December 2023). Finally, a dissemination workshop was held on 30 April 2024 with a view to share findings of the project and receive feedback from participants regarding impact of the capacity-building and mentoring activities.

The present article is based upon reflections and lessons learned from this 16-month project. Synthesizing insights from the TNA, capacity building programme, and mentoring sessions, it puts forth recommendations for women in leadership roles, higher education institutions (HEIs), and policy makers. It underscores the imperative for developing professional networking by experienced and mid-career women leaders, as well as the need for developing a network of mentors at HEIs. We recommend that higher education (HE) policy makers encourage institutions to organize regular capacity building and formal mentoring

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2   NAHE is the capacity building arm of the Higher Education Commission of Pakistan (HEC). The Women Leadership Programme (WLP) was initiated and led by the then Rector NAHE Professor Shaheen Sardar Ali during her tenure and has become a component of the annual calendar of capacity building activities of the organisation.

programs to empower women leaders as well as those seeking to assume these roles, with requisite skills to navigate their roles effectively.

Locating mentoring needs for aspiring women leaders in the higher education sector in Pakistan: A literature review.

Women leadership holds great significance for the socio-economic and political develop-ment of countries. Yet women in leadership roles as well as those aspiring to these roles, face many challenges including in academia (Redmond et al. 2017; Goetz and Jenkins, 2016). Globally, while participation of women in academia as faculty, researchers, and administrators is rising, less than one-third hold senior leadership positions in HEIs (Bhatti and Ali, 2020; Cook, 2012, Gallant, 2014). The gender-based gap in leadership roles within public sector universities in Pakistan is substantial (Ali, 2013). Bhatti and Ali (2020) citing the *Economist Intelligence Unit* (2014) point out that only 0.04% women were at the most senior position of the Vice Chancellor in Pakistani Universities. Lashari (2023) has shown a substantial disparity in the distribution of Vice-Chancellors (VCs) based on gender as less than 10% of the 253 universities are led by female VCs thus significantly outnumbered by their male counterparts.

Despite the increasing presence of women in HE, their success in mainstream leadership roles is not assured (Bhatti and Ali 2020). These disparities are systemic reflecting the in-terplay between micro and macro factors interacting to influence women's perceptions, choices, and preferences regarding leadership in HE (Dahlvig and Longman 2020, Morley and Crossouard 2015). At the global level, various factors contribute to the underrep-resentation of women in senior academic roles, such as gender bias, structural barriers, and cultural norms within the academic environment (Morley, 2014; Johnson and Ma-thur-Helm, 2011). These factors characterize women as inappropriate for administrative and managerial roles (Bhatti and Ali, 2020). Likewise, sociocultural norms and practices compel women to perceive themselves as unsuitable for leadership positions, which det-rimentally affect their career advancement (Desai, Chugh, and Brief, 2014; Madden, 2011). The main barriers in women's career enhancement are related to work-life imbalance, negative perceptions of subordinates regarding women leaders, lack of social networking, and personal circumstances (Maheshwari and Nayak, 2022). Morley (2013) argues that the structure of the global academy presents a paradox as it adopts innovation yet old male-dominated leadership paradigms control and shape it. Thus, meanings, discourses and practices in academia reflect the ways in which women and men are largely placed differently within the HE sector (e.g., in terms of access) (Marshall, 2007).

In South Asia, including Pakistan, micro and macro factors interact to influence women's perceptions, choices, and preferences regarding leadership in HE (Dahlvig and Longman, 2020; Morley and Crossouard, 2015). Factors such as marital responsibilities, class, caste, age, spiritual beliefs, and cultural norms play significant roles in shaping women's profes-

sional growth (Bhatti and Ali, 2020; Manzoor, 2015; Roomi and Parrott, 2008). Women's professional choices are often shaped by family roles, which restrict their ability to make independent decisions (Roomi and Parrott 2008). Studies have found that domestic commitments often constrain women who aspire to senior leadership positions in academia (Farooq et al., 2020; Bhatti and Ali, 2020 & 2021; Fazal et al., 2019). Proving competent both at the workplace and household level impacts women's mental and physical health (Roomi and Parrott, 2008). Among other reasons, the lack of female role models and networking opportunities further contributes to their under-representation in senior roles (Farooq et al., 2020).

The persistence of inequality highlights the challenges faced by women in accessing and ascending to leadership positions within the HE sector in Pakistan. As Farooq et al. (2020) argue there is a need to provide possible strategies to overcome these challenges; to bridge the gender gap in leadership roles; to address the systemic barriers; and to promote gender parity in leadership roles in the HE sector. They argue that lack of female role models and networking opportunities further contributes to under-representation in senior roles. They, therefore, highlight the importance for female professionals to actively cultivate networks, advocate for their interests, and for senior female leaders to mentor young female academics, thereby supporting their career progression.

Globally, it has been found that mentoring plays a vital role in promoting women to leadership positions (Ntshongwana 2024, Rampersad 2024, Khumalo and Ndlovu 2024, van der Weijden et al. 2015, Chesterman 2003). Brabazon and Schulz (2020) argue that mentoring cultivates leadership qualities in women in academia. Mullings and Mukherjee (2018) frame mentoring as a decolonial and feminist endeavor that challenges traditional power dynamics and addresses the intersections of race, gender, and geopolitics. In addition to offering intellectual and social assistance, mentoring provides strategies for navigating situations where the voices of women may have been disregarded (O'Meara and Stromquist 2016). Curran and colleagues (2019) have highlighted the transformative potential of mentoring women in addressing systemic inequalities, supporting career advancement, and promoting a more inclusive and equitable organizational culture.

Mentoring sessions have reportedly led to healthy interactions (Brabazon and Schulz 2020). Relationships thus fostered evolve into peer networks whereby, instead of individuals contending with challenges independently, they collectively advocate for enhanced campus-wide consciousness, policy refinement, transparency, and accountability concerning gender equity outcomes (Monroe et al. 2008). Such actions represent subtle manifestations of progressive, informal collective initiatives. Due to variation in contexts, needs identified and work environment, some authors have highlighted the importance of contextually tailored mentoring programs (see e.g., Manzoor 2015, Dhunpath 2018, Agosto et al. 2016, Chesterman 2003). Cobb-Roberts *et al* (2017) reveal the systemic barriers and biases

that women and people of color often face in HE. Discussing various strategies to effectively mentor female faculty members within the global context, Conway and colleagues (2018) illustrate the unique challenges faced by women in academia, particularly those at historically black colleges and universities (HBCUs). Johannessen et al. (2012) have found that women and minorities continue to be marginalised in accessing mentoring. There is a plethora of literature that suggests that consideration of contextual factors is essential for effective mentoring programs (see e.g., Manzoor 2015, Dhunpath 2018, Agosto et al. 2016, Chesterman 2003, Manongsong and Ghosh 2023, Mabokela and Mlambo 2017, Ponge et al. 2017, Khumalo and Ndlovu 2024, Cobb-Roberts et al. 2017, Goerisch et al. 2019). Thus Cobb-Roberts *et al* (2017) argue that mentorship programs should be explicitly designed to be inclusive and attuned to issues of race and gender, promoting equity, professional development, and personal growth for marginalized groups in academic settings.

Our project was designed to address this need for contextual awareness. In addition, in locating ourselves within this literature on women leadership and mentoring in HE, it is important to clarify the specific context and landscape of our project. Whilst the available literature mainly relates to mixed HEIs our study was conducted exclusively with women-only universities in Pakistan. Women-only universities were established as early as 1998 to provide women with equal opportunities to receive education. Fatima Jinnah Women University (FJWU) (the Pakistan based institutional partner for this project) was the first women-only university set up in 1998, and since then, 17 other women-only universities have been established in different provinces and regions of the country on the same model. It is important to recognise that these universities admit only female students but faculty, administrative and management staff may be either female or male. It is the case however, that there is more opportunity for leadership roles to be assigned to women. Through our pilot project, we sought to test the assumption that the work environment, challenges and constraints confronted by women employees would be different to those highlighted in the literature on mixed HEIs. Our findings proved otherwise as set out in our conclusions.

The other contextually important factor in our study is the role of rurality. The women only universities are located within urban as well as rural settings and lesser developed areas. We were therefore mindful in the design and implementation of our project to explore whether this rurality produced more complex situations and requirements in mentoring and capacity building needs compared to those within urban settings and the larger cities of Pakistan.

The rest of the study is organized as follows: section 2 describes methodology adopted in different phases of the project followed by section 3 which explains results and findings from its various activities. Section 4 provides discussions on findings of the study in a con-

textualized manner. Section 5 concludes with some recommendations to relevant stakeholders.

Methodology

Contextualizing Mentoring as Capacity-building for Leadership Roles in the Higher Education Sector of Pakistan

Conscious of the value and importance of networking and mentorship, Fatima Jinnah Women University (FJWU), Pakistan in collaboration with the University of Warwick, UK initiated a pilot project designed for female faculty members aspiring for leadership roles. The aim was to train and provide exposure to those female faculty members who are currently performing some leadership roles or who are aspiring leaders, in women-only universities across Pakistan. The project was funded by the British Council, UK under the Going Global Partnerships-Gender Equality Fund (Addressing Women's Underrepresentation in Higher and Further Education Leadership). With the aim to address under-representation of women leadership in HE sector, the project had three distinct pillars: (a) needs assessment of emerging women leaders for training through training needs assessment (TNA) analysis, (b) capacity building of mid-career women to be future successful leaders, and (c) closed group mentoring sessions for women leaders to support them to be effective and vibrant leaders in future. In the first phase, we executed various capacity building sessions focusing on enhancing the capacity of participants in five major areas: self-awareness and self-confidence, time management, emotional intelligence, intellectual acumen, legal and financial knowledge. Throughout this capacity building program, resource persons from both the partner countries—Pakistan and the UK—shared their personal knowledge, experiences, and skills with mentees to help them to broaden their personal and professional horizons and to build their confidence levels so that they aspire for and accept leadership roles. The second phase involved group mentoring sessions with participants to create self-realisation and self-awareness for potential leadership qualities. Each group of participants was allocated a mentor to discuss individual concerns, challenges and hurdles confronted by the mentees and which they may have experienced while moving up the ladder of leadership.

This intensive pilot study was undertaken in three phases commencing from January 2023 to April 2024.

Study Setting

As indicated above, this study was conducted exclusively with women-only universities in Pakistan. As stated above, there are 17 women universities in Pakistan. However, only 14 showed their interest in becoming part of this leadership programme. Hence, the study was conducted on the women leaders from these universities.

Phase 1. Training Needs Assessment (TNA)

A comprehensive Training Needs Assessment (TNA) survey form was developed for identifying training needs and understanding gaps in the under-representation of women leaders in HEIs.[3] The objective was to obtain first-hand data from respondents regarding the skills and competencies required to create women leaders in HEIs for bridging the gender gap in senior positions. In other words, the aim was to assess self-awareness and self-realization for potential leadership qualities.

All 18 women-only universities in Pakistan were invited to participate in the online TNA. Each university was requested to nominate one focal person for coordinating with the research team to execute the project effectively. Altogether, 117 mid-career female faculty members performing some leadership roles from 14 universities participated in the survey.

The survey was developed through a consultative process and desk review. It comprised of 51 qualitative and quantitative questions under five sections i.e., (i) Socio-demographic Profile, (ii) Professional Profile, (iii) Organizational Support, (iv) Self-Assessment, Needs Assessment, Leadership Skills, and (v) Mentoring. The instrument was pilot tested to assess its practicality and accuracy with thirty young female faculty members of the Principal Investigator's university who were not included in the final survey. After incorporating minor changes in the instrument, the cross-sectional self-administered survey was shared via Google Form with all participating universities to request them to fill-out at least 10 questionnaires ensuring a diverse sample. (List of participating universities is provided in Annex A)

Phase 2. Capacity Building Workshop
Drawing on the TNA results and NAHE's Women Leadership Program developed through a national and extensive consultative process, a set of modules were developed for a women leadership training workshop. The specific contribution of the present project was to introduce and design a module on mentoring of emerging women leaders. These modules encompassed a wide range of topics relevant to women leadership roles within the HE sector in Pakistan.

All women-only universities were invited to nominate two faculty members presently performing some administrative duties, to attend the residential capacity building workshop. A total of 27 nominations were received from 14 universities. A five-day capacity building workshop was organized from August 15 to 19, 2023, which comprised 3-4 interactive sessions each day using various pedagogical techniques including brain-storming activities, group work, and writing reflection diaries.

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3   The survey instrument can be made available upon request

Phase 3. Mentoring

All 27 participants of the workshop were invited for a series of four online group-mentoring sessions. Each of the five groups had 5-6 participants and an assigned mentor. Each group-mentoring session spanned over 1-2 hours. Throughout these sessions, topics were tailored to address the specific needs and interests of participants and therefore varied in content. Topics discussed in the sessions included workload distribution, trust concerns, time and stress management, strategic planning, gender stereotyping, promotion and recognition, challenges with administrative tasks, self-improvement and coping mechanisms, harassment and misconduct, ethics in leadership, work-life balance, career advancement, conflict resolution, writing research grants, research collaboration and networking.

Dissemination Seminar and catch up with Mentees

A dissemination seminar was organized to share project findings with key stakeholders; policy makers, project participants, HEI faculty and staff. Most importantly, participants/ mentees were invited to this workshop to follow up on the project activities and receive feedback on what impact the 16 month-long project had had on their personal and professional lives. The aim was to validate the findings as well as capturing outsiders' perspectives. The seminar also provided a platform to discuss the operational challenges in scaling up of advancing women leadership and their mentoring in the context of their respective HEIs.

Ethical Considerations

Ethical approval of the survey instrument was given by the FJWU Ethics Committee. The adherence to confidentiality in group mentoring was perceived as a challenge and participants were made aware of the necessity of maintaining confidentiality and its importance to building trust in the process. However, no adverse consequences were reported.

