

The Fellowship of Acceptable State Interventions

Knowledge, Norms, and Justifications in Norwegian Child Protection Care
Order Cases

Audun Gabriel Løvlie

Thesis for the degree of Philosophiae Doctor (PhD)
University of Bergen, Norway
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In loving memory of Ingrid and Reidar, inspirers of creativity, curiosity, and passion.

Scientific milieu

The research for and writing of this thesis were conducted while I was employed as a PhD fellow at the Centre for Research on Discretion and Paternalism and the Department of Government (formerly: Department of Administration and Organization Theory), The Faculty of Social Sciences, University of Bergen. I was also a member of the research group Law, Politics, and Welfare.

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Abstract

In this thesis I investigate state interventions in the family, asking how they are justified, what the characteristics and quality of these justifications are, and what the Norwegian population's attitudes are in cases of potential abuse. Three research papers constitute the analytical and empirical basis of the findings and discussion, from content analyses of judicial decisions in cases of child protection family interventions, to a population survey about attitudes towards potential violence and recommended child protection interventions.

The legitimacy of state interventions may be threatened by the unequal treatment of families, lacking neutrality in the use and assessments of evidence and testimonies, and if the state's practices are inconsistent with societal norms and values. By comparing migrant and non-migrant child protection cases the thesis shows that the County Social Welfare Boards appear to balance any potential biases in the population with a largely equal treatment of families. Child welfare professionals' testimonies and reports receive thorough treatment and consideration in the decision-makers' accounts, with a substantial presence of and weight given to child welfare professionals.

The thesis combines qualitative content analysis of 104 written judicial decisions about care orders in migrant and non-migrant families, with a quantitative survey vignette experiment conducted on a representative sample of the Norwegian population (n=1,104). The content analysis produced findings that were interesting to investigate in a survey experiment. This combination contextualises the content analysis of written judicial decisions by outlining population attitudes towards potential abuse. This outline enables the thesis to investigate the criticism of the Norwegian child protection services in relation to decision-makers' justifications and population attitudes in cases of familial violence.

Paper I investigates how decisions about care orders of children are justified in cases about familial violence. It is an in-depth analysis of 94 written care order decisions from the Norwegian County Social Welfare Boards. The data material consists of all publicly available care order decisions about familial violence from 2016 and 2017. We examine decision-makers arguments, comparing cases of migrant and non-migrant

families to see if there are differences in the justifications. The analysis shows that justifications are rooted in a pragmatic discourse focusing on risk levels and drawing on empirical evidence. Additionally, there is a pragmatic-ethical discourse rooted in the decision-makers assessment of the parents' ability to change their behaviour and meet the children's needs, underscored by parental denial of violence and their blaming of the children. This serves the decision-makers in justifying whether it is possible to attain the necessary level of care for the children. We find only a few differences between migrant and non-migrant cases. In migrant cases there is more evidence of strong direct violence, and parents' denial is more prevalently used in the decision-makers argumentation. In non-migrant cases, justifications based on the consequences for the child are more prevalent.

Paper II investigates how disciplinary evidence is used in care order proceedings when children are considered for foster care placement in cases of familial violence. It investigates the factors considered important, and how the decision-makers use and evaluate disciplinary evidence. It is an in-depth analysis of 104 published care order decisions from the Norwegian County Social Welfare Boards. The analysis shows that the evidence revolves around children's and parents' social functioning, the care context, and topics about how parents and children relate to each other. The decision-makers use evidence to determine whether the child's situation is harmful, whether support services are viable, and whether a care order is in the child's best interests. The decision-makers draw unevenly on evidence regarding legal requirements, and they predominantly defer to expert authority. However, there is also evidence of independent reasoning, where deferral to the epistemic authority of the experts appears rational and based on independent reasoning. This is shown through evaluative and critical assessments and scrutiny of the disciplinary evidence.

Paper III investigates the influence of experts on public attitudes towards familial violence and child protection interventions. It also investigates whether public attitudes towards familial violence and child protection interventions are biased against migrant families. The investigation is conducted using a survey vignette experiment on the Norwegian population. The focus is on acceptance of psychological and indirect

violence to determine whether acceptance is affected by causal claims credited to experts, and whether these factors influence the population's recommended intervention. The analysis shows that there is a small but statistically significant differential in acceptance regarding violence in the children's environment in migrant and non-migrant families. The study contextualises criticism against the Norwegian child protection services that claims migrant children risk living longer with violent conditions in Norway, as well as claims about a lack of cultural sensitivity. Judicial decision-makers acting in this environment must balance allegations of violence with societal norms and the law, having to ensure equality and not legitimising potential discriminating attitudes.

The discussion concentrates on three categories of findings. First, justificatory reasons for intervening. Decision-makers navigate testimonies, evidence, and societal norms about childhood, parenting, and attitudes about violence. There is a differential focus on the consequences for children and the parents' denial of violence in non-migrant and migrant families respectively. Also, there are differences in the prevalence of violence variants in migrant and non-migrant families, and a potential difference in the population's attitude towards potential abuse in migrant and non-migrant families. Thus, further research of the relationship between population attitudes, types of violence, and notification to the child protection services is recommended. Second, epistemic accountability. Evidence from child welfare professionals appear as key epistemic support to decision-makers, potentially overshadowing the voice of both the children and their parents. Further research is needed on the relationship between disciplinary evidence and the testimonies of children and parents. Similarly, more research is needed on the roles of different kinds of professions providing evidence, to disentangle the roles of independently engaged experts and professions employed by state welfare services. Third, the role of violence in the state's accounts of family intervention. Violence is unacceptable, however population attitudes towards violent and violent-adjacent actions and behaviours appear to be subject to variations. Thus, research into the nuances of how violence is understood and defined by the population, professionals, and the state may shed further light on the acceptance of state interventions.

Abstract - Norsk

I denne avhandlingen undersøker jeg statlige inngrep i familien, og spør hvordan statlige inngrep i familien begrunnes, hva egenskapene og kvalitetene ved disse begrunnelsene er, og hva den norske befolkningens holdninger er i tilfeller av potensielt misbruk. Tre forskningsartikler utgjør det analytiske og empiriske grunnlaget for funn og diskusjon, fra innholdsanalyser av rettslige beslutninger hvor Fylkesnemnda har vurdert og besluttet i spørsmål om omsorgsovertakelse, og en befolkningsundersøkelse om holdninger til potensiell vold og anbefalte barnevernstiltak.

Legitimiteten til statlige inngrep kan trues av ulik behandling av familier, manglende nøytralitet i bruk og vurderinger av bevis og vitnesbyrd, og hvis statens praksis er uforenlig med samfunnsnormer og verdier. Ved å sammenligne saker om omsorgsovertakelse i migrant og ikke-migrantfamilier viser avhandlingen at fylkesnemndene stort sett ser ut til å balansere eventuelle holdningsskjevheter i befolkningen. Barnefaglige profesjoners vitnesbyrd og rapporter (fagkyndige bevis) får grundig behandling i beslutningstakernes redegjørelser, og blir betydelig vektlagt.

Avhandlingen kombinerer kvalitativ innholdsanalyse av 104 skriftlige vedtak om omsorgsovertakelser i migrant og ikke-migrantfamilier, med et kvantitativt vignetteksperiment utført på et representativt utvalg av den norske befolkningen (n=1104). Innholdsanalysen produserte funn som var interessante å undersøke i et surveyeksperiment. Denne metodekombinasjonen kontekstualiserer innholdsanalysen av skriftlige vedtak om omsorgsovertakelser med befolkningens holdninger til potensielt misbruk. Dette gjør det mulig for avhandlingen å undersøke kritikken av det norske barnevernet i forhold til beslutningstakeres begrunnelser og befolkningens holdninger om familievold.

Artikkel 1 undersøker hvordan beslutninger om omsorgsovertakelser i saker om familievold er begrunnet og rettfærdiggjort. Det er en grundig analyse av 94 skriftlige vedtak fra Fylkesnemnda. Datamaterialet består av alle offentlig tilgjengelige beslutninger om familievold fra 2016 og 2017. Vi undersøker beslutningstakernes

argumenter, og sammenligner saker om migranter og ikke-migranter for å se om det er forskjeller i begrunnelsene. Analysen viser at begrunnelser er forankret i en pragmatisk diskurs med fokus på risikonivå, basert på empiriske bevis. I tillegg er det en pragmatisk-etisk diskurs forankret i beslutningstakernes vurderinger av foreldrenes evne til å endre atferd, møte barnas behov, som understrekes av foreldrenes fornektelse av vold og at de legger skyld på barna. Dette bidrar til beslutningstakernes vurderinger av og begrunnelser for hvorvidt nødvendig omsorg for barna er mulig å oppnå. Vi finner bare noen få forskjeller mellom migrant og ikke-migrantsaker. I migrantsaker er det mer bevis for sterk direkte vold, og foreldrenes fornektelse er mer utbredt i beslutningstakernes argumenter. I ikke-migrantsaker er begrunnelsene oftere basert på konsekvensene for barnet dersom hen forblir hos sine foreldre.

Artikkel 2 undersøker hvordan fagkyndige bevis brukes når barn vurderes for fosterhjemsplassering i saker om familievold. Jeg undersøker hvilke faktorer som anses som viktige, og hvordan beslutningstakerne bruker og evaluerer fagkyndige bevis. Det er en grundig analyse av 104 publiserte beslutninger om omsorgsovertakelse fra Fylkesnemnda. Analysen viser at bevisene dreier seg om barns og foreldres sosiale fungering, omsorgssituasjonen, og temaer om forholdene mellom barn og foreldre. Beslutningstakerne bruker bevis for å avgjøre om barnets situasjon er skadelig, om hjelpetiltak er mulige løsninger, og om en omsorgsovertakelse er til barnets beste. Beslutningstakerne trekker ujevnt på fagkyndige bevis med hensyn til juridiske krav, og deres bruk føyer seg stort sett til de fagkyndige bevisenes epistemiske autoritet. Imidlertid er det også tegn til uavhengige resonnement, hvor føyelse til de fagkyndiges epistemiske autoritet fremstår rasjonell og basert på uavhengige resonnement. Dette fremgår av evaluerende og kritiske vurderinger og gransking av de fagkyndige bevisene.

Artikkel 3 undersøker eksperters innflytelse på populasjonens holdninger til familievold og barnevernstiltak. Den undersøker også om populasjonens holdninger til familievold og barnevernstiltak er påvirket av om det er en migrantfamilie eller ikke. Undersøkelsen gjennomføres ved hjelp av et vignetteeksperiment på et representativt utvalg fra den norske befolkningen. Den fokuserer på aksept av psykologisk og

indirekte vold for å avgjøre om aksept er påvirket av årsaksforklaringer kreditert til en barnefaglig ekspert, samt om disse faktorene påvirker befolkningens anbefalte barnevernstiltak. Analysen viser at det er en liten, men statistisk signifikant forskjell i befolkningens aksept for indirekte vold i barnets miljø i migrant og ikke-migrantfamilier. Studien kontekstualiserer kritikk mot det norske barnevernet som hevder at migrantbarn risikerer å leve lenger under voldelige forhold i Norge, samt påstander om manglende kulturell følsomhet. Rettslige beslutningstakere må balansere påstander om vold med samfunnsnormer og loven, samt sikre likebehandling og ikke legitimere potensielle diskriminerende holdninger i befolkningen.

Diskusjonen konsentrerer seg om tre kategorier med funn. Først, begrunnelser for at staten griper inn. Beslutningstakere navigerer vitnesbyrd, bevis og samfunnsnormer om barndom, foreldre og holdninger til vold. Det er ulik fokus på konsekvenser for barn og foreldres fornektelse av vold i henholdsvis ikke-migrant og migrantfamilier. Det er også forskjeller i utbredelsen av voldsvarianter i innvandrer- og ikke-innvandrerfamilier, og en mulig forskjell i befolkningens holdninger til potensiell misbruk i migrant og ikke-migrantfamilier. Videre forskning på forholdet mellom befolkningsholdninger, voldstyper og varsling til barnevernet anbefales. For det andre, epistemisk etterretterlighet. Bevis barnefaglige profesjoner fremstår som viktig epistemisk støtte for beslutningstakerne, som potensielt kan overskygge stemmene til både barn og foreldre. Videre forskning er nødvendig på forholdet mellom fagkyndige bevis og barn og foreldres vitnesbyrd. På samme måte er det behov for mer forskning på rollen til ulike typer profesjoner som bidrar med bevis og vitnesbyrd, for å bedre forstå rollene og forholdet mellom uavhengige sakkyndige og fagkyndige som er ansatt i de statlige velferdstjenestene. For det tredje, voldens rolle i statens beretninger om inngrep i familien. Vold er uakseptabelt, men befolkningens holdninger til voldelige og voldslignende handlinger og atferd ser ut til å være gjenstand for variasjon. Dermed kan forskning på nyansene i hvordan vold forstås og defineres av befolkningen, fagfolk og staten kaste ytterligere lys over aksept av statlige intervensjoner.

List of publications

Paper I: Løvlie, Audun Gabriel, and Marit Skivenes. 2021. ‘Justifying Interventions in Norwegian Child Protection: An Analysis of Violence in Migrant and Non-Migrant Families’. *Nordic Journal on Law and Society* 4(02). <https://journals.ub.umu.se/index.php/njolas/article/view/178>.

Paper II: Løvlie, Audun Gabriel. 2022. ‘Evidence in Norwegian Child Protection Interventions – Analysing Cases of Familial Violence’. *Child & Family Social Work* 28(01): 236-247. <https://doi.org/10.1111/cfs.12956>.

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CHAPTER 1

STATE INTERVENTIONS, LEGITIMACY, NORWAY.

1. Introduction

This thesis aims to expand our understanding of the legitimacy of state interventions. Specifically state interventions in the family in the best interests of the child, where I explore deliberative practices of finding legitimate answers to normative questions about foster care placements and determining the child's best interests. Legitimacy can be described as a relation of trust between the population and the democratic state. When the state intervenes in the lives of its citizens, the intervention's legitimacy depends on the one hand on the procedural legality of state interventions, and the rule of democratically constituted laws. On the other hand, legitimacy also depends on the substantive reasons given as justification for the intervention, where three epistemic accountability measures – formative, supportive, and deliberative – are of interest in this thesis (Molander et al., 2012). The main focus of this thesis is on legitimacy derived from the written accounts of state decision-makers in child protection cases, i.e., accountability (Bovens, 2007). Accountability is here considered an important component for gaining and maintaining legitimacy, by the decision-makers documenting that their decision is in accordance with societal norms, democratic principles, and the law. Thus, the decision-makers' accounts are hereby considered as the output that provides the reasoning and justifications for the legitimacy of state interventions.

The legitimacy of an intervention may be questioned due to a range of reasons, such as if the decision-makers 1) treat individuals differently on unreasonable grounds (e.g., bias against migrants); 2) if they misrepresent or misuse testimonies and evidence (e.g., expert evidence “stands in” for and replaces the decision-makers' reasoning); or 3) the intervention is in opposition to or in conflict with population norms and values (e.g., too strict or too lenient in questions of violence). In my work I investigate the written

justifications of interventions by decision-makers contextualised by population attitudes. I do this while pursuing two critical perspectives, first the potential of decision-makers' deference to expert authority, circumventing legal requirements of independent reasoning¹ by letting the evidence "stand in" for their own reasoning (Ward, 2016). As Turner explains (2001), expert knowledge can threaten both equality and neutrality, by decision-makers giving special treatment and consideration to expert evidence and testimonies over that of – in this case – parents and children. The second critical perspective I pursue, is the often-stated criticism that there is biased treatment of migrant families and children (Aarset & Bredal, 2018; Berggrav, 2013). This would be a serious threat to democratic principles and the rule of law.

Where the state's equal treatment and neutrality are important for democratic legitimacy, the population's experience and understanding of the reasons for an intervention as reasonable and "correct", i.e., acceptable, are constitutive of "output legitimacy" (Rothstein, 2011, 2019). This is tied to the neutrality of the decision-makers and their assessment of, and weight given to testimonies and evidence, as well as to the equal treatment of (migrant) families. The reasons and justifications for interventions intersect with societal norms and values and are subject to the judgement of the population.

Norway's child protection services have been characterised as a child-centric system (Gilbert et al., 2011). In short this means for the purposes of this thesis that the tension between parental rights come into conflict with children's rights; children have become individuals bearing their own rights and that do not solely belong to their parents (Archard, 2003). Therefore, in the Norwegian context, the question of child protection is a tripartite relationship between child, parents, and the state (Berrick et al., 2023). Because the state's responsibility to protect the child's rights includes protecting her from her parents, the tension between children's and parents' rights can result in prolonged legal conflicts between parents and the state. Norway has received national and international criticism for interventions biased against migrant families (Aarset &

¹ The Dispute Act (DA, 2005) and the Child Welfare Act (CWA, 1992).

Bredal, 2018; Berggrav, 2013; Ghilechi, 2018). Criticism from researchers pertain to the state's use and application of disciplinary knowledge (e.g., Asmervik, 2015; Hennem, 2010, 2014; Melinder et al., 2021), and in judgements by the European Court of Human Rights (ECHR) (e.g., *Strand Lobben and others v. Norway [GC]*, 2019), where the criticism concerns the procedural balance of parental and children's rights, as well as the quality and use of expert evidence.

The active role Norway has taken with regard to implementing children's rights (Langford et al., 2019; Skivenes, 2011), and the arguably related high number of cases brought before the ECHR in recent years (NIM, 2020; Søvig & Valvatne, 2022), suggest a practice that is at odds with some cultural norms and values abroad, but also possibly in Norway. Norway serves in this way as a crucial case in the context of legitimising state interventions in the family.

I investigate accountability as a constitutive dimension of legitimacy of state interventions in the family. This includes epistemic dimensions related to the various professions involved in the decision-making proceedings. I have conducted empirical studies of written decisions by the Norwegian County Social Welfare Boards (CB) and surveyed the attitudes of the Norwegian population towards allegations of violence and recommended child protection interventions. The CB is the court-like decision-making authority that decides in cases where the Child Protection Services (CPS) have applied for the placement of a child in foster care (i.e., a care order). CB decision-makers are bestowed with the authority and responsibility to decide on behalf of the democratic welfare state in dilemmas that penetrate the private lives of families. The authority and responsibility entrusted the decision-makers come with a requirement for justificatory accounts of the reasons for the intervention (Bovens, 2007; Molander, 2016).

My approach is based on the presupposition that decision-makers' justifications should be reasonably argued to be accountable and legitimate, and to show that the decision is lawful (Habermas, 1996; Molander et al., 2012; Ward, 2012). Whether the decision-makers express independent and thorough reasoning in an accessible and transparent manner are central to whether interventions can be considered legitimate and

acceptable (Bovens, 2007; Moore, 2017; Ward, 2016). The critical perspectives of alleged deference to expert authority and the alleged unequal treatment of migrants are both important elements in this consideration. I empirically investigate three threats to legitimacy: 1) the unequal treatment of individuals and families, which undermines the democratic legitimacy of the state, 2) the misrepresentation or misuse of evidence and expert knowledge to circumvent the legal requirements of independent assessment and reasoning, which undermines the principles of equal treatment and neutrality of the democratic state, and 3) if the judicial accounts are in conflict with population norms and values about childrearing and parenting. Paper I sheds light on the first threat by investigating justifications of child protection care order decisions. Paper II sheds light on the second threat by investigating the characteristics and qualities of the decision-makers' use of disciplinary evidence in the justifications. Paper III sheds light on the third threat in a population survey on attitudes towards potential violence and recommended child protection interventions.

1.1. Research Questions and Paper Overview

The thesis addresses the decision-making context of state interventions with regard to legitimate reasons for intervening in families.

The descriptive research questions for the thesis are:

- How are state interventions justified by decision-makers?
- What are the characteristics and qualities of these justifications?
- What is the population's attitude towards potential abuse?

The questions shed light on the criticism of 1) unequal treatment as a tension between the state and the population, particularly concerning migrant families; 2) the criticism of misuse or misrepresentation of evidence; and 3) the coherence of decisions and societal norms and values.

Paper I and II focus on the judicial decision-makers, analysing written care order decisions by the CB, and Paper III is a population study of the acceptance of potential violence and child protection interventions. Paper I investigates decision-makers'

justifications of care orders about familial violence. In the study we analysed the justifications according to violence types and variants, comparing the discursive argumentation in the justifications of care orders about familial violence in migrant and non-migrant cases. Paper II focuses on the use of disciplinary evidence in the justification of care orders about violence. I analysed how decision-makers use and evaluate disciplinary knowledge to justify care order decisions, focusing on different expressions of epistemic deference, to inform criticism about expert influence. Paper III investigates societal norms and values about the acceptance of ambiguous and contested kinds of violence. Presenting a representative population sample with a constructed family situation (vignette), the paper analyses the population's acceptance of violence and its recommendations about interventions by the child protection services in relation to the influence of family background (migrant/non-migrant), and causal claims credited to a child welfare professional.

1.2. Definitions and Outline

My use of “child protection” in this thesis refers to the intent and meaning content of Article 19 of the Convention on the Rights of the Child (CRC). Article 19 obliges signatory states to ensure legislative, administrative, and social measures to protect children from all kinds of neglect, exploitation, and violence from their caregivers (CRC, 1989). I use the term “child protection services”, abbreviated CPS. When “CPS system” appears, it refers to the entire system of services and authorities around child protection, including support, health, social services, and judicial authorities.

While the CB is not technically a part of the judiciary it is still beholden to the courts' legal practices and precedence.² The three members of the decision-making panel of the CB are collectively referred to as “judicial decision-makers” or “decision-makers,” whereas the individual members are referred to as “jurist member”; “expert member”; and “lay member”.

My use of “experts” and “expert evidence” refers to the research-based knowledge of (forensic) experts like psychologists and physicians. Instances of “child welfare

² It is formally a tribunal separate from the court system, for more details see Skivenes and Søvig (2017).

professionals”, “disciplinary knowledge”, or “disciplinary evidence” also cover knowledge and evidence from psychologists and physicians, but expands to include social workers, nurses, teachers, and CPS workers, and related social scientific literature (for further details see Løvlie, 2022; see also Tilbury, 2019). These are professions whose area of expertise is the family in general and children in particular and who provide testimony and evidence in CB proceedings.

The thesis has six chapters and is structured as follows. This first chapter introduces the background and empirical field. Chapter 2 outlines accountable justifications and the child’s best interests, epistemic dependence and authority, with regard to judicial deliberations. Chapter 3 introduces the theoretical framework and conceptual structure of the thesis, and how this informs the analysis. It is set in the light of deliberative democratic theory, accountability, supplemented by theory on professions, experts, and knowledge. Chapter 4 takes the reader through the research design and methodological choices, their strengths and weaknesses, ending with some epistemological and ethical considerations of the study. Chapter 5 is a summary of the three empirical papers and their relationship with each other. Chapter 6 starts by presenting the three main findings, where each is followed by discussions and contributions. The last part of chapter 6 elaborates on implications and suggestions for further research, concluding with some final remarks.

1.3. Field of Empirical Research – Norwegian CPS System

The empirical focus of this thesis is Norwegian child protection care order interventions. Internationally, research in this field is expansive and has grown over the last 60 years. It has followed the increased social scientific attention on children and the family as units of research, developing in conjunction with the societal realisation of familial violence, between parents and towards children, as social issues rather than personal, or rather family, troubles (Felitti et al., 1998; Hacking, 1991; Hillis et al., 2017; S. Jackson & Scott, 1999; Mills, 1959). The focus on children and the “best interests” principle has become a directing standard to increase the visibility of and attention to children’s own views, as a countermove to a historically pervasive adult-centric perspective (Skivenes & Pösö, 2017). The principle has since been

adopted in child protection legislation, and together with custody and child protection research, been the subject of a vast array of research. However, empirical studies of decision-makers and the quality and characteristics of their justifications and reasoning for intervening, are fewer (Burns et al., 2017).

Existing literature on child protection decision-makers and care order decisions relatively rarely focus on the role of experts, and the obtaining and application of expert evidence (cf. Cashmore & Parkinson, 2014; Rathus, 2013; Robertson & Broadhurst, 2019; Skivenes & Tonheim, 2017; Tilbury, 2019; Ward, 2012). However, there is interesting research literature on the organisation of different CPS decision-making models, regarding the presence or absence of professionals and laypersons among the decision-makers (e.g., Hultman et al., 2020; Liljegren et al., 2014), including laypersons challenging the authority of child protection professionals (Liljegren et al., 2018). This research literature provides important perspectives on the organisation and structures of decision-making in the CPS system. Similarly, there is also research on the relationship between lay and professional perspectives on non-coercive services rendered by the CPS system, including public media portrayal of family support (McGregor et al., 2020; O'Connor et al., 2021). This literature indicates discrepancies between public and professional perspectives, and the need to informing the media so they can better understand family support services.

However, this branch of research focuses less on critical investigations of the quality of justifications of care order cases and the judicial decision-making and accountability practices related to the CPS. Critical research on the quality of CPS decisions and decision-making practices with regard to rationality and legitimacy is also not widespread (cf. Artis, 2004; Burns et al., 2017; Helland, 2021b; Ottosen, 2006; Skivenes, 2010). The greater body of research focuses on decision-making with regard to coercive interventions and the consequences of maltreatment (see for instance Brown & Ward, 2015; Devaney, 2008; Falconer & Shardlow, 2018; Felitti et al., 1998; Juhasz, 2020; Keddell, 2014; Munro, 2019; Peltonen et al., 2010), including research on migrant families (Burns et al., 2021; Helland et al., 2018; Skivenes et al., 2015; Yelick & Thyer, 2019), children's presence in evidence and decisions, and

participation in decision-making (Bastian et al., 2022; Kratky & Schroeder-Abe, 2020; Toros, 2021), children of parents with intellectual disabilities (Booth & Booth, 2004; McConnell & Llewellyn, 2002), maltreatment of children with disabilities (Koivula et al., 2018), parental defence and justification (Juhasz, 2018), and the judiciary's maintenance and changing of decisions as it travels up the court system (Helland, 2021a). The substantiation and foundation of the best interests-principle in decision-making has also received attention (Artis, 2004; Banach, 1998; Elster, 1989; Helland, 2021a; Keddell, 2017; Krutzinna, 2022; R. H. Mnookin, 1973; Ottosen, 2006; Skivenes, 2010). This summary is not exhaustive but shows some of the width of child protection research that intersects research on the practices of the CPS system with the characteristics of, and normative perspectives of and on, children, parents, professionals, and the population.

Analyses of decision-making practices are needed, and in particular on the quality of argumentation and justifications in relation to accountability and the relationship between society and the judicial system in democracies (Burns et al., 2017, 2019; Pösö et al., 2021).

1.3.1. Decision-Making Context

In Norway, different levels of child protection interventions are possible, from in-home support to out-of-home foster care placement (i.e., care orders), on voluntary and involuntary basis (Berrick et al., 2023; Skivenes, 2011). Care orders analysed in this thesis are cases about involuntary out-of-home placements of children due to inadequate care conditions in the form of familial violence. From allegations of physical and psychological violence towards children, to children witnessing and experiencing physical and psychological violence towards others in their homes. In this context the best interests-principle becomes contentious when families of different cultural backgrounds encounter the CPS and end up in CB proceedings (Skivenes et al., 2015). The fluctuating sets of norms and values cannot easily be resolved and pinned down, whether by calling for cultural sensitivity, nor by using disciplinary knowledge evaluating the family and its situation. This difficult and complicated task is bestowed upon the CB.

The CB is the court-like tribunal that adjudicates care order interventions in proceedings very much like conventional court proceedings (Skivenes & Søvig, 2017). When the CPS has applied for a care order, the deliberative proceedings in the CB must prove whether the criteria of Article 4-12 of the Child Welfare Act (CWA, 1992),³ are met:

- 1) *A care order may be issued*
 - a) *if there are serious deficiencies in the daily care received by the child, or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,*
 - b) *if the parents fail to ensure that a child who is ill, disabled or in special need of assistance receives the treatment and training required,*
 - c) *if the child is mistreated or subjected to other serious abuses at home or,*
 - d) *if it is highly probable that the child's health or development may be seriously harmed because the parents are unable to take adequate responsibility for the child.*
- 2) *An order may only be made under the first paragraph when necessary due to the child's current situation. Hence, such an order may not be made if satisfactory conditions can be created for the child by assistance measures.*

The fulfilment of these criteria and the child's best interests should be reasoned and justified in an accountable way.

The decision-making panel of the CB is made up of three individuals: one jurist member with judge qualifications, one lay member, and one expert member (e.g., psychologist).⁴ This combination of decision-makers is to ensure legitimate and informed decisions that adhere to legislative standards as well as make certain that decisions are rooted in applicable disciplinary knowledge (Sosialdepartementet, 1985).

Decisions by the CB provide reasoning and treatment of the three criteria, relying on the evidence and testimonies provided. The assistance of the expert member should ensure an adequate understanding of any disciplinary evidence among the decision-makers. The lay member ensures the democratic element of being judged by peers. The

³ A new Norwegian child welfare act was enacted in 2021, and entered fully into force on 1 January 2023 (Barnevernsløven, 2021).

⁴ It may be increased to five members, where the two additional members are one lay and one expert member.

decision itself is written by the jurist member, who also ensures the legality of the decision.

1.3.2. Supportive Measures - Experts and Specialists

To assist the decision-makers, independent experts may be engaged and given a mandate to provide a report to the CB based on observations and assessments of the family, including a testimony (CWA, 1992). For this evidence to be eligible as expert evidence, the Commission on Child Welfare Experts (CCWE) must review it. The CCWE provides comments and can demand a supplementary report to be provided before the report is considered expert evidence. This procedure has been criticised for approving reports of poor quality (Asmervik, 2015; MRU, 2021), that the mandates given to experts lack thematic limitations and standardisation (Melinder et al., 2021), but has been evaluated as improving the rule of law, despite concerns about public trust in child welfare experts (Augusti et al., 2017).

In addition to independent experts, there is an array of professionals that provide reports and testimonies to elucidate the proceedings. These include CPS workers, nurses, psychologists, physicians, and others specialised in child welfare, who work in the social, health, and educational services. While they are not independently engaged and their reports and testimonies are not reviewed by the CCWE, their professional and disciplinary testimonies and reports still play key roles in informing the case and the proceedings, supporting the decision-makers' assessments and deliberations (Tilbury, 2019).

1.3.3. Inequality - Attitudes Towards Migrants, Violence, and CPS

The state's treatment of migrants in the context of child protection is a complicated and sensitive matter. It invokes questions of discrimination, racism, and prejudice manifesting as unequal treatment when migrant families encounter the Norwegian CPS system. Criticism of the CPS in this area comes in two main varieties: 1) there is a different threshold for intervening in migrant families, whether too early or too late, too coercive or too lenient (Berggrav, 2013), and 2) the CPS is lacking cultural sensitivity and competency to meet and interact with migrant parents and children

(Aarset & Bredal, 2018; Ghiletschi, 2018). There are also concerns about the status of children's rights when it comes to migrant children (see Skivenes, 2015). Add to this that studies have shown that migrant children experience a higher frequency of violence from parents compared to non-migrant children (Aakvaag & Strøm, 2019; Mossige & Stefansen, 2016). Relatedly, critics claim that migrant children suffer inadequate care conditions for longer compared to non-migrant children due to the CPS's delayed intervention in cases where migrant parents are suspected of violence (Berggrav, 2013).

Population attitudes towards migrants in Norway are generally positive, but heterogenous (Heath & Richards, 2020). Studies have shown that in questions about migrants and corporal punishment the population does not appear to have different levels of acceptance of corporal punishment in migrant and non-migrant families, nor are there statistically significant differences in notifying migrant or non-migrant families to the CPS (Burns et al., 2021; Helland et al., 2018). Research has shown that trust in state institutions is high in Norway (Wollebæk et al., 2012), including confidence in the CPS; population surveys have shown that there is a high level of trust and confidence in the Norwegian CPS, compared to for instance Finland and England (Juhász & Skivenes, 2016; Skivenes & Benbenishty, 2022). Also, the Norwegian population appears to assess neglect similarly to CPS workers, but do not appear to favour care order interventions to the same degree as CPS workers or CB decision-makers (Berrick et al., 2020). This tendency is further nuanced by Norwegians favouring restrictions on parenting, i.e., supervised parenting setting, involuntary support measures, and observations by the CPS in cases of potential neglect or violence (Berrick et al., 2022; Løvlie, 2023). It is within this constellation of societal attitudes that the decision-makers are to justify their decisions as legitimate.

CHAPTER 2

CHILDREN, JUSTIFICATION, KNOWLEDGE.

In this chapter I will introduce the challenge of determining the child's best interests in the context of care order proceedings. It is a challenge that is intrinsic to the justification of whether it is in a child's best interests to be placed in foster care. Evidence and various kinds of knowledge also have a key role to play in the substantiation and reasoning, in the interplay of knowledge and norms.

2. Accountable Justifications of the Child's Best Interests

Children's rights are a recent phenomenon, and most member states of the United Nations have ratified the CRC. For the purposes of this thesis Article 3, of the CRC is of special relevance (CRC, 1989). The article introduces the principle that primary consideration should be given to the best interests of the child in all decisions concerning her. In Norway, Article 3 is implemented in the constitution and the child welfare act (CWA, 1992; The Constitution of the Kingdom of Norway, 1814, § 104). Thus, state decision-makers are required by law to make sure any intervention that affects a child is in her best interests.

Care order interventions are severe expressions of state paternalism and can be linked to the state's monopoly of violence by the forced removal of a child from her natural parents. Like all judicial decisions in Norway, care order interventions are required to include all relevant arguments and reasons for the decision-makers' conclusion (DA, 2005). This entails that the decision-makers in their reasoning and justification show how they have fitted together evidence and testimonies with the law to justify their decision.

In this regard the best interests-principle of the CRC is at the core of accountable justifications. Because the child's best interests are key for interventions that affect her,

the reasoning and justification must account for this imperative, including any other legal requirements. However, the child's best interests-principle has been criticised as indeterminable (Elster, 1989; R. H. Mnookin & Szwed, 1983). The criticism centres on the ambiguity and normativity of the principle as a standard, where the substance of what it entails becomes indeterminable due to the lack of substantive content, opening its determination up to discretionary idiosyncrasies (Schneider, 1991). According to Robert Mnookin (1973) what the principle is missing is threefold. 1) That there is no consensus about the values applied in determining long- and short-term best interests for a child. 2) The knowledge and the capacity to reliably make predictions to achieve a desirable outcome for a child is lacking. 3) There is inadequate and insufficient information about everyone involved.

The first problem highlights the variability of social and cultural norms and values, between and within cultures (Fischer & Schwartz, 2011). It suggests that any justification should balance values and norms convincingly, taking into account the variability of norms and values in relation to the social goals of the state. In the Norwegian context this balancing act negotiates the relatively high trust in the CPS (Juhász & Skivenes, 2016; Skivenes & Benbenishty, 2022), with the relationships between population, decision-makers, and CPS workers' assessments of care situations and partiality for selecting care orders as an intervention (Berrick et al., 2020). The second problem is prevalently attempted to be mitigated in care order proceedings by applying disciplinary evidence from a variety of child welfare professionals to highlight consequences as indicated by current research, and the measure(s) most likely to avoid and/or mitigate them (Cashmore & Parkinson, 2014; Ward, 2016). The imperfections of (social) scientific knowledge suggest that reliable predictions about individual children are an improbable endeavour; however this is the pragmatic solution of the judiciaries (J. Mnookin, 2008; Robertson & Broadhurst, 2019; Ward, 2012). The decision-makers evaluate and reason through (conflicting) evidence, to come to the most plausible prediction (Kolflaath, 2019). The third problem has a similar solution to both the first and second problem; balancing the possessed

knowledge about the involved individuals with the assessment of the evidence and testimonies from and about the individuals.

Accountable justification of the child's best interests should be adequately reasoned: exhibiting a balance of evidence and testimonies that ensures congruence with societal norms and values; be based on current knowledge about how to mitigate or avoid detrimental consequences for the child, that the chosen intervention is the most probable to achieve the desired outcome; and that the decision-makers possessed sufficient information about the family to reach a conclusion (Habermas, 1996; R. H. Mnookin, 1973). Thus, the decision should ideally show that it is based on verifiable information and facts, does not break with societal norms and values, and that the decision is in accordance with the relevant articles of the law. However, Mnookin's problems remain; to what extent the information about the family is sufficient, whether the applied disciplinary evidence is sufficiently reliable and valid, and to what extent the reasoning of norms and values is congruent with the experience of the family. Thus, for a legitimate or acceptable intervention, the CB is tasked with the unforgiving assignment of giving acceptable and legitimate reasons for an intervention, fitting with the perspectives and experiences of the child, parents, and the public. The child's best interests-principle is a key legal consideration, on top of the other criteria for a care order.

2.1. Epistemic Jurisdictions and Deliberations

State decision-makers adjudicating interventions in the family sit at an epistemic intersection of judicial and social scientific knowledge. Their deliberations about state interventions draw on knowledge from different professional jurisdictions, from social work to psychology, and to law (Burns et al., 2016; Cashmore & Parkinson, 2014; Ferguson, 2018; Tefre, 2020). The jurist knows law and legal practice, and, in care order cases and questions of familial violence and maltreatment, she draws on the testimonies and evidence supplied by child welfare professionals.

The relationship between judicial decision-makers and child welfare professions is characterised by a significant overlap of professional jurisdictions in the context of care

orders – and serves as an exemplar of the professional struggle (Abbott, 1988). This pertains to the child’s best interests-assessments; e.g., whether it is the individual or generalised child’s best interests that are determined (Ottosen, 2006).⁵ It also pertains to the assessment of whether care conditions and parental and/or child behaviours are plausibly linked, and the accompanying indications about current or future consequences. That is, whether there is a legal basis for granting a care order due to current conditions and plausible future consequences. The decision-makers appear to have to trust the evidence’s validity and reliability based on explanation (testimony) and evaluation (Moore, 2017; Ward, 2020). The expressions of this trust in and deference to the evidence in the account of the deliberations may be stronger or weaker (Ward, 2016).

2.1.1. Deference to the Authority of Knowledge

When investigating written accounts by the CB and whether expert stimuli influence population attitudes, an expectation is that different professions interact and negotiate the most plausible and justifiable outcome. Different professions possess distinct kinds of expertise, and in this context two kinds of expertise are central: legal and child welfare expertise. This is what I understand as an epistemic division of labour. Epistemic division of labour is presumably contingent upon epistemic dependence (Hardwig, 1985). This means both that the population entrust judicial decision-makers – via their delegation of sovereignty to elected official – with the responsibility to arbitrate, and that judicial decision-makers must trust child welfare professionals’ disciplinary evidence to inform the decision-making process with reliable and valid knowledge (Ward, 2016, 2020). These relationships of trust are considered as important presuppositions, as even child welfare professionals who share the same field must trust in their fellow professionals (Hardwig, 1985). In what way can this be expressed? Ward (2016) asserts that judicial decision-makers can defer to epistemic authority in two ways: strong and weak. This pertains to the question of independent

⁵ That a care order is in the best interests of an individual child is the goal of the proceedings. However, the use of generalised social scientific and legal knowledge risks alienating the individual child by “de-personifying” her as a representative of all children, a “generalised child” (see Ottosen, 2006).

assessments by the decision-makers, and the necessary reliance on child welfare professions to provide (social) scientific evidence.⁶

Strong deference to epistemic authority is considered inappropriate by Ward (2016). This is because it entails the decision-makers uncritically and passively deferring to the authority of child welfare professionals,⁷ using the disciplinary evidence to “stand in” for their own reasoning. In other words, the decision-makers may appear to circumvent conducting an independent assessment, by using the disciplinary evidence as justification by itself. This goes possibly beyond the presupposition of epistemic dependence that Hardwig asserts (1985).⁸ Because there is arguably room for some expressions of epistemic independence through the examination of the results of the evidence in relation to different standards,⁹ highlighting uncertainty and relevance of content, the transparent communication of the evidence, and the relevant normative field, the that not only the expert member, but also the jurist and lay members of the CB may rationally question and assess (Blichner, 2015; Liljegren et al., 2018; Ward, 2016).

If the decision-makers show their examination of the results, the uncertainty, reliability, and relevance of the disciplinary evidence, in the account, this would be what Ward considers appropriate, a weak deference to epistemic authority (2016). This is because it entails that a decision not only refers to disciplinary evidence and other evidence in reasoning and justification but shows some exertion of epistemic independence. That is, the decision-makers reveal in their account any assessment and evaluation of the disciplinary evidence, fitting it together with the total body of evidence (Blichner, 2015; Ward, 2016).¹⁰

⁶ A key point here is that Norway has legislation in place that regulates the use of disciplinary evidence (CWA, 1992).

⁷ That child welfare professionals possess due to their specialised knowledge and expertise.

⁸ Epistemic dependence can in this case be understood as: 1) epistemic dependence is inescapable, because even if a second or third opinion is obtained from another child welfare professional, one must still at some point accept some professional's assessment; 2) without these trust relations, the division of epistemic labour would not work, because even professionals in the same field must trust one another (Hardwig, 1985; Ward, 2016).

⁹ For instance different evaluative and normative standards of parenting, attachment, and development.

¹⁰ Blichner (2015) suggests ten tests that non-experts can apply to expert (or disciplinary) evidence, by examining: 1) practical results, 2) uncertainty and accuracy, 3) evaluative standards, 4) communication (transparency), 5) recognition (expert credentials), 6) expert consensus, 7) bias linked to relational norms and values, 8) material interests bias, 9) psychological bias, and 10) political bias.

This division is ideal-typical. In practice, the decision-makers use their discretion and assess and consider all the evidence on its merits – validity, reliability, and relevance (not in a strict scientific manner) – drawing on “common sense” and their professional experience (Burns, 2016; Kolflaath, 2013). Rooted in the decisions a divide appears between the experience and knowledge of lay people, decision-makers, and child welfare professionals. This divide manifests in contested norms and values, risks posed by a specific family situation or parental behaviour, and the consequences of these risks known by child welfare professionals to be detrimental to a child’s development and health. This is highlighted by the uncertainties stemming from the potentiality of new and different knowledge continuously being produced by professions (Adam et al., 2000; Beck, 1992), which in turn may constitute a risk of intervention for families (S. Jackson & Scott, 1999; Mik-Meyer & Villadsen, 2007; Rose, 1999).

The challenges that come with using social scientific literature and the associated evidence from child welfare professionals (Cashmore & Parkinson, 2014; Rathus, 2013; Robertson & Broadhurst, 2019; Ward, 2012), strike directly at the account of the decision. The democratic and public (output) accountability of the decision-makers may be obfuscated by the references to, citations or paraphrases from disciplinary evidence as reasons for interventions, reasons that replace the decision-makers’ own reasoning. The reasons might in and of themselves be legitimate from a social scientific perspective – where the assessment by child welfare professionals may be reached through deliberative practices by several professionals. However, the output legitimacy of the judicial decision, with regard to the affected children and parents, is vulnerable to rejection if the reasoning appears to break with societal norms and values in a manner that is hard to understand (Molander et al., 2012).

2.2. Resolving the Child’s Best Interests?

Determining the child’s best interests is a key issue in family interventions, and in this thesis, and relies on an interlaced knowledge-base where normative considerations and factual information are navigated (Løvlie & Skivenes, 2021; Skivenes, 2010). The sources of knowledge will include the child’s testimony, parents’ testimonies, as well as other witnesses, both lay and professional. These can vary from worried neighbours,

the child protection services and schools the children attend, to somatic and mental health services, and social services.

The epistemic authority of evidence in this context highlights the tension between lay, child welfare, and legal perspectives, when the decision-makers try to disentangle the conflicting norms about childrearing, family life, and the child's best interests (R. H. Mnookin, 1973). This tensions exists particularly because the legal perspective relies on an ambiguously defined "generalised" child, that only hypothetically represent all children, whereas professional child welfare workers' in their testimonies and evidence, relay assessments derived from empirical observations of a specific child (Ottosen, 2006).

Deferring to epistemic authority in this instance may sufficiently serve rational decision-making. The relationship between disciplinary evidence (about the specific child) and the legal starting point (generalised child), points towards how disciplinary evidence is a support-mechanism of determining the child's best interests. The decision-makers' recognition of each agent's, or witness', legitimate knowledge claim, and integration of this claim into the conclusion, may improve the reasoning and argumentation (Moore, 2017; Turner, 2012). This also follows from the deliberative theory's rules and premises, but is here about the evidence assessment itself, the process of fitting together evidence and norms, as part of a pragmatic-ethical discourse of justifying the child's best interests.

CHAPTER 3

DELIBERATIONS, EVIDENCE, ACCOUNTABILITY.

This chapter introduces key theoretical concepts that make up the analytical framework. The key components covered in this chapter deal with legitimising state interventions that are based on judicial deliberations, ideally resulting in an accountable decision that is accepted by the affected individuals and the public.

The chapter starts with a consideration of legitimacy, before introducing central components of deliberative theory (discourse and argumentation theory), followed by mechanisms of accountability to ensure legitimacy, with a focus on epistemic accountability and output legitimacy.

3. Theoretical Framework

This thesis draws on deliberative theory (Alexy, 1989; Habermas, 1996), to understand and shed light on population accountability of state decision-making. I aim to increase our understanding of the role of normative discursive claims and the reliance on research-based knowledge in judicial accounts. This presupposes that an open and rational discourse, in which all involved parties may participate, can lead to a legitimate decision (Eriksen & Weigård, 1999; Ward, 2012). This brings with it four key premises: that everyone concerned can participate, everyone can propose the assertions they wish, everyone actually believes in their assertions, and that everyone is consistent in their use of words and concepts (see Eriksen & Weigård, 1999). Furthermore, three rules are presupposed in this perspective: first, that stated assertions must be reasoned or justified if necessary; second, all concerned parties should be allowed to freely ask questions, state their opinions, and express their needs and attitudes; and third, nobody must be prevented from exercising the first and second rules, either by external or internal coercion (Alexy, 1989). The formal requirements for judicial proceedings in child protection of the county boards and the courts in Norway are considered overall to be in accordance with this framework (see Eriksen & Skivenes, 1998). From this

starting point I analyse the accountability measures that permeate the deliberative and justificatory process.

3.1. Legitimacy and Accounts of Deliberations

Legitimacy can be understood in different ways, and there is limited agreement on the operationalisation and conceptualisation of legitimacy (Alexiou & Wiggins, 2019), regarding both empirical research and the concept's epistemological position (Suddaby et al., 2017). As will be presented in this chapter, the view of this thesis is that accountability is a practice structured by accountability measures that are considered as qualifiers for legitimacy. They are considered separately from and not synonymously to legitimacy, yet I assume that there is a strong relation. The legitimacy of the state and its institutions' actions depend on satisfying accountability (measures). This focus on accountability means I will not pick up on aspects of legitimacy that may relate to trust and confidence in institutions, nor does it allow me to directly interrogate the implications of the professional constellation in relation to the important role that the lay representatives in judicial decision-making bodies have in democratic societies.

The position I take is not without challenges, as there is limited consensus on how to conceptualise and research legitimacy. Suddaby et al. (2017) distinguishes between three perspectives when it comes to legitimacy. First, "legitimacy as property", in which legitimacy is seen as an asset or resource, that can be observed and measured, and that can be used by an institution as a commodity. It can be considered rooted in Weber's (2019) categorisation of legitimacy (traditional, charismatic, legal-rational). The presuppositions of my perspective of the relationship between accountability and legitimacy lean towards this perspective. Institutions gain legitimacy from their constitution and regulation, yet they will adapt to political and social/cultural pressures, and uncertainty in the field, to maintain legitimacy (DiMaggio & Powell, 1983). Second, legitimacy can be seen as "legitimacy as a process". Drawing on social construction, this perspective does not see legitimacy as a stable condition, but the product of continuous social negotiations (legitimation). The presuppositions of my perspective are also influenced by this perspective, as I place importance on the decision-makers' written accounts; the narration and the persuasiveness of the

decisions (Suddaby et al., 2017). The decisions are derived from a deliberative process, which is a situation of negotiation and persuasion. Third, legitimacy can be seen as “legitimacy as perception”. This perspective also sees legitimacy as an asset, but rather than as a commodity, legitimacy is seen as a judgement or practice. This approach also retains some of the process view, but the process in question is the micro-orientated judgement of individuals on whether an institution has legitimacy, or an action is legitimate. This line of reasoning has less impact on my presuppositions; however, the implications of placing importance on accountability as a key component for legitimacy – and the population and affected parties’ acceptance of the decision – means that the third approach is an important perspective for further research on the role of reason-giving and accountability as components of legitimacy.

The perspective of this thesis builds upon two general presuppositions about the organisation and structure of state institutions, and the state’s (institutions) relationship with its population. The first presupposition concerns the regulation of welfare services and judicial decision-making bodies for legitimacy, from a formal and procedural perspective. I presuppose that an adequate organisation and structure of these institutions, based on democratically enacted laws,¹¹ ensures that as long as the laws are followed and applied within the expectations of policymakers and the population, the institutions appear legitimate (Lipset, 1959). The institutions are given purpose and responsibilities by the state, which both enables and confines their actions to specific areas of social and political life in society and requires documentation of (reasons for) any actions. While not the specific focus of this thesis, there can be consequences if institutions are proven to have carried out illegitimate practices (e.g., biased treatment of migrants). Illegitimate practices can potentially result in what Habermas (1988) terms a “legitimation crisis”, or what Das (1995) calls a “critical event”. These are situations where institutions are faced with a reduced ability to achieve their constituted goals and/or maintain confidence from the state and/or the population. This reduced ability may bring about (new) beliefs or states of knowledge (Bloor, 1991), that is to say, changes in the institutions’ responsibilities and organisation. In this thesis I use

¹¹ Including accountability measures.

Bovens (2007) and his term “consequences” to signal this potential loss of legitimacy due to a failure of giving adequate account of a decision.

The second presupposition is related to Bovens’ term “consequences”; legitimacy is often associated with the population’s confidence and trust in the practices of the state’s institutions (J. Jackson & Gau, 2016), and one may consider this as a way of understanding accountability as a social relation component of legitimacy (Bovens, 2007). This relationship is often characterised by the trust, or confidence, that populations in a democratic context may be presumed to place in democratically enacted laws, institutions, institutional practices, and the accountability measures and requirements put in place. The population and the CB are subject to these laws – the former presumably trust and follow the laws, and the latter has its reason for being and responsibilities originating in the laws. In this thesis, I consider the CB’s reason-giving practices to be central to the social relationship with the population, and consequently to legitimacy.¹² Thus, the accountability practices of the CB (and by association the CPS), may over time foster more or less trust and confidence in the population, depending on the qualities (e.g., reasoning, justification, transparency, accessibility) of their written decisions (accounts) (Bovens, 2007; Molander, 2016). The realisation of accountability requirements (and measures) may thus affect the legitimacy of their practices. Failure to fulfil these requirements may have consequences. These consequences may be public discontent or uproar and may lead to further consequences instigated by the policymakers, bringing about new legislation and reforms of the institutions.

How is the social relationship element of legitimacy maintained? Presupposing that the decision-making proceedings of the CB are deliberative processes; the proceedings serve as the basis for the argumentation and justification of the CB’s decision. These justifications are based on norms, evidence, and argumentation, and may appear more or less reasonable (and acceptable) from a deliberative perspective, as well as from the perspectives of the affected parties, the population, and policymakers. The account of

¹² This is not understood as an exclusive qualifier for legitimacy, but it is the main focus of the thesis and its discussion.

the deliberations relies on presenting the reasoning and justifications through argumentation in a reasonable (and understandable) manner to be lawful and legitimate; to maintain the relationship between the state, the institutions, and the affected children and parent (and the population). The CB adjudicates disputes between the parties about the best interests of a child and the rights of the parents in a situation that has come forth due to allegations of maltreatment. Fredman (2013, p. 123) argues that adjudication in questions that relate to rights that the decision-makers should “be able to give a deliberative ... account” of their interpretation of the law,¹³ and in this thesis, including evidence and testimonies. I take the position that the decision-makers’ deliberative account, as represented by their written decisions, is a key element in maintaining the CB’s (and by association the CPS’s) relationship with the population, satisfy accountability measures, and be considered legitimate.¹⁴ The discourses and argumentations used in the decisions are central to this thesis’ investigation of the state’s relationship with its population. Thus, the account that the decision-makers give of the reasons for their decisions is an important element for the CB to maintain “output legitimacy” (Rothstein, 2011).

3.2. Deliberative Democracy: Acceptability

Deliberative democratic theory states that political and social issues can be resolved through deliberative discourse work. That is to say, political and social (public) discourse can through deliberations resolve normative disputes and issues. In the context of this thesis, the units of analysis are judicial decision-makers and their decisions, in relation to the population’s acceptance of alleged or potential violent behaviour.

In a democracy, judicial decisions must be shown to be lawful, rational, just, based on the facts of the case, including all parties’ equal opportunity to argue their case, and up-to-date knowledge relevant to the case (Alexy, 1989; Bovens, 2007; Habermas, 1996). This includes revealing the reasoning and justification of the conclusion, the

¹³ Understood in this thesis that children’s and parents’ rights are implemented in the relevant legislation.

¹⁴ The extent to which the population actually accesses and has the educational/literacy level to read (and understand) these published accounts is another matter. The educational/literacy level may also be an issue for the affected families.

basis upon which it is reached, an account of the evaluation of evidence and testimonies in a manner that is not just transparent, but also accessible and understandable to the judgement of the population (forum) to which the decision-makers (actors) are held to account, facing potential consequences (Bovens, 2007; Moore, 2017). The kind of accountability investigated is what Rothstein (2011), calls “output legitimacy”.

“Output legitimacy” is understood in this thesis as the acceptance of the judicial decision by the affected party, as well as the population, and tentatively I call this acceptability. Acceptability is linked to accountability practices, and is integral to the legitimacy of judicial decisions from a population perspective, suggesting epistemic components in addition to structural components (Bovens, 2007; Molander, 2016). While a process and decision can be considered structurally legitimate by following formal procedures and rules, adhering to regulations and legislation, its legitimacy may still be in doubt regarding outcome, its connection with the experience of whom it concerns, i.e., children and parents (Burns et al., 2019; Molander, 2016; Rothstein, 2011). From Moore (2017) and Cohen (1989, 1992) I include another aspect to understand acceptability: the distinction between belief and acceptance. Moore (2017) suggests that accepting a decision is an action that is not entirely dependent upon believing, and agreeing with, the reasons for a decision (i.e., an intervention). To accept is contingent upon how the account of the deliberative process reveals the reasoning and what from the proceedings constitutes the justification of the outcome. This is a necessary component for a decision to be acceptable upon reflection: that the decisions is understandable, even if it is not agreeable or something we believe (Moore, 2017).

3.2.1. Deliberative Discourse and Argumentation

In investigating accounts of care order decisions as representations of a deliberative judicial process, I aim to improve our understanding of how decision-makers ensure legitimacy through the account of their deliberations. I expect that the decision-makers apply different discourses to reach a resolution of the normative question of a child’s best interests. Argumentation theory distinguishes between four discursive standards: pragmatic, ethical, moral, and legal discourses (Eriksen & Weigård, 1999; Habermas, 1996). This thesis is limited to the judicial and legal context, which demands decisions

and interventions to be in accordance with the law and legal methodology (see Boe, 2020; Eckhoff & Helgesen, 1997). However, judicial decisions also have requirements of rationality bringing normative standards of truth into argumentation to ensure morally and ethically good outcomes (Habermas, 1996). The focus of the thesis, based on previous research on judicial decisions (e.g., Juhasz, 2018; Skivenes, 2010; Ward, 2012), is limited to and narrows in on pragmatic and ethical arguments. Contentious normative questions commonly reside among pragmatic and ethical arguments and discursive claims, the tension between systemic disciplinary knowledge and lived societal (and cultural) norms (Habermas, 1987).

Pragmatic discourse refers to empirical facts (evidence), defining how the world is (familial violence), the degree of risk¹⁵ and/or mitigating factors, what is needed to reach a goal (safeguarding of the child's best interests), and what the likely consequences of the described conditions are. Pragmatic arguments, such as evidence of maltreatment and disciplinary knowledge about the consequences for child development, are key for the proceedings and outcome. The standards of evaluation that arguments and deliberations are subjected to are whether an assertion is true or false, that is, whether statements are documented, reliable and plausible. These are evaluations that the decision-makers make.

Ethical discourse is rooted in societal norms and values about what is or might be a meaningful and fulfilling life; these necessarily vary between cultures and nations. This is a key concern in the criticism of the CPS's treatment of migrants, but also non-migrants – as an argument can be made about heterogeneity of norms within a society, whether due to religious affiliation or customs of Indigenous peoples. Discussions of what constitutes a good childhood and family life, centred in this thesis on the question of a child's best interests, are considered ethical, which is supported by claims that the principle of the child's best interests struggles with indeterminacy; with regard to (unanimous) societal consensus (Elster, 1989; R. H. Mnookin, 1973).

¹⁵ Risk in this context is most appropriately understood through two epistemological positions that Lupton labels naïve realism and weak constructionist/critical realism (2013).

The standard of assessment is a hermeneutic interpretation of norms and rights, where opinions of what might be good or acceptable for a child are discussed and interpreted in relation to cultural and societal norms and practices (Løvlie & Skivenes, 2021; see also Skivenes, 2010). Discussions about the legal criterion that a decision must be in the child's best interests are part of an ethical discourse, informed by the fulfilment of other legal criteria, often rooted in a pragmatic discourse (Løvlie & Skivenes, 2021): 1) a legal threshold about evident risks of harm and/or maltreatment; and 2) that the CPS has offered and attempted all relevant supportive services to the family, to ensure the opportunity to improve the care situation.

3.3. Accountability Measures

To be accountable, decision-makers vested with the legal authority to apply the law must explain and justify their decisions (Bovens, 2007). Their discretionary power is delegated to them by elected representatives, who in turn were delegated the sovereignty of the voting public (Bovens, 2007; Molander, 2016). To ensure legitimate discretionary practices, accountability measures are put in place (Molander, 2016). This includes the legislation itself, but also other rules and norms about the conduct of the decision-makers and other professions' practices that are involved in the decision-making proceedings, for instance the approval of expert evidence by the CCWE.

For this thesis, accountability is understood narrowly as the practice of giving accounts to explain and justify the decisions of the decision-makers (Bovens, 2007). Thus, the accountability mechanism of interest is the written decision and its justification, which means that it is retrospective; the decision-makers account to the forum (affected parties, state auditors, the public) after the decision has been rendered. The written decision reveals what evidence and reasoning serves as the basis for applying the law, and it can reveal societal and professional norms that underpin the decision (Molander, 2016). Thus, it serves as a structural accountability mechanism; it is a requirement that the decision-makers of the CB submit their reasoning and justification for the decision in a document for the affected parties to judge, as well as for potential subsequent state audits. The written decisions also serve as a source for investigating epistemic accountability mechanisms, as they provide a view of the conduct of and interaction

between the decision-makers and child welfare professionals; the decision-makers explain their reasoning and justify their decision based on evidence and testimonies (Molander, 2016).

Epistemic accountability is connected to judicial decision-makers being, like their policymaking counterparts, reliant on scientific expertise's ability for self-reflection and reflexivity, as the decision-makers cannot possess all necessary knowledge (Beck, 2008; Madsen, 2010). This creates a situation of professional struggle of overlapping jurisdictional fields of expertise (Abbott, 1988), i.e., the child's best interests are at once a legal and psychological question (as well as being a normative societal question). The question of foster home placement is a legal question, and while child welfare professionals provide evidence and testimonies, it is up to the decision-makers to fit together evidence and knowledge from the various sources to, essentially, predict what would best serve and/or protect the child's best interests.

3.3.1. Epistemic Accountability Measures

My investigations of justifications and disciplinary evidence aim to expand our understanding of how disciplinary evidence and knowledge are used by decision-makers. The indeterminacy problem of the child's best interests-principle related to the capacity to predict a desirable outcome for the child suggests that I should expect disciplinary evidence to play a vital role in informing decision-makers about risks of harm, as well as causes for harm already done. Disciplinary evidence can therefore be understood as being part of an epistemic accountability measure that is supposed to improve the conditions and process of reasoning (Molander et al., 2012). Three kinds of epistemic accountability measures are of particular interest: formative, supportive, and deliberative.

Formative measures are directed at transference of the norms, values, and knowledge that comes with formalised education, such as law or psychology, into the decision-making situation. The formative measure ensures certification of professionals, and in this context, that only certain professionals are eligible for specific positions on the CB. The jurist member of the CB must have judge qualifications. The expert member on

the other hand, comes from other professions, such as medicine, social work, but more commonly psychology. The common denominator for the expert members is that they must have expertise and experience with working with children and families. These educational criteria serve as an accountability measure based on the assumption that different individuals with the same formal education will make informed judgements and evaluations in a more consistent or uniform manner (Molander et al., 2012).

The constellation of decision-makers ensures a formative legal and disciplinary structuring of the CB (Sosialdepartementet, 1985), that provides an epistemic scope to the reasoning of the child's best interests in questions about out-of-home placement; it must be informed by the knowledge, norms, and values of jurists, citizens, *and* child welfare knowledge.

The supportive accountability measure in this context is the evidence, in particular the disciplinary evidence (Molander et al., 2012). Disciplinary evidence informs the decision-makers about the clinical conditions of parents and children, with regard to diagnosed consequences and alleged causes (i.e., violence). The epistemic content of disciplinary evidence is necessary, both due to legal aspects, but also to get a full overview of the family situation. However, if the disciplinary evidence is suitable as a measure of accountability, in the form of decisive judicial justifications, is uncertain, because “[e]vidence-based reasoning answers clinical questions, but it is disputed as to what extent it can” answer judicial questions (Molander et al., 2012, p. 224).