Results

Findings from the Training Needs Assessment (TNA)

Socio-demographic profile

The sample comprised a vibrant and heterogeneous group of mid-career females, juggling work and home obligations, coming from a range of linguistic and cultural origins. In terms of designation, most participants were Lecturers (51.3%), followed by Assistant Professors (36.8 %). A very small proportion was Associate Professors (7.7%) and only one respondent was full Professor (0.09%). Reflecting an interdisciplinary cohort, their fields of expertise varied although most were working in the scientific fields. Age distribution was diverse too, with the largest cohorts falling within the 31-35 and 36-40 age brackets. The sample reflected a wide mix of ethno-linguistic backgrounds within the academic community, with the majority identifying as Punjabi (53.0%), followed by Pukhtoon (27.4%), Sindhi (2.6%),

and Balochi (1.7%). The sample included a mix of mid-career academics; 39.3% respondents with 6–10 years of experience, 35.9% of respondents with 1-5 years of experience, and 14.5 % respondents with 11-15 years of experience. These professionals in their early to mid-career were actively involved in leadership positions. Seventy percent of respondents had previously participated in capacity building training sessions of a similar nature. The distribution of time frames for these training sessions revealed a diverse range. Notably, 34.1% of respondents attended trainings more than 4 years ago highlighting the erratic nature of these events and the need for consistent, periodic capacity building[4].

3.1.2. Work-Place Environment

Most participants shared a positive perception of their workplace expressing an encouraging picture of their respective HEIs (Table 1). According to the data, the majority of the senior management was reported to be supportive and open to new ideas. As the respondents belonged to women-only universities, the expected responses that women were preferred for leadership roles, did not come as a surprise. However, 33% of respondents believe that women's opinions are not given sufficient importance in decision making. This is a significant number aligning with literature of mixed universities reflecting a deeper issue of male dominated societies.

TABLE 1. UNIVERSITY/WORKPLACE ENVIRONMENT

UNIVERSITY ENVIRONMENT	LOW/WORST/ NEVER	MODERATE	HIGH/EXCELLENT / ALWAYS	TOTAL
University working environment (worst-Excellent)	9 (7.7%)	36 (30.8%)	72 (61.5%)	117
New ideas supported by senior management (Never-Always)	10 (8.5%)	34 (29.1%)	73 (62.4%)	117
Females are preferred for leadership positions/roles (Never- Always)	9 (7.7%)	21 (17.9%)	87 (74.4%)	117
Importance is given to the opinion of females in policy decisions/ meetings (Least Important -Most Important	7 (6.0%)	32 (27.4%)	78 (66.7%)	117

Note: On a 10-point likert scale, scores ranging from 1 to 4 are classified as low/worst/never, scores ranging from 5 to 7 are classified as moderate rating of the category, scores ranging from 8 to 10 are classified as high/excellent /always rating.

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4   See Table B1 in Appendix B.

Awareness/Knowledge about Policies

For assessing the awareness and knowledge levels related to adopting different policies by various universities, respondents were requested to identify the policies adopted by their respective universities. The focus was on three specific policies: (i) Policy on Harassment in the Workplace (ii) Policy on Plagiarism, and (iii) Policy on Persons with Disabilities. Data demonstrated that among 117 respondents, 102 indicated the presence of a policy on plagiarism in their universities, 75 referenced the policy on workplace harassment, and 54 reported the existence of a policy concerning persons with disabilities[5]. It is essential to acknowledge that individuals within the same university may have identified the status of these policies in their institution based on their own knowledge and may not reflect the institutional reality/factual position of the HEIs.

Self-Assessment on Competencies in Administrative, Professional, and Financial Skills

The respondents self-assessed themselves to be highly competent in written communication tasks, such as formal letter-writing, lower competency in memo and report writing, whereas, majority of the respondents reported only a moderate proficiency in procurement and financial management skills. More than one third of the respondents reported a low proficiency in this area. Low confidence in these areas, critical to leadership roles, was also consistently reported during workshop and mentoring sessions and the need for capacity-building was also emphasized. Respondents stated this as one of the factors inhibiting their aspiration for leadership roles (Table 2).

TABLE 2. ADMINISTRATIVE, PROFESSIONAL, AND FINANCIAL SKILLS

ADMINISTRATIVE	LOW	MODERATELY	HIGHLY
Writing official letters (internal and external)	3 (2.6%)	36 (30.8%)	78 (66.7%)
Writing Memos	15 (12.8%)	46 (39.3%)	56 (47.9%)
Reading and Developing Budgets	16 (13.7%)	61 (52.1%)	40 (34.2%)
Report Writing	6 (5.1%)	36 (30.8%)	75 (64.1%)
PROCUREMENT			
Procurement Rules	32 (27.4%)	55(47.0%)	30 (25.6%)
Procurement Planning	35 (29.9%)	57 (48.7%)	25 (21.4%)
Procurement Lifecycle Management	41 (35.0%)	53 (45.3%)	23 (19.7%)
FINANCIAL			
Budgeting	28 (23.9%)	54 (46.2%)	35 (29.9%)
Auditing	40 (34.2%)	49 (41.9%)	28 (23.9%)
ADMINISTRATIVE SKILLS			

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5   (see Table B2 in Appendix B)

Problem Analysis	6 (5.1%)	42 (35.9%)	69(59.0%)
Stakeholders Analysis	10 (8.5%)	55 (47.0%)	52 (44.4%)
Scenarios and Alternatives	8 (6.8%)	50 (42.7%)	59 (50.4%)
Planning Formulation	8 (6.8%)	47 (40.2%)	62 (53.0%)
Policy Implementation	7 (6.0%)	47 (40.2%)	63 (53.8%)
Policy Evaluation	9 (7.7%)	53 (45.3%)	55 (47.0%)
Decision Making	5 (4.3%)	43 (36.8%)	69 (59.0%)
Conflict Resolution	5 (4.3%)	44 (37.6%)	68 (58.1%)
Work-Life Balance	9 (7.7%)	48 (41.0%)	60 (51.3%)
Time Management	4 (3.4%)	45 (38.5%)	68 (58.1%)
Self-improvement and Management	3 (2.6%)	42 (35.9%)	72 (61.5%)
Stress Management/Resilience	6 (5.1%)	48 (41.0%)	63 (53.8%)

Note: On 10-point likert scale, Scores ranging from 1 to 4 are classified as low competency, scores ranging from 5 to 7 are classified as moderate competency, scores ranging from 8 to 10 are classified as high competency.

Leadership, Mentoring, and Career Advancement

The respondents were asked to conduct a self-assessment as team leaders, using a scale
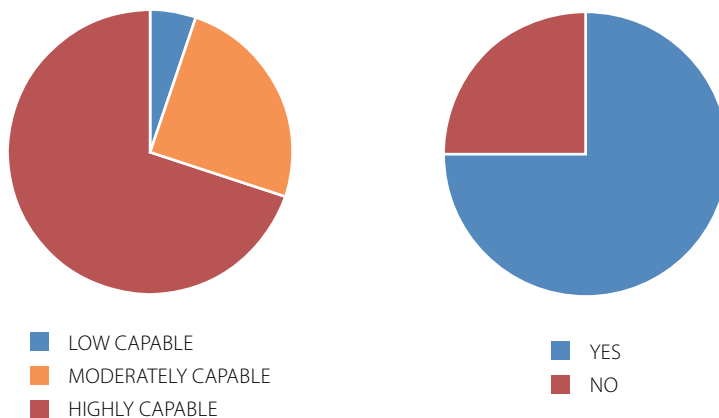
ranging from least to highly capable. Most respondents, 69.2%, rated themselves as highly capable team leaders. (Figure 1). Notably, out of the total sample, 74 % of respondents reported performing some leadership roles.

Figure 1. Self-Assessment as Team Leader.

Attributes for effective women leaders and professional development as prioritized by respondents are shown in Table 3. The respondents reported professional/official networking as the most important skill followed by communication skills and peer to peer collaborations.

Figure 2.
TABLE 3. ATTRIBUTES FOR EFFECTIVE WOMEN LEADERSHIP

- PROFESSIONAL DEVELOPMENT
- LEADERSHIP AND MANAGEMENT
- COMMUNICATION AND NETWORKING
- RESEARCH AND PUBLICATION
- MENTAL HEALTH AND WELL-BEING
- CAREER DEVELOPMENT AND PLANNING
- FINACIAL MANAGEMENT AND BUDGETING
- ADMINISTRATIVE SKILLS
- EFFECTIVE TEACHING STRATEGIES
- PRECUREMENT
- POLICY FORMULATION
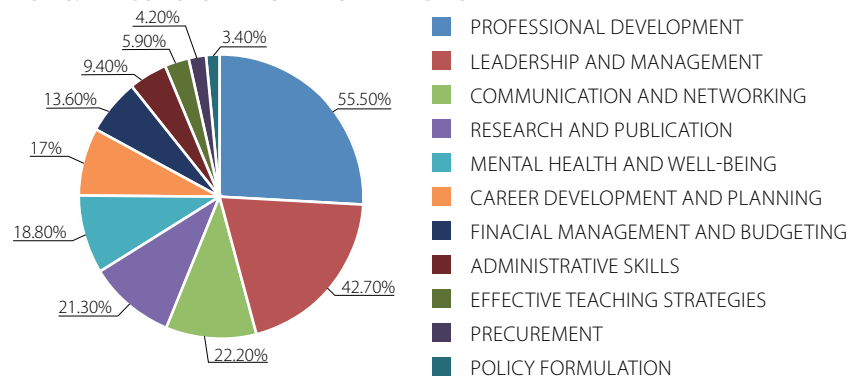
Figure 2a. Importance of Mentoring

- LEAST IMPORTANT
- MODERATELY IMPORTANT
- HIGHLY IMPORTANT
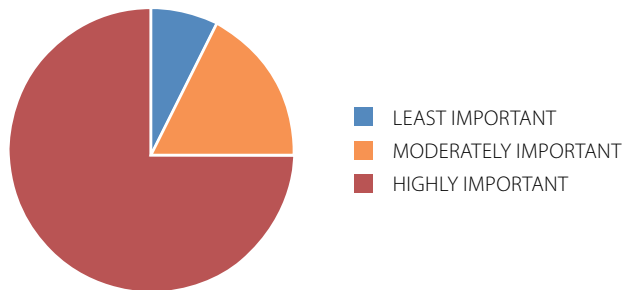
Figure 2b. Type of mentoring Received.

- FORMAL
- INFORMAL
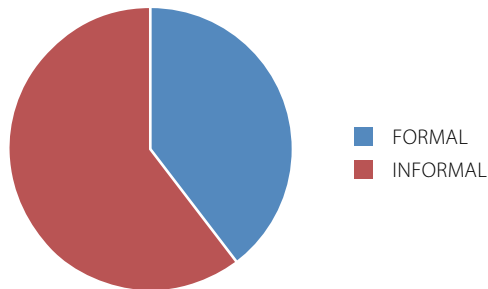
Figure 2c. Role of Mentor in Career Progress.

- YES
- NO
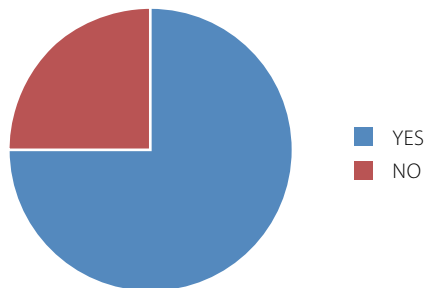
AREA OF WOMEN LEADERSHIP	LEAST	MODERATELY	HIGHLY
Communication Skills	9 (7.7%)	22 (18.8%)	86 (73.5%)
Knowledge and skills acquisition	7 (6.0%)	29 (24.8%)	81 (69.2%)
Professional/ official networking	5 (4.3%)	24 (20.5%)	88 (75.2%)
Sharing Experiences	7 (6.0%)	26 (22.2%)	84 (71.8%)
Peer to peer collaboration	6 (5.1%)	25 (21.4%)	86 (73.5%)
Learning about practical actions and best practices (through conferences, shadowing programs etc.)	6 (5.1%)	27 (23.1%)	84 (71.8%)
Learning about practical actions and best practices (through 2 conversations i.e. reaching out to colleagues)	4 (3.4%)	33 (28.2%)	80 (68.4%)
Policy implementation	6 (5.1%)	33 (28.2%)	78 (66.7%)
Practical policy integration and coherence	3 (2.6%)	35 (29.9%)	79 (67.5%)

Note: On 10-point likert scale, Scores ranging from 1 to 4 are classified as least important, scores ranging from 5 to 7 are classified as moderately important, scores ranging from 8 to 10 are classified as highly important.

Perceptions on Mentoring

In this part of the survey, the extent to which participants valued mentorship was explored. Data revealed that the vast majority of participants (75%) agreed that mentorship is beneficial in the journey of their professional growth. Notably, the same number (75%) had had some form of informal mentorship and considered it to be highly important for their personal and professional growth.

Respondents were asked to share their opinions on areas upon which they would like to be mentored. Most identified professional development as the most prominent area for mentoring, followed by leadership and management. Communication and networking, research and publication, and mental health and well-being, financial management and budgeting, administrative skills, effective teaching strategies, procurement, and policy formulation and implementation were also identified as areas for mentoring (Figure 2). .

Capacity Building Workshop

Following on from the TNA survey, and informed by its results, participants from women-only universities were invited for a five-day workshop at FJWU in Rawalpindi. As mentioned above, twenty-seven participants from 14 universities attended the workshop reflecting inclusivity, diversity, and the representation of various geographical, cultural and linguistic ethnicities from across Pakistan. Participants comprised Associate Professors, Assistant Professors, and Lecturers, representing various fields, notably Biology and Medical Sciences, Social Sciences, and Physical Sciences. Geographically, the majority of participants hailed from Punjab, with notable representation from KPK, Sindh, and AJK. The only province with a women-only university remaining unrepresented was Baluchistan. Age distribution was centered around 31-35 age group, while marital status indicated a roughly equal split between single and married individuals. Ethnolinguistic identity primarily consisted of Punjabi, followed by Pukhtoon and other identities. Length of service varied, with the majority having served between 6 to 10 years[6]. Each session of the workshop was dedicated to a specific topic pertinent to leadership and professional development within the HE sector. Topics covered ranged from women in leadership roles and strategies for effective leadership in academic administration to incorporating digital technology in teaching and learning from COVID-19 experiences. Moreover, sessions focused on other important leadership aspects such as successful research practices, grant writing, understanding laws and policies, procurement procedures, financial management, leadership and mentoring skills, workplace ethics, diversity and inclusion, and conflict management. The diverse expertise of the resource persons reflected the comprehensive nature of the workshop's agenda, aimed at equipping participants with a broad spectrum of knowledge and skills relevant to leadership and professionalism in the HE sector. The workshop spanned over five days (Box-1).