The use of disciplinary evidence as an accountability measure is central to the question of deference to epistemic authority (see section 2.1.1.). It is clear that the use of disciplinary evidence supports accountable decision-making. The knowledge it provides is a key component of evaluating instances of alleged violence and the measures probable to mitigate and improve the conditions for children and supports the determination of the child's best interests.

The epistemic side of the deliberative accountability measure that the written account represents, relates to the proceedings and in particular the affected individuals, to whom the decision-makers must justify their decision. It is in the first instance a

measure directed at a narrow audience (Molander et al., 2012), the collegial body of the decision-makers and the affected individuals for whom the decision will (re-)structure life. Thus, on the one hand, the reasoning should be legible for other decision-makers, and on the other hand, it should also be legible to the affected individuals, the parents, and the children. In the second instance, the measure is also directed to a wide audience, the citizens, the accountability requirement in a “democratic *Rechtsstaat* ... to provide justifications” for judicial decisions (Molander et al., 2012, p. 225).

Together these three accountability measures, formative, supportive, and deliberative, make up what I understand as epistemic accountability in this thesis. Two of the decision-makers represent professions that are instilled with particular sets of knowledge, values, and norms, that the (Norwegian) state requires of their decision-makers in questions of family interventions (Sosialdepartementet, 1985). The professional struggle between them may be seen as an epistemic accountability mechanism: the assessment and ranking of disciplinary evidence will more readily be conducted by the expert member, whereas the lay evidence is more readily assessed by the jurist member. Together with the lay member, the evidence is assessed and considered against testimonies and the law. Herein lie some legitimacy challenges.

According to Turner (2001), disciplinary knowledge represents two problems to liberal democracies. The first relates to the democratic principle of equality where expertise represents a kind of privileged possession that grants the professions authority that the people cannot control, share, or acquire for themselves. The second relates to the presupposed neutrality of the state if professional opinion is granted a special promotion of position over that of non-expert opinion. If the state gives special credence to disciplinary knowledge and opinion, legitimacy of state interventions may be undermined. One way to alleviate this is for state decisions to be argued and justified in a manner that adequately shows how and why the decision was rendered (Moore, 2017). This cuts to the relationship between different professionals’ opinions and the outcome of judicial proceedings, which can be informed by the struggle of professions.

The struggle between different professions for jurisdictional domination (Abbott, 1988) is characterised in this context by how jurists vie for superiority by subordinating the expert member's (clinical) jurisdictions to a subfield of law. For example, how jurists may subordinate issues about social and psychological deviancy to law. Conversely, how psychologists may make jurisdictional claims about psychological deviancy, subordinating the wording of articles of law to their clinical knowledge – an aspect in child protection cases wherein the predictive claims about the child's development and best interests are at stake.

Judicial decision-makers assessing evidence from other professions, e.g., psychologists, must infer the most probable (or plausible) explanation (Kolflaath, 2013, 2019). This inference is based on the scientific and clinical characteristics of the evidence, and by extension the evaluation of social science literature, and requires the skillset to assess and understand the evidence's relevance and applicability (J. Mnookin, 2008; Ratus, 2013; Robertson & Broadhurst, 2019; Ward, 2012). The limited training of the jurist and lay member in assessing scientific literature and the clinical language of reports, risks – according to critics (Cashmore & Parkinson, 2014; Ward, 2016) – resulting in undue weight being given to disciplinary evidence, leading to poorly reasoned deference to epistemic authority. It would however be too stringent to assume that neither jurists nor lay people can understand disciplinary evidence (Ward, 2016), yet the grounds upon which they can do so may be limited (see Blichner, 2015).

The scrutiny and judgement of the public play an important role in determining the legitimacy of the state's family-intervening practices. Legitimacy is partly based on the public acceptance (acceptability) of decision-making practices (Bovens, 2007), including the transparency of the reasoning for placing a child in foster care. Thus, legitimacy may hinge on the decision-makers' account of how they have fitted together evidence, law, and societal norms (Molander, 2016; Moore, 2017; Ward, 2016). I examine this in my analyses of written care order decisions.

3.4. The Accounts of Decision-Makers

Accountability is hereby understood narrowly as the (democratic) public accountability of the state intervening in the family; the state is accountable to its citizens to sustain democratic control and legitimacy, facing potential consequences (Bovens, 2007). When the decision-makers grant a care order, the decision to do so is justified and documented. The deliberations and reasoning that form the foundation for a decision come from fitting together evidence and law into a lawful decision (Molander et al., 2012; Turner, 2012). Optimistically, the justification is rationally argued resulting in a “correct” (fair and true) outcome with regard to societal norms and public discourse (Rothstein, 2019). This is important, because for the population to experience and perceive the decision as legitimate the decision must enjoy a level of public acceptance. If not accepted, the state faces the potential consequences of public outcry, criticism from interest organisations, increased activism for values that stand in opposition the values purportedly promoted by the decision-makers, whether construed as overly paternalistic or anti-family. These consequences may influence or incentivise policy changes, if sufficient political and public discourse arises from one or more accounts that are deemed amoral or detrimental to the principle of equal treatment (Bovens, 2007; Molander, 2016).

Of course, it is possibly unlikely in normatively contentious questions for the population of a value-plural society to be unanimous in its acceptance (Collins et al., 2020; Moore, 2017). For instance, if there are conflicts of norms and values that relate to parental behaviour (violence and violence-adjacent) and family traditions – not an uncommon issue in societies with members from different national and cultural backgrounds. Societal norms influence public acceptance, and arguably also decision-making – as the decision-makers are, generally, of the same society. However, professions have norms of their own that they adhere to in their disciplinary practices. Also, not all members of a society share the same culture. For instance, migrant families are regularly highlighted and argued to be treated differently by the state, which may constitute a threat to acceptance and legitimacy (Aarset & Bredal, 2018;

Berggrav, 2013). Here epistemic mechanisms are key to ensuring accountable decision-making.

3.4.1. Lay Perspectives in Decision-Making

My investigations of justifications and disciplinary evidence are also aimed at increasing our understanding of how different kinds of evidence and testimonies are used by decision-makers. Considering the normative nature of the child's best interests-principle, I expect that the decision-makers recognise the validity of knowledge-claims by child welfare professionals, children, and parents to varying extents. Whereas the conflict over the control of jurisdictional fields between different professionals is a clear contender for attention, parents and children (and other witnesses) are also central sources of relevant knowledge that the CB need to make an informed decision (Eyal, 2013; Toros & Falch-Eriksen, 2020). The perspectives of children and parents are necessarily included in judicial proceedings and are also constitutive components of disciplinary evidence about them.

Lay perspectives are described by Eyal (2013),¹⁶ as being in a generative relationship with professional knowledge. Professional fields of jurisdiction are established in communication with the (lay) population. Lay perspectives in this understanding represent constellations of other actors and the devices, arrangements, and concepts, needed to formulate, reproduce, and understand the testimonies and evidence originating from professional knowledge (Eyal, 2013). Lay perspectives are essential for the accomplishment of tasks and may be understood as the interdependence, generosity, and coproduction of knowledge that shapes professional jurisdictions. It is derived from the relevant experiences and knowledge-claims of, in this context, children and parents. Recognising that the "experiential expertise" of children and parents are valid and legitimate knowledge-claims is key in the decision-makers' deliberations and fitting together of evidence to make a decision (Eyal, 2013; Moore, 2017).

¹⁶ Eyal calls it "expertise," but for clarity's sake I use the term "perspective" in order to reduce terminological confusion.

This provides a point of view that appears more egalitarian with regard to knowledge-claims. However, this type of inclusive approach appears to support a notion that knowledge is generated through regulating and disciplining relationships, since the language for everyone involved is determined by the research-based knowledge about phenomena such as child development, maltreatment, and violence (Hacking, 1991; Rose, 1999). In this way, research-based knowledge provides a foundation for society and the state to delineate normative boundaries, informed by research that relies, in some ways, on the population as a source when collecting and producing knowledge (Habermas, 1987; Rose, 1999; Turner, 2014). Thus, to put it speculatively, epistemic dependence is in some ways mutually inescapable, illustrating the epistemic complexity of society (Friedman, 2020). This dependence can also be tied to the lived experiences and knowledge of the population (parents and children) (Eyal, 2013) – supported by the requirement that decision-makers hear children in cases that concern them, as stipulated in the CRC (CRC, 1989) and Norwegian constitution (The Constitution of the Kingdom of Norway, 1814). In this case both child welfare professionals and children inhabit critical positions. The CB must hear the child and simultaneously consider the disciplinary knowledge. Both are structurally and epistemically tied to the decision-makers' reasoning (Molander et al., 2012). It remains a question to what extent parents inhabit a similar position in practice. The research and analyses in Paper I may provide some insights.

A key to the normative dimensions of the child's best interests is the cultural and societal views of the population. The democratic control and legitimacy are in this instance represented by the presence of a lay member on the decision-making panel. While this is not an analytical focus in the empirical studies that this thesis is based on, it is, however, an important element with regard to evidence assessment, epistemic authority, decision-making practices, justifications, institutional arrangements, and democratic legitimacy (Hultman et al., 2020; Kolflaath, 2013; Liljegren et al., 2014, 2018). Similarly, lay perspectives on the role of, and the range and content of services offered by, the CPS system are also important considerations in assessing the accountability practices of the state (McGregor et al., 2020; O'Connor et al., 2021).

CHAPTER 4

VIOLENCE, ACCOUNTS, ATTITUDES.

This chapter presents reflections on the methodological choice of using a qualitative content analysis and quantitative vignette survey experiment to answer the research questions of my papers and the thesis as a whole. The chapter starts with an introduction of the choices of methods and data, followed by the relationship between the papers and an operationalisation of violence. Then I continue with a review of the two different methods used for my three papers, including data collection, analysis, and limitations, before I end the chapter with some epistemological and ethical considerations.

4. Research Design and Methods

To investigate state interventions empirically demanded a narrowing of focus that allowed me to hone the analytical gaze. The choice of child protection care order interventions was on the one hand a given due to the overarching research project, on the other hand, care order cases are interesting empirically because they are sensitive and contentious instances of state interventions. A state intervention in the family is a serious step for the state to take, and it brings with it all manners of paternalistic associations that require justifications. It is in other words a fruitful area of study, both because it strikes at the heart of the relationship between the private lives of citizens and the state, and because the controversies that follow the Norwegian CPS – internationally and nationally – make the CPS a policy field that needs more and better knowledge. Contributions to this field are necessary if policymakers are to improve legislation and decision-making practices to sufficiently include children and parents.

Choosing to focus on familial violence, evidence, migrant, and non-migrant families, was a further exercise in sharpening the focus. Both the content analysis in Paper I and the vignette survey experiment in Paper III aim to elucidate questions of potential discrimination and the role of societal norms with regard to expectations towards migrants and attitudes towards violence. Paper II focused specifically on the use of

evidence, but still within the scope of familial violence, partly based on the assumption that knowledge-based argumentation would be more easily teased out in cases where the outcome may be considered obvious, but also because of the findings in Paper I.

There are two sets of data, the first is a collection of written decisions by the CB that was collected and curated from a public database (lovdata.no). The analyses of this unique and rich dataset form the basis of Paper I and II. The second is survey data collected for Paper III. The primary analytical approach for the thesis work has been qualitative content and argumentation analysis, including quantified categorisations of findings and descriptive statistics. The combination of qualitative content analyses with quantitative vignette survey experiment analyses puts the practices of the decision-makers in a context of population attitudes. Decision-makers' justifications and reasoning provide insights into the heuristics employed to fit together evidence and the law, within the confines of societal and professional norms and values.

Table 1 Research design overview of thesis papers

	Paper 1	Paper 2	Paper 3
Analytical approach	Argumentation analysis of written decisions about care orders.	Analysis of deference to disciplinary evidence in written decisions.	Quantitative analyses of vignette survey experiment responses.
Data	Documents: CB decisions on care orders (n=94).	Documents: CB decisions on care orders (n=104).	Survey data responses (n=1104) to a vignette experiment survey.
Units	County board decision-makers.	County board decision-makers.	Norwegian population.
Variables	Decision-makers' justifications and argumentation for care order decisions.	Decision-makers' acceptance, evaluations, and criticism of disciplinary evidence in care orders decisions.	Population acceptance of alleged violence and recommended CPS interventions.
Year(s)	2016-2017	2016-2017	2021

4.1. Relationship Between the Papers

Paper I was an initial exploration of the written decisions by the CB, focusing on the foundations for their justifications (pragmatic/ethical), as well as the prevalence and distribution of different types and variants of violence. The findings of Paper I incentivised the focus of Paper II, where I investigated the knowledgebase and disciplinary evidence used as the basis for reasoning in the decisions, and the manner in which the decision-makers deferred to the evidence from child welfare professionals. These findings showed an acceptive and evaluative tendency, revealing a process that could be rigorous, yet with a clear influence from experts and specialists in child welfare.

Considering the findings from Paper I and Paper II: the different distribution of violence-variants between migrant and non-migrant families, the use of disciplinary evidence, and the criticism of the CPS, Paper III surveyed the population regarding the potentially more ambiguous violence-variants. The survey vignette experiment, detailed in Paper III, tested for the influence of family background and causal claims by a child welfare expert on population attitudes. This contextualises the findings of Papers I and II, putting the decision-making practices against the societal context, closing a loop around the question of accountable justifications and uses of disciplinary evidence.

The three papers show the accountability practices of the CB situated in the normative topography of Norwegian society. Paper I shows to what extent ethical norms are used as justifications by the CB, which cannot be said to be decisive arguments in this study. Decisive arguments rest on evidence and knowledge, which is further investigated in Paper II. Paper III then frames these papers with population attitudes towards violent-adjacent actions and behaviour, and the recommended interventions in this context, suggesting a coherence between CB practices and population attitudes towards violence, and a potential incoherence regarding outcomes.

4.2. Violence - Analytical Operationalisation

In the first instance, state interventions into the private lives of citizens may be understood as an expression of violence, removing children from their families forcibly and against the wishes of their parents (and possibly the children). The democratic state's use of violence in this context is legitimised via the legality of democratically constituted laws and statutes (Weber, 1919/2002). This strikes at the core question about what makes state intervention in the lives of the citizens legitimate. The state's monopoly of violence frames the thesis' investigation: the tension between legitimising exertions of state violence as a reaction to allegations levied against parents about their illegitimate use of violence towards their children and/or each other.

In the second instance, violence is a social phenomenon that takes on numerous attributes and expressions. Literature on the causes, consequences, and forms of violence is extensive. From the socio-political expressions and causes of violence with regard to war and terror (e.g., Arendt, 1969/2002; Crenshaw, 1981/2002; Tilly, 1985/2002; Žižek, 2009), to the more intimate violent relationships between partners, and towards or in front of children (e.g., Aguilar Ruiz et al., 2021; Ahlfs-Dunn & Huth-Bocks, 2016). The latter category of literature collects in different disciplines the understanding of the effects of violence on victims, perpetrator, and witnesses, with regard to experience (e.g., Callaghan et al., 2015; Cannon & Buttell, 2016; Devaney, 2008), and the long-term consequences of violence relating to mental health and life outcomes of victims (e.g., Afifi et al., 2017; Felitti et al., 1998; Hillis et al., 2017). A smaller body of literature that links this research on violence in the family back to the state. This literature addresses questions of expertise and highlights the potential ramifications of transporting social scientific typologies and understandings of violence and other extra-legal knowledge into legislation and judicial processes (Burns et al., 2016; Rathus, 2013).

Violence is in this thesis understood as a key contextual factor in deliberations and justifications of state intervention. It is however understood analytically as descriptions that state decision-makers use in their accounts as contested or uncontested facts of the case. Violence is categorised according to these descriptions, rather than the causes or

consequences of violence. Thus, intention is removed from the thesis' treatment of violence, despite the centrality intent plays in both the World Health Organization and the CRC Committee's operationalisations of violence and corporal punishment (CRC Committee, 2006; Krug et al., 2002). The distinctions of violence in the typology used in this thesis (see Løvlie & Skivenes, 2021, and under section 6.3. below), do not assume congruence with the subjective experiences of victims or perpetrators. However it is a meaningful analytical distinction nonetheless as different types of (violent) actions can have different consequences and meaning for the involved parties (Kelly, 1987).

In this thesis, violence is categorised according to physical and psychological types. These types each have three main variants: strong, weak, and indirect. A fourth variant, "indefinable", was required in a few cases, as the descriptions of violence were lacking details to sufficiently categorise the actions according to a variant (Løvlie & Skivenes, 2021). Operationalising violence in this manner was as an analytical choice to tease out the normative and knowledge-based arguments and reasons that appear in the decision-makers' accounts. To see how the state justifies its interventions in complicated cases of severe allegations and dire circumstances, where legitimate interventions on the one hand are needed, and on the other hand require clarity of reasoning and convincing proof. It also provides insights into the account of the deliberations and proceedings and to what extent violence plays a role in the justification.

4.3. Method: Content Analysis

Paper I and II made use of the same dataset of written decisions by the CB. These are legal administrative decisions and are naturally occurring data written by the jurist member of the CB after the proceedings and the CB's closed deliberations. I used this data to analyse how decision-makers justify care orders and the grounds upon which they substantiate the child's best interests in discretionary decision-making. Written decisions on care orders are an accountability measure, providing the reasoning and justification (the account) of the decision-makers' decision. That way I gain access to the reasoning for placing children in foster care, and this reasoning provides elements

of evidence, knowledge, and norms, that the decision-makers fit together to make a decision.

4.3.1. Data Collection and Material

The dataset for paper I and II consists of 104 written decisions about the care order placement of children due to familial violence. The documents were downloaded from the public database www.lovdata.no, where an unrepresentative portion of CB decisions are de-identified and published yearly. The dataset includes all relevant cases concerned with violence from 2016 and 2017. Inclusion criteria when searching the database were: 1) the legal criterion for care order decisions by the CB according to article 4-12 of the Norwegian Child Welfare Act; and 2) violence is mentioned and referenced as a concern or fact in the written decision – for a detailed overview of the specifics I refer to Løvlie and Skivenes (2021), and Løvlie (2022). The search resulted in 384 cases (23% of the 1,684 total care order decisions processed by the CB those two years). The 384 cases were then thoroughly reviewed for relevance and duplicates. During the review, cases were removed for several reasons. For instance, due to violence being part of the family's journey to Norway, a parent that experienced violence in their own childhood, or who had been the victim of violence at home,¹⁷ or in a few cases it was the child who was the violent agent towards other children or adults. This reduced the number of cases to 104.

The units of analysis are the decision-makers of the CB, with specific focus on their reasoning and arguments as written in the decisions. The decisions follow an almost uniform structure that includes: 1) the background of the case, which includes previous history with the child protection services if any, information about the family, parents, and children; age, how long they have lived where they live, any other background information about the family presented to the board, and the grounds for notification to the CPS and why the CPS forwarded the case to the CB (previous reports and child welfare professionals' testimonies related to the history of the case and family will be included here); 2) the CPS's arguments, allegations and evidence, and what articles of

¹⁷ For instance due to drug related crime and violence.

the law they argue come into effect (disciplinary evidence will be cited and included in this section of the decision); 3) the parents' arguments and evidence, a summary of the parents' testimonies (any disciplinary evidence the parents have acquired will be included here); 4) only part of the document if the child is treated as her own party in the proceedings, or if the spokesperson for the child provided extensive information (it includes the child's testimony, her perspective, experience, and narrative of the family and life situation); 5) the last section contains the CB's reasoning, justifications, and conclusion. It covers the care needs of the child as revealed during the proceedings, as well as an assessment of the family situation and care conditions. Included are also relevant lay and disciplinary evidence and testimonies that the CB finds important when justifying the decision.

The fifth section is the primary focus of Papers I and II. While the other sections were used in the first level coding (see below), the second level coding and analyses focused solely on the fifth section. The studies compare decisions made by the CB, where violence was a risk or allegation, or where proof of violence by one or both parents was referenced.

In Paper I care orders and the family background were central interests. Ten cases were removed from the analysis, reducing the number to 94 cases. The selection of cases removed were cases that did not result in a care order, or where the types of violence were unidentifiable due to lacking descriptions. Also, due to the de-identified nature of the decisions, identifying migrants became an exercise in systematically uncovering references to families that were described as having lived in Norway for some time. The de-identified state of the documents made it difficult to distinguish between different types of migrants and different origins. This could range from a single comment made by a family relative about the parents moving to Norway, to the decision containing references to family coming from "country x". I identified 52 decisions about families described as having an origin outside of Norway, where the entire family migrated, or only the parents migrated – the child being born in Norway. This necessarily simplified operationalisation is based on the definitions of Statistics Norway (Statistisk Sentralbyrå, 2019).

The dataset in Paper I consists of 50% migrants and 50% non-migrants. Some migrant families were clearly described to come from war-torn countries, but others were missing any kind of description or reference beyond “country x”. The reason for migration is not consistently provided, thus anything from labour migrants to asylum seekers and (former) refugees may be included.

Paper II placed less emphasis on care order as an outcome, the migrant element, and the variants of violence. It focused more specifically on the use and presence of disciplinary evidence in reasoning and justification, incentivised by findings in Paper I. This means the paper presents an analysis of all 104 decisions. The data was reviewed again and systematised according to types of disciplinary knowledge, with regard to the legal criteria for granting a care order, and what topics the evidence were used to inform in the justifications of the decision.

4.3.2. Coding and Analysis

Coding and analysis of the decisions was done on two levels. The first level includes descriptive and predetermined codes, the frequency and prevalence of: violence and violence types; the number and age of the children involved; whether the families are migrants or non-migrants; dissent in decisions; decision outcomes; article of law forwarded by the CPS; articles of law the CB found fulfilled in the decision; whether there are mentions of support measures having been attempted, are absent, dismissed or recommended; and any mention of siblings not being part of the care order application. Additionally, the first level covers the prevalence of disciplinary evidence and testimonies involved in the case proceedings and the presence of these in the decisions, including who this evidence concerned.

The second level covers the in-depth and substantial coding towards an analysis of discourse and justifications, and expressions of the county board’s assessment of the case based on evidence and testimonies. In Paper I, the second level coding focused on argumentation about what would be in the child’s best interests. In Paper II, the second level coding focused on important topics related to the child’s care context, development, and functioning, and narrowed in on expressions of deference to

epistemic authority, including instances where disciplinary evidence was rejected or disputed by the CB. These codes and coding process are described in detail in Løvlie and Skivenes (2021), and in Løvlie (2022).

The analytical method is grounded in argumentation theory and the conceptual framework of pragmatic and ethical discourse. The key variables are the topics and themes upon which the arguments of the decision-makers rest, uncovering the application of evidence, social scientific knowledge, norms, and values that inform the reasoning, fitting together of evidence and law, and justification. These variables contribute to deeper understanding of the foundations, normative and knowledge-based, of (the account of) the state's intervention.

The findings are structured and presented according to their thematic uses, which is to say, in Paper I, findings were grouped according to the parents' arguments, the child's view and cultural considerations, and the implications from evidence. The challenge with arguments and justifications of judicial decisions are that they often draw on more than one discourse. This means that the methodological operationalisation of Habermas' discourse theory results in conceptual categories of discourse. For instance, identifying a pragmatic argument based on evidence about the consequences for the child is distinctly different from an ethical argument about insufficient parenting skills, or lifestyle choices. So, while it may be impossible – or at least improbable – to categorise single statements according to a single discursive claim to validity, a framework of empirically-derived categorisation of themes along which the decision-makers argue allows for the analysis of arguments and justifications of both pragmatic and ethical claims to validity. The framework turns the theoretical categorisation into an analytical tool that distinguishes between different discourses that make up the justification of a judicial decision. Therefore, the illustrative excerpts in Paper I may contain elements from other discourses.

In Paper II, the analysis focused on the pragmatic discourse and specifically the use of evidence found in Paper I. A similar process was followed, categorising topics that the disciplinary evidence reports on and highlights. Four topics crystallised, dealing with:

the parents and children's functioning; care situation; attachment and development; and stability. This was followed by the application of an analytical framework informed by theoretical input on deference to epistemic authority, categorising the ways in which the decision-makers used and relied on the disciplinary evidence. The result was three distinct categories of acceptive, evaluative, and critical uses, to substantiate the ways decision-makers accept, evaluate, or criticise disciplinary evidence.

4.3.3. Limitations

The primary limitations of Papers I and II are that the decisions are an unrepresentative sample from a public database. The selection process for publishing decisions is unknown. Therefore, the papers cannot address questions of representative generalisability. Also, the decisions do not capture elements from the proceedings and deliberations that could be important to clarify the positions of witnesses, the parents, and the children, which is of interest to a researcher (Magnussen & Skivenes, 2015). The decisions are also written after proceedings and deliberations, as an account to validate the decisions' legality and (procedural) legitimacy (Eckhoff & Helgesen, 1997). Judicial decision-makers in Norway are required to provide their reasons for a decision's outcome. This data is rich material for investigating what are considered sufficient and valid arguments and justifications for state interventions.

The migrant and non-migrant comparison only provides some indications of similarities and differences. Additionally, I do not analyse the CPS's applications for care orders nor other types of information in relation to the proceedings that have informed decision-makers. However, the decisions are all cases where violence is an explicit concern about the family situation. This means that the dataset is possibly biased towards decisions that are in favour of granting a care order. The results are therefore only indications, as the CPS is the applicant in all cases, determining the threshold for what cases are submitted to the CB. I have not had access to CPS case files, nor did I observe the deliberations of the board members.

The coding focuses exclusively on the fifth section (see above) of reasoning and justification in the written decision. This tightens the analytical focus to explicit

elements that the decision-makers highlight in their reasoning and justification. This narrow focus allows identification of the extent to which disciplinary evidence is used, about whom and what it concerns, and importantly how the CB evaluates and uses evidence it considers relevant. However, other elements of the proceedings and disciplinary evidence that may be of interest but not included by the CB in the written justification, may not be caught by the analytical gaze.

Papers I and II provide more details on the limitations of the respective studies.

4.4. Method: Vignette Survey Experiment

Paper III uses the vignette method to examine population attitudes towards potential violence and CPS interventions, and if the attitudes are influenced by expert causal claims and/or the family's cultural background.

A vignette presents a hypothetical scenario in a short story constrained by specific circumstances (Finch, 1987). The method is recognised as useful for exploring normatively sensitive and moral questions, and is a common tool in social and political science for studying (professional) decision-making (Barter & Renold, 2000; Druckman & Green, 2021). Studies have also shown that there is congruence between decisions made in reality and responses to vignettes (e.g., Peabody et al., 2000), and the experimental component is useful to study attitudes, actions, and values under variable stimuli (Druckman & Green, 2021; Wilks, 2004). Vignette survey experiments are particularly useful because participants respond to the same case and facts, minimising biases from design and observations (Soydan, 1996; Wilks, 2004). Vignette experiments enable meaningful interpretations of causal relationships between the manipulated factors and the sample's responses (Aguinis & Bradley, 2014).

4.4.1. Vignette design

The vignette is a 2x2 factor survey experiment and was developed in 2021. It includes only forced choice response options, because the aim was to see if I could measure the influence of expert causal claim and the background of the family described in the vignette. The insights gained here could tell us something about the societal norms that

the decision-makers and population share and elucidate elements of the relationship between a common sense of justice and decision-making practices.

The development of the vignette was informed by findings and characteristics of the data material used in Papers I and II. Aiming to shed light on complicated and difficult questions about parental behaviour and allegations of psychological violence, the decisions from the CB were key to formulating a scenario that was realistic, i.e., similar to cases from the content analyses where psychological violence was described and considered.

The scenario used in the experiment describes two siblings, one preteen and one teenager, who struggle socially and at school, and with a high degree of conflict in the home and where blame is put on the teenager. The family is described as either Norwegian or Ethiopian, and a causal claim about the relationship between the family situation and the children's struggles is made at the end, where in one set of treatment groups this claim is credited to a child welfare expert, and for the other set it was a statement with no credit given. Three response options were then presented to the respondents: 1) the acceptability of the parents' behaviour towards each other in the vicinity of the children; 2) the acceptability of the parents' behaviour towards the children; and 3) what intervention the respondents would recommend provided that the case ended up with the CPS. Respondents answered to question 1 and 2 on a 6-point scale: completely unacceptable; acceptable; somewhat acceptable; somewhat unacceptable; unacceptable; completely unacceptable. Question 3 also provided limited response options: 1) no intervention; 2) monitor the family; 3) voluntary support measure; 4) involuntary support measure; and 5) temporary care placement. They were also given the choice of "prefer not to answer" for all questions.

The sample was drawn from the Norwegian population thus the vignette was written in Norwegian. The vignette was scrutinised and reviewed by researcher colleagues and refined before the survey was launched (see Løvlie, 2023 for the translated vignette).

4.4.2. Data Collection

A representative sample of the Norwegian population (n=1,104) was surveyed. Representativeness was ensured by the service provider *Respons Analyse* (RA), that through programming and curation ensured a representative distribution of demographic factors, such as age group, gender, part of the country, education, and personal income, including a weight variable in the dataset. The survey was distributed via RA's omnibus survey, using their standard background questions.

4.4.3. Analysis

The analysis used the statistical software RStudio, where I separately inspected demographic variables and uncovered no systematic differences in the background variables, i.e., gender, education, age, as this can influence the responses and analysis. I ran ANOVA, OLS, pairwise t-test, cross-tabulation (chi-square), and LOGIT tests (see Løvlie, 2023 and its appendix for a full overview of tables and results).

4.4.4. Limitations

This study tests for attitude changes based on a migrant stimulus that is specific, rather than generic. Instead of using "migrant" in the vignette, it uses "Ethiopia." I did this for three reasons, despite the challenges it causes for generalisation: 1) previous research with generic terminology (i.e., "migrant" or "non-native") did not produce significant results on population level (e.g., Helland et al., 2018), and testing a more specific country could yield different results; 2) families with an Ethiopian background are not overrepresented in the Norwegian CPS compared to other migrant groups, nor are they associated with controversial CPS cases that would influence respondents; 3) using Ethiopia also touches on the prejudice/discrimination aspect towards families from the African continent, and functions as a proxy for non-western migrants. However, this means I cannot generalise to all migrants, nor can I assert validity beyond Ethiopian migrants. It does however provide clearer indications of any discrimination of families from the African continent.

The second stimulus, "expert", may not measure expert influence on population attitudes, because the relationship between population attitudes, societal norms, and

expert knowledge is unclear. Thus it may fail to pick up on the epistemic authority that experts may exert on public attitudes, be that deference to the authority of experts or opposition to that authority. Also, the vignette provides a causal claim that respondents may accept as valid or true, irrespective of whether it is explicitly credited to an expert or not. However, this simple test of such a stimulus was a useful methodological exploration for measuring expert influence on population attitudes for future studies.