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6   (Table B3 in Appendix)

BOX-1: CONTENTS COVERED IN THE WORKSHOP	
Day 1	Historical context, relevance, and issues faced by women in leadership roles through 'storying ourselves' Exploring barriers to women's visibility in leadership positions Group exercises included reflecting on personal reasons for leadership roles and brainstorming solutions
Day 2	Understanding academic professionals' diverse roles in teaching, research, and administration within the HE sector, with the goal of developing strategies for effective time management in academic leadership. Enabling participants to identify their most important/urgent tasks, time stealers and different strategies were shared to manage their tasks Successful teaching approaches, using digital technologies and lessons learnt from the COVID-19 experience Challenges of remote instruction and the complexities of online education Navigating the academic publications and grant writing landscapes Effective strategies for publishing in reputable journals Understanding the submission process, selecting appropriate journals, and crafting compelling manuscripts that meet the standards of academic rigor and relevance Illuminating key strategies for developing competitive grant proposals; identifying funding opportunities, aligning research objectives with the priorities of funding agencies, clearly articulating the significance and potential impact of the proposed research, and assembling strong interdisciplinary teams when necessary Understanding the evaluation criteria used by funding agencies and leveraging resources and networks to enhance the proposal's competitiveness.
Day 3	Legal frameworks, laws, and regulations that apply to leadership preparation e.g. The Higher Education Commission Ordinance 2022, recruiting and promotion rules, modernization regulations etc. Effective and transparent procurement methods in academic contexts; best practices for procurement management, accountability and sustainability Financial principles, financial regulations and financial management methods.
Day 4	Improving leadership abilities through mentorship Maintaining ethical standards in HEIs Leadership and mentoring skills; importance of mentorship in emerging leaders; understanding mentoring and coaching in HE Workplace ethics, professionalism, equity, diversity, and inclusion
Day 5	Problem-solving approaches Networking tactics Roundtable discussion led by specialists in the field on mentorship for female executives. Participants engaged in open discussion, shared their experiences, and sought advice from experienced mentors

The workshop provided an opportunity to interact with a diverse group of emerging women leaders from women only universities in Pakistan. It enabled participants to learn from the expertise, knowledge, and experiences of resource persons, discuss their problems and concerns, and deliberate on various aspects of the leadership journey. The group activities, individual participation and sharing experiences allowed the participants and organizers to learn about individual personalities, building team work, and appreciating inclusivity, while respecting difference.

Fig 3. Summary of Workshop based Reflection Diaries.

REFLECTION DIARIES

REFLECTION ON ASPIRING FOR LEADERSHIP ROLES AND OVERCOMING OBSTACLES

- Leadership sought for personal growth and personal change.
- Gender biases and lack of training impede advancement.
- Training and resilience vital to overcome challenges.
- Advocacy for equality and continuous skill development.

REFLECTING ON CHALLENGES FACED BY WOMEN IN LEADERSHIP ROLES

- Societal biases and limited skill development in male dominated settings.
- Gender bias impacts career and self-esteem; work-family balance is crucial.
- Cultural biases limit acceptance of women leaders, even in female-dominated areas.
- Need for legislative changes and inclusive policies to support female leaders.

STRATEGIES TO OVERCOME CHALLENGES FOR WOMEN IN LEADERSHIP ROLES IN HIGHER EDUCATION

- Promote inclusivity and collaboration; establish mentorship.
- Develop specialized training programs for women.
- Tntegrate women's perspectives in decision-making.

ESSENTIAL LEADERSHIP CHARACTERISTICS FOR NEWLY APPOINTED WOMEN ACADEMICS

- Confidence, vision, and communication skills, trust and collaboration.
- Adaptability, empathy, inclusivity, and supportive environments.
- Resilience, mentoring, and teamwork.
- Decision-making, time management, self-care, work life balance, and well being.

ENHANCING CULTURAL KNOWLEDGE

- Keeping an open mind and a genuine curiosity about human diversity are essential.
- Immersive experiences like travel and multicultural discussions are emphasized.
- Suggestions include reading, travelling, attending events, and mingling with diverse individuals.

- Women Leadership requires training for adaptable leadership styles.
- Autocratic, democratic styles and variations.
- Identifying the natural leadership styles of participants.
- Identify the strengths and weaknesses of women leaders.

ENHANCING CULTURAL KNOWLEDGE

- Confidence, vision, and communication skills foster trust and collaboration.
- Adaptability and empathy create inclusive, supportive environments.
- Resilience, mentoring, and teamwork drive institutional progress.
- Decision-making, time management, and self-care ensure balance and well-being.

IDENTIFYING LEADERSHIP STYLES AND THEIR STRENGTHS AND WEAKNESSES

INSIGHTS AND REFLECTIONS ON FINANCIAL AND ADMINISTRATIVE PRACTICES

- Participants insight regarding governance and financial standards.
- Challenges, significance, and transparency in procurement and risk management.
- Enhance understanding of requirement policy and university operations.
- Identifying the pivotal role of technological integration and capacity building for empowering women to drive positive change in their institutions.

PROJECTING AS EMERGING LEADERS: EMBRACING LEADERSHIP POTENTIAL AND GROWTH

- Empowers participants to explore leadership fundamentals.
- Encourages presenting oneself as a confidant and inspiring emerging leader.
- Provides essential tools for effective leadership, communication, and problem-solving.
- Fosters self-discovery, confidence, and a sense of purpose in driving positive change.

DEFINING PROFESSIONALISM: PERSPECTIVES AND INSIGHTS FROM PARTICIPANTS

- Commitment to continuous learning is essential.
- Effective communication and collaboration are crucial.
- Professionalism is meant honesty, respect, and accountability.

WORKPLACE DRESS CODE

- Balancing cultural norms and personal comfort is crucial in maintaining professionalism.
- Formal attire is common for meetings, while classrooms tend to lean towards traditional dress.

The workshop equipped participants with the knowledge, skills, and support networks required to embark on their respective leadership journeys with confidence and resilience. At the end of each day, discussions on diary writing and reflections were a salient activity. Participants were encouraged to write a daily diary, capturing their insights and experiences throughout the workshop. This encouraged participants to consider the necessary leadership attributes for developing academics, examine their own leadership skills and limitations, and picture themselves as future leaders in the academic community. Through self-reflection and introspection, participants were encouraged to improve their time management skills, improve their teaching and research practices, and develop their leadership potential in the HE sector in their own respective contexts. The summary of workshop-based reflections is presented in Figure 3: Summary of topics captured in Reflection Diaries.

The main theme emerging from the reflective diaries was "Effective Women Leadership is not a myth but a reality". Through deliberations and sharing experiences, participants discussed strategies to overcome challenges in their local context and how best to navigate their respective academic landscapes to become effective leaders. Their aspirations to take on leadership roles were enhanced as they realized that they were not alone and faced similar challenges in endeavoring to break the proverbial glass ceiling. Discussion with their colleagues and facilitators led them to recognize their potential to become effective leaders, building professional networks, and overcoming hesitation in dealing with administration and financial matters. They identified poor women representation in leadership meetings with women's voice largely missing/ignored/unaccounted for. This finding is particularly puzzling in women-only universities where the women predominantly hold leadership roles and thus requires further research.

Evaluation of the Workshop and Operational Challenges
The quality of the workshop was assessed through electronic surveys distributed after each session. The workshop was well-received, with participants consistently expressing satisfaction with the content, relevance of practical examples and activities, and time allocated for questions and discussion. The survey revealed that the workshop effectively engaged participants and addressed their needs and expectations.

A number of challenges had to be confronted during all phases of the project. During the TNA phase, multiple follow ups were required using the designated focal point persons for collecting responses for the TNA despite being nominated by the respective universities' leadership. Acquiring nominations for the workshop too was a challenge. During the workshop which, according to the participants, provided immense opportunities for personal and professional development to participants, the organizing team faced several challenges in organizing and conducting the workshop effectively. Late joining of partici-

Figure 4. Topics from Mentoring Sessions.

MENTORING SESSIONS

EFFECTIVE MANAGEMENT	MAPPING CARRIER SUCCESS STRATEGIES	ETHICS AND INTEGRITY IN RESEARCH	BREAKING GENDER STEREOTYPES
1 • Work-Life Balance • Time Management and Stress • Conflict Management • Coping Mechanisms • Self-improvement	**2** • Career Aspirations • Career Advancement • Promotion and Recognition • Career Support • Strategic Planning	**3** • Research Ethics and Productivity • Harassment and Misconduct • Collaboration and Networking • Professional Conduct • Research Integrity	**4** • Confidence, vision, and communication skills, trust and collaboration. • Adaptability, empathy, inclusivity, and supportive environments. • Resilience, mentoring, and teamwork. • Decision-making, time management, self-care, work-life balance, and well-being.

pants at the workshop sessions, and continuous use of mobile phones by some during the sessions were other challenges for the facilitators.

Mentoring Sessions

Following the five-day residential workshop in August 2023, the final activity under this pilot project was to organize participants into groups for four online mentoring sessions. The 27 attendees of the workshop were divided into 5 groups. The mentoring sessions were led by members of the project team who had become acquainted with the participants since inception of the project. An online pre-mentoring meeting of mentors was held to agree on broad guidelines and code of practice. (Warwick University mentoring code of practice and best practices were shared)[7].

While each mentoring session evolved in its own way with the flow of issues raised by mentees, a number of similarities were present. For instance, trust concerns, time management, ability to say 'No' to avoid overloading, strategic planning, forming alliances, career aspirations, conflict management and resolutions, collaborations and networking, work-life balance and the burdensome nature of administrative work. Participants voiced concerns about striking a balance between their commitments to teaching, research, and administrative work. They also generally agreed that declining more work from superiors is frequently viewed as a non-professional attitude.

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7   https://warwick.ac.uk/services/lmd/coachingmentoring

Mentees were enabled to reflect on their experiences but were also provided with suggestions and options for effectively managing their roles and responsibilities in their professional settings. The importance of sharing what works among peers and networks was emphasized. During the mentoring sessions, we observed the proactive role of mentees in helping each other to address professional challenges by sharing their own experiences. Mentees were also encouraged to make to-do-lists to have clear priorities for effective management of time and tasks.

Mentees were appreciative of the safe and confidential space created in the online mentoring sessions. They stressed the need to have a formal mentorship program in HEIs to address the many challenges and to receive expert guidance and support. Figure 4 shows main topics discussed in group mentoring sessions.

Mentees also provided their insights regarding the benefits of mentorship. A common thread running through the comments was the enormous influence mentorship has had on their personal and professional development. Many mentees reported a rise in self-confidence, which they attributed to the support provided by their mentors. Furthermore, mentorship was recognized for its role in skill development, with mentees reporting considerable gains in leadership, communication and interpersonal skills as a result of their mentorship experiences. Mentees highlighted mentors' role in identifying their strengths, rectifying deficiencies, facilitating career progress, and extending emotional support.

Overall, feedback on the mentoring sessions was positive and participants found this formal mentoring useful in advancing women leadership in HEIs. A number of challenges too, were identified and discussed for future and on-going formal mentoring programmes. An indicator of success of the online mentoring sessions and indeed the entire pilot project was that all participants formed WhatsApp groups as well as WhatsApp groups by mentoring cohort. We were informed that these groups are actively engaged in reaching out to each other, networking among themselves, raising questions and looking for responses, sharing information and so on. They were also getting in touch with each other regarding their career progression, conference announcements and opportunities. Warwick University contributors provided letters of support for fellowship applications initiated by our mentees, some of whom made it to the interview stage.

A number of challenges too, were identified and discussed for future and on-going formal mentoring programmes. The most important issue, especially, in a close-knit society like Pakistan is related to ensuring trust and confidentiality. Mentors emphasized the integral nature of the relationship between trust and confidentiality in mentoring. It can only take place and succeed in safe spaces and that the development of contextually appropriate protocols and codes of conduct for mentors and mentees will be critical to the implementation of a formal process.

Reflections and concluding remarks

The present article results from a pilot project conducted over 16 months which offered coaching and mentoring to emerging women leaders in women-only universities in Pakistan. This pilot project addressed the gender-based gaps in leadership roles identified in the global literature and evident within public universities in Pakistan (Ali 2013, Bhatti and Ali 2020, 2021, Lashari 2023). Thus, despite the increasing presence of women in higher education, their success in mainstream leadership roles is still not assured (Bhatti and Ali 2020). Following the literature, the project recognised that there is always an interplay between micro and macro factors which interact to influence women's perceptions, choices, and preferences regarding leadership in higher education (Dahlvig and Longman 2020, Morley and Crossouard 2015). We set out to explore therefore how to address systemic barriers and promote gender parity in leadership roles specifically in the higher education sector?

This was a pilot project designed to address issues which had been identified in Pakistani public HEIs but with a specific focus on the context of women only universities. We were interested in exploring whether the challenges faced by women in these contexts were different from those in mixed sex settings. We were also mindful that these universities were located in rural and less well-resourced areas as well as in some urban centres. The design of the project in four phases enabled us to use the findings from each stage to develop the next. The findings from phase 1 (the training needs assessment) in particular revealed the pervasiveness of the structural issues that confront women in their aspirations to be leaders. Even in women only universities, women face barriers not only for acquiring leadership roles, but they also experience obstacles in raising their voices in official forums due to various socio-cultural and organizational factors. For instance, stereotypical behaviour towards women, organizational bias, lack of effective networking, unequal opportunities for capacity building, and lack of mentors hinder women in effectively playing leadership roles. Additionally, women may still also struggle with self-doubt and imposter syndrome which makes it difficult for women to advance in the leadership roles and to be heard. Thus, our findings from the phase 1 survey, feedback from the phase 2 leadership workshop and the phase 3 mentoring sessions align almost completely with research and literature relating to mixed HEIs.

Phase 2 (the 5-day capacity building workshop) drew on phase 1 findings and also on the literature discussed earlier which highlights the importance of developing networks among female professionals through which they can share experiences and advocate for their interests. The evaluation built into this workshop informed the need for and the development of the group mentoring element of the project (phase 3). Again, this phase built on the literature which points to the way in which mentoring can, if designed with sufficient contextual awareness, support female academics in their career progression. The

mentoring program was tailored to address the specific challenges that women in HEIs face in Pakistan. We focused on women undertaking leadership responsibilities in various women only universities to cultivate the "soft-skills" required to perform significantly and smoothly their tasks. Based upon feedback from participants, and subsequent interaction with them, it may be stated that the mentoring program had a positive impact on the participants' personal and professional development. Many mentees noted increased self-confidence due to mentoring support, and acknowledged the role of mentors in enhancing leadership, communication, and interpersonal skills. Although it is too early to claim definitively the positive outcome of our collaborative and inclusive mentoring practices, we believe that regular mentoring will not only promote women's professional growth but also contribute to transforming academic cultures to be more supportive and equitable as suggested by Chesterman (2003) and Marina (2019).