The vignette also describes “loud conflicts,” which may not be equivalent of indirect violence. Loud or a high degree of conflict is the category used in official Norwegian statistics about notifications to the CPS, whereas indirect violence is not. High degrees of conflict may include both indirect violence as well as violent-adjacent actions, the latter may not necessarily be considered intervention-worthy by the CPS or the population in any country. This could also vary depending on the awareness of and importance given to children’s rights and cultural norms regarding raising and disciplining children. However, it captures the potentiality of indirect violence, and the results relate to the acceptability of potential indirect violence, giving us insights into Norwegian norms on loud (and aggressive) near-violent behaviour in children’s care situations.

The data is only from Norway, thus validity outside that national context may be questioned. The lack of comparative data is however of lesser importance, as one of the purposes of the study is to test the effects of mechanisms of expert influence and migrant and non-migrant family background on population attitudes. Therefore, the results can be interesting and useful when researching other national contexts, to produce clearer and/or different results, and to shed further light on the influence of experts and on discrimination against migrant families. Background variables were collected according to standard norms of sampling by surveying companies. Thus, respondents with a migrant background are not registered as such.

Three frequent objections to vignette surveys relate to complexity, realism, and whether the responses realistically reflect what the respondents would have done in a real-life situation. Concerning complexity, measures were taken to ensure that the

language used was accessible and that the situation was clearly described. Regarding realism, as described above, the vignette is based on characteristics from 104 care order decisions concerning familial violence. How respondents would respond in a real-life situation remains unknown and is a known challenge for survey studies. However, the vignette method's capability to reduce social desirability biases may alleviate some of these concerns (Wilks, 2004).

4.5. Epistemological and Ethical Considerations

The qualitative data is naturally occurring and can be considered valid and reliable as they are documented accounts of the decision-makers' actual decisions. The data contains real-world empirical instances of judicial decisions about care orders in cases of familial violence. The quantitative data are survey data from a representative sample, and reliability and validity may be questioned as per the limitation section. Applying other methodological strategies could also have yielded interesting results and analyses, such as interviews, observations of proceedings, or surveying decision-makers and child welfare professionals. Gaining access to proceedings of care order cases is ethically challenging and I would have had to rely on consent from everyone involved, an unlikely scenario which would have affected data quality. Similarly, interviewing decision-makers would have yield limited data in terms of the amount and type of content. Surveying the limited number of CB decision-makers would have resulted in interesting, but likely limited data, with regard response rates and validity and reliability.

The project was a part of the ACCEPTABILITY-project led by Professor Marit Skivenes and financed by the Norwegian Research Council (grant no. 262773). The project has been through a legal and ethical review process, having been reported to the Data Protection Services at Sikt (formerly NSD). The project was reported in two parts as recommended by the Data Protection Services and has two project numbers 50982 and 52781.¹⁸ The dataset from lovdata.no was de-identified before online publication and is publicly available; further anonymisation measures were undertaken

¹⁸ For more information on the ethical assessment and privacy/data access permission: <https://www.discretion.uib.no/wp-content/uploads/2019/12/INFORMATION-ABOUT-DATA-PROTECTION-ETHICS-AND-DATA-ACCESS.pdf>

to ensure anonymity in translated illustrative material in publications. This project is covered by the approvals of the overarching project's use of data.

A last observation is related to the two terms “transparency” and “understandability”. The writing (and publication online) of judicial decisions ensures a level of transparency of state practices. However, decisions by the state, the CB, and the judiciary in general, are largely written in a way that cannot be said to be easily or intuitively accessible to non-professionals. This is an obvious point. Having read and analysed more than one hundred decisions (that make up a significant part of the data material for this thesis), I have learned and picked up on the writing and logic of the care order decisions' structure and language. This makes me a poor advocate for readability and accessibility of the decisions. However, I do consider this to be a key point with regard to population acceptance – one which I cannot currently substantiate beyond normative assumptions. Most members of society will not regularly experience state interventions nor read the judicial decisions enforcing them, thus their experience with and understanding of the decisions may be hampered by professional language and logic of psychology, social work, and law.

CHAPTER 5

JUSTIFICATIONS, EVIDENCE, ATTITUDES.

Paper Summaries

Three peer reviewed papers are included in the thesis. In this chapter I provide a summary of each paper, focusing on motivation, empirical orientation, conceptual approach, research questions, methods, and the main results.

Paper I: Justifying Interventions in Norwegian Child Protection: An Analysis of Violence in Migrant and Non-Migrant Families

In the first paper we wanted to explore how care order decisions about familial violence are justified, to uncover the variable types of violence, and whether the decision-makers' justifications differed in migrant and non-migrant cases. We aimed to uncover what accounts were used and considered important when justifying the child's best interests. The study is an in-depth analysis of 94 written care order decisions by the Norwegian County Boards. Drawing on Habermas (1996), and Alexy (1989), our theoretical approach was rooted in deliberative argumentation theory, with a particular focus on the presence of pragmatic and ethical discourses in written justifications. In conjunction with the analysis we developed an analytical typology of violence that distinguishes between psychological and physical violence, with direct and indirect sub-variants. It is based on the descriptions of the decisions and served to categorise the cases accordingly.

The analysis showed that justifications are largely embedded in a pragmatic discourse that focuses on risk-levels by drawing facts and claims from testimonies and evidence of violence. The consequences of violence on the development and wellbeing of children appeared to be key in this risk-assessment, in particular where harm had already plausibly been claimed to have occurred, with references to the children's struggles, behaviours, and opinions. A pragmatic-ethical discourse was also present, manifested in the decision-makers' assessment of the parents' capacity to change their

behaviour sufficiently to meet the needs of the children; here the decision-makers highlighted parental denial of violent behaviour, including instances where the parents blamed their children. This served the decision-makers' justifications in determining whether it was possible to attain the necessary care for the children.

Regarding the differences between migrant and non-migrant families, we found only a few differences. Stronger variants of both physical and psychological violence were frequently more evident in the descriptions of migrant cases, and the decision-makers relied on arguments aimed at the parents' denial of violence with a higher frequency. In non-migrant cases the decision-makers relied more on arguments aimed at the consequences should the children remain in their parents' care, and a higher proportion of decisions in non-migrant cases described indirect violence, alluding to an ethical or societal component.

Our examination showed that decisions were largely determined by risk-levels in the family situation, based in the first instance on pragmatic arguments drawn from the empirical evidence and documentation of violence towards the children, and in the second instance, from the pragmatic-ethical arguments pertaining to parental ability to change their behaviour, and their capacity to meet the needs of the children. The study did not substantiate that the CB – as an element of the CPS system – was biased in their treatment of migrants and non-migrants.

Our analyses of the relatively large sample of written care order decisions about familial violence taught us about the justifications of these decisions, and incentivised further studies. The pragmatic(-ethical) discourse is further explored in Paper II, where I home in on the use of evidence from professionals, such as social workers, physicians, and psychologists, and the characteristics of how the evidence was applied. Paper III ventures into the disproportionate distribution of indirect violence, homing in on population attitudes towards psychological and indirect violence.

Paper II: Evidence in Norwegian Child Protection Interventions - Analysing Cases of Familial Violence

In the second paper I focused on the use of reports and other professionally produced evidence, conceptualised as disciplinary evidence. It examined two research questions.

1) How do CB decision-makers use and evaluate disciplinary evidence when making care order decisions in published cases about familial violence? 2) Is there evidence in the CB decision-makers' reasoning of independence from the epistemic authority of experts in these cases? To answer these questions, I homed in on how the decision-makers use and evaluate reports and evidence from specialists and experts, conducting an in-depth analysis of 104 care order decisions. Theoretically the approach is still rooted in deliberative argumentation theory, however, to hone the analytical gaze I used an operationalisation of epistemic deference from Ward (2016). This supplied a theoretical device that assisted the analysis and in developing categorisations of the different uses of disciplinary evidence. This deepened the analysis of the topics the evidence concerned, for what considerations it was used, and to what lengths the decision-makers went to reveal the reasons for their use of the evidence.

The analysis involved categorising the topics that the evidence revolves around. Though similar to the justificatory categories in Paper I, these categories were more condensed. I devised four topics of evidence: functioning; care situation; attachment and development; and stability. The functioning-topic concerned evidence about children and parents pertaining to the social skills and maintenance of social relationships, including linguistic skills. The care situation-topic included evidence that dealt with the situation at home, both emotional and material, and whether the parents were present and displayed sufficient skill to take care of their child. The attachment and development-topic contained evidence specifically about evaluations of the child and her development and attachment to her parents. It concerned the qualities, good or bad, of the attachment between parents and child, but also the consequences this could, would, or already had inflicted upon the development of the child. The stability-topic included evidence that dealt with diagnoses, and the needs of the child pertaining to stability and predictability.

The decision-makers draw on this topical evidence and are guided by the law in determining whether the child's situation is harmful, whether support services are viable to alleviate or remedy the situation, and whether a care order is in the child's best interests. I found that decision-makers drew unevenly on evidence to inform the different legal requirements, prevalently used to inform the basic legal threshold, however comparably less used in informing the use of support measures and the child's best interests. Additionally, they predominantly deferred to expert authority. Deference to epistemic authority was categorised into three kinds of endorsements or assessments: acceptive, evaluative, and critical. Acceptive assessments covered instances where the decision-makers accepted and endorsed evidence without apparent reasoning, accepting and using the evidence as their justifications; evaluative assessments covered instances where decision-makers accepted and endorsed evidence via substantial or superficial evaluations of the evidence and the work that went into its production; and critical assessments covered the instances where the decision-makers were particularly attentive and critical to quality of evidence, impressions from testimonies, and actions by the various involved welfare services.

I found that disciplinary evidence was extensively used by the decision-makers to attain the capacity to decide whether a child's functioning, care situation, attachment, development, and stability, met the legal thresholds for a care order. The decision-makers' use and evaluation were characterised by both dependently deferring and independently endorsing the epistemic authority. Disciplinary evidence was consistently used to justify the legal threshold based on assessments of risks of harm, and the decision-makers demonstrated an independent gaze when they asserted their competency and authority. However, the use of disciplinary evidence did not appear as a predominant feature in considerations of the child's best interests. This unresolved inconsistency regarding disciplinary evidence's role in justifying (and determining) the child's best interests is worrying but could be promising if the reasoning were more transparent about the use of disciplinary evidence.

Paper III: Experts and Migrants – a Survey Experiment on Public Acceptance of Violence and Child Protection Interventions

The third paper deviates from the content analyses of Papers I and II, instead taking a step back, to survey the population and its attitudes towards expertise and migrant families. It asked three research questions. 1) Does the Norwegian population accept parents' psychological and potential indirect violence towards children, and is the acceptance different for migrant children? 2) Does the population recommend the CPS to intervene, and do the recommendations differ for migrant children? 3) Does it matter for the acceptance of violence and CPS recommendation that an expert makes a causal claim between violence and children's difficulties? To answer these questions I conducted a vignette experiment survey on the Norwegian population's acceptance of psychological and indirect violence to determine whether acceptance increased or decreased due to causal claims credited to experts and/or alleged violence in migrant families, and whether these factors influenced the population's recommended intervention. The conceptual framework was rooted in two main factors: the critical allegations of biased treatment of migrant families by the Norwegian CPS, and assumptions about the relationship between public opinions and expert knowledge and authority. First, I wanted to test whether respondents were influenced by a stimulus that credited a causal claim to a child welfare expert, presuming that this would decrease acceptance and increase recommended state intervention. Second, I wanted to test more specifically whether respondents were influenced by a stimulus about a migrant family, presuming that this would not influence the respondents' acceptance of violence, nor their recommended state intervention. These are normative questions about society's acceptance of parental behaviour and state intervention, contextualising how decision-makers' act in these sensitive and complicated cases.

The analysis uncovered a statistically significant differential in acceptance with regard to potential indirect violence in migrant and non-migrant families, where acceptance increased when the family was described to have a migrant background. However, concerning psychological violence and state interventions no difference was found between migrant and non-migrant stimuli. The population attitudes also appeared

unaffected by expert claims with regard to acceptance of violence and state interventions. This contextualised the criticism against the Norwegian CPS claiming that migrant children risk living longer under violent conditions in Norway, as well as claims about a lack of cultural sensitivity. It improved our understanding of the sensitive and complex environment in which judicial decision-makers act; where they balance allegations of violence with societal norms and the law, ensuring equality and being attentive to potential discriminating attitudes.

It remains unresolved and to be investigated whether the differential acceptance of potential indirect violence is an expression of discrimination and/or cultural sensitivity towards migrants, or variations in the public sense of justice towards migrant and non-migrants. When children, due to their family's origin, live longer in harmful conditions of potential violence, this is a problem for state legitimacy, and signals a fundamental children's rights problem. Conversely, if non-migrant parents have comparatively elevated expectations of non-conflictual behaviour placed upon them, this can quickly become a contributing factor for critics who claim the state intervenes coercively, too early, or too often. Regardless, this apparent difference in attitude demands awareness from the CPS and judicial decision-makers.

The lack of migrant treatment effect on psychological violence and the recommended actions of the CPS was presumed, however, the lack of expert treatment effect demands further investigation. The disentangling of the relationship between societal norms and expert knowledge, including professional norms, provides ample grounds for research, and is, in my opinion, a necessary path towards better insights into and better understanding of the relationship between state decisions, informed by expert knowledge, and the public's attitudes and expectations from the state. A speculative explanation of and potential grounds for a hypothesis (for another study) about the lacking treatment effect, is that the expert knowledge is known and institutionalised as values and norms. An understanding of the consequences violence may have on a growing and developing child is "tacit," and when made conscious, considered common sense. Disentangling this complex set of relationships, may deepen our understanding of what are considered acceptable and legitimate practices and interventions by the state.

CHAPTER 6

KNOWLEDGE, NORMS, JUSTIFICATIONS.

This chapter presents the main findings and contributions of the thesis, providing insights about: how state interventions into the family are justified by judicial decision-makers, what the characteristics and qualities of these justifications are, and the attitudes of the population towards potential abuse. I discuss the findings and contributions, followed by the implications of what we have learned, including some suggestions for further research.

The empirical investigations aim to expand our understanding of how Norwegian judicial decision-makers substantiate the child's best interests in their decisions to ensure accountability. The decision-makers are faced with allegations of being biased in their treatment of migrants, being too reliant on disciplinary evidence and/or letting it replace their own assessments and reasoning, and they face disputes over the coherence between decision-making practices and population attitudes. This thesis builds upon analyses of the decision-makers' written accounts set against the population's acceptance of violence and recommendations to the CPS in cases of potential violence. The findings are categorised in sections 6.1., 6.2, and 6.3., each focusing on a research question and discussing dimensions of accountability practices.

The findings from the three empirical research papers that form the basis of this thesis each provide components for answering the research questions. Papers I, II, and III all provide insights into answering the first and second research questions. Paper I has some insights to assist in contextualising research question three; however, Paper III is the main source for this research question. Paper II provides no directly relevant findings for population attitudes; however, its findings are important to shed light on the other papers' findings and it was an important incentive for writing Paper III and informing the vignette. Each subsequent section of this chapter goes further into describing the findings, potential implications, and contributions. The relationship between the papers and the research questions is summarised in table 2.

Table 2 Summary of findings

	RQ1: <i>How are state interventions justified by decision-makers?</i>	RQ2: <i>What are the characteristics and qualities of these justifications?</i>	RQ3: <i>What is the population's attitude towards potential abuse?</i>
Paper 1	Predominantly pragmatic and pragmatic-ethical argumentation.	Evidence, child's opinion, parents' responses.	Parents dispute allegations (and definitions) of violence, potentially suggesting a discrepancy in understanding violence. Variable prevalence of types of violence may have implications.
Paper 2	Assessments of parents' and children's functioning, care situation, attachment, development, children's need for stability.	Acceptive, evaluative, and critical assessments and uses of disciplinary evidence.	
Paper 3	Potential indications of discrepancy regarding the outcome.	Suggested alignment with current understanding of what may constitute (indirect) psychological violence.	The population appears aligned with decision-makers regarding the unacceptance of psychological violence, with a small difference between migrant and non-migrant families; the population recommend monitoring and support measures rather than a care order.

6.1. Justificatory Reasons for State Intervention

In relation to the first research question, Papers I and II found that Norwegian CB decision-makers predominantly present their reasons for intervening in families through pragmatic and pragmatic-ethical justifications based on an assessment of the evidence. There is also ethical argumentation present, but the ethical discourse is not found to be decisive (Løvlie & Skivenes, 2021). What does this mean? It means that the findings show that evidence and testimonies are fitted together by balancing the

perspectives of the children, their parents, and child welfare professionals against one another. More weight is placed on empirical evidence and experiences than ethical considerations about what is a good childhood or good parenting.

6.1.1. Empirical Findings

In the first paper, the main reasons serving the justifications are derived from three components: 1) evidence, 2) the child's opinion, and 3) the parents' responses to allegations. Evidence of maltreatment, neglect, and violence are legal reasons for investigating and intervening in a family. Similarly, children are required by law to be heard and their best interests determined, and parents' testimonies are central for their rights to be met. In this way we may consider these reasons as part of a pragmatic discourse; they represent empirical reports, observations, and/or experiences.

The first component is made up of reports and testimonies by child welfare professionals about (observations of) the child and the family situation, also including lay testimonies and evidence. Based on this evidence, decision-makers consider the consequences should the child remain with her parents, the potential for behavioural change of the parents, and insufficient parenting skills. Here, interwoven in the pragmatic discourse, ethical considerations appear around the standards of parenting. The second component is made up of the children's testimonies about their lived experiences and needs, where both are factual components of the account. The third component concerns the parents' reasons and justifications for their alleged behaviour, e.g., denial of violence, acknowledgement of neglect, and blaming children, and are considered primarily pragmatic arguments. Parents' reasoning and justifications are a central theme in decision-makers' reasoning and justifications of child protection interventions (Juhasz, 2018; Løvlie & Skivenes, 2021).

Whether parents deny or acknowledge the alleged behaviour, and whether they blame the children for this behaviour, appear in Paper I as justificatory reasons substantiating the child's best interests. This is a primarily pragmatic discourse about the parental responses, but in the justifications it is interwoven with an ethical discourse about expectations of parenting skills and the parents' potential for change. These

justifications rely first on the observed responses and statements by the parents during the proceedings or presented in reports, and second on ethical standards about parenting. These three components (evidence; the child's opinion; parents' responses to allegations) are key to reviewing and understanding the decision-makers' reasoning; and how the decision-makers' justify the state's intervention serves to uphold the requirement of giving account of the outcome of their judicial deliberations (Bovens, 2007; Molander, 2016). The written decisions appear transparent, revealing the character of the evidence and the involved parties.

The differences between justifications in migrant and non-migrant cases found in Paper I are few but noteworthy (Løvlie & Skivenes, 2021). Migrant parents are more often subject to justifications based on their denial and trivialisation of violent behaviour. The reasoning here may relate to differences in norms and values, or at least the different (violent) actions tied to these norms and values (Fischer & Schwartz, 2011). The interwoven ethical aspects of the discourses about insufficient parenting skills and the potential for change may come into conflict with societal norms and values, and perhaps more easily in the case of migrant families from cultures that have less in common with the culture they migrated to. These ethical arguments showcase the first problem of indeterminacy, that there is no or limited consensus about the values applied to determine the child's best interests (R. H. Mnookin, 1973).¹⁹ This is perhaps obvious, and perhaps the interwoven ethical discourse displays the importance of children's rights in Norway to migrants. In non-migrant cases, however, justifications rely more prevalently on predictions about the consequences for the children (Løvlie & Skivenes, 2021).²⁰ These consequence-arguments are pragmatic, as they are based on existing and observed consequences, or future consequences based on existing knowledge and research. These predictions are sensitive to uncertainty, which is addressed by Mnookin's second problem of indeterminacy about predicting desirable outcomes (1973). It is also curious because, in general terms, population attitudes towards corporal punishment in the family and the propensity to notify the CPS in cases

¹⁹ This is not to say that these ethical arguments overshadow other arguments or constitute decisive arguments (see Løvlie & Skivenes, 2021). However, it may illustrate some of the basis for the criticism claiming that the CPS is lacking cultural sensitivity.

²⁰ Based on disciplinary evidence about potential consequences, or evidence and testimonies of actual consequences.

of corporal punishment, only show small and statistically insignificant differences for migrants and non-migrants (Burns et al., 2021; Helland et al., 2018). This may hint at a relationship between a migrant background and (type of) violence. Because Paper III indicates that when there are allegations of potential indirect violence in migrant families, the Norwegian population appears to be more accepting of the behaviour than if the allegations are about a non-migrant family. I return to this point on acceptance of violence in section 6.3, where the third research question is discussed.

In the second paper, I categorised reasons for interventions in topical assessments of the family: the social and physical functioning of children and parents; assessments of the care situation; assessments of the attachment to parents and development of the child; and evaluations of the needs for stability and predictability for children and parents (see Løvlie, 2022). These were based on the professional assessments by child welfare professionals provided as evidence in reports and testimonies. They are foundations for pragmatic justifications for intervening in a family. They relate quite intimately to elements of the child's best interests found in Paper I; they cover the current conditions and circumstances of the children, the risks should the child remain with her parents, and the potential of the parents to improve or maintain adequate care situations. The functioning of children and parents are intricately related to each other and illustrate the premises for and consequences of the care situation.

These topics also draw on clinical assessments of attachment between children and parents, the course of the child's continued development given the current situation and predictions about the (current and future) needs of the child. The epistemic dimensions appear with more clarity here. Given that these key topics are from the perspective of child welfare professionals, questions of epistemic content become relevant. While argumentation relying on disciplinary evidence can be understood as predominantly pragmatic, the perspectives of the child – uninterpreted by a professional lens – and parents appear easily overshadowed by these topical reasons and (I cover this in more detail in section 6.2) this is a risk for the perspectives of the decision-makers as well. The law requires the use of disciplinary evidence (if necessary) to inform the proceedings (CWA, 1992 § 7-5). While there are criticisms of poor disciplinary

evidence (e.g., Asmervik, 2015; MRU, 2021), risks of unequal treatment of knowledge-claims (Turner, 2001), and a pattern did appear in Paper III that could suggest that the expert stimulus decreased acceptance and increased intervention severity. However, the treatment effect of the expert stimulus was not statistically significant (see Løvlie, 2023). This appears consistent with other research that surveyed CPS workers, decision-makers, and the population, wherein assessments of neglect are similar in the case of CPS workers and the population (Berrick et al., 2020). However, when it comes to the choice of intervention, CPS workers and CB decision-makers appear to choose care order more often than the population (Berrick et al., 2020). In Paper III, I found that the population largely recommended monitoring and support measures as interventions in cases of indirect violence, rather than a care order. This finding could imply that, while the knowledge and reasons used to justify interventions may appear reasonable, the outcomes of the decisions may deviate from the population's expected intervention, at least in the cases of indirect violence.

The pragmatic and pragmatic-ethical discourses are fitted together in accounts of interwoven justifications about the consequences for the children, the behaviour and potential for change in parents and their parenting skills. The decision-makers support their justifications with disciplinary evidence about the parents and children concerned with their functioning, the care situation, attachment and development, and stability (see Løvlie, 2022; Løvlie & Skivenes, 2021). Evidence and testimonies about familial violence that are used appear consistent with population attitudes (Berrick et al., 2020; Helland et al., 2018; Løvlie, 2023), and reveal the epistemic foundations of decisions. Yet, the outcome of some of these cases may deviate from the population's expected intervention in cases of indirect violence. As I found in Paper III, the population recommended less severe interventions than care orders in cases of indirect violence, which suggests that there may be a discrepancy between the understanding of different kinds of violence and the resulting state intervention (Løvlie, 2023).

6.1.2. The Epistemics of the Ethical and Pragmatic

My findings in Paper I reveal a pragmatic argumentation, with an interwoven ethical discourse about parenting standards. This ethical discourse can challenge the

acceptability of decisions about family interventions. In the first instance, pragmatic arguments are founded on evidence of violence and reasonable concerns about parents not admitting or understanding that their actions can be harmful. In the second instance, ethical arguments focus on the parents' parenting skills, and/or their potential to improve their parenting to expected standards. These ethical arguments draw on norms intimately connected to how parenting and family is understood in a culture, which may be detrimental to the parents' acceptance of the decision. This may be because the parents' knowledge-claim, e.g., "this is a misunderstanding" or "my child is lying," is presented by decision-makers in a way the parents may experience as hurtful, wrong, or unfair. This can lead to scepticism and criticism in news and social media, as a potential consequence of the justificatory account (Bovens, 2007). However, given the importance of children in the decisions, and the empirical evidence and disciplinary knowledge used to support the justifications, the presence of the parents' denial is contextually important when justifying a care order; there are risks of harm involved should the child remain with her parents. Similarly, argumentation concerned with the parents' capacity to attain "good parenting" standards and to ensure adequate care conditions, is relevant to contextualise and justify a decision.

I have categorised the decision-makers' use of disciplinary evidence in three different ways: *acceptive*, *evaluative*, and *critical* (Løvlie, 2022). I cover these in more detail when I discuss the second research question in section 6.2. However, in this section I wish to briefly touch upon *evaluative* uses. *Evaluative* uses can both be part of an ethical and pragmatic discourse. The ethical discourse justifies using disciplinary evidence based on the conscientiousness, experience, and "hard work" of the child welfare professionals. This may decrease trust in decisions because the deference is not based on the evidence's data-basis and quality, but on the experience and behaviour of a child welfare professional. In Norway, the counterargument is that the CB includes an expert member whose presence is to ensure that decisions are based on relevant knowledge. Yet, this ethical discourse is present (Løvlie, 2022), and may appear as an argument to authority, which may decrease the potential for public acceptance, leading to criticism and public outrage (Moore, 2017; Rothstein, 2011).

However, importantly, evaluative deference is also expressed in a pragmatic discourse based on factual and descriptive qualities of the basis and content of the evidence (Løvlie, 2022; Løvlie & Skivenes, 2021), signifying justifications founded on a consensus among the decision-makers. Provided that the decision-makers' consensus is derived from a deliberative acceptance of the disciplinary evidence (Moore, 2017), and accounted for in the decision, the quality of the reasoning may appear to have benefited from the epistemic accountability measures (Molander et al., 2012).

When focusing on ethical standards of professions and/or parenting, instead of evaluating the basis of (disciplinary) evidence and testimonies, the decision-makers may appear to circumvent the epistemic content and relevance of disciplinary evidence – and potentially parents' and children's perspectives. This may not sufficiently satisfy the epistemic accountability measures, reduce the quality of the reasoning and therefore the decision's legitimacy (Molander et al., 2012). The legitimacy (or acceptability) of the decisions could arguably benefit or increase from including reasonable and understandable applications and recognitions of both disciplinary and lay evidence (Eyal, 2013; Moore, 2017; Turner, 2012).²¹ Recognising lay knowledge-claims by children and parents may be key for experiencing an intervention as being in the child's best interests, and thus potentially more acceptable.

This relates to an unresolved point about the outcomes of care order proceedings, and the population's recommended interventions in cases of potential indirect violence as found in Paper III. Paper III did not compare recommendations of decision-makers and the population, however, the population recommendations it found in cases of potential indirect violence clearly indicated support measures rather than care orders (Løvlie, 2023). This may be important in light of Berrick et al.'s study (2020), which shows decision-makers are more inclined to consider a care order in cases of neglect than the population, hinting at a difference in normative perspectives on how to ensure a good outcome for the child. Similarly, McGregor et al.'s (2020) study, shows there may be differences between professionals' and populations' understanding of the content of

²¹ Particularly the views of the child, but a balanced presentation of the parents' views may also be beneficial. The recognition of the children's and parents' experiences and perceptions are important to underline the democratic legitimacy of the judicial process (Bovens, 2007).

the services offered by and the interventions available to the CPS system. The ethical arguments for a care order may be grounded in an alignment between the population and the decision-makers regarding the perspectives on and understanding of what may constitute (indirect) violence. However, whether the severity of the intervention (e.g., monitoring, support measures, or a care order) is acceptable may depend on the population's normative perspective on what is an appropriate intervention in cases of different types of maltreatment, whether it is characterised by neglect, indirect violence, or direct violence. This is important to keep in mind regarding the acceptability and democratic legitimacy of CB decisions (Bovens, 2007; Liljegren et al., 2018).

6.1.3. Ethical Topography - Migrants and Non-Migrants

In situations where the CPS system has been criticised for unequal treatment of migrants, the quality of the justifications is crucial. While Paper I shows that at least the CB decision-makers treat migrant and non-migrant families alike, a few differences are of interest. Besides the argumentation based on the parents' denial and trivialisation, the decision-makers were shown in Paper I to give more space to the child's opinion in migrant families, and culture was only raised as a relevant topic in the case of migrant families.

The prevalence of children's opinions in migrant cases may be speculated to relate to an awareness of cultural and judicial variations between Norway and other countries. Children's rights are a primary concern in Norway and putting the child's opinion forward in cases with migrant families could assist in making clear that Norwegian legislation is orientated towards children's rights. The decision-makers may use cultural differences to describe differences in norms and laws, to show understanding, awareness, and respect for cultural differences, but also to explicate the rule of Norwegian law in questions about child maltreatment.

This difference in discursive focus, an uneven normative topography, combined with the variable show of epistemic independence found in Paper II, may hold some sway in the context of legitimating practices, as experienced by the affected individuals and

perceived by the population. While it is reasonable to question arguments based on the character of parents or child welfare professionals, it is harder to question argumentation that shows not only the empirical basis, but also the independent assessment and evaluation of the evidence, lay or disciplinary, and how it is relevant and important for deciding on a family intervention. The acceptability of such a decision is also potentially increased if the decision-makers reveal disagreements, not as dissent, but as accounts of the deliberations to achieve a deliberative acceptance, or consensus (Moore, 2017).

This kind of consensus would show what I would call the evaluative and critical fitting together of evidence, in what may be understood as a weaker deference to epistemic authority. It requires a show of epistemic independence in the accounts, for instance assessments of the content and transparency of evidence (Blichner, 2015), choosing between conflicting evidence, or the criticism or rejection of some (disciplinary) evidence on reasonable grounds. This latter is shown in Paper II to be fairly common, contrary to some critics' assumptions about the authority of child welfare professionals over CB decision-makers (Asmervik, 2015; see also Augusti et al., 2017; MRU, 2021). The choice between conflicting evidence is not as common, however the evaluative deference in fitting together evidence based on assessments of quality, method, and plausibility, appears frequently (Løvlie, 2022).

Paper III provides some challenging findings in this regard, as it hints at differences in population attitudes towards migrant and non-migrant families. For instance, while there was only a significant effect of migrant family background increasing the acceptance of potential indirect violence, there were also possible indications of migrant family background increasing the acceptance of psychological violence and increasing the severity of the recommended CPS interventions. These discrepancies may suggest that the question of how to legitimately treat or intervene in migrant families is a contentious and unresolved issue, or perhaps something the population is not widely concerned with or have considered closely. This suggests, either way, that clarity and transparency of argumentation and justification in the accounts are vital to ensure accountable and acceptable outcomes.