We also addressed the importance of contextual awareness in issues when choosing mentors. As mentioned earlier, all mentees were females who had received various training opportunities, faced similar challenges in becoming leaders, served in various leadership positions, and shared the same culture. This worked as an accessible bridge between mentors and mentees to share their lived experiences pertaining to their personal and professional lives. Believing that mentoring is a process, the resource persons from both the partner countries—Pakistan and the UK—shared their personal knowledge, experiences, and skills with mentees. Mentors provided insights regarding successful navigation regarding various leadership styles. Similarly, through mentoring sessions, each mentor carefully listened, addressed and suggested a range of workable solutions to the issues and concerns raised by mentees.

Contributing to creating a critical mass of women leaders in higher education, this pilot study will have a positive impact to minimize the leadership gender-gap in HEIs of Pakistan. This will occur as soon as these trained women leaders will not only apply the knowledge and skill set acquired in their professional matters but also cascade this learning and skills in their respective institutions. One of the outcomes that the project intended to achieve in the longer term is creating self-realization and recognition of potential of women leaders both at personal and organizational levels. This would facilitate in minimizing the gender gap in senior positions in higher education settings.   Despite the project's success, it is pertinent to mention that it was extremely challenging to fully inculcate the importance of and commitment to such opportunities among all participants. Simultaneously, it can be said that some persistent constraints may hinder the full realization of women's potential at individual, organizational, and at the policy making level.

Emerging women leaders in HEIs in Pakistan face a number of challenges in navigating their respective, cultural contexts to bring about change. In a highly competitive, educational environment this requires a skillset beyond classical education, training and

research. With the aim of overcoming the gender gap in higher education institutions' leadership positions, our pilot mentoring project has demonstrated how a mentoring program can be embedded within the higher education system to facilitate and ease the transition of mid-level women leaders to senior leadership roles.

As a contribution towards bridging the gender gap, the current pilot study is focused on mentoring mid-career women serving in women-only universities of Pakistan. A notable contribution of this pilot was the creation and effective utilization of digital platforms to facilitate the ongoing engagement and knowledge-sharing among participants and mentors. Thus, we are claiming that our pilot initiative does recognise and challenge the way in which the global academy is structured (Morley (2013) and that the findings are applicable to emerging women leaders in all HEIs of Pakistan.

Based upon various activities and feedback received, the mentoring programme noticeably enhanced participants' leadership and management skills, encouraged them to form networks to share issues of common interest and discuss options of addressing the gender gap in higher education leadership going forward. Nationally, it will contribute to minimize the gender-based gap in leadership roles within public sector universities in Pakistan (Ali 2013, Lashari 2023, Bhatti and Ali 2021).

In agreement with Bayeh (2016), we believe that giving non-discriminatory opportunities to women in various aspects of society will lead to more diverse perspectives, innovative solutions, and sustainable development. Efforts like the present one will help change a culture that acts like a vulture, preying on the most vulnerable and perpetuating a cycle of insidious and pervasive suffering (Ali 2023). This program will positively impact at three levels, i.e., macro, meso, and micro the factors that affect women leadership in academia (Morley and Crossouard 2015) since these elements interactively influence women perception, choices, and preferences to be a leader in higher education settings (Dahlvig and Longman 2020).

However, our study also showed that despite positive feedback and enthusiasm, the usefulness of mentoring varied among participants, and not all participants displayed the same level of commitment. Further research may be required before rolling out the programme to coeducational universities in Pakistan, to ensure mentoring is effective. A lasting change in mind-sets can only be achieved in the longer run, and this paradigm shift would only be possible when such initiatives are institutionalized both at the policy-making and organizational levels. There remains a need to institutionalize the framework for mentorship and fostering women leadership – one that includes toolkits for mentees and mentors, networking of mentors, extending the mentoring program beyond women-only universities, and exploring opportunities for global north-south cooperation for broadening the impact of mentorship programs.

Acknowledgements

References

Agosto, Vonzell, Zorka Karanxha, Ann Unterreiner, Deirdre Cobb-Roberts, Talia Esnard, Ke Wu, and Makini Beck. 2016. "Running bamboo: A mentoring network of women intending to thrive in academia." *NASPA Journal About Women in Higher Education* 9 (1):74-89.

Ali, Faiza. 2013. "A multi-level perspective on equal employment opportunity for women in Pakistan." *Equality, Diversity and Inclusion: An International Journal* 32 (3):289-309.

Ali, Inayat 2023. "Culture vultures: HIV/AIDS, structured disparities and stigma in Sindh province of Pakistan." *Asian Journal of Medical Humanities* 2 (1):20230005.

Bayeh, Endalcachew. 2016. "The role of empowering women and achieving gender equality to the sustainable development of Ethiopia." *Pacific Science Review B: Humanities and Social Sciences* 2 (1):37-42.

Bhatti, Aisha, and Rabia Ali. 2020. "Gender, culture and leadership: Learning from the experiences of women academics in Pakistani universities." *Journal of Education & Social Sciences* 8 (2):16-32.

Bhatti, Aisha, and Rabia Ali. 2021. "Women's leadership pathways in higher education: Role of mentoring and networking." *Asian Women* 37 (3):25-50.

Brabazon, Tara, and Sam Schulz. 2020. "Braving the bull: Women, mentoring and leadership in higher education." *Gender and Education* 32 (7):873-890.

Chesterman, Colleen. 2003. "Creating mentoring networks to foster women's roles in higher education across continents and contexts." In *Global perspectives on mentoring: Transforming contexts, communities, and cultures*, edited by Frances K. Kochan and Joseph Pascarelli, 129-148. Connecticut, the USA: Information Age Publishing.

Cobb-Roberts, Deirdre, Talia Esnard, Ann Unterreiner, Vonzell Agosto, Zorka Karanxha, Makini Beck, and Ke Wu. 2017. "Race, gender and mentoring in higher education." *Sage handbook of mentoring*:374-388.

Conway, Cassandra Sligh, Yvonne Sims, Audrey McCrary-Quarles, Cynthia Salley Nicholson, Glacia Ethridge, Michelle Maultsby, Tammara Petrill Thomas, and Susan Smith. 2018. "Strategies to mentor female faculty: A global issue." In *Faculty mentorship at historically black colleges and universities*, 126-150. IGI Global.

Cook, Sarah Gibbard 2012. "Women presidents: Now 26.4% but still underrepresented." *Journal of Women in Higher Education* 21 (5):1-3.

Curran, Winifred, Trina Hamilton, Becky Mansfield, Alison Mountz, Margaret Walton-Roberts, Marion Werner, and Risa Whitson. 2019. "'Will you be my mentor?' Feminist mentoring at mid-career for institutional change." *Gender, Place & Culture* 26 (12):1721-1739.

Dahlvig, Jolyn E, and Karen A Longman. 2020. "Women's leadership in higher education: Addressing glass ceilings and sticky floors." In *The Wiley handbook of gender equity in higher education*, edited by Nancy S. Niemi and Marcus B. Weaver-Hightower, 29-52. John Wiley & Sons, Inc.

Desai, Sreedhari D, Dolly Chugh, and Arthur P %J Administrative Science Quarterly Brief. 2014. "The implications of marriage structure for men's workplace attitudes, beliefs, and behaviors toward women." *Administrative Science Quarterly* 59 (2):330-365.

Dhunpath, Rubby. 2018. "Towards a model of mentoring in South African higher education." *Alternation Journal* 25 (2):74-105.

Farooq, Muhammad, Naila Masood Ahmad, Abdul Qadir Mushtaq, Ramsha Masood Ahmad, Fouzia Hadi Ali, and Abdul Basit Mujahid. 2020. "Role of women at top management in public sector universities of Islamabad, Pakistan." *Journal of the Research Society of Pakistan* 57 (1):181.

Fazal, Shawana, Sadaf Naz, Muhammad Ilyas Khan, and David Pedder. 2019. "Barriers and enablers of women's academic careers in Pakistan." *Journal of Women's Studies* 25 (2):217-238.

Gallant, Andrea 2014. "Symbolic interactions and the development of women leaders in higher education."   21 (3):203-216.

Goerisch, Denise, Jae Basiliere, Ashley Rosener, Kimberly McKee, Jodee Hunt, and Tonya M Parker. 2019. "Mentoring with: reimagining mentoring across the university." *Gender, Place & Culture* 26 (12):1740-1758.

Goetz, Anne Marie, and Rob Jenkins. 2016. "Agency and accountability: promoting women's participation in peacebuilding." *Feminist Economics* 22 (1):211-236.

Johannessen, B, Ann M Unterreiner, Isaac Sitienei, and Joseph Zajda. 2012. "Global and cross-cultural perspectives on mentoring in higher education." *Education and Society* 30 (2):27-48.

Johnson, Z, and Babita Mathur-Helm. 2011. "Experiences with Queen Bees: A South African study exploring the reluctance of women executives to promote other women in the workplace." *South African Journal of Business Management* 42 (4):47-55.

Khumalo, Hleliwe, and Ayanda Kevin Ndlovu. 2024. "Mentoring as a Form of Transformation in Academia." *African Journal of Inter/Multidisciplinary Studies* 6 (1):1-10.

Lashari, Maryam Nawaz. 2023. "Through the labyrinth: women in the public universities of Pakistan." *SN Social Sciences* 3 (5):79. doi: 10.1007/s43545-023-00663-1.

Mabokela, Reitumetse Obakeng, and Yeukai A Mlambo. 2017. "Women, leadership, and organizational culture in higher education: Lessons learned from South Africa and Ghana." In *The changing role of women in higher education: Academic and leadership issues*, edited by Heather Eggins, 75-92. Switzerland Springer.

Madden, Margaret 2011. "Gender stereotypes of leaders: Do they influence leadership in higher education?" *Wagadu: A Journal of Transnational Women's & Gender Studies* 9 (1):4.

Maheshwari, Greeni, and Rajkishore Nayak. 2022. "Women leadership in Vietnamese higher education institutions: An exploratory study on barriers and enablers for career enhancement." *Educational Management Administration & Leadership* 50 (5):758-775.

Manongsong, Ague Mae, and Rajashi Ghosh. 2023. "Living at the Intersections of Race and Gender in Diversified Mentoring: Experiences of Minoritized Women Leaders in Higher Education." *Advances in Developing Human Resources* 25 (4):247-278.

Manzoor, Shafta 2015. "The impact of indigenous culture on female leadership in Pakistan." *International Journal of Organizational Leadership* 4:414-429.

Marina, Brenda LH. 2019. "Social Conceptions and the Angst of Mentoring Women of Diverse Backgrounds in Higher Education." In *Black Women and Social Justice Education: Legacies and Lessons*, edited by Stephanie Y. Evans, Andrea D. Domingue and Tania D. Mitchell, 245-260. Albany: University of New York Press.

Marshall, Judi. 2007. "The gendering of leadership in corporate social responsibility." *Journal of Organizational Change Management* 20 (2):165-181.

Monroe, Kristen, Saba Ozyurt, Ted Wrigley, and Amy Alexander. 2008. "Gender equality in academia: Bad news from the trenches, and some possible solutions." *Perspectives on politics* 6 (2):215-233.

Morley, Louise. 2013. "The rules of the game: Women and the leaderist turn in higher education." *Gender and education* 25 (1):116-131.

Morley, Louise. 2014. "Lost leaders: Women in the global academy." *Higher Education Research & Development* 33 (1):114-128.

Morley, Louise, and Barbara Crossouard. 2015. "Women in higher education leadership in South Asia: Rejection, refusal, reluctance, revisioning." *British Council report*.

Mullings, Beverley, and Sanjukta Mukherjee. 2018. "Reflections on mentoring as decolonial, transnational, feminist praxis." *Gender, Place & Culture* 25 (10):1405-1422.

Ntshongwana, Zintle. 2024. "The Importance of Mentorship Opportunities for Women in Academia: A Systematic Review." *African Journal of Inter/Multidisciplinary Studies* 6 (1):1-12.

O'Meara, KerryAnn, and Nelly P Stromquist. 2016. "Faculty peer networks: Role and relevance in advancing agency and gender equity." *Gender and Education* 27 (3):338-358.

Ponge, Awuor, Taiwo Peter Adesoba, Ahmed Tammam, and Tara Devi Gurung. 2017. "Mentoring Emerging Evaluators-Sharing Experiences from the Global South." *EVALUATION 2030 FOR*:103.

Rampersad, Renitha. 2024. "Breaking the Glass Ceiling: Mentoring as Support for African Women's Academic Career Trajectories." *African Journal of Inter/Multidisciplinary Studies* 6 (1):1-12.

Redmond, Petrea, Hannah Gutke, Linda Galligan, Angela Howard, and Tara Newman. 2017. "Becoming a female leader in higher education: investigations from a regional university." *Gender and Education* 29 (3):332-351. doi: 10.1080/09540253.2016.1156063.

Roomi, Muhammad Azam, and Guy Parrott. 2008. "Barriers to development and progression of women entrepreneurs in Pakistan." *The Journal of Entrepreneurship* 17 (1):59-72.

van der Weijden, Inge, Rosalie Belder, Pleun Van Arensbergen, and Peter Van Den Besselaar. 2015. "How do young tenured professors benefit from a mentor? Effects on management, motivation and performance." *Higher Education* 69:275-287.