6.1.4. Balancing Biases

The decision-makers' accounts exist in a societal and political context, wherein population acceptance is an important path to legitimacy. Population attitudes towards some aspects of the violence typology developed in Paper I clearly show that violence is unacceptable (see Løvlie, 2023), which corroborates findings from other studies (e.g., Helland et al., 2018). This may lead us to believe that the account of the decision-makers, if it contains descriptions and justifications based on evidence of plausible violent behaviour, would largely be acceptable in the eyes of the population. However, the statistically significant (if small) difference in acceptance of potential indirect violence of migrant parents compared to non-migrant parents (see Løvlie, 2023) may suggest a variation in population attitudes about acceptable reasons for family interventions. This is something to keep in mind for both the CPS and CB in the performance of their work, and it demands further research.

Furthermore, it could imply a bias in notifications to the CPS (cf. Burns et al., 2021). Whether or to what extent a bias is perpetuated by the CPS is beyond the scope of this thesis but would be an important relationship to investigate, because the population's recommended interventions for indirect violence may differ from the preferences of the CPS and the CB (Berrick et al., 2020; Løvlie, 2023). This potential normative discrepancy could in some respects support the criticism about migrant children potentially living longer with possible violence (Berggrav, 2013). However, whether this lies in CPS practices, in potentially biased notification patterns, or elsewhere, remains unresolved.

6.1.5. Contributions

These findings raise elements that may appear to defend the Norwegian CPS system's practices. The discursive accounts of the decision-making proceedings and the reasons for intervening in families do not appear to treat differently families of migrant and non-migrant backgrounds. The decision-makers also appear to evaluate disciplinary evidence reasonably often. However, the ethical discourse drawing on norms about parenting appears in both migrant and non-migrant cases. The role these ethical arguments play in justifying the child's best interests appears smaller than pragmatic

arguments found in Paper I.²² However, in Paper II the disciplinary evidence makes up a smaller proportion of the justifications of the child's best interests (see 6.2.) This relationship would benefit from further investigation.

The finding that there may be a population bias regarding migrant families is interesting because it appears that the narrower distinction of violence used in the survey for Paper III teased out a potential sign of discrimination. Possibly, this is an indication that the population has different (unequal) expectations about parenting depending on whether the family is a migrant family or not (Løvlie, 2023). Another conceivable sign of unequal expectations in relation to family interventions was present in Paper III (not statistically significant, but interesting nonetheless), the respondents recommended somewhat more severe interventions in migrant families than non-migrant families (Løvlie, 2023). This potential discrepancy in population expectations would benefit from further investigation, to elucidate the variations in how judicial decision-makers, CPS workers, and the population assess different kinds of maltreatment, and the variable degree to which these different groups favour (or expect) various interventions according to different types of maltreatment (Berrick et al., 2020). This may influence trust and confidence in the state to intervene appropriately (or proportionately). Furthermore, the alignment between assessment and outcome of CB cases may also provide an interesting avenue of research to shed light on public and political discourse about the CPS system (see Loen & Skivenes, in press). Studies on the structures of CPS decision-making bodies may also provide important insights into the value and role of expertise and lay knowledge and perspectives. The accountability and legitimacy of CB practices may also be influenced by the population's perspectives on the constellation of decision-makers. Studies on whether the decision-makers are professionals or laypersons, or whether they are mixed, may serve as an important starting point (e.g., Hultman et al., 2020; Liljegren et al., 2014). Comparative studies on the perception of different countries' populations on how the judicial process leading to CPS interventions are conducted could provide valuable insights.

²² Understandably given the prevalent (high) risk of violence and harmful consequences in these cases of familial violence.

A crude summary of research question one would be that state interventions are justified based on pragmatic and pragmatic-ethical argumentation. The account giving contains justifications that draw heavily on assessments of the parents' and children's functioning, the child's care situation, attachment and development, and the child's need for predictability and stability in acceptive and evaluative uses of disciplinary evidence (see next section). The CB appears to largely justify interventions in migrant families similarly to non-migrant families. These justifications while apparently reasonable, stand in some contrast with the expected outcomes in some limited and specific cases of potential indirect violence.

6.2. Epistemic Accountability

In relation to the second research question about the characteristics and qualities of the justifications to intervene, aside from the use of evidence, the child's opinion, and parental contestation found in Paper I, the findings are more focused on the use of disciplinary evidence. Paper II shows that justifications of the legal threshold are extensively based on disciplinary evidence (93%).²³ However, disciplinary evidence used in reasoning that justifies that the decision is in the child's best interests is comparably low (31%). The former suggests that the decision-makers rely extensively on evidence provided by child welfare professionals, to support decision-makers' reasoning and deliberations by ensuring relevant information about the involved individuals, to ascertain the current conditions and needs, and to plausibly predict the child's future needs. The latter may imply that in the written accounts, the decision-makers may focus more on the child, other non-disciplinary evidence, ethical norms about what the child needs, or perhaps a possible spillover-effect where the child's best interests are informed and substantiated by disciplinary evidence used to justify the legal threshold. The accounts' promotion of disciplinary evidence as grounds for intervening appears reasonable, due to legal requirements, democratic control, and the necessity for specialised knowledge in epistemically complex and value-plural societies (Bovens, 2007; Friedman, 2020; Molander et al., 2012). That I did not find

²³ n = 104 cases.

any treatment effect from the expert claim in Paper III could allude to similarities between CB and population assessments of maltreatment (Berrick et al., 2020). The recommended interventions in Paper III were of a lesser severity (regardless of treatment), and Berrick et al.'s (2020) study comparing CPS workers, judges, and populations, corroborates this to some extent. However, the influence of expert claims on population assessments and recommended outcomes, is a tenuous connection that would benefit from further research.

6.2.1. Empirical Findings

The second paper categorises the decision-makers' use of disciplinary evidence in three different ways that can be characterised as acceptive, evaluative, and critical (Løvlie, 2022). Acceptive deference is the most prevalent use of disciplinary evidence (82%), followed by evaluative deference (68%), and critical attention (24%). Acceptive deference manifests as an unconditional and explicit agreement with disciplinary evidence in 78% of the cases, and in 16% of the cases the decision-makers themselves reference relevant (social) scientific literature as part of the justifications. The evaluative deference concerned data-basis evaluation, considering the quality of the evidence and/or the character of the child welfare professional who provided it, in 65% of the cases, and attentive and deliberative when resolving conflicting disciplinary evidence in 13% of the cases. In 24% of the cases, the decision-makers would direct critical attention to disciplinary evidence about conclusions, causal claims, actions of the child welfare professionals and their potentially biased observations, compared to the decision-makers' own independent assessments, and/or other (lay) evidence.

The use of disciplinary evidence to clearly show the potentially harmful conditions or events that children experience illustrates a challenge to the question of equality and neutrality with regard to knowledge-claims. Whether the argumentation of the decision-makers was pragmatic or ethical, weight was clearly given to child welfare professionals to an extent that could substantiate the worry of some critics (e.g., Asmervik, 2015; Melinder et al., 2021). However, the prevalence of the decision-makers' use of the child's opinions shown in Paper I may alleviate some concerns about professionals overshadowing children's experiential knowledge-claims. These two

categories of knowledge are the primary epistemic components relied upon, in pragmatic and pragmatic-ethical discourses. Parental knowledge-claims are also, as found in Paper I and discussed in section 6.1., used as grounds for pragmatic and pragmatic-ethical discourses. The parents' character and actions, illustrated by their denial, trivialisation, and blaming of children, and the interwoven ethical aspects of the decision-makers' assessments of their functioning and parenting skills, may undermine the parents' knowledge-claims. I must clarify that neither the children nor the parents are, in this theoretical context, considered to possess epistemic authority of the type that child welfare professionals have. However, they should be kept in mind when I now turn to the characteristics of deference with regard to discourse, epistemic (in)dependence, and the increase or decrease of acceptability of state interventions.

The references, citations, and paraphrases from disciplinary evidence that can be found in the CB's written accounts may on the one hand denote the high quality of the deliberations, but on the other hand, they do not necessarily signify high quality of the written decision. In some instances the reliance on disciplinary evidence may appear obfuscating. Particularly when several pages from reports by child welfare professionals are copy-pasted into the accounts as justificatory illustrations. These characteristics may promote distance, underlining a remoteness between citizens and the state, which could weaken the accounts, with regard to satisfying the epistemic accountability measures, and may thus be detrimental to legitimacy (Molander, 2016; Moore, 2017).

6.2.2. Disciplinary Jurisdictions

The extensive use of disciplinary knowledge was categorised as follows: functioning; care situation; attachment and development; and stability. These have clear clinical traits, corresponding with research findings about the use and presence of disciplinary knowledge in both policymaking and decision-making (Helland & Nygård, 2021; Rathus, 2013; Tefre, 2020). The use of disciplinary evidence in justifying interventions can sometimes be characterised by not adhering to the (social) scientific definitions, but rather taking on a more vernacular or legalistic understanding (Helland & Nygård, 2021).

On the one hand, a vernacularisation of clinical disciplinary terminology can remove the reasoning and justification, as presented in the account, from the (social) scientific foundation of disciplinary assessments. It is not necessarily independence from epistemic authority of child welfare professionals but may rather be an attempt at translating the complex assessments. This potentially obfuscates the reasons for the disciplinary evidence's conclusions, and the reliance on the evidence in this case may cause the justification to suffer. However, it could also be beneficial for epistemic accountability with regard to understandability and increasing the accessibility of the reasoning behind the conclusions (Molander, 2016).

On the other hand, the potential appropriation of disciplinary terminology by the judicial decision-makers may reinforce the epistemic authority of child welfare professions. Either as a result of a jurisdictional struggle where the disciplinary knowledge is annexed as a judicial sub-field (Abbott, 1988; King & Piper, 1995), or as acceptive deference. It is hard to see whether this kind of translation into a legalistic understanding is beneficial to deliberative accountability from a population perspective (Bovens, 2007; Molander, 2016; Moore, 2017), however it ensures an important measure of professional accountability to their peers and the state, as an expression of epistemic accountability (Molander, 2016). This underlines the fragile balance of communicating the reasoning and justifications of the CB's decision in an accountable way.

The interpretation and understanding of the (social) scientific or disciplinary evidence may in the Norwegian context be influenced by the professional struggle between jurist and expert members of the CB (Abbott, 1988; Løvlie, 2022).²⁴ In states where there is no expert member among the decision-makers, this struggle would possibly be absent.²⁵ This is an interesting aspect that deserves further research, to inform our understanding of any deviations from the scientific definitions that the decision-makers

²⁴ Switzerland is another context in which this struggle may take place, due to the structure of the CAPA (for further details see Emprechtinger & Voll, 2017; Schnurr, 2017; Thönnissen Chase & Emprechtinger, 2021).

²⁵ However, judges in other national contexts may still annex or reject disciplinary evidence.

make, and how the decision-makers converge at a consensus (Cashmore & Parkinson, 2014; Moore, 2017; Rathus, 2013).

The accounts' focus on children's and parents' functioning reveals the complexity of these cases, where deviant behaviour may be linked to diagnostic complexes (Løvlie, 2022; Rose, 1999). The behaviour is assessed in two rounds, first by professionals and then by the decision-makers. Both tie behaviours of parents and/or children to the child's care situation, that in turn is displayed as having an impact on the child's capacity for social and emotional regulation and development. This manifests in the accounts as both references to and citations from relevant evidence, but also as normative statements about (im)proper parenting (Adams, 2003; Liljegren et al., 2018; Mik-Meyer & Villadsen, 2007). These normative statements may or may not be coherent with the population's attitudes and expectations to parental behaviour. As Paper III indicates, there may be population differences in attitudes towards potential indirect violence in migrant and non-migrant families. On the one hand, this appears to stand in contrast to the decision-makers' apparent equal treatment in the justifications found in Paper I. On the other hand, the few differences discovered in Paper I regarding the higher prevalence of indirect violence in non-migrant cases, and higher prevalence of justifications based on parent's denial and trivialisation in migrant cases, may possibly be related to these variations in population attitudes. This may affirm some criticism (e.g., Berggrav, 2013), but also suggests that CB decision-makers can manage to balance the heterogenous attitudes regarding population expectations to parents from different families with the democratic principle of equality.

6.2.3. Fitting Together the Child's Best Interests

The fitting together of a knowledge-based account of the reasoning and justification of a decision ensures a broad foundation drawing on legal and disciplinary knowledge. Entangled in this is the principle of the child's best interests, where disciplinary evidence appears largely absent (Løvlie, 2022). This may suggest that ethical normative justifications are central to determining the child's best interests. However, as Paper I shows, justifications of the child's best interests are an interwoven tapestry of ethical and pragmatic justifications: empirical and disciplinary evidence intertwined

with ethical arguments, or ethical considerations interlaced with pragmatic arguments. The justifications link empirical evidence and research-based knowledge to normative assumptions or expectations of what constitutes a “good life” for the child, i.e., her best interests.

This may be considered a reasonable attempt at determining the child’s best interests, but it is still subject to problems highlighted by Mnookin (1973). Because the justifications entangle normative assumptions about the family and the child’s best interests with facts and knowledge-based predictions about the family and how to mitigate detrimental consequences. The considerable absence of disciplinary evidence in the justifications of this principle may warrant some concern as it implies that predictive knowledge (supplied by disciplinary evidence) may be lacking when determining the child’s best interests. It could mean that the practices of writing the decision place less emphasis on disciplinary evidence in an effort to make the decision more accessible and understandable. Alternatively, the justifications of the basic legal threshold can “spillover” into the decision-makers’ determination of the child’s best interests – supporting arguments about what may or may not be in the child’s best interests. Regardless, the practices of account-making in this instance shed some light on the criticism and scepticism towards state interventions. The relationship between disciplinary knowledge, judicial justification, and population attitudes seems to be one where both decision-makers and the population may be aligned to some degree regarding (violent) parental behaviour and adequate care conditions (cf. Berrick et al., 2020; see also Løvlie, 2023), and where research-based knowledge serves to confirm norm breaches.

This potential aligned understanding between the population and professionals of violence combined with the recommendations for monitoring and support measures (as opposed to a care order) found in Paper III could suggest a possible discrepancy between the CB’s practices and the expectations of the population, potentially regardless of justifications. Presupposing that Berrick et al.’s (2020) study, finding a difference between decision-makers and the population, also applies in this context, then there appears to be a discrepancy between the similar assessments of and attitudes

towards what is unacceptable parental behaviour and the type and/or severity of interventions decided by the CB. What this means about the relationship between potential indirect violence and the severity of interventions remains unresolved. However, it is important to further analyse this relationship regarding population understanding of services offered by the CPS (McGregor et al., 2020), and in particular regarding knowledge about what are and are not effective or constructive services and interventions with regard to the parents and their relationship to the child, and, importantly, the child's best interests.

6.2.4. Jurisdictional Norms

Acceptive uses as operationalised in Paper II can be understood as part of the pragmatic discourse analysed in Paper I; evidence is formally accepted and presented. It appears as a justificatory exercise where coherence between allegations, testimonies, and disciplinary evidence is considered factual confirmation (Melinder et al., 2021). Acceptive uses do not appear, however, as acquiescence to child welfare professions' epistemic authority but is an expression of strong deference. Similarly, critical attention is not the complete rejection of all disciplinary evidence, it is rejection or criticism of specific pieces of disciplinary evidence, testimony, or practices. For instance, child welfare professionals may receive criticism for appearing to have preconceptions (or different normative perspectives) that steer their observations inflating the meaning or consequences of parents' (lack of) parenting skills or the unruly behaviour of a child (e.g., Asmervik, 2015; Liljegren et al., 2018). In instances of conflicting evidence, the decision-makers may direct critical attention at child welfare professionals whose testimony stands in too stark contrast with the total body of evidence. Critical attention can be understood as discretionary normative decisions; they appear pragmatic, but are also susceptible to ethical norms, societal or professional, that bleed through, forming pragmatic-ethical arguments.

The potential for the varying kinds of deference to sufficiently enable and lay the groundwork for acceptance becomes a question of what arguments are considered

convincing (i.e., relevant, reliable, and valid).²⁶ Here the recognition of knowledge-claims from children, parents, and child welfare professionals appears central for the epistemic accountability of state interventions. However, arguments in the written accounts do not necessarily appear understandable outside the judicial context and may benefit from being presented in a more understandable manner (Moore, 2017). The benefit of this could be two-fold: first, the affected individuals (and the population) may be more likely to understand the reasons and thus the decision, and therefore, second, the decision may be experienced and perceived as (more) acceptable (Bovens, 2007; Rothstein, 2011). Put differently, the decision can appear reasonable (and be acceptable) to the affected parties, if it is communicated in an accessible and transparent manner that the decision was reached within the confines of the law, based on an evaluation of the allegations, testimonies, evidence, and taking into consideration societal (and professional) norms (Molander, 2016). However, this does not account for the question of expected intervention severity for different types and variants of maltreatment, or for different family types (Berrick et al., 2020; Løvlie, 2023).

Fitting the proceedings and evidence assessments together into the account in this context may involve combining and navigating professional and societal norms and attitudes, wherein disciplinary knowledge may assist in disentangling normative questions via deliberative discourse. How and why professional norms may steer the outcome in the direction they do, may involve transposing professional norms onto societal norms. This may be to illustrate congruence, compatibility, and/or (near-)equivalency of professional and societal norms and values; a sort of normative jurisdictional claim, turning societal norms into sub-norms of professional norms. Whether such a normative jurisdictional claim takes place is beyond the scope of this thesis to answer, however, it points towards the democratic problems of the state treating expertise as a privileged and uncontrollable possession (unequal) and granting expert opinion a special promotion (non-neutral) (Turner, 2001).

²⁶ This can happen in at least two ways: the expert member of the CB provides the other members with insights for the interpretation and translations of the disciplinary evidence's relevance and quality; and the non-expert members can conduct their own tests, as illustrated by Blichner (2015).

6.2.5. Conceptual/Theoretical Contribution

Paper I shows that the discursive argumentation used by decision-makers to justify family interventions relied on evidence. Paper II adds to this that the use of disciplinary evidence is variable regarding the extent to which decision-makers defer to the epistemic authority of child welfare professionals. These characteristics made me consider the relationship between argumentation theory and Ward's (2016) binary conceptualisation of deference to epistemic authority, inspired by Blichner's tests for assessing (or disputing) disciplinary evidence (2015). The decision-makers navigate these complex cases by fitting together solutions to sensitive and contested dilemmas, largely based on disciplinary evidence. A central presupposition in this thesis is that for a judicial decision to be legitimate its arguments and justifications can reasonably show, in an accessible, convincing, and understandable manner, that the outcome is lawful and in the child's best interests (Habermas, 1996; Molander et al., 2012; Moore, 2017; Rothstein, 2011). The decision-makers may facilitate this by communicating evidence assessments in an accessible and understandable manner in the written decision.

Research question two summarised: the characteristics and qualities of the justifications highlight predominantly acceptive and evaluative uses of disciplinary evidence about the children's and parents' functioning, the care situation, attachment and development, and stability, including directing critical attention to disciplinary evidence. Lay evidence and testimonies (primarily in the form of the child's opinion and the parents' contestations) are important characteristics in the justifications that ensures some deliberative accountability. The descriptions of violence that appear in justifications and evidence point towards an alignment of attitudes towards violence between the CB decision-makers, the child welfare professionals, and the population.

To assist in analysing written justifications relying on disciplinary evidence,²⁷ I present below a tentative typology for content analysis based on the work of Papers I and II.

²⁷ Expert evidence may be a more suitable term in different contexts.

6.2.5.1. Analytical Device

Where Ward (2016) introduced a binary distinction between strong and weak deference to epistemic authority, Papers I and II allowed me to expand on this for future interpretations and analyses of discursive justifications using disciplinary evidence. This can improve and assist the analysis and understanding of the manifestation of epistemic deference. Adding acceptive and evaluative deference and critical attention as cross-sectional analytical categories (table 3). The following combines the theoretical and analytical categories from Paper II, with elements from argumentation theory, as a first step in a sketch for a typology for content analysis of written judicial decisions relying on disciplinary (or expert) evidence.

Table 3 Types of deference and tendency towards epistemic dependence or independence

	Acceptive	Evaluative	Critical
Strong	Dependence	Neither	<i>n/a</i>
Weak	<i>n/a</i>	Independence	Independence

“Acceptive deference” are instances where disciplinary evidence is accepted without challenge and used as justification – in place of the decision-makers’ own reasoning. It is epistemic dependence expressed as strong epistemic deference. With regard to discourse and argumentation, acceptive deference may be considered pragmatic, using evidence, and empirical observations to justify a decision (see table 4).²⁸

“Evaluative deference” are instances where the reliability and validity of disciplinary evidence is evaluated in the justification. This evaluation may be based on the character of the child welfare professional and their hard work, or on the qualities and characteristics of the epistemic content of the evidence (collection method,

²⁸ These are instances where Blichner’s (2015) ten tests (see footnote 10, section 2.1.1.) cannot be traced in the account of the decision. As these tests are outside the scope of this thesis, I refer the reader to Blichner (2015), for further details.

transparency, reasoning, results, standards, descriptions, types and amount of data).²⁹ Evaluative deference can appear as expressions of strong deference if the argumentation focuses less on the epistemic content of the evidence. This may be a sort of tokenistic expression that neither leans towards dependence nor independence, and may be understood as a structural or formal satisfaction of accountability – however with less apparent influence from epistemic accountability measures.³⁰ Evaluative deference appears as expressions of weak epistemic deference when arguments rest on the epistemic content and qualities of the evidence, interweaving the decision-makers’ own assessments, leaning towards epistemic independence (table 3). Evaluative deference may combine discursive argumentation, interweaving ethical and pragmatic argumentation, thus evaluative deference may be either ethical, pragmatic, or pragmatic-ethical (table 4).

“Critical attention” expresses epistemic independence, and weak epistemic deference (table 3). It includes instances where the decision-makers disregard some (specific) disciplinary evidence on both pragmatic and ethical grounds.³¹ Regarding discourse and argumentation, critical attention is pragmatically rooted, but often interweaves ethical judgements of the reports, testimonies, and/or actions of child welfare professionals, which makes it fall outside a strict pragmatic discourse (table 4).

Table 4 Types of epistemic deference and discourse

	Acceptive	Evaluative	Critical
Strong	Pragmatic	Ethical	<i>n/a</i>
Weak	<i>n/a</i>	Pragmatic(-Ethical)	Pragmatic-Ethical

Evaluative deference and critical attention are components that may increase the potential acceptability of state decisions. This is because they may appear to maintain

²⁹ This would relate to what Blichner calls epistemic transparency: “the degree to which it is possible to validate the expert knowledge by non-experts (including the degree to which knowledge is openly accessible to everyone)” (Blichner, 2015, p. 52).

³⁰ I.e., the reasoning is not strengthened and improved with regard to the deliberative audiences (Molander et al., 2012). See section 3.2.1.

³¹ It may be possible to imagine a case where the decision-makers disregard all instances of the expert evidence (or disciplinary evidence). However, I did not come upon any such complete rejection in my studies.

the decision-makers’ independence from child welfare professionals. This diminishes the vulnerability to criticism of being steered or controlled by child welfare professionals – however, it may be of lesser consequence regarding criticism of state paternalism. Purely acceptive deference may on the other hand likely decrease the potential acceptability because it does not express epistemic independence from child welfare professionals (table 5).³²

Table 5 Deference effects on acceptance

	Acceptive	Evaluative	Critical
Strong	Decrease	Decrease	<i>n/a</i>
Weak	<i>n/a</i>	Increase	Increase

Decisions by the state are rarely defined by a single discourse. Thus, there would rarely be only one kind of deference present in a decision. In cases of critical attention, other disciplinary evidence may be subject to acceptive and/or evaluative deference. This means that the acceptance of a decision may be more or less influenced by the kinds of deference, thus remaining an empirical question.

This first step in sketching a typology for content analysis is not intended for single categorisation of entire decisions, nor as a quantitative tool for measuring the accumulation of acceptability.³³ It is a tool for critically analysing discourses and argumentation in decisions where different professional jurisdictions and types of knowledge interact. I must also note that epistemic independence is not categorically a desirable trait in justifications, nor will it necessarily categorically increase acceptance. However, presupposing an understanding of epistemic dependence where decision-makers can evaluate the relevance and quality of disciplinary evidence as grounds for a decision (Blichner, 2015; Ward, 2016), then the decision could benefit from conveying these evaluations in a way that enables acceptability, i.e., by being

³² However, it is possible to imagine instances where acceptive deference may increase acceptability, depending on the normative and/or factual nature of the dilemma.

³³ However, it may perhaps lend itself to such measurement, given appropriate adaptation and conceptual clarification.

transparent and understandable. This is what I would consider in this case to be expressions of epistemic independence. It may serve to reveal the independent logic and reasoning of the decision-makers when they fit together justifications from evidence and testimonies with societal norms and values.³⁴ The decision and its predictions may thus be more persuasive, and if understandable, chances of (reflective) acceptance in the population may increase (Moore, 2017). This may be contingent on the population's trust in the CB's practices, and by association the CPS. If confidence in these institutions is derived from the written accounts, and the outcome aligns with the expected intervention relative to what is considered the child's best interests, then one could perhaps say that the institutional practices are acceptable and experienced as legitimate. Whether this is the case is another question that is rooted both in the possible disconnect between the population and decision-makers' recommended or preferred intervention (Berrick et al., 2020; Løvlie, 2023), and the regularity of criticism of the CPS system in Norway. This is a question about trust, that this thesis cannot answer, which would benefit from further research, for instance with a (micro-orientated) "legitimacy as perception" approach (Suddaby et al., 2017), studying population (individuals') judgement of written accounts relative to outcome.

6.3. Violence

In relation to the third research question about population attitudes towards abuse, Paper I shows that the distribution of different kinds of violence varies between migrant and non-migrant families. Descriptions of strong variants of violence were more frequent in migrant cases, whereas descriptions of indirect violence were more frequent in non-migrant cases (Løvlie & Skivenes, 2021). The former corresponds with studies on familial violence conducted in Norway (Hafstad & August, 2019; Mossige & Stefansen, 2016). The survey experiment in Paper III revealed a statistically significant higher population acceptance of (potential) indirect violence in migrant families, yet a generally low acceptance of both indirect and direct psychological violence regardless

³⁴ To use this with other kinds of evidence and testimonies, i.e., from lay witnesses, will likely require adaptation.

of family type, and recommended interventions in both family-types aimed at monitoring and support measures.

The written decisions analysed in Papers I and II are about familial violence. This places the reasons and justifications in a context where violence is both a descriptive quality of the accounts, and where (allegations of) violence is the reason for the proceedings. Violence is at once the catalyst for and a part of the justifications. Instances of physical or psychological violence directed at children are predominantly unacceptable (Helland et al., 2018; Løvlie, 2023). However, population attitudes towards potential indirect violence appear to be slightly more accepting if it occurs in migrant families than non-migrant families, as indicated by Paper III. In instances of allegations of potential indirect violence, the reasons for state intervention may require more work from the decision-makers; they must convincingly and reasonably show that harm has been done, or probably will be done, both with regard to the epistemic basis and the accessibility of language (Bovens, 2007; Molander et al., 2012; Moore, 2017). This relates to actual physical and/or emotional harm, but also other detrimental consequences that will affect the child's development and life (e.g., Felitti, 2002). This relies on the one hand on the family members' testimonies, and on the other hand on the disciplinary evidence, as epistemic insurances (Molander et al., 2012). Additionally, the attitudes of the population may have influence on and/or through the decision-makers themselves, both with regard to migrant families, and generally about the severity of the intervention in cases of indirect and psychological violence.

In this situation, the decision-makers must navigate both the substance of violence, as a factor in the case, while simultaneously being required to show what other elements and potentialities exist in relation to the violence, without being violence per se (i.e., neglect). Violence thus becomes a descriptive outline for arguments about consequences, development, and the child's best interests. This is not necessarily limited to violence, it can also be other kinds of maltreatment, such as neglect (Berrick et al., 2020). However, the repulsion with which we understand violence and abuse in the context of children together with the non-acceptance of any kind of violent behaviour in the vicinity of children, makes violence useful to investigate and

contextualise decision-makers' reasoning and justifications (Hacking, 1991; Helland et al., 2018; S. Jackson & Scott, 1999; Løvlie, 2023).

Where variants of violence directed at children are legitimate reasons for (criminal) investigation and family intervention, indirect variants of violence not directed at children opens up an area for investigation that is not as clear-cut, because it may be contested (Løvlie & Skivenes, 2021). The distribution of violence found in Paper I revealed a larger proportion of indirect violence in non-migrant families. The survey experiment in Paper III sheds some light on this through the slightly decreased acceptance of (potential) indirect violence, statistically speaking, when it allegedly occurred in non-migrant families.³⁵ Together, these findings may suggest irregular attitudes in the population towards potential indirect violence in migrant and non-migrant families, and thus possibly also about their proclivity to notify to the CPS (cf. Burns et al., 2021). This is not to say that instances of potential indirect violence are an unreasonable reason for any kind of intervention, family support measures may be appropriate if the population is aware of where and how to receive this kind of support (McGregor et al., 2020). Paper III shows that the population's two most prevalent recommendations were monitoring and involuntary support measures. Thus, in instances of (potential) indirect violence at least, it may be suggested that there is a discrepancy in the relationship between the severity of the intervention and population attitudes. This may in turn influence judicial legitimacy, and support the criticism of the CPS in situations of indirect violence (Berggrav, 2013; Berrick et al., 2020). Here too, the somewhat higher recommended intervention severity in migrant families (while statistically insignificant) must be further investigated. The normative topography appears irregular. Outcomes may more easily be understood or felt as illegitimate if there is no consensus about equality regarding norms and values in the case of potential indirect violence and its consequences.

³⁵ The difference is small, however significant with a p-value of < 0.01 , suggesting that it is not an artefact of randomness.

6.3.1. Population Attitudes Towards Potential Abuse

Attitudes towards potential abuse and corporal punishment in the population show that these are unacceptable conditions for children to live in. My own survey together with previous research about this question signal quite clearly that only a minority of the population find corporal punishment and potential violence acceptable (Helland et al., 2018; Løvlie, 2023). This suggests that CPS system practices are within the expectations of population attitudes regarding violence, which may indicate that societal norms are adhered to regarding the question about intervening in cases of familial violence, however not necessarily concerning the severity of the intervention. The discrepancy in attitudes shown in Paper III between migrant and non-migrant cases of potential violence while important and interesting, should not be understood to signal that there is (widespread) acceptance of potential abuse in migrant families – even in the case of the migrant family the majority of the responses indicated no acceptance. However, it contextualises the criticism of the CPS’s allegedly delayed actions in cases of suspected familial violence in migrant families.