Annexures A

Annex-A1: List of Participating Universities

- Fatima Jinnah Women's University, Rawalpindi
- Government College Women University, Faisalabad
- Lahore College for Women University, Lahore
- Rawalpindi Women University, Rawalpindi
- The Government College Women University, Sialkot
- Kinnaird College for Women, Lahore
- Women University, Multan
- Government Sadiq College Women University, Bahawalpur
- Shaheed Benazir Bhutto Women University, Peshawar
- Women University, Swabi
- Women's University, Mardan
- Begum Nusrat Bhutto Women University, Sukkur
- Peoples University of Medical & Health Science for Women, Nawabshah
- Women University of Azad Jammu & Kashmir, Bagh

Annexure B

TABLE B1. SOCIO-DEMOGRAPHIC PROFILE OF TNA PARTICIPANTS

DEMOGRAPHICS		FREQUENCIES (N)	PERCENTAGE (%)
DESIGNATION			
	Professor	1	0.9
	Associate Professor	9	7.7
	Assistant Professor	43	36.8
	Lecturer	60	51.3
	Others	4	3.4
FIELDS			
	Biology & Medical Sciences	33	28.2
	Physical Sciences	21	17.9
	Social Sciences	33	28.2
	Management sciences	15	12.8
	Arts & Humanities	11	9.4
	Others	4	3.4
PROVINCE			
	Punjab	63	53.8
	KPK	36	30.8

DEMOGRAPHICS		FREQUENCIES (N)	PERCENTAGE (%)
	Sindh	6	5.1
	AJK	12	10.3
AGE			
	25-30	16	13.7
	31-35	38	32.5
	36-40	40	34.2
	41-45	18	15.4
	46-50	5	4.3
ETHNOLINGUISTIC IDENTITY			
	Punjabi	62	53.0
	Sindhi	3	2.6
	Balochi	2	1.7
	Pukhtoon	32	27.4
	Other	18	15.4
LENGTH OF SERVICE			
	1-5	42	35.9
	6-10	46	39.3
	11-15	17	14.5
	16-20	12	10.3
Total Sample		**117**	

TABLE B2. AWARENESS/KNOWLEDGE ABOUT DIFFERENT POLICIES ADOPTED BY THE UNIVERSITY

UNIVERSITY NAME	POLICY ON WORKPLACE HARASSMENT	POLICY ON PLAGIARISM	POLICY ON PERSON WITH DISABILITIES	N
Shaheed Benazir Bhutto Women University, Peshawar	8	18	2	19
Begum Nusrat Bhutto Women University, Sukkur	3	3	3	4
The Government College Women University, Sialkot	10	8	5	13
Kinnaird College for Women, Lahore	5	7	7	7
Women University, Swabi	4	10	3	12
Women University, Multan	6	9	5	9

UNIVERSITY NAME	POLICY ON WORKPLACE HARASSMENT	POLICY ON PLAGIARISM	POLICY ON PERSON WITH DISABILITIES	N
Women's University, Mardan	4	5	3	6
Government College Women University, Faisalabad	2	3	3	3
Lahore College for Women University, Lahore	3	5	3	5
Rawalpindi Women University	1	2	1	2
Peoples University of Medical & Health Science for Women, Nawabshah	2	2	1	2
Women University of Azad Jammu & Kashmir, Bagh	7	8	5	12
Government Sadiq College Women University, Bahawalpur	9	12	6	12
Fatima Jinnah Women's University, Rawalpindi	11	10	7	11
Total	**75**	**102**	**54**	**117**

TABLE B3. SOCIO-DEMOGRAPHIC PROFILE OF WORKSHOP PARTICIPANTS

DEMOGRAPHICS		FREQUENCIES (N)	PERCENTAGE (%)
DESIGNATION			
	Associate Professor	5	18.5
	Assistant Professor	9	33.3
	Lecturer	13	48.1
FIELDS			
	Biology & Medical Sciences	11	40.7
	Physical Sciences	4	14.8
	Management sciences	4	14.8
	Social Sciences	7	25.9
	Arts & Humanities	1	3.7
PROVINCE			
	Punjab	15	55.5
	KPK	6	22.2

DEMOGRAPHICS		FREQUENCIES (N)	PERCENTAGE (%)
	Sindh	4	14.8
	AJK	2	7.4
AGE			
	25-30	3	11.1
	31-35	10	37.0
	36-40	8	29.6
	41-45	5	18.5
	46-50	1	3.7
MARITAL STATUS			
	Single/unmarried	12	44.4
	Married	15	55.6
ETHNOLINGUISTIC IDENTITY			
	Punjabi	15	55.6
	Sindhi	3	11.1
	Balochi	0	0
	Pukhtoon	6	22.2
	Other	3	11.1
LENGTH OF SERVICE			
	1-5	9	33.3
	6-10	11	40.7
	11-15	2	7.4
	16-20	5	18.5
	Total Sample	**27**	

Poul Andersen (1888-1977) – The Son of a Tenant Farmer

Helle Blomquist[1]

In August 1910, a young man arrived at Copenhagen Central Station. All day he had traveled from his parent's farm on Funen all day, and now he was ready to go to his lodgings. He had enrolled in the Law Faculty of Copenhagen University and acquired a room at a desired dormitory, *Valkendorf Kollegium*, next door to the auditoriums.

His name was Poul Andersen, later to become the law professor that founded Danish administrative law. I view his life and background, his work in public law, and the development of the Danish political transition. In this, I claim to illustrate how, at the beginning of the 20th century, he took it upon himself to transform Danish public law to serve a democratic society. In doing so, his profound inspiration was the great democratic politician and thinker Frederik Severin Grundtvig. It brings to light the function of the lawyer, not as a neutral technician but as an agent of societal change.

He had serious odds against him. Less than 10 years before, Denmark had undergone a constitutional struggle (1885-1901). In the *Rigsdag* (Parliament), two powerful groups fought over the allocation of funds and government power. The landed nobility, represented by the political party *Højre* ('Right'), had held government in spite of the majority in the lower house, the Folketing, which belonged to the farmers' party, *Venstre* ('Left'). Not until 1901 did the King appoint a *Venstre* government backed by the majority of the *Folketing* (then the lower chamber of the Parliament). During the constitutional struggle, the law faculty professor of public law, Henning Matzen, had legitimized the political practice of *Højre* as constitutional, and another law professor, Johannes Nellemann, held the ministry of justice that employed government officials against rebellious farmers. Nellemann had only scorn and contempt for members of *Venstre*, referring to them as 'farmers, deacons, school teachers of independent schools and other incompetent persons' (Tamm 1996:192). Matzen's textbooks were still in use at the 1910 Law Faculty (Waaben 2005: 218-219). Standing there on the platform, Poul Andersen probably knew right then that a number of his co-students would see eye to eye with Johannes Nellemann. They would target their prejudice against him. Because Poul Andersen was the son of a tenant farmer. Moreover, he had his basic school training at an independent school (*friskole*), adhering to Grundtvig's ideas. To top it all, his parents had raised him as a congregation supported by the ideas

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1   Helle Blomquist, M. LL. & MA (History), Ph. D. Writer. Former teaching and research of law, legal history and sociology of law at University of Copenhagen and University College Copenhagen. Guest professor in 2000 at Vilnius University Law Faculty and Kaliningrad State University.

of Grundtvig who vehemently opposed to the constitutional order that gave the nobility the majority of the seats of the upper house, the *Landsting* – and who also inspired both 'independent free schools' (*friskole*) for children and the school tradition for young people, *højskole*. Grundtvig saw both schools as necessary steps to forging 'the people', the constituency as a precondition for a democratic society.[2]

Poul Andersen succeeded in acquiring his law degree, his doctorate, become a professor of public law (constitutional, administrative, and international public law), and he saw his books become textbooks at the law faculty. His career represents not only a personal victory but also the triumph of the farmers' class. More importantly, it represented a revolt in the thinking of law from being a system of dominance into becoming an instrument of rights in a liberal democracy.

Upbringing on the Island of Funen

Poul Alfred Andersen, born on 12 June 1888, was the eldest son of Anders Andersen and Ane Knudsen. His parents had him christened at Dalby Chapel, a modest building in the village Dalby on the Hindsholm peninsula. The chapel was part of a Grundtvigian optional congregation, which emerged from a revival in the area and guaranteed by the freedom of religion instituted with the constitution of 1849 (Parish Register Mesinge 1888; Nedergaard 1956: 130-132 and 150-157; Christoffersen & Gregersen 2011: 206-241).

When Poul Andersen was born, his father, Anders Andersen, was a tenant farmer in Midskov under the Scheelenborg estate in Mesinge Parish. The estate belonged to Baron Juel-Bockdorff. The family had been tenants on the farm since the 1760s (Census Mesinge 1890, 1901, 1911, 1926; Mesinge Local Archive A51). If Anders had not bought the farm in freehold in 1906, the 1919 land laws would have dissolved the tenure. The tenancy contract stated the tenant's obligations: he had to work for the baron during sowing and harvesting. Moreover, he was obliged to obey the baron's bailiff. The contract repeated the system of government stated in the Danish Law of 1683, in itself a copy from Renaissance law.

Thus, being a tenant farmer was a demeaning position in 19th-century Denmark, especially to people with sympathies shared by the Andersen family. They supported the liberal wave sweeping over Denmark in the middle of the 19th century. They shared ideals with the political party *Venstre*. Grundtvigian religious awakening was an integral component of this

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2   The free schools (*friskole*) were not free of charge. As opposed to the public school (*folkeskole,* see n2), the parents payed a fee. The freedom consisted in the freedom of the individual school to form curriculum and encourage the students to think independently and engage in discussion instead of learning the curriculum by heart.

political position (Berntsen 1921: 109-113; 175-77; 191-99). A local struggle was playing out parallel with the one in the capital. The parties *Left* and *Right* took opposing stands in religious matters as well as education, politics and law. Grundtvig founded his concept of the liberal state on the requirement of keeping the religious center separated from the secular one. Only through this would the state respect religious freedom. The secular centers should contribute to educating ordinary people ('the fourth estate') to enter public life and struggle for politics and livelihood. Grundtvig's inspiration came from England, a country he visited several times as a young politician (Korsgaard 2012: 20-24).

In Mesinge Parish, there were disputes between the dissidents i.e. revival supporters and opponents. Violent conflicts occurred in the 1850s under Reverend Lehn, who opposed the revival and the *friskole* movement. Denmark had just escaped autocracy, and the state church was strict. Rev. Lehn zealously controlled *friskole* exams, leading to sharp exchanges with its local head. Awareness of state authority and religious persecution was strong in the Andersen family's area (Nedergaard 1956: 150-152; Andersen 1940 b; Andersen 1940 a: 55- 72). Neither Ane nor Anders had been christened at the parish church. They came from a family of dissidents, their families adhering to Grundtvig's ideas. They found their religious support from the dissident congregations.

Poul Andersen was the eldest of six siblings. Their parents opposed the parish church and the state school. As a church, they chose an optional congregation situated in Dalby and they admitted their children to the Dalby *friskole*. In 1852, schoolmaster Kresten Kold founded the school for children and later opened it for young men, studying to become teaches of the *friskole* – the kind of school teachers that minister Nellemann loathed. Kold took inspiration from Grundtvig's ideas and he opposed traditional rote learning and punishment. The school should build on oral leaning and encourage the students to speak their own minds. Teachers from Kold's college were in high demand and he tried to expand. This proved impossible, since the landowner, Juel-Brockdorff, refused to sell the land. This showed the landowner's power through ownership (Andersen 1940 a: 58; Inge Jarmbæk; Nedergaard 1956: 132; Berntsen 1921: 48). It also showed the dismay of the landed nobility of the *friskole* movement.

After Kold, Anders Jensen Klinkby became a teacher at the free school and stayed for over 40 years. He taught Poul Andersen and his siblings. Klinkby was well known and respected in the community, keeping track of his students' progress. The school became a hub for the region's Grundtvigian youth (Nedergaard: 132 and 156; Ny Carlsberg Fondet; Dalby Local Archive B121).

Poul Andersen and his siblings walked 5 km to school from Midskov, wearing button boots instead of clogs. Anders Andersen and Ane could afford leather boots and the fees

Illustration No. 1: Dalby Friskole where Andersen went to school with his siblings, before 1898 at the time when Andersen attended the school. The photo demonstrates an important point in Grundtvig's state program. The school is to the left and the church is the building to the right. The two buildings are separate to secure the secular quality of the school. *Dalby Sogns Lokalhistoriske Arkiv B359.*

for Dalby *Friskole*. Like in public schools,[3] *friskole* students were home every other day to help on the farm. Poul likely did his share of fieldwork and mucking out the stables (Inge Jarmbæk).

Although Poul Andersen was academically strong and his family well-off, pursuing higher education was a giant leap. It is not that they were poor. They were not. In 1901, the Andersen household had six children, a forager, a servant, and three female workers. Anders and Ane were employers running a manufacturing business (Census, Mesinge 1901). However, their outlook on state, church and school differed from the dominating, traditional one; Andersen had to adjust to a different world. He moved to Odense to attend the *Katedralskole*, the school to prepare him for the university (Census Mesinge 1901). The journey from North Funen to Odense marked a significant change. Like a student from the village Brenderup years later, Poul probably felt outside the circle of nobility and officials' sons and

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3   I use the term 'public school' in the US sense of the word, as a school, fee of fees, financed by taxes, regulated by law and open to everybody in the district.

connected more with farmer's sons (Paabøl). Besides, he had to subordinate himself to a regime of learning that his parents had opposed so vehemently.

His *Katedralskole* diploma allowed him to enter law school. However, his upbringing in the Dalby *Friskole* and the optional congregation provided his ethos and reason for joining.

Andersen paid homage to his upbringing almost 50 years later, in 1958, when he retired from his university position. In a Festschrift article, his colleague Max Sørensen revealed Andersen's political sympathies. The source of this information probably is Andersen himself. Sørensen was a judge of the European Court of Justice and law professor and thus more receptive to human rights than Andersen's colleagues at Copenhagen Law Faculty at the time. Andersen wanted to measure his magnum opera against the liberal heritage. An unknown fact is that Andersen's father was a tenant and not a free farmer. Andersen' biographers glossed over this information, probably due to the demeaning ring of its status and perhaps because Andersen himself did not want to reveal it.

Illustration No. 2: Inside the living room of Anders Klinkby, the liberal school master of *Dalby Friskole*. The youngsters return to their teacher to discuss life and politics. Photographer N. Bøgely *Dalby Sogns Lokalhistoriske Arkiv B141*.

The Law Student

When Poul Andersen started law school, it was different from the one in the 1890s. Poul Johannes Jørgensen, interested in legal history, had replaced Matzen. Knud Berlin later modified Matzen's views and in 1910 he became professor of public law. The Faculty of Law was changing, with new voices like H. Munch-Petersen calling for reforms (Munch-Petersen 1906: 289-297). From a Grundtvigian family, Poul likely found himself in opposition to traditional doctrines. He formed friendships at *Valkendorf Kollegium*, living with like-minded students like Jens Himmelstrup (Census 1916). Poul showed promise as a lawyer, receiving Hurtigkarl's scholarship in 1912 and 1913 (RA: Hurtigkarls Legater).

Civil service career?

After graduating in 1917, Poul Andersen became an assistant in the Ministry of the Interior. He married Berta on 2 March 1917, and their first child, Niels Erik (called Erik), was born on 25 December 1917 (Census Hørsholm 1940).