The normative perspective on violence as an environmental factor in the family and care situation thus appears coherent with the law and disciplinary knowledge. It is perhaps not surprising that parents deny or try to explain allegations of violence as “inflated” or “misunderstandings”, as acknowledging their actions as violence could be incriminating. Yet, as Paper I also shows, there are instances where the parents during the proceedings can tentatively acknowledge their actions as detrimental to the care situation and the relationship with their children. The question of what is understood and defined as violence is also shown to be sometimes contested by parents (Løvlie & Skivenes, 2021), however, this may be an expression of a contestation of an outcome the parents may perceive as certain (i.e., a care order), rather than a different understanding of violence. The violence typology (see table 6 below) developed in Paper I and the parts of it tested in Paper III, proved fruitful to uncover some variability in attitudes. More empirical research on the attitudes and understanding of what is and is not violence could be beneficial to further expand the research field – the coherence and incoherence between the perspectives of the population, child welfare

professionals, and the judiciary. Distinguishing between different kinds of violence, whether psychological or physical, the variants of these, and whether it is directed at the children or not, could also assist in a more detailed understanding of what kinds of services, measures, and interventions can be developed and implemented to improve a family situation – and strengthen the reasoning for justifying state actions.

Research question three summarised: although population attitudes towards violence are that it is largely unacceptable, the severity of intervention in some specific cases of potential indirect violence may indicate a misalignment between CPS system practices and population attitudes. Parents will dispute allegations of violence, both direct and indirect, alluding to some variation in attitudes that may correspond with the variation in types and variants of violence in migrant and non-migrant families; this requires further research.

6.3.1.2. Analytical Device

Presented below is an expanded typology of familial violence, based on the typology developed in Paper I (see table 6). More clarity may be achieved by categorising and analysing the distinctions between violence and the attitudes in the population and CPS system in relation to these distinctions. Not only does this categorisation provide an overview of how violence is represented descriptively by the state, but it can also provide insights about the substantiations of care order interventions – and what role allegations of violence play in this regard. The following typology is designed as a tool for content analysis and the coding of descriptions of violence in official documents and judgements by the courts but may have wider uses.

The typology is an analytical tool for categorising reported instances and descriptions of violence. This enables analysing how violence is presented and provides a categorisation to conduct meaningful content analyses where violence is a descriptive and environmental factor, within which other actions and phenomena are studied in a decision-making context. It is not a typology for (normative) analyses or investigations of the causes or consequences of violence itself. Several theories and investigative

methods already exist in the fields of psychology, medicine, and social work (e.g., Barocas et al., 2016; Brown & Ward, 2015; Hardesty, 2009).

Table 6 Adjusted typology of violence³⁶

Type / variant	Direct		Indirect	
	<i>Strong</i>	<i>Weak</i>	<i>Strong</i>	<i>Weak</i>
Physical violence	Closed fist, kicking, use of object like belt or stick, sexual abuse.	Pinching, hair pulling, ear flicking, and use of open/flat hand.	Child witnessing strong physical violence against others in the home.	Child witnessing weak physical violence against others in the home.
Psychological violence	Humiliation, frightening, scaring, threatening, ridiculing.	Belittling, blaming, scapegoating.	Child witnessing strong psychological violence against others in the home.	Child witnessing weak psychological violence against others in the home.

The version developed and used in Paper I, proved fruitful and useful in categorising cases according to allegations and deliberations. It provides insights into the difference in proportions of different types and variants of violence. It also proved conceptually central in the development and execution of the survey vignette experiment for Paper III. The version presented above adds nuances to categorising indirect forms of violence to further distinguish between borderline and clearer instances of described violence. Also, while the study in Paper I merged indirect violence with direct forms if both were present, this expanded version suggests coding them separately to gain a broader overview of the judiciary’s descriptions of direct and indirect violence in their accounts.

³⁶ Original found in Løvlie and Skivenes (2021).

A typology for categorising and analysing descriptions of violence risks overlooking the intentions and experiences of the perpetrators and victims. However, it was designed this way to focus on the state's decision-makers' choices and argumentations in cases where the intentions and experiences may differ between cases and situations. It does not claim objectivity, but it does avoid judging perpetrator and victim, aiming instead to contextualise and identify variation and characteristics in argumentation and justification practices of decision-makers, i.e., their judgements.

Additionally, there is another aspect of familial violence that would be helpful in improving the typology and research, and that is whether the violent actions are instrumental or reactive (Blais et al., 2014). It is a dimension that falls outside the scope of this project, it could however be a beneficial addition to an improved analytical typology of familial violence.

6.4. Implications and Further Research

In the following sections I draw from the findings and discussions to highlight three categories of implications and suggestions for further research. The implications relate in the first instance to the CPS regarding notifications due to concerns about a family situation of parental conflict and potential indirect violence. In the second instance, the implications relate to the production of disciplinary evidence in relation to judicial decision-making. In the third instance, the implications relate more directly to the accountability practices of determining the child's best interests and to how decision-makers balance the experiences of the children and the perspectives of the parents with the disciplinary evidence.

6.4.1. Implications for the CPS

That there were only a few instances of potential bias in the CB's decision-making practices found in Paper I, may be reassuring with regard to the legitimacy of CB practices. This speaks against some aspects of the criticism about discrimination and potential bias, at least regarding the judicial decisions. The slightly higher acceptance of potential indirect violence in migrant families found in Paper III may suggest both

that non-migrant parents are subject to higher expectations of parental behaviour, and that migrant children may be subject to more conflictual care situations than non-migrant children.

This is something the CPS system may benefit from keeping in mind with regard to potential over-representation of non-migrant families in some kinds of cases, migrant families in other kinds of cases, and/or the under-representation of migrant families who need or seek support. According to our analysis there was a higher proportion of care order cases involving indirect violence in non-migrant families (Løvlie & Skivenes, 2021). Seen together with the findings from Paper III of a higher acceptance for potential indirect violence in migrant families, there may perhaps be a connection that results in delayed or no notifications to the CPS, which would support criticism of different thresholds for intervention in migrant families (Berggrav, 2013). Also, it could imply a higher expectation for non-aggressive and non-violent behaviour in non-migrants, and that the population holds non-migrants to stricter standards than migrants, to the detriment of both migrant and non-migrant children. The nature of potential notification biases must be further investigated, to expand our understanding of on which grounds any potential biases may appear, to inform changes and improvements to practices by state welfare employees who are obligated to notify the CPS. Similarly, the expected outcomes in cases of (potential) indirect violence may appear to differ from CPS system practices. This is relevant to both migrant and non-migrant families, and important to consider and be mindful of in questions of legitimate practices, keeping in mind that indirect violence can have severely detrimental effects on children.

6.4.2. Disciplinary Evidence

The production of disciplinary evidence – the reports from CPS workers, support measure services, and psychologists, including testimonies from teachers, nurses, physicians, and even dentists – is a process that deserves a closer look. Expert reports have received criticism both with regard to quality and competency, and also when it comes to who engages external or independent evaluations (Asmervik, 2015; Melinder

et al., 2021). However, the reports and testimonies from other professional sources have so far, to my knowledge, received less attention.

In the process of researching and analysing decision-making practices, I decided to take a step back from the distinction between experts (e.g., psychologists) and specialists (e.g., social workers) (Littig, 2009). I did this because my findings suggested that CB decision-makers did not automatically prefer or give more weight to (forensic) expert evidence in their written accounts. That is not to say there were no differences. For instance, specialists' reports and testimonies were more focused on questions about care context and the functioning of children and parents than expert reports and evidence (see Løvlie, 2022 with appendix). With this wider focus it became clear that decision-makers are reliant upon the various child welfare professionals to supply them with reliable and valid knowledge and evidence. Including predictions about measures that are more likely to be beneficial to the children, i.e., in their best interests. Yet, this reliance did not appear to favour experts over specialists. However, it is also important to clarify how often the CB had access to independent expert reports, to inform how often they have to rely on CPS reports to inform their decisions (Tilbury, 2019).

I cannot speak to the quality of the disciplinary evidence (from experts or specialists), however, while independent expert reports are reviewed by the CCWE,³⁷ the reports used as evidence from the CPS, support services, and other child welfare professionals, are to my knowledge not independently reviewed. This is understandable due to the existence of internal review processes and quality assurance procedures within the various welfare services, and that there is a limit to how many review and auditing processes that can meaningfully be put in place. However, this lack of reviewing disciplinary evidence from specialists and non-independent experts, suggests that it would be of interest to carry out studies of the practices of writing reports and assessments of families, parents, and children, with regard to how they may be used as evidence in care order proceedings. The CPS's primary concern is and should of course be helping and supporting children and families. However, when their reports and testimonies appear to be used alongside those of independently engaged experts with a

³⁷ See section 1.3.2. and Paper II (Løvlie, 2022), for further details.

mandate – in some instances prioritised over evidence from experts in instances of conflicting evidence (Løvlie, 2022) – it creates accountability questions about the CPS system in relation to the family, children, parents, and the state.

These accountability questions are also relevant in a wider context of state interventions in the private lives of citizens. For instance, receiving disability benefits relies on social service reports, reports on health issues, and maybe more. Additionally, accountability questions may also relate to mental health records and justifications for diagnoses, forced treatment, and prolonged sectioning. Furthermore, they may also relate to forensic evaluations of adult or young criminal offenders whose sanity may be in question. Evaluations that are made in the context of persons being released from court ordered mental health treatment may raise accountability questions. One of the questions that remains with me still is a statement made at a seminar on sanity in criminal law and the role of forensic psychiatry, and I paraphrase: it is easier for 50 forensic psychiatrists to learn law than 300 judges to learn psychiatry. The sentiment is understandable and logical. However, about two thirds of judges in Norway are lay judges, which suggests to me that both the forensic psychiatrists, or in this context child welfare professionals, and the judicial decision-makers could learn how to better translate their professional languages in a manner that is accessible and understandable to the lay population. I suspect that this could enhance accountability and increase (output) legitimacy.

6.4.3. Implications for Accountability

The presence of an expert member on the decision-making panel may appear to be working as intended: improving the CB's independence from external experts and specialists in assessing whether the conditions for a care order are met. This may be one of the reasons for the low use of disciplinary evidence to explicitly support the determination of whether a care order is in a child's best interests. The apparent high prevalence of evaluative deference could be a sign of the expert member assisting and providing her expertise; however, it does also beg the question of whether the jurist and lay members can withstand the epistemic authority of the expert member. This is an internal struggle of the board, and I cannot conclude one way or the other whether

or how often the jurist and expert members are in a professional struggle over jurisdictional authority – nor what the results of this struggle are. The high prevalence of acceptive deference makes sense in this regard as the expert member can explain and clarify their reasoning to the two other members of the CB – which may not appear in the written account. The critical attention makes even more sense, as the decision-makers are perhaps enabled to make these assessments and criticisms, thanks to the expert member.

With regard to accountability, acceptive deference seems insufficient to adequately explain the lack of disciplinary and judicial substantiation of the child's best interests. It seemingly remains a normative question that appears to rely on the experience of the decision-makers and their adherence to norms and lay perspectives. The extent to which this is due to shorthand in writing the accounts, or due to a spillover-effect, is relevant and requires further research, as it constitutes a potential problem for accountability and (output) legitimacy.

Therefore, the relationship between the expert member and other child welfare professionals, and the approval of expert reports by the CCWE, requires further investigation and analysis from an accountability perspective. It may also be beneficial to study these relationships from a theoretical perspective about professions and experts, with regard to any potential influence experts may have on population perspectives and attitudes (Løvlie, 2023).

6.5. Final remarks

This thesis examined how state interventions are justified by decision-makers, what the characteristics and qualities of these justifications are, and in relation to this, what the population's attitude is towards abuse. To answer this, I examined how CB decision-makers justify their decisions, how they apply disciplinary evidence in support of their decisions, and what the population's attitude is towards psychological and (potential) indirect violence. These investigations were conducted against a backdrop of criticism that I divided into three threats to legitimacy: the unequal treatment of migrants, the

misrepresentation or misuse of disciplinary evidence, and the incoherence between care order decisions and population norms and values. I will end with some brief reflections.

It appears that the Norwegian CPS system, represented by the CB in this thesis, has what appears to be a legitimate practice as understood within the theoretical framework; the justifications are predominantly pragmatic or pragmatic-ethical assessments of evidence of risk, danger, and/or consequences when determining the child's best interests in cases of familial violence. This deviation from expectations that the child's best interest is an ethical consideration appears reasonable; the harm already caused or that is shown to probably already have been caused, are at the centre of the decision-makers' reasoning in cases of familial violence. The high levels of risk and the severity of the violence in the cases make the decision-makers focus less on ethical considerations; the justifications focus less on the normative standards about a good childhood or good parenting, and more on the evidence, testimonies, and the research-based knowledge about the consequences and risks of children living with violence. This appears to be the case in both migrant and non-migrant cases, besides the few noted differences. Thus, the threat to equal treatment appears to some extent mitigated by the CB – this may however have little to do with notifications to the CPS and CPS practices and processes. Similarly, the justifications appear coherent with population attitudes. However, the potential for variations in reasons for notifying the CPS and about the outcomes in cases of different kinds of maltreatment are important to investigate further.

This may alleviate some aspects of the three problems that Mnookin identifies in determining the child's best interests (1973). The first problem of lacking consensus about long- and short-term best interests appears to be appeased to some extent by the apparent coherence with population attitudes – at least with regard to violence if not with regard to the severity of intervention – and justifications based on empirical evidence and research-based knowledge about the consequences of violence, as well as the voice of the child. This also relates to the second threat, misrepresenting or misusing disciplinary evidence, which largely appears not to be the case. While there are clearly expressions of strong deference, there are prevalent expressions of weaker

deference that rely on independent assessments, suggesting misuse or misrepresentation is rare. This supports to some extent an alleviation of the second problem presented by Mnookin (1973). The evaluative deference and critical attention aimed at disciplinary evidence mitigate, at least in part, the challenge of predicting desirable outcomes for the child, by displaying probable undesirable outcomes should the child remain with her parents. The third problem about inadequate and insufficient information is perhaps impossible to mitigate adequately, however the accounts do provide references to testimonies from the children and parents, as well as supplemental information.

Another avenue of further research is how to better test for expert influences or effects on population attitudes. My own attempt provides some insights, even though they proved statistically insignificant. To investigate this further, one could first increase the size of the sample, and replicate the study to see if the patterns hinted at in Paper III can be confirmed. Second, one could adjust the wording and how experts are presented in a vignette, a conjoined survey, or another kind of survey. The balance of precision and clarity versus ambiguousness and vagueness may likely affect respondents' interpretation and thus the results. Third, one could collect more detailed demographic questions about the background of the respondents (e.g., if they are migrants, from where they migrated) could provide useful insights and produce more nuanced (and perhaps telling) results. This is an important area of research in a time of increased scepticism towards science and liberal values, to gain better insight into the perceived legitimacy of or scepticism towards expert practices and the knowledge they produce, and that is used by the state to justify interventions and other actions.

Finally, do the reasons for intervention appear legitimate? My answer to this question remains necessarily speculative and vague. It touches upon the question of understandability, which in this context relates to the understanding of the reasonings and justifications of the decision-makers. Reading judicial decisions, and references to or citations from reports using clinical terminology is not equally and intuitively accessible for everyone. This, I suspect, is a significant obstacle in the understanding of the reasons and interventions as being acceptable and perceived as legitimate.

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Research Papers with Appendices

Justifying interventions in Norwegian child protection - an analysis of cases of violence in migrant and non-migrant families

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How are decisions about care orders of children in cases about violence justified? What important accounts are considered? In an in-depth analysis of 94 written care order decisions from the Norwegian County Boards, we examine decision-makers arguments and hereunder if there are differences in cases about migrant and non-migrant families. The analysis shows that justifications are largely rooted in a pragmatic discourse focusing on risk-levels, drawing on empirical evidence of violence. Additionally, there is a pragmatic-ethical discourse rooted in the decision-makers assessment of parents' ability to change their behaviour, to meet the children's needs, highlighting parental denial of violence and blaming the children. This serves the decision-makers in justifying whether the necessary care for the children is possible to attain. We find only a few differences between migrant and non-migrant cases: parents' denial is more prevalent in migrant cases; in non-migrant cases consequences for the child is more prevalent; and more evidence of strong direct violence in migrant cases.

Keywords: child's best interest, violence, justifications, discourse, decision-making.

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Introduction

There exists a broad consensus that accountable exercises of state-power shall be justified and based on reason (Habermas 1996; Ward 2012). However, what constitutes a just and fair use of power differs among welfare states as well as between public sectors and disciplines (Burns et al. 2017; Burns et al. 2019; Svallfors 2012). A justification is in its simplest form a provision of a reason, an argument, an account, or a fact, that explains or defends a choice or a decision. In this paper, we use argumentation theory to examine justifications for child protection interventions in families to expand our understanding of why child protection authorities intervene to protect a child's rights and interests. Furthermore, we examine if intrusive interventions towards migrant families are justified differently than for non-migrant families. It has been a repeated suspicion that Norwegian child protection services are biased in their meeting with migrant families (Berggrav 2013), lacking in cultural sensitivity (Aarset and Bredal 2018; Berggrav 2013; Ghilechi 2018) and have less regard for migrant children's rights than non-migrant children's rights (see Skivenes 2015).

The empirical material for our study is written County Social Welfare Board (CB) decisions. The CB is a court-like decision making body that decides all intrusive child protection interventions, and its written decisions shall, according to law, include all relevant arguments and facts for the decision made.³ Thus, our study contributes to the scarce research reservoir on how decision-making bodies and the judiciary that decide intrusive child protection interventions, reason and justify child protection interventions (Burns et al. 2017). To create a comparable material, we have selected care order cases about violence. We have reviewed all publicly available written care order decisions from the CB in 2016 and 2017. A total of 94 relevant cases concerning violence are identified, of which half were families with a migrant background and half with a non-migrant background. The written decisions provide the CB's justification of whether an intervention is necessary.

The structure of the paper is as follows: the next section presents our classification on violence. Then follows an overview of the Norwegian child protection system (CPS) and its characteristics. Then we present our theoretical platform on argumentation and reasoning, before we present

³ The Dispute Act 2005.

the methods and analysis, followed by findings on the distribution and reasoning of violence, and dimensions of child's best interest considerations, discussion and finally concluding remarks.

Conceptual framework - defining violence

Parents' violence towards and corporal punishment of children are prohibited in Norway and 63 other countries - with 26 more states having committed to reforms to achieve complete prohibition.⁴ Attitudes towards corporal punishment and the regulative legislation on the matter vary between individuals and between populations (Helland et al. 2018; Burns et al. 2021; Baniamin 2020). In Norway, the population expresses little tolerance for the use of corporal punishment (87% do not find it acceptable), in contrast to Spain (62%) and Austria (76%) (Helland et al. 2018). This study showed, by using experimental design, that migrant status of the child did not have an impact on citizens' acceptance of corporal punishment.

Studies of Norwegian children and young people's self-reporting on violence show that one in five have experienced violence from a parent, and one in almost twenty-five have experienced it within the last year (Mossige and Stefansen 2016). This includes anything from impulsive and brutal physical violence to instrumental types of violence traditionally associated with the (corporal) punishment, discipline, and sanctions of childrearing. Specifically for children with migrant background the study reported them experiencing violence at higher rates than children with non-migrant background, where 19% of migrant children from western countries reported violence from mother and 17% from father, 27% of migrant children from non-western countries reported violence from mother and 20% from father, whereas 14% of non-migrant children reported violence from mother and 13% from father (Mossige and Stefansen 2016).

Research in different fields and disciplines agrees that the psychosocial development of children targeted by, as well as witnessing violence in the family, suffers from detrimental short- and long-term consequences for psychopathology, emotional, behavioural, and social characteristics and skills (Attala et al. 1995; Callaghan et al. 2015; Devaney 2008; Downey et al. 2017; Edleson 1999; Felitti et al. 1998; Øverlien 2010). It has been estimated

⁴ Global Initiative to End All Corporal Punishment of Children (2021).

that family violence in Norway results in a production loss (including a loss in taxes) of 14.4-39.6 billion NOK per year (Rasmussen and Vennemo 2017).

The World Health Organisation defines violence as “(t)he intentional use of physical force or power, threatened or actual, against oneself, another person, or a group or community, that either results in or has likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation” (Krug et al. 2002, 5). Specifically, on corporal punishment, the Committee on the Rights of the Child describes it as “any punishment in which physical force is used [...] to cause [...] pain or discomfort» and «other non-physical forms of punishment that are also cruel and degrading [...] [t]hese include ... punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child” (CRC Committee 2006, 4). In research, this definition has been categorized as weak and strong violence (Helland et al. 2018; see Mossige and Stefansen 2016).

While we cannot assume that victims’ subjective experiences correspond with such a distinction, it is a meaningful analytical distinction because different types of actions can have different consequences and meaning for the victim and the perpetrator (Kelly 1987). Violence towards a child will also include witnessing violence such as family or partner violence (see Callaghan et al. 2015; 2017; Dallos and Vetere 2012; Devaney 2008; Felitti et al. 1998), and we refer to this as “indirect” violence. Following this we have a classification of six types of violence including psychological and physical violence, each of them including three types: strong, weak, and indirect (see table 1).⁵

Table 1. Types and variants of violence

Type / variant	Strong	Weak	Indirect
Physical violence	Closed fist, kicking, use of object like belt or stick, sexual abuse.	Pinching, hair pulling, ear flicking, and use of open/flat hand.	Child witnessing weak or strong physical violence against others at home or in family situations.

⁵ A note on the relationship between indirect violence and the other variants: cases coded as “indirect” of either violence type are cases with exclusively indirect violence; however, in cases of the (direct) weak and strong variants, there may be cases where there is also indirect violence present.

Psychological violence	Humiliation, frightening, scaring, threatening, ridiculing.	Belittling, blaming, scapegoating.	Child witnessing weak or strong psychological violence against others at home or in family situations.
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Norwegian child protection system and legislation

For the CPS to be able to act and know when to act, they are reliant upon reports or referrals of concern about a child’s situation. In Norway, it is mandatory reporting for professionals, public employees, and a moral obligation for citizens in general. In 2017 about 1/3 of all referrals (18,637/16.4 per 1000 children) to the CPS concerned observed violence or fear of violence, including sexual abuse.⁶ Reports on physical violence has a higher frequency than psychological and sexual abuse put together. Based on the referrals, we assume that violence is a concern the CPS is handling regularly. In the Norwegian system there is not extensive use of schematic guidelines and checklists to determine risk for a child (Skivenes 2011; Falch-Eriksen and Skivenes 2019).

The Norwegian child protection system is a family orientated and child-centric system aimed at providing support for families and to prevent more intrusive measures (Skivenes 2011; Hestbæk et al, in press). The CB decides all serious interventions, such as involuntary out-of-home placement. There are 10 CBs in Norway, regionally placed. The CB is a court-like decision-making body following the same procedures as courts, and decisions may be appealed to district courts and further to appeal courts under specific conditions (Skivenes and Søvig 2017). The CB usually consists of three decision-makers, chaired by a lawyer with judge qualifications, an expert from the psychological, medical, social work, or child protection fields, and a layperson. Care orders are usually decided after negotiating hearings for typically 2-3 days in which all parties present their arguments and evidence (Skivenes and Søvig 2017). Parents are provided free legal aid. Children able to form an opinion have a right to be heard, and there is a spokesperson arrangement in place that is used for most children seven years and older.⁷

⁶ Statistics Norway: <https://www.ssb.no/statbank/list/barneverng> (SSB 2020)

⁷ See for example Magnussen and Skivenes 2015; Enroos et al 2017, for details on children’s involvement.

The Norwegian Child Welfare Act (1992) demands that three main criteria are fulfilled to grant a care order. First, section 4-12 a-d sets the intervention threshold:

- (a) if there are serious deficiencies in the daily care received by the child, or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,
- (b) if the parents fail to ensure that a child who is ill, disabled or in special need of assistance receives the treatment and training required,
- (c) if the child is mistreated or subjected to other serious abuses at home, or
- (d) if it is highly probable that the child's health or development may be seriously harmed because the parents are unable to take adequate responsibility for the child. (Article 4-12, official translation).

Second, a care order can only be issued based on the current situation of the child, and only if no in-home and other services may create a satisfactory situation, and third, a care order must be in the child's best interest.

Decisions are justified in writing, and typically consist of 12-20 pages including facts of the case, parties' arguments, and the CB's view on the case and the important reasons for the decision.⁸ In 2016 and 2017, the CB decided a total of 1684 cases about care orders. On average, 86% of the care order cases, pursuant of the whole section 4-12, results in a care order⁹ and about 40% are appealed to the district court (Skivenes and Søvig 2017).

Theoretical platform of arguments and reasoning

There are relatively few social science studies of written judgements and how decision-makers in child protection care order cases are justifying their decision (Ward 2012; Burns et al. 2017), and systematic reviews on the topic are non-existing.¹⁰ Studies analysing judgements concerning removing children from their birth families covers varied topics: children of parents

⁸ See appendix (<https://discretion.uib.no/projects/supplementary-documentation/#1552296903964-af7d19a0-9d4c>) with an outline of the content of the written decisions.

⁹ In Skivenes and Søvig (2017) and Skivenes and Tonheim (2018) the formal procedures and the workings of the CB are outlined.

¹⁰ This is based on a literature search conducted on systematic reviews on children at risk and child protection within the Social Sciences and Law, by Regina Rein, Senior Librarian at the University of Bergen in May 2020.

with intellectual disabilities (Booth and Booth 2004; McConnell and Llewellyn 2002); how parents defend (justify, excuse, normalise) their actions when appealing court decisions concerning a care order (Juhasz 2018; 2020); and how judges justify changing or maintaining, or just making, decisions concerning adoption (Helland 2021; Skivenes 2010). Furthermore, there are some studies on children's involvement (Archard and Skivenes 2010; McEwan-Strand and Skivenes 2020) as well as an analysis of judgements on adoption without consent from the European Court of Human Rights (Breen et al. 2021).

An examination of arguments in the written decisions provides us with insights into the consideration of the decision-makers' and the decisive arguments for a care order. We draw on deliberative theory, as outlined by Alexy (1989) and Habermas (1996), in which a main idea is that legitimate answers to normative questions - such as defining the best interest for a child - can be found through rational discourse in which all parties involved participate and all relevant arguments are presented for open and free discussion (Eriksen and Weigård 1999; Ward 2012). Such a rational discourse is procedural at its core, consisting of four key premises: that all persons concerned can participate, can propose any assertions they wish, actually believe in these assertions, and that they aim to be consistent in their use of words and concepts (see Eriksen and Weigård 1999). According to Alexy (1989, 191ff), three rules should be followed: First, the justification rule requires that, if necessary, a stated assertion must be reasoned or justified. The second rule embodies principles of universality, equality and freedom and asserts that all parties concerned should be allowed to participate in such a way that they can freely ask questions, introduce their opinions, and express their needs and attitudes. The third rule is that nobody can be prevented from exercising the first and second rules, either by external or internal coercion. The formal requirements for proceedings in care order decisions in Norwegian CB and the judiciary, are considered to be in accordance with this theoretical framework (Eriksen and Skivenes 1998).

Judiciary decisions about interventions into the family must be justified according to a value-laden best interests-principle. A value- and norm-pluralistic society challenges the relationship between the general principles that underpin society, as well as society's policies with respect to

children and families. Although the legal profession is vested with the authority to interpret law and make decisions about what counts as current law within a specific area, justification standards still apply for criticizing and assessing the quality of the decisions (Dworkin 1967). Molander et al. (2012, 219) refer to the epistemic dimension of judiciary discretion and explain it this way: “... *from a normative point of view, the latter aspect (epistemic) is fundamental, since the delegation of discretionary powers is based on the epistemic assumption that the entrusted actor is capable of passing reasoned judgments.*” (see also Freeman, 2007). Applying deliberative theory, it is distinguished between four discursive standards: pragmatic, ethical, moral, and legal discourses (Habermas 1996; Eriksen and Weigård 1999). The setting for our analysis is the judiciary and the legal system discourses, demanding that all decisions and interventions are in accordance with the law and the legal methodology (see Boe 2020; Eckhoff 1971). A decision in court also answers to requirements of rationality that entail normative standards of truth, ethically good and the morally correct. Based on previous research on written court judgements (Juhász 2018; Skivenes 2010; Ward 2012), we focus our analysis on *pragmatic* and *ethical* arguments. The first, pragmatic discourse refers to empirical facts and their relations in defining how the world is, what is needed to reach a goal, and what the likely consequences of actual conditions are. Pragmatic arguments, such as evidence of maltreatment, what has happened, and professional knowledge of likely consequences for child development are central to discussions of a dilemma. The standards of evaluation to which arguments and deliberations are subjected to are whether an assertion is true or false and whether statements are documented, reliable and realistic. We expect, for example, that pragmatic arguments will dominate in documentation and evidence of violence in relation to the child welfare law article 4-12 a-d (see above). The second, ethical discourse, concerns what might be a good and fulfilling life for an individual. Discussions of what constitutes a good childhood and family life, and the matter of a child’s best interests, are at the outset an ethical and indeterminable matter in value pluralistic societies (Mnookin 1975; Elster 1989). The standard of evaluation used is hermeneutical interpretation of norms and rights, where opinions of what might be good or acceptable for a child are discussed and interpreted in relation to cultural and social norms and practices of a value-

pluralist society (see Skivenes 2010, 4ff). We expect, for example, that discussions around the child welfare law's criteria that a decision must be in the child's best interest will be in an ethical discourse (see third section of article 4-12 above). In the analysis of the written decisions, we examine if the CB uses pragmatic and/or ethical arguments when justifying whether a care order should be enacted.

Method

This study is part of a larger comparative study on the norms for and the acceptability of state intervention into families funded by the Norwegian Research Council. This study compares decisions made by the CB in care order-cases in non-migrant and migrant families in which violence is a central concern. There was a total of 908 care order-cases processed by the CB in 2016, and 776 in 2017. Of these, 384 (23%) care order cases were publicly available online through the private foundation www.lovdata.no at the time of data collection (196 in 2016 and 188 in 2017). All cases in Lovdata are de-identified. To identify cases we started with two inclusion criteria: (1) the legal criterion of care order decisions by the CB according to the Norwegian Child Welfare Act article 4-12; and (2) the violence criterion, that violence is a central reason for concern in the case. Cases where violence only pertains to the background or history of one or both parents, but not called out as an aspect of the family situation or considered a risk factor, are not included. To identify cases about violence all 384 decisions were read and filtered manually by searching for key terms such as "violence", "punishment", "disciplining", and "abuse", as well as narrower terms such as "strike", "kick", "slap", "belt", "threats", "yelling", "shouting", and "stick". We differentiate and consider violent actions, not their effects, and we focus on adults' violence, and exclude cases where the child is the sole violent agent. Of the 384 decisions, 104 decisions had violence as a characteristic: as risk, allegations, or proof of violence by one or both parents. Fifty-two of these decisions concerned migrant families; children and parents who have migrated, as well as children born in Norway of parents that have migrated,¹¹ and 52 cases concerned non-migrant families. The anonymised state of the cases made it difficult to distinguish between different types of migrants and different origins. While some were clearly

¹¹ This necessarily simplified definition corresponds with Statistics Norway's definitions (SSB 2013).

from war-torn countries, and many had listed “country 1” or “country x” when describing the family or parents,¹² a few were more difficult to reveal a migrant background for, as there were no references to “country”, with little background or nationality information, and in one case for instance, only a quote from a sibling of one of the parents. Of the 104 violence cases, a total of ten cases were excluded from the analysis because they lacked justifications around the criterion of the child’s best interest (n=7), or it was not possible to identify type of violence (n=3).¹³ Thus, we have a data material of a total of 94 cases, hereof 47 migrant cases and 47 non-migrant cases. We have given each case a code that we refer to when presenting illustrative quotes in the paper, migrant cases are coded MNorwayXX and non-migrant cases are coded nMNorwayXX. All translations have been done by author 1.