In 1917, the Ministry of the Interior, led by Ove Rode, managed Denmark's war economy and price regulation. Poul Andersen worked on administering these restrictions and served as secretary of the Corn Board from 1917-20. The government faced criticism from prominent wholesalers (Jansen, Chr. R.; Jensen, P.). The uproar from the other side of the political spectrum was equally loud. Workers, upset by rising prices and unemployment, protested, culminating in *Stormen på* Børsen (The Raid on the Stock Market) in February 1918, when syndicalists attacked the stock exchange (Arbejdermuseet).

The regulatory legislation was likely tricky for Poul Andersen, a tenant farmer's son, as it limited producers' business opportunities. He may have felt aligned with employers rather than the growing working class. In his first article, published in 1918, he did not criticize price regulation directly but he pointed out inconsistencies and the need to protect freedom of contract (Andersen 1918: 193-199). The article appeared in The Weekly Law Gazette (*Ugeskrift for Retsvæsen*). At this time, the editor was Hans Munch Petersen, one of the new generation of law professors.

The Ministry of the Interior trained county officials, but Poul Andersen did not want to be a county governor (*amtmand*). Instead, as a travel grant for legal candidates, he received Hurtigkarl's scholarship in 1920 and 1921, worth almost DKK 138,000 today. Poul Johannes Jørgensen processed the case (RA, Københavns Universitets Stipendier. Hurtigkarls Rejsestipendium. Korrespondance).

Study Tour Choices

On his study trip to Paris and Heidelberg, Poul Andersen sought out the liberal schools in both France and Germany (Kraks Blå Bog 1938: 52-53).

From Léon Duguit, he learned that the state was not an elevated entity but a plurality of individuals, and from Jèze, that the state officials must serve not just the prince but the community. Therefore, the state could become liable to compensate its citizens. That line of thought emerged in the following article 1921 on the French compensation claims after World War I, written in Paris in February 1921. The article heralded a new relationship between the state and its citizens, a relationship that took color from the Declaration of Human Rights and the experience of the European governments in the war. It was Paul Andersen's reasoning for treating such an exotic theme in a Danish context (Poul Andersen 1921: 129-136).

In Germany, Poul Andersen studied the Weimar Republic and German constitutionalism. Instead of supporting Carl Schmitt's anti-constitutional views, he followed Richard Thoma and other liberal-democratic jurists who developed the Weimar Constitution's legal theory (Stolleis 2017: 75-76 and 87). The experience likely helped him understand the role of jurisprudence in interpreting and disseminating court decisions (Poul Andersen 1928: 177-205; 199).

The reason for Poul Andersen's travel to Italy remains unknown. He might have been curious about Italian fascism, especially after the growth of Mussolini's fascist movement in the 1920s.

The Defense of the Thesis in 1924

In 1924, Poul Andersen experienced significant changes. In 1923, he and Berta had a daughter, Karen. He was promoted to clerk in the Ministry of the Interior. After returning from abroad, he wrote a thesis on invalid administrative acts instead of earning an extra salary, thus prioritizing his studies.

On October 21, Poul Andersen defended his doctoral thesis in front of a large and distinguished audience in Copenhagen. Officials, journalists, students, and staff filled the auditorium. Notable attendees included his friend from *Valkendorf*, Jens Himmelstrup, both lawyer and philosopher (Mogens Blegvad). In the audience reporters spotted department head (*departmentschef*) Martensen-Larsen and the Social Democratic Minister of the Inte-

Illustration No. 3: Family celebration July 1925. The Andersen family – brothers, sisters and in-laws, in 1925, a year after Poul Andersen had defended his doctoral thesis. Poul Andersen stands in the back row in the middle of the photo, between his mother Ane and father Anders. Berta sits on the garden bench, second woman from the left. Berta holds Karen and Erik sits on the grass, dressed in a sailor's shirt. Jacobsen Photo. Private Ownership.

rior, C. N. Hauge.[4] Reporters described Poul Andersen as pale but composed, with a dignified appearance.

During Poul Andersen's thesis defense, the opponents faced the president, creating a courtroom-like atmosphere. Poul Johannes Jørgensen, the first opponent, reprimanded the failure of the state administration to publish its decisions, a long-standing issue. The presence of the Interior Minister highlighted the significance of both this remark and the event. In his defense, Andersen confronted the administration and his own head of department, indicating his shift towards a more independent role. Newspapers reported that Andersen was the sole applicant for a docent position at the university, offering him a chance to continue his work with greater independence (*Berlingske Aftenavis* 1924; *Berlingske Tidende* 1924).

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4   The word 'department head' refers to the chief executive of the ministry.

In the following years, Poul Andersen translated his thesis into German to engage with continental administrative law, leading to a new scientific area in Denmark. This brought him into contact with Nils Herlitz, a newly appointed docent in administrative law at Stockholm University (Stockholm Högskola). In 1925, Herlitz reviewed Andersen's thesis, pointing out some misunderstandings about Swedish law. This led to their collaboration and friendship, which lasted for decades through the Nordic Administrative Federation (*Nordisk Administrativt Forbund*) and direct Danish-Swedish cooperation (RA Stockholm, *Nils Herlitz arkiv*, vol. 31).

In 1928, at age 40, Poul Andersen was appointed an extraordinary professor (Kraks Blå Bog 1958: 52-53). His family proudly believed he was Denmark's youngest law professor, (Inge Jarmbæk) though Hans Munch-Petersen had been appointed at 32 (Stig Iuul). The family took pride in their learned son.

Poul Andersen's life path was quite different from that of his family members. While his father and brothers stayed in agriculture, marrying local women and running farms in Mesinge Parish and nearby areas, Poul pursued an academic career. His sisters, Birgitte and Ingeborg, married men within the Funen Diocese, maintaining their local ties (Johannes Andersen; Inge Jarmbæk).

Forum for politics and the public Law

From 1924 to 1934, Poul Andersen worked as a legal generalist while serving as a part time professor (*docent*) and extraordinary professor. He taught enforcement, wrote books on citizenship and economic rights and he was scheduled to lecture on civil law (RA. KU. Det Rets- og Statsvidenskabelige Fakultet, dekanatssager, studieordningen 1931). He also pursued his interests in administrative law with Nordic colleagues in the Nordic Administrative Association.

The Nordic Administrative Association (*Nordisk Administrativt Forbund*) formed in 1918, provided a forum for public administrators in Denmark, Norway, Sweden, and Finland (Herlitz 1965: 74-76, 87-95). It emerged partly due to the dissolution of the Russian Tsardom. Despite the unsuccessful reception of Poul Andersen's German thesis in 1927, the association facilitated the exchange of ideas on public administration (Hippel 1929: 239-41). From 1926 to 1935, Andersen published six articles in the Nordic Administrative Journal (*Nordisk Administrativt Tidsskrift*). The journal was crucial in disseminating knowledge of administrative law judgments (Nordisk Administrativt Tidsskrift 1935 Register 1920-1934: 5; Nordisk Administrativt Tidsskrift (1944) Register 1935-43: 5; Jørgensen 1927: 223-227).

Administrative law became an exam subject in 1931, and Poul Andersen prioritized writing a textbook in 1930 based on his doctoral thesis (Anordning nr. 116 af 11. april 1931 om indretning af de juridiske eksaminer ved universitetets rets – og statsvidenskabelige Fakultet). Despite heavy work pressure, he focused on spreading knowledge of administrative law, thus engaging in extensive travel and educational activities. In this, he proved Grundtvig's educational ethos true: he spent time spreading the spoken word (Himmelstrup (1958) 447-451; RA Stockholm, Nils Herlitz arkiv. Vol. 31, letters from Poul Andersen February 27 and May 30 1930).

The Nordic Forum and Social Sciences

After their initial contact, Poul Andersen and Nils Herlitz developed a solid professional relationship and close friendship. In letters, Andersen often reflected on their early interactions, expressing gratitude for the warm hospitality Herlitz and his wife showed him and Berta in Stockholm (RA Stockholm, Nils Herlitz arkiv. Vol. 31, Poul Andersen's letters of December 28 1928; September 14 1930; May 10 1956).

In early September 1930, the Swedish *Statsveteskaplig Förening* held a significant cross-professional meeting in Stockholm, initiated by Herlitz, who had formed the association in 1928. The goal was to foster collaboration and public debate on methods and current issues (Herlitz 1965: 140-143). This included pressure on liberal states. Herlitz invited Poul Andersen, who was initially reluctant but eventually participated. Foreign Minister P. Munch wanted Andersen to co-sign Danish invitations, aligning with his efforts in the League of Nations for a peaceful, law-based world order (Skjoldager).

Before the conference, Herlitz asked Michael Kofoed, department head of the Ministry of Finance, to sign off on Danish participation. Still, Kofoed refused, possibly with Munch's agreement, due to concerns about Kofoed's focus on numbers and statistics. Munch then connected Herlitz with the History Institute at the University of Copenhagen. Poul Andersen recognized a perspective in Munch's aim to link historians with Nordic politicians. Despite initial reluctance, Andersen got involved, seeing it as a chance to influence the state's legal order and collaborate with politicians. He diligently ensured that he conveyed all communications, not trusting Munch to remember everything (RA Stockholm, Nils Herlitz arkiv. Vol. 31, letter from Poul Andersen of May 20 1930; letters from Michael Kofoed March 26 1930; April 5 1930 and April 15 1930; letter from Poul Andersen of April 11, 1930).

Poul Andersen was not entirely compliant with Munch's requests. Although Munch wanted him to present on citizenship, Andersen found the topic irrelevant. Instead, he proposed a comparative discussion on the courts' role in verifying the constitutionality of laws in Nordic countries. Poul Andersen had scheduled Justice Minister, social democrat K.K. Steincke

to participate; but Steincke canceled (RA Stockholm, Nils Herlitz arkiv. Vol. 31, Poul Anders-
en's letters of April 11, 10 and June 30; July 12 1930).

In 1930, Hitler's rise to power was indirectly present in Stockholm. Ernst Wolgast, a public
law professor from the University of Rostock, attended the conference and he set strict
conditions for his participation: to avoid repercussions, he would not discuss German
politics publicly. Also, he assured that he would not spread German propaganda during
his presentations. Herlitz who had met Wolgast in 1929 sought his insights on Northern
Europe's security situation (RA Stockholm, Nils Herlitz arkiv. Vol. 47, letters from Wolgast
August 8 and 13, September 13 and November 26 1930).

Munch had more presentation plans, including one by Georg Cohn on the League of
Nations. Cohn declined, possibly due to his work on a doctoral thesis he defended the
following year. Alf Ross stepped in, delivering a speech criticizing the League's principle of
unanimity (Ross 1930: 414-445).

The conference touched on interwar domestic and foreign policy issues, showing the
link between law and politics, which Herlitz embodied. He joined the Swedish *Riksdag* for
the *Högern* party in 1933 (Gunnar Christie Wasberg). Frede Castberg planned a follow-up
conference in Oslo, but Poul Andersen suggested postponing it by a year to coincide with
the Nordic Administrative Federation meeting. The meeting was postponed, merging the
Nordic interdisciplinary forums that year (RA Stockholm, Nils Herlitz arkiv. Vol. 40, letter of
June 5 1931).

In the summer of 1933, Castberg influenced the Oslo meeting's theme (Modéer 2021:
345-356), focusing on the rule of law versus the administrative state. This debate was in-
spired by Scandinavian crisis solutions, like Denmark's Kanslergade settlement that was
poised to deal with farmers' problems as well as unemployment. Castberg advocated for
norm-bound management to ensure the rule of law despite recognizing the limitations in
practice of judicial control (Castberg 1933: 123-137; Nissen 1988: 258-61; 249-52; 65-67).
Wolgast contributed by emphasizing administrative management over legal aspects (Wol-
gast 1933: 145-148).

Poul Andersen did not attend the 1933 Oslo conference but no doubt, he would have
supported judicial control measures against dictatorship systems. In 1935, Herlitz and
Andersen corresponded about civil servants' freedom of expression, inspired by a case
involving a Danish civil servant who functioned as a 'whistleblower' in cases concerning
refugees from Germany. This led to Andersen's influential work on civil servants' freedom
of speech, emphasizing the people's role in a democratic state (Andersen 1935). Andersen
believed this issue showed the need for more action in *Nordisk Administrativt Forbund* and
later included his views on civil servants' freedom of speech in his 1936 textbook on admin-

istrative law (Andersen 1936: 139-142). This case connected Andersen's ideas with broader public and political discussions.

The friendship between Andersen and Herlitz allowed Andersen to develop his thoughts on legal philosophy. Andersen viewed his professional role as a continuation of his predecessor, Knud Berlin and the 10 year younger Alf Ross. He criticized Berlin for a national prejudice for Danish national interests and was skeptical of Ross's logical system, which he found impractical. Andersen preferred an empirical-social reality to Ross's abstract, universal approach, inspired by Austrian legal philosopher Hans Kelsen. He used a phrase from Erich Kaufmann to describe Ross's views as "leaderless on the sea of reality" (Stolleis 2017: 84-85). Andersen privately strongly criticized Ross's work to Herlitz, finding it curious and easily refutable (RA Stockholm, Nils Herlitz arkiv. Vol. 31, letter from Poul Andersen October 22 1933).

Struggle for the division of power

In 1937, Justice Minister K.K. Steincke proposed a law to improve the right of appeal, allowing for the resumption of criminal cases and disciplinary actions against judges. This was partly due to accusations against him by Danish Nazis, which he had successfully countered in court (Jensen, Michael G. D.). The bill created a closed appellate system with no Supreme Court appeals and fixed-term judges, against the Judicial Council's advice. Supreme Court President Troels G. Jørgensen later described this process as influenced by party interests while a contemporary historian labeled it a struggle between the constitutional powers (Bagge 1947-49: 556-559; Jørgensen (1938: 181-98).

The law professors at the Faculty of Law and Political Science protested against the bill, fearing it would undermine judicial independence and the constitution (Det Juridiske Fakultet 1938). A collective action like this was rare, last seen in 1919 (Pedersen 1992: 113-118). Poul Andersen argued that the bill was unconstitutional, unnecessary, and modeled after Nazi legislation (Andersen 1938 c: 17-23). Despite his usual inspiration from Grundtvig who opposed a constitutional tradition, Andersen took a firm stance (Jørgensen 1940: 182-184; Andersen 1940: 47; Korsgaard 2012: 57-61). A compromise proposed by law professor Stephan Hurwitz allowed for Supreme Court appeals in cases of judge dismissals. This helped pass the bill (Hurwitz 1938: 23-38).