The data was analysed in several steps. First, we collected descriptive information about the 94 cases about violence, such as the age of children, migrant or non-migrant, types and variants of violence, etc. The 94 decisions concern 159 children with an average age of 8.4 years for all the children. None of the cases in the selection of decisions involved more than 4 children. Forty-eight decisions concern one child in the family; 32 decisions concern two children; 9 concern three; and 5 decisions concern four children. The average age of the oldest child in cases of two or more children is 9.8, the average age of only-child cases is 9.3. The second child average age is 7 for decisions concerning two or more children, for cases concerning only two children the average for the second child is 6.2. For the third child in cases with three or more children, the average is 6.2, in cases concerning only three children, the average is 5.1, and for the fourth child, the average age is 5. Exact ages of children below 1 year old are not provided and these have all had the age rounded up to 1 year. 15 children in the data had an age of less than or 1 year old. Of the 94 decisions 90 (95.7%) resulted in a care order, 3 did not, and 1 resulted in a mixed decision with a care order for the youngest children, but not for the oldest. Thirty-four of the

¹² The decisions do not consistently provide the reason for migration to Norway, so this is a wide variable that includes anything from labour migrants to asylum seekers and refugees. Continent or global region is not consistently provided in the decisions either, and countries are only referred to as single letters or number, e.g., “country 1” or “country x”.

¹³ Three cases were about violence, but due to sparse information in the cases we cannot identify the variants of either type of violence. Seven cases in the data did not result in a care order because the CB concluded the legal threshold for removing the child from her family was not met, and thus there are no further justification.

decisions involved one or more children with siblings that were not included in the decision. In these families some children had already been removed, some children were not considered to be exposed to the kind of risk or neglect as the one(s) covered in the decision, or were living with another parent or family, and some siblings were 18 years or older.

In the second step of the analysis, we identified and categorized the legal criteria for a care application (see table 2). Most of the cases are shown to meet the most basic criterion of the care order section of the child welfare act, most often linked to neglect, whereas sub-section c) and d) have fewer instances. We also see that more migrant cases are considered to meet the stricter sub-section c) than non-migrants, where a total of six migrant cases also cite sub-section c) in the decision, and only one non-migrant case cites this sub-section. Another stricter sub-section is d), which shows no difference between migrants and non-migrants in our data.

Table 2. Legal criteria met for care order decision by family type¹⁴
(n=94)

Family type	4-12a	4-12a & c	4-12a & d	4-12c	No care order	Total
Migrant	38 (81%)	5 (11%)	2 (4%)	1 (2%)	1 (2%)	47 (100%)
Non-migrant	42 (89%)	1 (2%)	2 (4%)	0	2 (4%)	47 (100%)

The third step of the analysis was an examination of how the CB concerned itself with preventive services/help measures that had been implemented, if any (table 3). Dismissed preventative or help/support measures refer to where the CB dismisses the viability of efforts leading to improvement or adequate change. In three cases any coverage of this subject was absent. In a few more, it was recommended to continue with these types of measures, regardless of the outcome of the case; either to increase the likelihood of reuniting the children with their family or as in two of the non-migrant cases that did not result in a care order, it was deemed as a sufficient measure. In

¹⁴ It should be noted that several cases were forwarded by the CPS with alternate sub-sections of the care order legal criteria, the table presents the articles the CB found to be met.

the large majority of the cases, the care order decision mentioned that such measures had been attempted but were not found to be sufficient.¹⁵

Table 3. Preventative/help/support measures implemented, by mention in the care order decision (n=94)

Family type	Dismissed	Absent	Attempted	Recommended	Total
Migrant	12 (26%)	1 (2%)	33 (70%)	1 (2%)	47 (100%)
Non-migrant	8 (17%)	2 (4%)	34 (72%)	3 (6%)	47 (100%)
Total	20 (21%)	3 (3%)	67 (71%)	4 (4%)	94 (100%)

The fourth step classified the types of violence in the cases according to the six types of violence (see table 1 above) so that we could compare the arguments across cases. There are 14 violence-combinations in total in the cases, whether strong physical and weak psychological, indirect physical and indirect psychological, or solely physical violence. We elaborate on this in the finding section.

In the fifth step, we conducted a close reading of the section in the judgement where the CB’s reasoning and justification of their decision are presented. We focused on patterns and trends that revealed themselves as important in relation to the threshold and child’s best interest criteria and related them to pragmatic and ethical discourses. From the CB’s reasoning on the child’s best interest criterion we identified eight themes, and these were related to parents’ arguments (three themes); to children’s view and culture¹⁶ (two themes), and the implication of evidence and arguments (three themes). These empirically informed themes were used as codes that are mutually exclusive (see table 4), and a systematic coding of all cases were undertaken with the software NVivo 12. Reliability testing of codes was a continuous process, as coding was done in several rounds, which included simultaneously using NVivo’s coding stripe function to check what was coded and under what codes they had been placed.

In presentations of findings, we have calculated percentages to make comparisons between categories accurate, and we have used the software

¹⁵ See Luhamaa et al. 2021 for similar findings in removals cases of newborns in eight European jurisdictions.

¹⁶ The culture code only pertains to the migrant cases.

Zigme Signifikans¹⁷ (95% level) to test if differences between the two samples of migrant and non-migrant are significant. We use ** to show $p < 0.05$.

Table 4. Code descriptions on CB arguments in relation to Child's best interest considerations, and frequency (n=94)

Codes	n	Description
CB on parent's arguments		
Denial	53 (56%)	Parents deny and trivialise violence, neglect, and family situation.
Acknowledge	34 (36%)	Limited confession or acknowledgement from parents concerning violence, neglect, or other shortcomings in care situation.
Blame	20 (21%)	Parents blaming and accusing child of lying for the family's current situation, for the violence; of manipulating and/or being manipulated.
CB on child's view and consideration of culture		
Child opinion	68 (72%)	The child's opinion, in terms of living situation; and social contact with parents.
Culture	27 (29%)	CB references and/or makes statements concerning ethnic/cultural background of the family. From relevant informational facts to specific situation and the role of culture, and what should be considered common and expected knowledge.
CB drawing implications of evidence and arguments		
Consequences	62 (66%)	CB references continued and/or future consequences of violence/care situation may or will have on child, long-term consequences, and risks if returned to parents.
Change	54 (57%)	CB assesses the parents' potential to change, learning and shedding detrimental habits, as well as resistance to supervision, and recognition of the effects of their actions, including personal functioning.
Insufficient skill	52 (55%)	CB arguments concern expectations to the sufficiency or insufficiency of the parents' parenting skills.

There are limitations with the study as the sample is not representative, but quite large with close to 100 cases from all CBs in Norway which enables us

¹⁷ <https://aardal.info/zigme-hva-er-signifikanstesting/>

to detect some patterns in reasoning. However, the comparisons of migrant and non-migrant families will only provide some indications on similarities and differences. Furthermore, we do not analyse the care order application nor other types of information in relation to the proceedings that have informed decision makers.

Findings

On the reasoning of violence

The analysis of 94 care order cases shows that the children were exposed to several types of violence. In table 5a the prevalence of physical violence is displayed, including strong violence in 38 cases, weak violence in 19 cases, in 28 cases the child experienced indirect violence, and in four cases it is not possible to classify which variant of physical violence occurred. There is a significant overweight of strong physical violence in migrant families, and a significant overweight of indirect physical violence in non-migrant families.

Table 5a. Distribution of physical violence variants (n=89)

	Total	Migrant	Non-migrant
Strong:	38 (43%)	24 (63%)**	14 (37%)
Weak:	19 (21%)	10 (53%)	9 (47%)
Indirect:	28 (31%)	11 (39%)	17 (61%)**
Indefinable:	4 (4%)	1 (25%)	3 (75%)
Total:	89 (100%)	46 (52%)	43 (48%)

In table 5b the prevalence of psychological violence is displayed, and in 33 cases the children experience strong psychological violence. In 15 cases there is weak psychological violence, and in 31 cases there is indirect psychological violence. There is a significant overweight of strong psychological violence in migrant families, and a non-significant overweight of indirect psychological violence in non-migrant families.

Table 5b. Distribution of psychological violence variants (n=79)

	Total	Migrant	Non-migrant
Strong:	33 (42%)	20 (61%)**	13 (39%)
Weak:	15 (19%)	7 (47%)	8 (53%)
Indirect:	31 (39%)	13 (42%)	18 (58%)
Total	79 (100%)	40 (51%)	39 (49%)

In a majority of the cases (n=82) violence was combined with other risk factors such as neglect, crime, substance abuse, and mental health issues, but for 12 of the cases, of which ten cases concerned migrant families, violence was the decisive factor for removal. Of these, all 12 had strong physical violence, with nine also involving strong psychological violence. One of the remaining three cases involved indirect psychological violence, and two cases did not describe or report psychological violence in the decision.

Most of the cases have a combination of physical and psychological violence and we created five categories based on the frequency within combinations (see table 6). Cases that score “strong” in both psychological and physical violence (n=23). Cases that score “indirect” in both psychological and physical violence (n=20). Cases that only have a score in physical violence and none in psychological violence (Physical, n=15). Cases that only have a score in psychological violence and none in physical violence (Psychological, n=5), and cases that have various combinations of violence (and not covered by Strong or Indirect) (Combined n=31).

Table 6 shows the distribution of the cases according to the analytical violence-categories for the 94 cases. For the category strong physical violence and strong psychological violence, there is a non-significant overweight of migrant families, and more non-migrant families in the category of psychological violence - otherwise, the groups are overall similar.

Table 6. Violence categories distribution (n=94)

Violence categories	Total	Migrant	Non-migrant
Strong physical and strong psychological violence	23 (24%)	15 (32%)	8 (17%)

Indirect physical and indirect psychological violence	20 (21%)	9 (19%)	11 (23%)
Physical violence (strong, weak, or indirect)	15 (16%)	7 (15%)	8 (17%)
Psychological violence (strong, weak, or indirect)	5 (5%)	1 (2%)	4 (9%)
Combination of types of violence (f ex strong physical and weak psychological violence)	31 (33%)	15 (32%)	16 (34%)
Total	94 (100%)	47 (100%)	47 (100%)

In 23 cases (24%) the children are exposed to strong physical and strong psychological violence, and the following quote from a case with three children aged 2, 7, and 9, give an illustration:

The biggest risk factor is associated with violence. [Child 1] and/or [Child 2] have described [...] a care situation characterised by constant fear of being beaten, threatened, tugged and harassed. Both [Children] have repeated in different contexts that mother hit them with a spatula and a folded towel, where the corners were folded in order to [cause] more pain. (From case 2016-MNorway20 -Strong).

Indirect physical and psychological violence was evident in 20 cases (21%), with the following quote from a case with two children aged 8 and 11 to illustrate:

Both [Children] were exposed at an early age to their parents' quarrels and struggles, including an episode in which [Father] perpetrated serious violence to [Mother]. In [Year], the children were put in emergency care after witnessing their father taking a stranglehold on mother and that she had to be picked up by an ambulance. Both children can still talk about traumatic experiences from the time their parents lived together. (From case 2016-MNorway09 - Indirect).

Fifteen cases, (16%) concerned solely physical violence, as the following quote from a case with one child aged 15 illustrates:

[Child] has had a problematic upbringing where [Child] has been subjected to violence by [Child]'s mother. It is pointed out here that in [Year], Mother was sentenced to 9 months in prison for having perpetrated violence against [Child]. (From case 2016-nMNorway28 - Physical).

Five cases concerned only psychological violence (5%), as the following quote from a case with one child aged 12 illustrates:

Parents have shown poor judgment by using threats and inappropriate strategies in setting boundaries. This is considered to be very severe from the symptoms [Child] shows today. (From case 2016-MNorway08 - Psychological).

Thirty-one of the cases (33%) include a variety of combinations of violence types, as illustrated with this excerpt from a case about two children aged 6 and 4, which experienced strong physical violence, and the psychological violence is indirect:

[Mother] has told a number of agencies about a relationship where [Mother] has experienced [Father] as aggressive and controlling. [...] [T]he relationship has at times been characterized by severe disagreements, to which the children have also been exposed. The father acknowledged this in his statement, that the children had witnessed the parents arguing loudly. [...] [Mother] has reported violence from the [Father] against her and the children, including that [Father] pushed her into a bed when she was pregnant, and that he has hit her in the face with a flat hand. [...] The roughest episode, in which [Father] beat the [Children] with a rolling pin so they turned blue from waist down [Mother] has repeated on numerous occasions. [Mother] has also referred to some other episodes, including the fact that [Father] hit [Child] so hard that she saw [the marks of] five fingers on [Child's] thigh. (From case 2017-nMNorway12 - Combined).

For all the 94 cases, the CB found the maltreatment/neglect criteria in the child welfare act §4-12 satisfied, and the justifications were overall anchored in pragmatic arguments on empirical facts and evidence. The violence in

these cases, often in combination with other risk factors, shows the threshold and the living situation for the involved children, this causes the child protection authorities concern and to suggest an intrusive intervention.

The CB has also considered if in-home services have been proven insufficient or may remedy continued care by the natural parents (see table 3 above). A large majority (n=91) of the cases resulted in a care order, but for three cases the CB decided that in-home services would be sufficient to care for the child's best interest.¹⁸ The CB must undertake a holistic consideration of the situation for the child and ensure that the decision is in the child's best interests, and it is the CB best interest-consideration we in the following analyse in-depth.

On dimensions of the child's best interests considerations

The analysis shows that the CB's child's best interest reasoning was centred around three main dimensions: (1) Parents arguments; (2) Child and Culture; (3) Implications of evidence (see table 4 above). In the following we present these dimensions and their sub-themes, and we reiterate that it is the perspective of the decision-makers and their accounts that are analysed.

CB on parents' arguments

Denial

One of the main concerns in the CB's decisions is the parents denying the exercise of violence on their part. In 53 cases *denial* of violence and neglect, and/or trivialisation of violent actions and the effect of violence, and/or claims about it all being a misunderstanding, were argued. This illustrative excerpt from a case with two children aged 11 and 15 reveals how a parent claims, by using primarily pragmatic arguments, it is all a misunderstanding:

It is obvious that [Father] does not see what these outcomes in terms of knocking and punching, and the knife episode, do with the [Child],

¹⁸ In one case the majority of the CB were of the opinion that family council, in-home social worker, check-up visits and relief by setting up a visitation home should be tried due to parent's evident cooperative ability and willingness. In the second case no in-home or other support measures had been tried, however the parent wanted to try, the CB deemed this viable and necessary. In the third case, the parents and the CPS had experienced difficulties in cooperation, which at the time of the proceedings had improved due to change of CPS contact worker, leading CB to decide that improvement was likely through support measures.

and he has no understanding that [Child] is scared. [Father] says it was meant as a joke or was misunderstood, and then it does not matter to [Father] how it was perceived by the child. (From case 2016-nMNorway32).

The next illustrative excerpt from a case with one child aged 11, shows pragmatic arguments trivialising on the parents' part of their actions and denial that they are in fact violent:

[B]oth [parents] were trivialising by minimizing the importance of their own actions and externalizing by seeking to put the cause of [Child's] great mental health difficulties outside of themselves. Neither of them seemed to accept the fact that [Child] has significant psychological difficulties today as a result of the insecurity he has been exposed to at home. (From case 2017-nMNorway15).

Acknowledge

No parents in our data made a full confession of all accusations, descriptions and allegations of violence, abuse, and neglect. However, in 34 cases parents did to a limited degree admit or acknowledge one instance concerning violence; and/or one event or element related to the care situation (e.g., neglect, substance use). Also, in some instance, this admittance or acknowledgement came about due to changed circumstances or under certain conditions, for instance after a stay at a mother-child unit or having a social worker assist in the home. An illustrative excerpt from a case with two children aged 6 and 4, shows a parent's recognition of shortcomings in the care situation after a change in circumstance, referring to neglect related to substance use:

The board considers that the stay at [institution] showed that [Mother's] later decision to place the [Children] in emergency homes was based on an acknowledgement of her own shortcomings. (From case 2017-nMNorway12).

Another illustrative excerpt from a case with two children aged 14, shows a partial confession of corporal punishment, but the CB calls for acknowledging any of the other aspects of the children's testimonies, were not accommodated:

The parents have acknowledged some instances of lighter form of "corporal punishment", but in their explanations for the board they have not expressed any recognition or reflection on the significance of the [Children's] explanations beyond this other than that the parents have both stated during the proceedings that what the [Children] have said are both contradictory and partly exaggerated. (From case 2016-MNorway10).

Blame

In 20 cases the parent(s) blame the child/children for their actions and/or the current situation of the family, i.e. being involved with child protection services and care order proceedings. In 19 of the *blame*-cases, parents also deny or trivialize the violence or the concern in the case, see the denial code outlined above. Illustrative is the following case with one child aged 10 where the CB is referencing an ethical standard of what children should handle:

[p]arents' reflection on their own care practice has not been affected by self-criticism, rather they attributed to [Child] the responsibility and the situation the family has come in. This is a heavy burden for a child to carry. (From case 2016-MNorway03).

Blaming also appears in instances of more direct blame and accusation against the child, as in the following illustrative excerpt from a case with one child aged 11, that includes pragmatic arguments on denial and accusations of lying:

[Mother] has briefly stated that she has never seen scars or marks on the [Child's] body, that there is no evidence of violence, and that [Child] is lying and has been manipulated. (From case 2016-MNorway23).

The next illustrative excerpt from a case with one child aged 16, shows how parents' accusations of responsibility may sometimes be targeting the child directly:

As far as [Mother] is concerned, the board will specifically refer to the SMSs she sent to [Child] in December [Year], where she places all responsibility fully on [Child] and strongly rejects [Child]. (From case 2016-nMNorway05).

Another instance of this kind of blame or accusation of lying shows how parents of a 16-year-old adhere motivation to the child to cause the notification to the CPS:

The parents have consistently held that [Child] is lying about the conditions at home, and that [Child] has chosen to say that s/he has been subjected to violence, in order to move away from home and thus gain greater freedom. (From case 2017-nMNorway24).

CB on child opinion and culture

The analysis shows that the CB is considering the child's view and minority considerations.

Child opinion

The CB explicitly expressed and referred to the opinions and voices of the children in 68 cases. They sometimes appear summarised, at other times paraphrased, and sometimes meticulously quoted. They mainly concern whether the child wants to stay with their parents or if they want to move, but at times also cover communication and contact after a potential care order. Two illustrations from the CB's considerations are included, the first with references to both ethical and pragmatic arguments, from a case with a 15-year-old child:

[Child] has rights as a party to the proceedings. Through [Child's] lawyer, [Child] has clearly stated that [Child] does not want to move home to [Mother]. [Child] has also stated the same to [Person X] and [Person Y]. This position seems mature and well-considered in the board's assessment. In sum, the county board assumes that [Child] wants a care order. (From case 2017-MNorway26).

And second, in which the CB cited a report by a spokesperson of a 12-year-old child:

We get to talk together undisturbed in the living room. [Child] says s/he is fine and is happy to be home. Is back in school again and just had a science test which went well. [Child] doesn't want to live anywhere else but home. [Child] has now tried to live in a foster/placement family and institution and does not want any of that. [Child] wants to join [the football club] again. [Child] sticks to a couple of good friends and wants to stay away from nonsense and trouble, s/he says, and "avoid chaos." [Child] is excited about the outcome of the meeting on Tuesday, much is put on hold for the final decision, such as the start of football training. We end the conversation. [Child] has nothing more to say and shakes my hand before I leave. (From case 2017-MNorway06).

Culture

In 27 out of 47 migrant cases, the CB made statements about cultural or national background of the family in relation to the decision. In some arguments, the CB merely makes explicit information presented to them in a manner of documenting something they deem important and relevant; specific situation and the role of culture according to the CB's perspective; and what should be considered common and expected knowledge, hinting towards aspects of integration and adaptation into a new social and cultural context. The following excerpt - from a case with three children aged 4, 12, and 16 - illustrates concise and short reference to documenting culture as part of the proceedings and added to the decision as relevant, and arguably important:

The family is [ethnicity] from [Country X]. In the proceedings it is informed that in this culture violence is used as a part of discipline/raising children. (From case 2016-MNorway14).

The next excerpt from a case with one child aged 13, illustrates an instance of how the CB refers a specific situation and an ethical argument on the role of culture:

In the board's view, the neglect of care occurred especially in the last six months [Child] lived at home. [Child] began at this time to exhibit

what the family perceived as inappropriate behaviour based on their culture/religion. (From case 2017-MNOrway16).

Culture may also be treated more in relation to integration and the adoption of knowledge of ethical standards regarding child rearing in a new cultural context, as this excerpt from a case with two children aged 5 and 7 illustrates:

As the parents describe this, it is so-called [corporal punishment], which according to parents and private witnesses is quite common in [Country X]. [Father] has admitted to the board that he has slapped [Child's] hands and legs when [Child] is "naughty" and will not listen. [Child], on the other hand has described it as being beaten and that the blows are hard and that it hurts. The board has also noted that [Child] has been scared and that [Child] has told the emergency caregiver that [Child] is no longer scared. Father has lived in Norway for 27 years and should therefore be well aware that this form of upbringing is unacceptable and punishable here. (From case 2017-MNOrway13).

CB drawing implications of evidence and arguments

The analysis shows that the CB emphasise especially three implications of the evidence: Consequences for the children; Parental change potential; and Parenting skills.

Consequences for the children

Consequences that children may and do suffer are argued in 62 of the cases, the CB uses pragmatic arguments ranging from present situation and consequences; long-term consequences if no change of the situation; and risks for the children if returned to parents. The excerpt below, from a case with one child aged 10, illustrates the future risk the CB considers the child may live with, despite the current absence of such consequences:

Even if [Child] as of today shows no sign of maldevelopment or apparent difficulties, to grow up under unsafe conditions will threaten [Child's] future psychological health. (From case 2017-MNOrway19).

The consequence-arguments also follow from current situation and consequences to social-psychological care if returned to parents from placement as illustrated by this excerpt from a case with two children aged 5 and 9:

However, the children are characterized by their experiences with both parents, and both [Children] are assessed to have an unsafe relationship with their parents. Based on the description of the children, the board agrees with this and finds it clear that serious shortcomings in the care of the children's mental health will occur if the children - both or one of them - were to be returned to [Father's] care. (From case 2016-nMNorway21).

Parental change potential

The potential for change in the parents, including learning new skills and shedding detrimental habits, is something the CB brings forward in 54 cases. *Change*-arguments are primarily pragmatic, ranging from parents resisting supervision, and/or not recognising the effects of their actions, to personal functioning - all regarding parents being deemed difficult or impossible to guide and incapable of or unlikely to change. The following excerpt from a case with two children, both aged 14 is illustrative:

The board, after hearing the parents' statements during the proceedings, cannot see any evidence that change-conducive supervision has resulted in increased self-awareness or initiated any change on the part of the parents. The board finds it probable that any change-work of this nature, especially with regard to the father's way of treating the [Children], will have to extend over a long period of time. As the board sees it, it is unlikely that [Father] will be able to give proper, emotional care to the [Children], before he is well into behaviour-changing work. Furthermore, the board does not consider it likely in the foreseeable future, that mother will be able to adequately compensate for the serious shortcomings in the care situation. (From case 2016-MNorway10).

In another illustration, about a child aged 11, the personal functioning of the mother is focused on, as this excerpt from the CB's reasoning shows:

[Mother's] failure is considered by the board as a manifestation of her personal functioning. Mother is unable to see her own role, not in relation to [Child] nor in relation to conflicts that arise around her. The stressors that have characterised her existence for a long time and weakened her as a caregiver, have come about in the wake of her own choices and her way of dealing with her surroundings. She is not very amenable and appears to have poor mentalisation ability ... Based on this case's level of concern, as well as the mother's unwillingness to cooperate on change-conducive supervising measures, a request for a care order should have been made earlier. (From case 2017-nMNorway23).

Parenting skills

Fifty-two cases contain argumentation by the CB about the expectations to parenting skills and the parent role. It is cases where the CB refers to the ethical standards of parenting and upbringing of children. Among these cases there is some variation, ranging from hygiene, lack of housework, to teaching their children basic personal and dental hygiene. Also, there are variants concerned with parents' responsibility for the children's health, social and future adult life. In these arguments there also appear assessments of implications of parent life-choices that do not appear conventional, like not seeking employment or education, and the effects of alternative lifestyle choices. The excerpt below, from a case with two children aged 9 and 15, illustrates how the CB points to an ethical standard of friendship for children and treats tidiness in the home as a sign of the parents' competency and whether house hygiene is conducive with social life and development for children:

The threshold for what is an acceptable standard in a home is not possible to set, and it must be kept in mind that there are different perceptions about how one should have it at home. The board will, in any case, note that a home characterized by disorder and strong cat odour is not a home that invites visitors, and therefore does not appear to be a suitable place for the children to spend time with any friends. (From case 2016-MNorway11).

This next excerpt, from a case with three children aged 2, 7, and 9, refers to a pragmatic argument with more severe repercussions of parents' lacking

focus on hygiene and self-care, and the parent's responsibility for their children's health:

The oldest children have had poor dental hygiene and need extensive dental treatment despite their young age ... [Mother] and [Father] have not looked after the children's dental health. The children have suffered significant dental damage, and [Child 1] has had to remove several teeth. (From case 2016-MNorway20).

From the same case as the tidiness excerpt, the CB here focuses on the ethical dimension on the responsibility of parents as role models to ensure a good and independent future for the child, as well as questioning the parent's life-choices:

As the board sees it, it is generally an important task for parents to ensure that children get the best possible life as adults, including supporting them while receiving an education that enables them to support themselves and any children of their own when they grow up. This includes being a good role model for their children. The board notes that mother at the age of [45-55] has rarely been employed, despite the fact that she herself informed the board that she has always been healthy, both mentally and physically. (From case 2016-MNorway11).

The below excerpt from a case with one child aged 11 illustrates how the CB also concern themselves with the effects and potential detrimental effects of parents leading alternative lifestyles:

There are several aspects of [Child's] upbringing that have not been elucidated, among other things related to mother's alternative orientation and the impact this may have had on [Child's] emotional life and understanding of reality. That the [Child] should not be exposed to mother's practice when it comes to meditation and alternative treatment must be said to have the presumption against

it. However, to what extent this has been harmful, is difficult for the board to assess. (From case 2017-nMNorway23).

Summary of CB main considerations

The distribution of the codes, divided on migrant and non-migrant family cases, is displayed in table 7a. Comparing the accounts, it is an overall similarity between cases with migrant and non-migrant families, except for the significant overweight of “Denial” in migrant cases, and the significant overweight of describing the “Consequences” for children in the non-migrant cases. There is also a difference in “Child opinion”, with more migrant cases having the child opinion mentioned.

Table 7a. Codes according to family background (n=94)

	Total (n=94)	Migrant (n=47)	Non-migrant (n=47)
<i>CB on parents' arguments</i>			
Denial	53 (56%)	33 (70%)**	20 (43%)
Acknowledge	34 (36%)	19 (40%)	15 (32%)
Blame	20 (21%)	11 (23%)	9 (19%)
<i>CB on child's view and consideration of culture</i>			
Child opinion	68 (72%)	38 (81%)	30 (64%)
Culture	27 (29%)	27 (57%)	n/a
<i>CB drawing implications of evidence and arguments</i>			
Consequences Child	62 (67%)	25 (53%)	37 (79%)**
Change	54 (57%)	29 (62%)	25 (53%)
Insufficient Parenting skills	52 (55%)	28 (60%)	24 (51%)

Table 7b displays the distribution of arguments concerning cases with physical violence cases, and migrant - non-migrant. Perhaps the most evident finding here is that in the cases with strong violence there is also a high prevalence of denial. Furthermore, denial is more prevalent for migrants compared to non-migrants on weak violence; the CB spells out to a higher degree the consequences of violence on the child in the non-migrant cases and are to a higher degree explicit on the insufficient parental skills in migrant cases.

Table 7b. Physical violence cases and family background (n=85)¹⁹

	Migrant (n=45)			Non-migrant (n=40)		
	Strong 24 (53%)	Weak 10 (22%)	Indirect 11 (24%)	Strong 14 (35%)	Weak 9 (23%)	Indirect 17 (42%)
CB on parents' arguments						
Denial	21 (87.5%)	8 (80%)	3 (27.3%)	11 (78.6%)	4 (44.4%)	5 (29.4%)
Acknowledge	12 (50%)	3 (30%)	2 (18.2%)	5 (35.7%)	2 (22.2%)	7 (41.2%)
Blame	9 (37.5%)	2 (20%)	0	5 (35.7%)	3 (33.3%)	0
CB on child's view and consideration of culture						
Child's opinion	20 (83.3%)	7 (70%)	9 (81.2%)	10 (71.4%)	7 (77.8%)	10 (58.8%)
Culture	14 (58.3%)	5 (50%)	6 (54.5%)	0	0	0
CB drawing implications of evidence and arguments						
Consequences	12 (50%)	6 (60%)	6 (54.5%)	11 (78.6%)	7 (77.8%)	13 (76.5%)
Change	16 (66.7%)	5 (50%)	6 (54.5%)	8 (57.1%)	6 (66.7%)	8 (47.1%)
Insufficient skills	12 (50%)	8 (80%)	6 (54.5%)	7 (50%)	4 (44.4%)	8 (47.1%)

Table 7c presents an overview of arguments concerning cases with psychological violence. Like the physical violence cases, there is more denial in migrant cases (weak violence) and spelling out consequences for the child in non-migrant cases. For the psychological cases, it is noticeable that the child's opinion is to a higher degree mentioned in migrant cases.

¹⁹ The number of cases is 85 because 4 cases that are indefinable in terms of violence categories are excluded here.