The debate over the bill extended beyond its specifics, touching on freedom of expression, the courts' relationship with the *Rigsdag*, and judicial review of laws. In 1936, the Social Democrats and Radical Left gained a majority, and Steincke argued that courts could not declare laws unconstitutional. He proposed that the *Rigsdag's* Law Council provide legal ex-

pertise, aligning with the standpoint that the *Rigsdag* could declare laws unconstitutional (Christensen 1998: 256-267; Pürschel 1938: 325-335).

The Court of Appeal debate revealed a power struggle between state bodies. In 1938, Poul Andersen argued against creating administrative courts, believing that existing judicial control was sufficient (Andersen 1938: 203-207). Probably, he feared changes might weaken judicial power. However, after the war, he advocated for administrative courts (Andersen 1952: 83-87).

They were far-reaching discussions since they not only coincided with a build-up of authoritarian regimes in Europe but also concurred with a 1939 proposal to amend the Danish constitution. Administrative courts were not included in the constitutional proposal that failed in a 1939 referendum (Trommer, Aage; Kaarsted, Tage). The revision aimed to unify forces and prevent conflict, partly due to fears of external pressure on Danish sovereignty.

The conflict over regulation versus conservatism mirrored the power struggle over the Court of Appeal. In 1938, Poul Andersen criticized the Constitutional Commission's report for not considering the impact of institutional designs (Folketinget 1938-39). He argued for including political scientists, not just lawyers, and noted that parliamentary practices had become more entrenched (Tage Kaarsted 1991: 146-152).

The constitutional proposal included creating a legal secretary under the *Rigsdag's* Presidency to handle petitions and monitor court cases. Poul Andersen was not supportive, seeing this as a sign of distrust of the courts. He regretted the lack of an office to check the administration but did not directly call for administrative courts (Poul Andersen 1938 a: 246 and 256-60). Possibly, this was a tactical step in avoiding an authoritarian influence on the constitution to replace the liberal 1915 constitution.

Life changes in the 1930s

Around 1930, Poul Andersen's wife, Berta, contracted the Spanish flue. She did not recover and this affected the family's living conditions. The family moved from Copenhagen to a large villa North of the city, in Hørsholm, where they had space for a domestic helper to care for Berta and the family (Susanne Pouline Svendsen; Census 1930; Kraks Blå Bog 1931: 43-44; Kraks Blå Bog 1930: 53; Inge Jarmbæk).

When Poul Andersen visited his family on Funen, now he often came alone. Previously, the whole family joined for summer and Christmas at Midskov, staying in a large villa built by Anders Andersen. This changed since Berta was unable to travel. Besides, Andersen's

brother, Niels Gerhard, moved into the villa with his children after his wife's early death. Niels had to return to Midskov to help on the family farm.

Later in the 1930s, Erik fell ill. However, the family still visited Midskov, even after Anders Andersen died in 1932 and a younger brother took over the farm. However, the visits changed. Karen often spent summer holidays there, enjoying the differences in Danish and Funen dialects with her cousin Inge. Music and joy remained at Midskovgård, with the gramophone adding to the fun. Yet, Poul Andersen's presence brought a sense of seriousness (Inge Jarmbæk and Johannes Andersen).

After 1945, Poul Andersen continued to visit the family, often bringing books as gifts. He had deep conversations about society and politics with his nephew Anders Harding. His son, Johannes Andersen, would listen intently. Poul also visited his niece Inge, bringing books for her daughter, Birgit (Johannes Andersen; Birgit Hutters). He had a strong sense of family.

Reflections on Grundtvig's conception of the state

In 1934, Poul Andersen became a full professor of public law. Despite his workload, he strengthened his social position, joining the board of directors of Gyldendal Publishing Company (Da.: *Gyldendals Forlag*). In 1936, he became the dean of his former dormitory *Valkendorf Kollegium* (RA Stockholm, Nils Herlitz arkiv. Vol. 31, Poul Andersen letter of March 24 1935). He was elected vice-rector at Copenhagen University in 1938-39 (Kraks Blå Bog 1936: 55; Ibid 1937: 57-58; op. cit. 1958: 81). At the university's opening in 1939, his opening address was on Grundtvig, presenting his views on administrative transparency and judicial review (Andersen 1940 b: 50-53). Andersen warned against European authoritarian trends, echoing Grundtvig's concerns about excessive order and coercion (Andersen 1940 b: 9-54 & 16).

Politicians and officials closely monitored his address amid the crisis following Germany's invasion of Poland and the subsequent declarations of war by England and France (Nationaltidende 1939: 5). Poul Andersen published the address in 1940, along with three other articles on school freedom, equality, and civil servants' freedom of expression. These articles reflected Poul Andersen's commitment to liberal principles during the politically charged climate of the 1930s. The article on civil servants' freedom of expression came as a reprint from a 1935 piece in the *Nordisk Administrativt Tidsskrift*, while the articles on equality and school freedom originally represented two of Andersen's many contributions to the Nordic collaboration, published in Journal of the Law Society of Finland (Andersen 1935: 193-209; Andersen 1939: 231-246; Andersen 1937: 479-497).

I see Poul Andersen's publication as his effort to present the Grundtvig state order to a general audience – at a time when the liberal state order was under pressure in Europe. He published it at Gyldendal, where he became board chairman the same year, solidifying his cultural influence (Kraks Blå Bog 1940: 65; Poul Andersen 1940 c). Additionally, he joined the board of *Carlsen-Lange's Legatstiftelse*, a cultural, Christian foundation which owns *Gl. Kjøgegård*, Grundtvig's burial place (Haugsted, Ida).

With his speech and publication on Grundtvig, Poul Andersen entered the public debate, addressing liberal principles in response to Nazi and Fascist pressures. President of the Danish Supreme Court Troels G. Jørgensen noted Andersen's effort to present Grundtvig's political ideas to a broader audience (Jørgensen 1940: 182-184). In his thesis on equality, Andersen argued that equality is inherent in Western legal order, using examples like women's equal testimony rights in 1908 and the US Constitution's "equal protection" clause. He believed that while equality laws prevent discrimination, they do not dictate specific administrative decisions.

Poul Andersen believed the principle of equality did not guarantee women's employment, leading to disappointments for those advocating for it. He cited examples of gender discrimination in public employment, showing his support for equal rights. This aligned with Grundtvig's view of women participating in public life (Korsgaard 2018: 170-75). However, Andersen doubted the extent of the discrimination ban, recognizing the era's gender role patterns and the practical inequality women faced, similar to today's discussions on women's "mental load" (Andersen d 1940: 73-93).

Poul Andersen's article on equality demonstrated his historical-comparative method and egalitarian mindset. He opposed denying women public positions during the 1930s crisis, arguing it violated equal access laws. While he valued gender equality, he struggled to envision its practical implementation (Andersen d 1940: 73-93 & 89-90).

In his article on civil servants' freedom of expression, Andersen categorized states into authoritarian (Nazi, Fascist, communist), semi-authoritarian (German Empire), and democratic-liberal. He asserted that civil servants should have the same freedom of expression as other citizens in democratic-liberal states, contributing to "modern objectivity." However, he acknowledged the risks of unequal power dynamics between civil servants and politicians, which could unjustly restrict expression. Andersen argued that while civil servants should not advocate for the violent overthrow of the democratic state, mere membership in an authoritarian party or factual argumentation was not enough to limit their freedom of expression.

In his article on education freedom, Poul Andersen noted how liberal politicians wanted constitutional protection of the independent *friskole* in the 1915 Danish constitution (An-

Illustration No. 4. Anders Andersen's and Ane Knudsen's farm
The building of the tenant farm where Poul Andersen was born. The artist is Troels Trier who was son of one of the most prominent Danish *højskole* principals, Ernst Trier. It testifies to the close affiliation of the family to the højskole movement. 1947. Private ownership.

dersen 1940: 56). From this historical understanding, he criticized a 1935/36 bill requiring the School Commission's prior approval of educational offers, arguing it was unconstitutional. Andersen claimed that the constitution allowed parents to choose education methods if they met the standards of the Danish public school system, *Folkeskolen*, opposing prior control (Poul Andersen 1940 a: 65-67 & 55). His liberal interpretation faced opposition from other law professors (Andersen 1940 c: 67; Andersen 1940 a: 67).

The theme remains relevant today. In 2016/17, Jens Elo Rytter, a constitutional law professor, responded to the Danish Free School Association (*Dansk Friskoleforening*), referencing Poul Andersen's arguments against prior control of private education (Jens Elo Rytter 2016: 226-238). However, Andersen's successors, like Ross, took a different stance, focusing on the provision's objective wording rather than its historical context (Ross 1966: 766-767; Christensen et al. 2012: 387-88). Rytter indicates that the issue is still undecided, with a tendency towards allowing some prior public examination to ensure educational requirements are met (Rytter, 2016: 235).

The tenant farmer's son and public law

Poul Andersen embodied Denmark's transition from a society of estates to one of individual liberties. Coming from a Grundtvigian family and trained at Dalby *Friskole*, he chose law over theology or economics. He saw a niche in administrative law, aligning with the 1915 constitution. In his first article on WWI regulatory legislation, he advocated economic freedom rather than a strong or authoritarian state.

Thus, he was part of a tidal wave that swept over the law faculty at the beginning of the 20th century. However, as authoritarian regimes took a stronghold in the 1930s, he represented a steady liberal voice, and in his liberal collaboration, he chose liberal parliamentary states to the North as inspiration rather than dictatorship to the South and East. A strong support for this alliance was the emergence of new professional associations and periodicals.

Grundtvig's liberal ideas of the state were undoubtedly his inspiration. They were so simple: the separation of church and civil society and the protection of the individual by constitutional individual freedom—combined with access to education. Holding on to these few basic ideas, he delivered the legal foundation for a democratic society as opposed to the unfree society of the preceding generation.

His story illuminates the close relationship between law and politics. It also attests to some 'hidden sources of law' – a country's heritage or tradition embodied in its people. Without the separation in the civic society of learning and religion and the *højskole*, liberal ideas might not have had the same resonance.

Through his work, Poul Andersen rose to an elevated position in society compared to his origin. However, his family advanced with him—for other reasons. Tenancy was abolished, farmers created strong production associations, and due to export interests, they came to influence Danish farm policy. In the 1950s, Andersen's brother Johannes traveled to Copenhagen to deliver input to export policy for farming produce. Denmark had changed.

This article is an English version of Helle Blomquist: *Poul Andersen. Fæstebondens søn*, in Poul Andersen, *forvaltningsretten og retsvidenskaben. 100 året for en disputats*, Rasmus Grøntved Nielsen (ed.), København: Djøf Forlag 2024, p. 15-53. English translation: Rubya Mehdi.

Unpublished sources

Andersen, Johannes (2024) Oplysninger fra Johannes Andersen om Poul Andersen.

Census (*Folketælling*) Mesinge 1890, 1901, 1911, 1926.

Census (*Folketælling*) Copenhagen 1916.

Census (*Folketælling*) Hørsholm 1940, Kystvejen 13.

Dalby Local Archive (*Dalby Sogn Lokalhistorisk Arkiv*).

Hutters, Birgit (2024) Oplysninger om Poul Andersen.

Jarmbæk, Inge (1995) Farmor og farfar og deres børn.

Mesinge Local Archive (*Mesinge Sogn Lokalhistoriske Arkiv*).

Parish Register (*Kirkebog*), Mesinge, June 12 1888.

Paabøl, Karen, Min far. Oplysning af marts 2024.

Rigsarkivet (Danish National Archives) RA, Københavns Universitets Stipendier. Hurtigkarls Legater 1903-1920. Kvitteringsbog.

Rigsarkivet (Danish National Archives) RA, Københavns Universitets Stipendier. Stipendie-væsenet 1920. Hurtigkarls Rejsestipendium. Korrespondance.

Rigsarkivet (Danish National Arvhives) RA. KU. Det Rets- og Statsvidenskabelige Fakultet, dekanatssager, studieordningen 1931.

Riksarkivet Stockholm RA Stockholm, (National Archives Stockholm) Nils Herlitz arkiv, vol. 31, Letters from Poul Andersen, dated February 26 1926 and November 6 1926.

Svendsen, Susanne Pouline (2025) Oplysninger om Poul Andersen.

Bibliography

Andersen, Poul (1918) Nogle bemærkninger om maksimalprisernes indvirkning på kontrakter Ugeskrift for Retsvæsen B.

Andersen, Poul (1921) Om erstatning for krigsskade efter fransk ret Ugeskrift for Retsvæsen B.

Poul Andersen (1925 a) Er domstolene kompetente vedr. øvrighedsmyndighedens grænser, hvor ingen rettighed påstås krænket, Ugeskrift for Retsvæsen B.

Andersen, Poul (1925 b) Den ny lov om erhvervelse og fortabelse af indfødsret Socialt Tidsskrift.

Andersen, Poul (1926 a) Om de privates retsstilling over for byggelovene Ugeskrift for Retsvæsen B.

Andersen, Poul (1926 b) Kontrakt eller forvaltningsakt Nordisk Administrativt Tidsskrift.

Andersen, Poul (1928) Er staten ansvarlig for skade forvoldt af dens tjenestemænd Nordisk Administrativt Tidsskrift.

Andersen, Poul (1930) Alf Ross, Theorie der Rechtsquellen. Anmeldelse Ugeskrift for Retsvæsen B.

Andersen, Poul (1935) Om tjenestemænds ytringsfrihed Nordisk Administrativt Tidsskrift.

Andersen, Poul (1936) Dansk Forvaltningsret. Almindelige emner København: Gyldendal.

Andersen, Poul (1937) Lighedsgrundsætninger i forvaltningsretlig belysning Tidskrift utgiven av den juridiska föreningen i Finland. Häft 4-6.

Andersen, Poul (1938 a) Betænkningen om ændringer i grundloven, Ugeskrift for Retsvæsen 245-273.

Andersen, Poul (1938 b) Forhandlingerne i anledningen af præsident Castréns foredrag Nordisk Administrativt Tidsskrift.

Andersen, Poul (1938 c) Er lovforslaget om den særlige appelret grundlovsstridigt? Ugeskrift for Retsvæsen B 17-22.

Andersen, Poul (1940 a) Grundtvig som Rigsdagsmand og andre Afhandlinger København: Gyldendal.

Andersen, Poul (1940 b) Skolefriheden efter den danske grundlov Tidskrift utgiven av den juridiska föreningen i Finland. Häft 3-4.

Andersen, Poul (1940 c) 'Lighedsgrundsætninger i forvaltningsretlig belysning' i Grundtvig som Rigsdagsmand og andre Afhandlinger.

Andersen, Poul (1952) Grundlovsforslagets bestemmelse om forvaltningsdomstole. Et uheldigt ændringsforslag Juristen.

Arbejdermuseet (The Workers' Museum) https://www.arbejdermuseet.dk/dagen-stor-men-paa-boersen/, accessed om January 26, 2025.

Bagge, Povl (1947-49) Anmeldelse af Troels G. Jørgensen, 18 år af Højesterets historie Historisk Tidsskrift 11. Rk., II. Bind.

Berlin, Knud (1933) Debat. Retsstat eller forvaltningsstat Nordisk Administrativt Tidsskrift

Berlingske Aftenavis 22. oktober 1924.

Berlingske Tidende 23. oktober 1924.

Berntsen, Klaus (1921) Erindringer. I. Fra Barndom og ungdom København: V. Pios Boghandel.

Blegvad, Mogens: Jens Himmelstrup i Dansk Biografisk Leksikon på lex.dk. Accessed April 2. april 2024 from https://biografiskleksikon.lex.dk/Jens_Himmelstrup).

Broe, Poul (2015) Det fynske skisma. Forfatningskampen i de fynske amtsskytteforeninger. Årsskrift. Historisk Samfund for Fyn.

Castberg, Frede (1933) Retsstat eller forvaltningsstat Nordisk Administrativt Tidsskrift.

Christoffersen, Lisbet and Niels Henrik Gregersen (2011) Shaping The Danish Peoples Church in The Context of Freedom of Religion In Law And The Christian Tradition in Scandinavia: The Writings of Great Nordic Jurists Kjell Å. Modéer and Helle Vogt (eds.) London: Routledge.

Christensen, Jacob (1998) K.K. Steincke. Mennesket og politikeren. En biografi København: Chr. Ejlers' Forlag.

Christensen, Jens Peter (2001) Forfatningskampen og systemskifte-Justitia i politikken tjeneste i Parlamentarismen- hvem tog magten Toftegaard Nielsen, Gorm et al. Aarhus: Aarhus Universitetsforlag.

Christensen, Jens Peter, Albæk Jensen og Hansen Jensen (2012) Dansk statsret København: Djøf Forlag.

Folketinget (*The Danish Paliament, Lower House*) Rigsdagens Forhandlinger. Folketinget (1938-39) Blad nr. 112, s. 1.

Haugsted, Ida: Gammelkjøgegård in Den Store Danske på lex.dk. Accessed April 12, 2024 from https://denstoredanske.lex.dk/Gammelkj%C3%B8geg%C3%A5rd.

Herlitz, Nils (1965) Tidsbilleder. Upplevelser sedan sekelskiftet Stockholm: C.A. Norstedt.

Himmelstrup (1958) Lidt bibliografi in Sørensen, Max (1958) Poul Andersen 1888 – 12. juni 1958 i E.A. Abitz, J.L. Frost, A. Vinding Kruse, Alf Ross og Max Sørensen (red.) Festskrift til professor, Dr. Juris Poul Andersen 12. juni 1958 (s. 1-6) København: Danmarks Juristforbund.

Hippel, Ernst v. (1929) Andersen, Poul Ungültige Verwaltungsakte 1927 Archiv für öffenliches Recht 55.

Iuul, Stig: Hans Munch-Petersen i Dansk Biografisk Leksikon på lex.dk Accessed April 2 2024.

Jansen, Chr. R.; Jensen, P. Koch: V. Lund i Dansk Biografisk Leksikon på lex.dk. Accessed January 2025 from https://biografiskleksikon.lex.dk/V._Lund.

Jensen, Michel J. D., Karl Kristian Steincke (https://danmarkshistorien.dk/vis/materiale/karl-kristian-steincke-1880-1963, accessed January 26, 2025.

Juridiske Fakultet, Det (1938) Disciplinærretten. En henvendelse fra Det Juridiske Fakultet. Adresse til justitsminister K.K. Steincke Ugeskrift for Retsvæsen B s. 221- 222.

Jørgensen, Troels G. (1924) Anmeldelse af Poul Andersen: Om ugyldige forvaltningsakter med særligt henblik på ugyldighedsgrunde Ugeskrift for Retsvæsen B.

Jørgensen, Troels G. (1927) Højesteretsdomme af administrativ interesse Nordisk Administrativt Tidsskrift.

Jørgensen Troels G. (1938) Tilbageblik på appelretsforslaget Juristen.

Jørgensen, Troels G. (1940) Anmeldelse. Poul Andersen: Grundtvig som rigsdagsmand og andre afhandlinger Juristen.

Kaarsted, Tage (1991) Krise og Krig 1925-50 Gyldendals og Politikens Danmarkshistorie. Bd. 13 Olaf Olsen (red.) København: Gyldendal & Politiken.

Korsgaard, Ove (2012) N.F.S. Grundtvig København: Jurist- og Økonomforbundets Forlag.

Korsgaard, Ove (2018) Grundtvig rundt. En guide København: Gyldendal.

Kraks Blå Bog (1938) Biografier over nulevende danske, færøske og grønlandske kvinder og mænd. København: Kraks Forlag.

Kraks Blå Bog (1958) Biografier over nulevende danske, færøske og grønlandske kvinder og mænd. København: Kraks Forlag.

Nationaltidende (1939) November 24.

Nissen, Henrik (1988) Danmarks historie, bd. 7 i Olsen, Olaf (red.), Danmarkshistorie København: Politiken og Gyldendal.

Nedergaard, Poul (1956). Dansk Præste- og Sognehistorie (Kirkelig geografi) 1849-1950. Ill. Fyns Stift København: Duplex Trykkeriet.

Modéer, Kjell Å. (2021) Frede Castberg (1893-1977): A Counterpoint in Modern Nordic Legal Culture in Law And The Christian Tradition: The Writings of Great Nordic Jurists.

Nordisk Administrativt Tidsskrift (1935) Register for årgangene 1920-1934.

Nordisk Administrativt Tidsskrift (1944) Register for årene 1935-43.

Munch-Petersen, H. (1906) Administrations eller domstolsafgørelser Ugeskrift for Retsvæsen.

Ny Carlsberg Fondet. Kilder til dansk kunsthistorie: https://fynboerne.ktdk.dk/personer/anders-klinkby, accessed May 5 2024.

Pedersen, Karl Peder (1992) Kan kun jurister være gode amtmænd? Arkiv 14, nr. 2, p. 113-118.

Pürschel, Victor (1938) Domstolenes prøvelsesret Juristen, p. 325-335.

Ross, Alf (1930) Folkenes Forbund og staternes suverænitet Statsvetenskapligt Tidsskrift.

Ross, Alf (1966) Dansk statsforfatningsret København: NNF Arnold Busck.

Rytter, Jens Elo (2016) Skolefriheden i grundlovens § 76 Juristen, p. 226-238.

Skjoldager, Karen Gram, (https://danmarkshistorien.dk/vis/materiale/peter-munch-1870-1948). Accessed January 25, 2025

Stolleis, Michael (2017) Public Law in Germany New York: Oxford University Press.

Sørensen, Max (1958) Poul Andersen 1888 – 12. juni 1958 i E.A. Abitz, J.L. Frost, A. Vinding Kruse, Alf Ross og Max Sørensen (red.) Festskrift til professor, Dr. Juris Poul Andersen 12. juni 1958 (p. 1-6) København: Danmarks Juristforbund.

Tamm, Ditlev (1996) Konseilspræsidenten, Jacob Brønnum Scavenius Estrup København: Gyldendal.

Trommer. Aage, Kaarsted, Tage: Ny grundlov? In Danmarkshistorien on lex.dk. https://danmarkshistorien.lex.dk/Ny_grundlov%3F). Accessed January 26 2025.

Wasberg, Gunnar Christie: Nils Herlitz i Store norske leksikon på snl.no. Accessed April 17 2024 from https://snl.no/Nils_Herlitz.

Wolgast (1933): Debat. Retsstat eller forvaltningsstat Nordisk Administrativt Tidsskrift.

Waaben, Knud (2005) Jura på Frue Plads København: Thomson Gad Jura.

Waaben (2005) Jura på Frue Plads København: Thomson Gad Jura.

Review of Rubya Mehdi: Understanding Gender and Diversity in Europe: Experience of Migrant Single Mothers in Denmark

Hanne Petersen

In November 2024 I was asked with very short notice to be a commentator at a seminar which would present and comment on Rubya Mehdi's book. As I had a 27 hour train ride ahead of me for a meeting in Munich I accepted the task, expecting that I would have ample reading time. I was going to a meeting by European members of WILPF (Women's international League of Peace and Freedom – established in 1915), which does work, the importance of which has unfortunately become revitalized recently.

In the invitation for the seminar Mehdi's book was described as fascinating, which puzzled me a bit. However, after the first 12-hour train ride, I realized that I completely agreed with this description. After having read 2/3 of the book, I started asking myself, why it came across as such a fascinating read. These are some of my thoughts and associations.

My first reflections about the text made me think of the concept of "wilding". I had come across this concept as part of the name of an exhibition in 2021 called *"PRIVACY (wilding)"* by a Danish artist, Asmund Havsteen Mikkelsen. AHM is very interested in architecture and this exhibition centred on detached (family) houses – very prominent in Danish urban landscapes. In the exhibition, he wanted to give a potential interpretation of the status and potential of the concept of 'privacy' with a particular purpose of 're-wilding' private space –

both houses, gardens and digital space. The exhibition was part of a grand research project at the *Centre for Privacy Studies* at University of Copenhagen.[1]

Looking for English explanations and synonyms in relation to this review, I found the following: "not domesticated or cultivated"; feral, savage, unbroken, undomesticated untamed, wild.[2]

The practical goal of wilding is described on another website:
"Although we use different terminology, the end goal of wilding is the same – to restore natural processes and healthy ecological functions so that nature can take care of itself without the need for human intervention. In the Wilder Landscapes team, our approach to wilding is to bring about positive changes for nature by working with our communities and landowners to ensure both wildlife and people are benefitting from the land."[3]

This ambition is also found in a recent change in treatment of urban (private) gardens for the sake of diversity. A Danish expression or perhaps even a motto is "Vild med vilje". In English something like "willingly/ purposely wild". The motto relates to a change in contemporary gardening practice and customs. A tradition of "proper gardening" according to earlier times (and perhaps class) specific expectations about what a garden should look like – with a controlled and well-trimmed grass lawn and flowerbeds etc. is gradually given up. Instead this emerging practice on purpose allows the garden or parts of it to remain in or return to a state of (relative) wildness to increase biodiversity.

Mehdi's text is interdisciplinary, inspiring, engaged and energetic – something which is surely not always the case of academic texts. I wondered if it could perhaps be called a „re/wilding" text. Was its fascination not only due to dealing with diversity and change of tra-

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1   The Danish National Research Foundation Centre for Privacy Studies (PRIVACY) was established in September 2017 through a generous grant of 50 Mio. DKK (approx. 6.7 Mio. Euro) from the Danish National Research Foundation (DNRF). In 2023, PRIVACY received a 33-million DKK (approx. 4.4 Mio. Euro) grant and a four-year extension from the DNRF. https://teol.ku.dk/privacy/about-privacy/

2   https://www.merriam-webster.com/dictionary/wilding

3   https://sussexwildlifetrust.org.uk/natures-recovery/on-land/wilder-landscapes/wilding-and-natural-processes

dition as a subject of research, but also a result of practicing a type of diversity in its presentation of a research, which had been very time consuming as well as broad?

It is, I think, in a way (also) a text about heroines (a word, which my computerized language correction does not recognize, although the synonym dictionary does). Dealing with heroines is something which one would expect of a text of fiction but not really (yet) of research – perhaps especially not of legal research. I tend to think that the women, the 'migrant single mothers', who have been at the centre of the author's attention and research for perhaps a decade, are the 'true life' heroines - the agents of change for the better - better, more inclusive, equal, non-conformist, undomesticated, open and open minded lives. Theirs has been a struggle for a change and expansion of not least NORMS regarding (single) mothers and their offspring. As Mehdi write, they are the avant-garde in a struggle against „patriarchal parenting norms", which have a global nature. South East Asian women seem to be entering into both de facto marriage and birth strikes in this era. Afghan and Iranian women are struggling for freedom. These are struggles also about life and death - at great costs, but also for major expansions of freedom. It is not a new struggle, and it is not an isolated struggle.

It has been going on for centuries, perhaps millennia. At the WILPF meeting I attended in Munich I met and heard young Afghan women, who had left their country, which is now trying to domesticate and lock up women in their homes without any possibilities of using their educations and qualifications.

The single mothers described in Mehdi's book want and struggle for freedom, as do the young Afghan women, the Iranian women with their claim for "Woman, Life, Freedom" and many other women around the world, who are fighting to achieve these goals.

Maybe these are the reasons why this book is such a pertinent and fascinating read. It deals with everyday struggles and ambitions relating to change and for more real life and freedom.

The day before the seminar on Rubya Mehdi's book, I went to listen to a talk with South African-British author, Deborah Levy at "Republique" a Copenhagen Venue for theatre. The room was packed with an audience of hundreds of women in many age groups, young and old, mostly white, but also brown women – very few men.

Deborah Levy talked especially about her very popular books "Things I Don't Want to Know", "The Cost of Living" and "Real Estate". She calls them 'living biography' – a genre she invented – as it seems to me that Rubya Mehdi has also invented a genre with her book, which does not yet have a name – perhaps it could be called 'gender/women and legal transformations'? In her existential books, Levy describes the challenges of the life of a newly divorced single mother with two daughters (molded on herself), and her struggle to become a main character in her life and writing. Levy has become a famous author at a late stage in life. Maybe because she describes reflections, fights and experiences of the single mother, who has become such an important figure in today's changing societal and social life (and to a lesser extent in law) even global society. Levy struggles to find a new language and way of representation, as also Mehdi does.

Levy said at this event that she wanted to write a text that was not transmitting fear, and that was combining *thinking* (mostly associated with men) AND *feeling* (mostly associated with women). Doing both! – I think this is also, what Mehdi's book does – in its interesting emphasis on theory and its empathic and optimistic presentation of the thoughts and feelings of single migrant mothers and other interviewees.

ARTICLES