Table 7c. Psychological violence cases and family background (n=79)

	Migrant (n=40)			Non-migrant (n=39)		
	Strong 20 (50%)	Weak 7 (18%)	Indirect 13 (32%)	Strong 13 (33%)	Weak 8 (21%)	Indirect 18 (46%)
<i>CB on parents' arguments</i>						
Denial	15 (75%)	6 (85.7%)	6 (46.2%)	8 (61.5%)	4 (50%)	7 (38.9%)
Acknowledge	10 (50%)	4 (57.1%)	2 (15.4%)	5 (38.5%)	2 (25%)	8 (44.4%)
Blame	8 (40%)	0	1 (7.7%)	5 (38.5%)	4 (50%)	0
<i>CB on child's view and consideration of culture</i>						
Child's opinion	18 (90%)	6 (85.7%)	11 (84.6%)	9 (69.2%)	7 (87.5%)	9 (50%)
Culture	12 (60%)	5 (71.4%)	6 (46.2%)	0	0	0
<i>CB drawing implications of evidence and arguments</i>						
Consequences	13 (65%)	3 (42.9%)	8 (61.5%)	10 (76.9%)	7 (87.5%)	14 (77.8%)
Change	14 (70%)	5 (71.4%)	6 (46.2%)	7 (53.8%)	4 (50%)	11 (61.1%)
Insufficient skill	11 (55%)	4 (57.1%)	8 (61.5%)	9 (69.2%)	4 (50%)	8 (44.4%)

Discussion

The findings show that care order cases brought forward to the CB are extremely serious for the children involved, and there are different types of combinations of violence as also pointed out in Weiss (2020; see Johnson 2008). The findings document the empirical descriptions and the evidence of the violence the children have experienced, and as such, it is mostly pragmatic arguments the CB uses to explain that the evidence for the threshold for intrusive intervention is met, i.e., the first criteria in the law for removal of a child. About one in four cases involve strong physical and strong psychological violence, and the analysis displays that in most cases the children typically experience several types of violence. It is without a doubt that children living with violence in their own home and within their

own family are in an exposed situation and dire need for improved living conditions. Some research describes children's experience of violence in their home as living in a warzone (see Skivenes and Stenberg 2013). A recent meta-synthesis examining qualitative research, shows that children experience domestic violence as complex, isolating, and enduring (Noble-Carr et al. 2020). The latter is especially present "(r)egardless of whether children described the violence as being 'subtle and insidious [or] explicit and explosive,' the unifying theme across children and across studies was that 'it was always there' (Berman 2000, 117)." (Noble-Carr et al. 2020, 186).

It is also clear from our analysis that there are some differences between migrant families and non-migrant families with an overweight of strong violence in migrant families. This finding reflects the findings of Mossige and Stefansen (2016) on Norwegian pupils, referenced in the introduction, in which migrant pupils had experienced a higher prevalence of violence than non-migrants. This is corroborated in a study from 2019 of 9000 pupils in Norway, in which "children of parents from other countries than the Nordic countries, experience more serious physical violence than children in which both parents are from Norway or Nordic countries" (Hafstad and Augusti 2019, 109, our translation). Possibly, the indirect violence our study identified in non-migrant cases, indicate a lower threshold for child protection interventions in non-migrant families. Berggrav (2013) has proposed this, also pointing out that more direct and stronger types of violence tend to follow from weaker and indirect types (see Johnson 2008). However, the difference we detect may also be due to other reasons, for example that severe violence towards children is more prevalent in migrant families.

Prominent in the reasoning of the CB's justification are pragmatic arguments, which undercut the standard sentiments that child protection and the child's best interest are about discussions of ethical norms. Surely, the standard for what is acceptable to do towards a child and what children are expected to endure, varies between countries and people, and thus represent interpretations of social conditions in a society that are deemed acceptable and not acceptable. However, in case-by-case assessments we notice that the justifications and the reasoning is dominated by pragmatic arguments. These are denial of violence and/or child abuse, acknowledgement of violence and/or abuse, blaming the child, child's view,

and -in migrant cases- cultural explanations. The CB considers the parents' arguments in relation to claims about violence, child abuse and neglect, and displays a pragmatic orientated discourse about the denial and acknowledgement of what is proven to be experienced as violence for the child. Only in one-third of the cases is there a partial acknowledgement by the parents. Clearly, parents have the right to present their view and experiences, but the CB is not convinced by parents' evidence and arguments. In a majority of the cases, the CB understands the parents to deny the facts and evidence presented. Research on parents in child protection situations, confirms similar findings of denial (Brown and Ward 2014). We also find that in one-fifth of the cases parents explain the situation by blaming the child and/or trivialising the abuse, and this is also a known phenomenon in child protection cases (Brown and Ward 2014). Possibly, parental denial and blame are even more prevalent in cases before the CB because cooperation and attempts of improvement have already been tried (see *ibid.*).

The CB focuses on the logic of argumentation by combining parent's denial, acknowledgement and blaming, with the evidence of experienced violence of the child. As mentioned, when the CB brings forward the parents' arguments about denial and blame, they are not convinced. Parents' arguments are subsequently interpreted in relation to their skills and abilities to see the needs of the child, i.e., to see the situation from the child's perspective - both traits that are usually considered vital for raising children. Also, when the parents do not acknowledge any problems in the family situation, the CB links this to the ability to make changes to improve the situation for the children.

In the assessment of the situation and presented arguments, the CB specifically elaborate on and taps into three main discourses: First, the assessment of the consequences of the abuse for the child which is discussed in two-thirds of the cases. Here, the CB uses pragmatic arguments about the empirically based knowledge familiar from research on the consequences of violence and abuse on children's wellbeing. This reasoning is also followed by predictions about children's future wellbeing and what may happen if children continue to be exposed to abusive parents and stay in a household of insecurity. Mostly these reasonings relate to empirical facts and knowledge but interwoven with this discourse is a discourse about

change and insufficient parenting skills in which an ethical discourse on what one should expect from parents and what may be acceptable living conditions for a child. Second, the ability to change a situation of abuse and violence is imperative for a decision-making situation about a care order. The CB explicitly discusses the potential for change, and this is closely related to the parent's description of the situation. It is evident from the CB's discussions that the parents' denial, lack of acknowledgement, and blaming the child, are interpreted as parents lack of self-understanding and insight, and thus the basis for an improvement of the situation is deemed absent. The ethical discourse on insufficient parenting skills displays some standards of what are expected from parents and children's living situation. The third discourse is the consequences for children being brought up in a violent home. This discourse displays how the CB regards the probabilities for the future child's life and likely outcomes of staying with the birth family or not. In the migrant cases, these considerations are also combined with consideration around culture, and children's needs are seen in relation to the child's opinion.

We notice that the child's opinion is more often mentioned in migrant cases, and possibly this is used to reduce uncertainties for the decision-makers. Admittedly we are on speculative ground here, but we wonder if the decision-makers experience a greater degree of uncertainty in cases with migrant families due to aspects related to cultural, religious, and ethnic features. It could, therefore, be that the CB believe a care order will deprive minority children of even more than their natural family and wish to make sure the child is heard. It could also be that the CB anticipate criticisms and thus make sure all aspects are covered and accounted for. However, overall, we cannot verify significant and systematic differences between how the CB treats and justify their decisions in non-migrant compared to migrant cases.

Concluding remarks

We have analysed a relatively large sample of written decisions about care orders in cases about violence to learn how these decisions are justified, and to examine if there are differences in justification in cases with migrant families compared to non-migrant cases. We show that decisions to a large degree are determined by the risk level for the children, based on the one hand on pragmatic arguments based on the empirical evidence and documentation of the family violence and violence towards the children,

and on the other hand, on the pragmatic-ethical arguments on parental ability to change their behaviour, as well as their abilities to meet their children's needs. Our study does not substantiate that the CB treats migrants and non-migrants differently, as can be seen claimed in public debates. The differences we find in justifications of migrant versus non-migrant cases are minor and relates to the evidence of more severe direct violence in migrant cases, and, that the child's opinion is more often mentioned. Although we do not have a country comparative material on cases of violence, we assume that the child protection systems acceptance of parental violence towards children will be different in another country, for example the USA, which has a different child protection system with a high threshold for intervention in child protection (Berrick et al, in press; Gilbert et al, 2011) and is a society with a seemingly high level of acceptance for corporal punishment (see Helland et al., 2018).

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APPENDIX

Authors: Løvlie, Audun Gabriel, and Marit Skivenes.

Title of publication: Justifying interventions in Norwegian child protection – an analysis of cases of violence in migrant and non-migrant families

Year: 2021

Publisher: Nordic Journal on Law and Society.

Typical content of a written care order decision by the Norwegian County Social Welfare Board

1. Background

The first section of the decision covers the background of the case. This includes previous history with the child protection services if any; information about the family, parents and children; age; how long they have lived where they live; any other background information about the family presented to the board; and the grounds for notifications and worry for why the child protection services forwarded the case to the county board. Previous reports and expert testimonies related to the history of the case and family will be included here.

2. Municipality and child protection services

The second section covers the state's arguments and evidence for why the child should be considered removed from its family, and what article(s) of the law they argue comes into effect. Expert testimonies will be cited and included in this section of the decision.

3. Parents

The third section covers the parents' arguments and evidence. This is sometimes split into two headings, one for each parent. This part covers a summary of the parents' testimonies, what, together or separately, they forward as reasons and explanations for why the child should not be removed, or where it should live, how often the parents should get to meet the child, and either an argument for the complete rejection of the child protection services' perspective, or arguments for adjustments and decreased severity of outcome. Any expert testimonies the parents have acquired will be included here.

4. The Child

Not present in all decisions, this section will appear if the child is treated as its own party in the proceedings, and sometimes if there is a spokesperson for the child. It will cover the child's testimony, the child's perspective, experience, and narrative of the family and life situation.

5. The County Board's assessment

This is the section under which the County Board reasons, argues, and concludes in the questions of whether the threshold of the law has been met, if support services has been sufficiently attempted, and if it is in the best interest of the child. It will cover the care needs of the child as revealed during the proceedings, an assessment of the parenting skills and the support services rendered/attempted. Included are also relevant expert testimonies that the county board finds important for the decision-making process. Here the county board decides on whether a care order is necessary, and subsequently about placement of the child, duration of placement, and visitation (i.e., the number and duration of meetings between the child and the parents).

Evidence in Norwegian child protection interventions – Analysing cases of familial violence

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Abstract

How is expert evidence used in care order proceedings when children are considered for foster care placement because of familial violence? What are important factors and how do the decision-makers use and evaluate evidence from specialists and experts? In this in-depth analysis of 104 published care order decisions from the Norwegian County Boards, I investigate how decision-makers use and evaluate evidence from expert witnesses to determine whether a care order may be granted. The analysis shows that the evidence largely revolves around social functioning, care context and topics about how parents and children relate to each other. Led by the law, the decision-makers use this evidence to determine whether the child's situation is harmful, whether support services are viable and whether a care order is in the child's best interests. I find that decision-makers draw unevenly on evidence with regards to these legal requirements, and that the use predominantly defers to expert authority. However, there is also evidence of independent reasoning, where deferral to the epistemic authority of the experts is weakened. This is shown through evaluative and critical assessments and scrutiny of the disciplinary evidence.

KEYWORDS

child's best interest, decision-making, epistemic authority, evidence, justifications, violence

1 | INTRODUCTION

A broad consensus exists that familial violence has severe consequences for children (Hillis et al., 2017; Holt et al., 2008). Where child protection services (CPS) in Norway are concerned about the welfare of a child and consider foster care placement, they refer the case to the County Social Welfare Board (CB). The CB decides the question of a care order (foster care placement) after court-like proceedings (Skivenes & Søvig, 2017). These decisions rest on reports and testimonies from experts, CPS workers, teachers, other professionals and existing social science literature – that I refer to as *disciplinary evidence*

and *disciplinary knowledge* – as well as lay testimonies from parents, children, relatives and their social networks (Løvlie & Skivenes, 2021). The CB considers all evidence to make a decision (Løvlie & Skivenes, 2021; The Child Welfare Act, 1992). The aim of this study is to analyse decision-makers' use and evaluation of disciplinary evidence, which in a democracy should assist the CB in making accountable and legitimate decisions (Molander et al., 2012).

Criticism of disciplinary evidence concerns both the imperfections of scientific literature and knowledge on which it is based, and experts' differing opinions (Mnookin, 2008). In Norway, criticism by researchers and professionals concerns the qualifications of experts

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engaged by the CPS, the quality of expert reports, how data are interpreted and what implications this have or may have for the children, and the quality of the report review process (Asmervik, 2015; MRU, 2021; Wester et al., 2021). These criticisms showcase experts and professionals having disagreeing opinions and concerns about the interpretation of data, causal claims, the potential implications for children's development and well-being, including the imperfections of disciplinary knowledge. A concern follows about the balance of epistemic dependence (Ward, 2016) and the decision-makers' awareness of the imperfections of science and their capability to evaluate the disciplinary evidence independently and critically (Robertson & Broadhurst, 2019; Ward, 2016). In addition to this, the decision-makers' lack of training to evaluate the disciplinary evidence is a possible competency gap that reinforces concerns of dependence and deferral to professionals (Burns et al., 2016; Cashmore & Parkinson, 2014). This underscores the importance of investigating the balance of epistemic dependence and the risks it represents to democratic legitimacy (Turner, 2001; Ward, 2012). However, there is little research on judicial decision-makers' evaluation and the use of disciplinary evidence (Robertson & Broadhurst, 2019; Ward, 2012). CB decision-makers are required to make an independent reasonable decision (The Child Welfare Act, 1992: § 7–3). Therefore, this investigation is important to determine the accuracy of criticism and to contribute to the limited pool of research on the use of disciplinary evidence in care order justifications.

The paper examines two research questions:

1. How do CB decision-makers use and evaluate disciplinary evidence when making care order decisions in published cases about familial violence?
2. Is there an evidence in the CB decision-makers' reasoning of independence from the epistemic authority (Ward, 2016) of experts in these cases?

The data for my study consist of all publicly available Norwegian care order decisions concerning violence from 2016 to 2017. The written decisions provided all evidence and arguments from the proceedings that the decision-makers deem relevant to include and serve the decision-makers' justifications for intervening (The Dispute Act, 2005). The paper begins with an operationalisation and discussion of disciplinary evidence set against related research. I continue with contextual descriptions of the CB, legislation and violence, prior to establishing the theoretical framework. Then I described the research design, method and coding process, followed with the findings, a critical discussion, and finally the concluding remarks.

2 | BACKGROUND

2.1 | Disciplinary evidence

Here 'disciplinary evidence' is understood as child-orientated research-based knowledge from psychology and other disciplines that

provide, or ensure quality of, welfare services (McAvoy, 2014). It covers and merges different disciplines sharing a scientific basis into one concept, understanding 'discipline' as schools of research, thought, and praxis concerned with children and families. It is inspired by Abbott's (1988) theory about different professions' claim to jurisdiction, and Littig's (2009) distinction of experts and specialists. I connect Abbott's three professional acts ('diagnosis', 'inference' and 'treatment') with Littig's distinction between specialists and experts according to 'formative' and 'interpretative' power. Formative power (enacting measures in people's lives) overlaps with Abbott's treatment concept and interpretative power (creating definitions and understanding of phenomena) overlaps with Abbott's diagnosis and inference concepts (Abbott, 1988; Littig, 2009). In this study, psychologists and physicians are experts considered to share jurisdiction, being the principal producers of knowledge in child-orientated disciplines. They produce theories and terminology to diagnose and infer treatment, also used by specialists such as social workers, nurses, and arguably, in this context, teachers and other professions working with children (Burns et al., 2016; Ferguson, 2018). Collectively, experts and specialists have epistemic authority, i.e. authority derived from their professional and specialized knowledge (Hardwig, 1985). Their interpretative power, as expressed in scientific literature and evidence they produce, is important for the CB to be sufficiently informed (Littig, 2009). The disciplinary evidence provides the CB, possessing formative power and authority, with "a capacity to action" (Adolf & Stehr, 2017: 28), enabling knowledge-based decisions to establish new binding definitions. A new definition, for example, would be granting a care order, which is a significant intervention into family life through an exercise of state power.

Judicial decisions in a democracy should be according to the law, rational and just, based on the facts of the case, including all parties' equal opportunity to argue their case, and up-to-date knowledge relevant to the issues of the case (Alexy, 1989; Habermas, 1996). Decision-makers handling a specific case are challenged by generalized disciplinary knowledge (Cashmore & Parkinson, 2014; Rathus, 2013). Scientific disciplines are rarely unanimous about the interpretation, understanding and treatment of specific phenomena. Because of this, new knowledge is continuously produced, changing the topography of knowledge (Beck, 1992). Navigating disciplinary knowledge challenges decision-makers to adhere to the scientific understanding, which may confound their decisions when applying an everyday or legal understanding of concepts and phenomena (e.g. attachment) that deviates from scientific (e.g. psychological) definitions (Helland & Nygård, 2021; Rathus, 2012). Introducing disciplinary knowledge in judicial settings, whether through expert reports and testimonies or decision-makers reading the literature on their own, may confound and lead to misapplication by the decision-makers, at worst leading to deleterious consequences for children and their families (Rathus, 2013; Ward, 2012). The Norwegian system includes an expert among the decision-makers (see below), differentiating it from other systems, which could arguably minimize the misapplication risks (Skivenes & Tonheim, 2017).

2.2 | Related research

Analyses of care orders cover topics such as parents' defensive strategies when appealing decisions (Juhasz, 2018) and judges' justifications for making, upholding, or changing decisions about adoptions in Norway (Helland, 2020). There are however few social scientific studies on justifications of care order cases focussing on decision-makers' practices of evaluating and using disciplinary evidence (Ward, 2012, 2016).

Expert reports in Norway are assessed and approved by the Commission of Child Welfare Experts (CCWE) before the CB uses them. Norwegian researchers and the human rights committee of the Norwegian Psychological Association (MRU) have expressed concerns that the CCWE accepts reports of poor quality (Asmervik, 2015; MRU, 2021). For example, Asmervik (2015) criticizes two reports, accepted by the CCWE without comments, for lacking considerations of alternative hypotheses and therefore weak conclusions (see also MRU, 2021). This concern was also registered in interviews of child welfare experts (Augusti et al., 2017). This suggests that plurality and rigorousness are important to inform the CB, because current knowledge is uncertain and subject to change. For instance, there are disagreements on diagnosing shaken baby syndrome in Norway, where forensic medical evidence may have led to wrong decisions by the courts (see Wester et al., 2021). Key informant interviews from Norway also indicate limited awareness of updated disciplinary research among CB jurist members.¹

2.3 | The county board and experts

During CB hearings on care orders, all parties can provide a statement, parents are provided with free legal aid, and the decisions may be appealed to the court system (Skivenes & Søvig, 2017). The CB is an independent decision-making body and normally consists of three members: a judge-qualified jurist, a lay member and an expert member (e.g. psychologist). The expert member's presence is to ensure the quality of the decisions' knowledge-basis (Skivenes & Tonheim, 2017). Furthermore, the expert member's knowledge and expertise is to be kept in check by the jurist and lay member, to ensure a democratically legitimate process (Sosialdepartementet, 1985).

CCWE independently reviews expert reports before they can serve as expert evidence, ensuring that accepted disciplinary standards are followed, and that report conclusions follow from the data. CCWE may approve a report with different degrees of 'observations' about the quality of the report, which may be disagreements with the report require minor to major corrections and/or revisions, a supplemental report or no comments. The degrees of observation are no observations, minor observations, observations, recommendation of supplemental report, severe observations and dissent. In 2017, the CCWE reviewed 748 expert reports, 66% received no observations, 20.7% received observations, 8.6% received minor observations, 3.5%

received recommendation of supplemental report, 1.2% received severe observations and 0.4% dissent (BSK, 2018). The CCWE approval process has been audited and was evaluated to improve the rule of law (Haugnæss & Stokland, 2015). Despite this, there are still concerns about poor quality reports receiving no 'observations' and concerns about public trust in child welfare experts (Asmervik, 2015; Augusti et al., 2017).

2.4 | The child welfare act

The CB proceedings are regulated by the Norwegian Child welfare act (1992), and decision-makers must determine whether the evidence proves that the criteria for a care order are met. There are three criteria. First, the legal threshold, it has four sub-sections; the following three are relevant to this study:

- "A. if there are serious deficiencies in the daily care received by the child, or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,
- C. if the child is mistreated or subjected to other serious abuses at home or,
- D. if it is highly probable that the child's health or development may be seriously harmed because the parents are unable to take adequate responsibility for the child." (The Child Welfare Act, 1992: § 4–12).

Second, all relevant support measures to improve the situation must have been attempted, and if unsuccessful a care order may be issued only if, third, it is in the child's best interests (CBI) (The Child Welfare Act, 1992). The decision must be reasoned and justified in writing, and typically consists of 12–20 pages including the cases' facts, the parties' arguments and evidence, and the CB's arguments and justification for its decision.² The reasoning and justification should be independent (The Child Welfare Act, 1992), and in these cases disciplinary evidence on violence and its consequences are central considerations.

2.5 | Violence

This study examines care order cases where children are exposed to familial violence: either as witnesses or as direct victims of violence. Research on familial violence is extensive, with widespread agreement on the detrimental consequences for children being targeted by, exposed to, or witnessing it in the family (Hillis et al., 2017; Holt et al., 2008). Care order cases about violence are complicated cases where disciplinary evidence on the symptoms and consequences of violence may strongly influence outcomes (Cashmore & Parkinson, 2014; Rathus, 2013). Therefore, any independence – such as disagreement or contingent agreement – from epistemic authority in these cases may be more perceptible in the CB's use and evaluation of disciplinary evidence.

2.6 | Theoretical framework

Reasoning is intrinsic to judicial justifications using and evaluating evidence, and should be transparent to ensure accountability (Bovens, 2007). If disciplinary evidence is used as the sole justification and authoritatively determines a decision's outcome, this could constitute a risk for the CB's accountability, unless the decision-makers transparently demonstrate that they are not 'blindly' deferring to epistemic authority (Ward, 2016). Disciplinary evidence used to overshadow reasoning about non-legal-but-law-relevant issues – such as normative CBI assessments – are instances of apparent deference.

In this conceptualisation of deference to epistemic authority, the endorsement of epistemic authority and the expressed expectation of deference to that authority are central. A 'weak deference' shows that a decision not only refers to disciplinary evidence and other evidence in reasoning and justification but also understandably and transparently shows why and how a decision was reached. 'Weak deference' is expressed as reflective acceptance of evidence in the decision-makers' reasoning and justification of using disciplinary evidence, connected to lay evidence and the decision-makers' own assessments (Moore, 2017; Turner, 2012). Conversely, 'strong deference' shows that decision-makers defer passively and uncritically to epistemic authority, presenting disciplinary evidence as reason enough. Presumably, an expression of (inescapable) epistemic dependence, where why and how a decision was reached, is obscured (Moore, 2017; Ward, 2016). 'Strong deference' means that disciplinary evidence serves as the sole justification and reasoning of a decision. It is expressed through extensive citation and 'copy-pasting' from disciplinary evidence, presented as justification enough, where other evidence is hidden, or left out, in favour of the disciplinary evidence (without apparent reasoning).

A central principle in care order proceedings is CBI. Determining CBI relies on an interwoven knowledge base where normative considerations and factual information are navigated (Løvlie & Skivenes, 2021; Skivenes, 2010). Epistemic authority in this context highlights the tension among lay, disciplinary, and legal perspectives, as the CBI principle is shaped by indeterminate and conflicting norms about child rearing and family life (Elster, 1989; Mnookin & Szwed, 1983). Where the legal perspective is based in a vaguely defined generalized child, hypothetically representing all children, the disciplinary evidence is empirically based on the specific child (Ottosen, 2006). Deference to epistemic authority in this instance may serve rational decision-making, where evidence reveals the needs of the specific child relative to a generalized child and the CB's assessment of the evidence. The relationship between CBI, as a decision-making principle, and disciplinary evidence may be that the latter is a support mechanism of the former, and how this relationship manifests is a puzzle that this study's approach sheds some light on.

3 | METHOD

As a part of the ACCEPTABILITY-project³ financed by the Norwegian Research Council, this study examines 104 care order decisions by the CB about familial violence from 2016 ($n = 59$) to 2017 ($n = 45$). The data were collected from Lovdata.no, an online database of publicly available decisions.⁴ The decisions were de-identified prior to collection. They were written and analysed in Norwegian. Each case was assigned an identifier, used when presenting quotes in the paper: year-number, e.g. 16–12: case 12 from 2016. There were two inclusion criteria during data collection: (1) care order cases according to sections 4–12 of the Child Welfare Act (1992), and (2) explicit mentions of familial violence. For further details on case selection, see Løvlie and Skivenes (2021). Before substantial coding, the data were reviewed and systematized according to types of violence and disciplinary knowledge, number and age of children, and outcome. Physical violence was mentioned in 98 and psychological violence in 87 cases. In 22 cases, only specialist knowledge was used: in 13 cases, support measures had been attempted; in 5 cases, the CB dismissed the viability of support measures for the families; in 2 cases, the CB recommended support measures; and in 2 cases the topic of support measures was absent. In 10 cases, only expert knowledge was used: in 7 cases, support measures had been attempted, and in 3 cases was dismissed. The 104 cases involve 176 children, with an average age of 8 years. Ten of the decisions did not end in a care order, and in one case the decision was a mixed, where three out of four children were removed.

3.1 | Limitations

The coding focusses exclusively on the CB's section of reasoning and justification in the written document. The remaining sections of the written document, about a case's background, CPS argumentation and the private party's argumentation, are excluded. This narrows the analytical focus to elements that are explicated by the decision-makers when writing and justifying the care order-decisions. It allows identifying the extent of disciplinary evidence used in justifications, about whom and what it concerns, and ultimately how the CB evaluates and uses the evidence it deems relevant.⁵ However, other elements of the proceedings and disciplinary evidence that may be of interest but not included by the CB when writing the justification of the decision may be absent from the analytical focus, and the detailed and full presence of disciplinary evidence in a case may be missed.

The sample comprises 27% of publicly available cases from 2016 to 2017 ($n = 384$), and because the selection of case publication is undocumented the sample is not representative. The possibility cannot be dismissed, but is unlikely, that there are more cases involving violence in the published decisions. All of these cases include explicit mentions of familial violence. Cases where violence only pertains to the background or history of one or both parents, but not explicitly

identified as a risk factor, were excluded in the review process. While this means that some relevant cases are perhaps excluded, it is reasonable to believe that decisions not explicitly mentioning violence fall outside the purview of this paper. Also, I have not had access to CPS casefiles, nor did I observe the deliberations of the board members which would have provided further insights into the use and evaluation of disciplinary evidence.

3.2 | Coding

Disciplinary evidence in this sample concerns risks to the care and safety of children and their development; it provides accounts of the present status, and incidents influencing the future, of the children (Løvlie & Skivenes, 2021). Decision-makers cite evidence and research literature, and use it to substantiate claims about risk characteristics or risk behaviours of parents, by focussing, for instance, on their denial and trivialisation of violence, blaming their children, and the parents potential for change (Løvlie & Skivenes, 2021). The 104 decisions were subjected to a thorough content analysis using NVivo 12 in several rounds of coding. This process was framed by the conceptualisation of 'disciplinary evidence' when developing and refining codes, checking for reliability continuously. Codes (Table 1) were developed with three main influences:

1. Conceptual and theoretical perspectives on disciplines, experts/expertise, professions, and epistemic dependency and authority (Abbott, 1988; Hardwig, 1985; Littig, 2009; McAvoy, 2014; Moore, 2017; Turner, 2014; Ward, 2016).
2. Themes of CB reasoning emerging from the data.
3. Existing research on care orders and related CPS, CB and court decisions (Helland & Nygård, 2021; Juhasz, 2020; Krutzinna & Skivenes, 2020; Ward, 2012).

Using NVivo, disciplinary evidence as conceptualized in this paper was identified in the decisions: relevant portions of the text were selected and coded, focussing on CB reasoning and justification citing and paraphrasing specialist and expert reports and testimonies. Citations and paraphrases in the justifications of whether legal criteria were met present likely expressions of deference to or rejection of epistemic authority (Ward, 2016). The focus narrowed on reasoning of evidence and testimonies regarding relevant topics (see below) for determining fulfilment of legal criteria.

3.3 | One category of disciplinary evidence

The conceptualisation of disciplinary evidence as inspired by Abbott (1988) and Littig (2009) was initially operationalized and coded as two categories distinguishing between (1) *specialist evidence* from social

TABLE 1 Code descriptions

Codes	Description	
Evidence		
Disciplinary evidence	Expressions of expert and specialist knowledge in CB reasoning/justification	
Legal criteria		
Legal threshold	Reasoning of legal threshold	
Support measures	Reasoning of relevance/viability of support measures	
CBI	Specific and implicit assessments and reasoning of CBI	
Who		
Children	Disciplinary evidence about children	
Parents	Disciplinary evidence about parents	
Disciplinary evidence topics		
Functioning	Disciplinary evidence about social, psychological, and physical skills, functioning and capacities	
Care context	Disciplinary evidence about social/emotional and physical care history, needs and quality	
Attachment development	Disciplinary evidence about quality, needs, and capacities regarding attachment and development	
Stabilization	Disciplinary evidence about diagnoses, stability and predictability	
Assessments	Sub-codes	
Acceptive		CB agreeing with disciplinary evidence
	Agreeing	CB explicitly agrees with or makes assessment mirroring disciplinary evidence
	Research	CB references/paraphrases research
Evaluative		CB evaluates disciplinary evidence
	Data-basis	CB evaluates the data basis of the disciplinary evidence
	Conflicting	Evaluation and reasoning of divergent assessments in disciplinary evidence
Critical		CB criticizes premises or conclusions of disciplinary evidence

workers, child welfare workers, nurses and teachers; and (2) *expert evidence* from psychologists, physicians and psychiatrists.⁶ However, the extensive presence of both categories, with little relevant variation,⁷ led to combining them into one category of *disciplinary evidence*. It includes some CPS testimonies because of their educational background and professional status, and the CB's emphasis in these instances (Saks, 2012). Some foster parents' testimonies are also included, because unlike biological parents, they must go through an approval and training process (Bufdir, n.d.), and the CB gave more weight to their testimonies in the included observations. References to disciplinary evidence range from page-long citations from reports to short paraphrases.

3.4 | Legal criteria

Codes were created of the written reasoning about the required legal criteria. The three criteria are (1) legal threshold, (2) support measures and (3) the CBI. First, the legal threshold refers to meeting the requirements for one or more sub-sections of the legal section. Second, having attempted and exhausted possible support measures is a criterion making sure that the family has received offers of help to improve the situation. Third, whether a care order is in CBI. All three are required for making a care order decision. The legal criteria codes were then overlaid with the evidence code in NVivo to isolate uses of disciplinary evidence.

3.5 | Evidence about?

The coding distinguishes between disciplinary evidence about parents and children. During this process, four topics crystallised in the CB's reasoning.

1. **Functioning:** parents and children's emotional, social, and psychological skills, functioning and capacity in social situations. Characteristics of parents' behaviour and children's abilities to socialize and interact with others appear central to determining neglect and violence. Children interacting poorly, exhibiting antisocial tendencies, older children that are unfamiliar with what is considered normal hygiene, parents struggling with illiteracy or interacting poorly with teachers, the CPS, or other welfare services. It includes instances of adequate functioning, e.g. parents may have 'good social functioning', or children's emotional capacities are advantageous, despite detrimental factors of a poor care situation.
2. **Care context:** the care situation both past and present, including current and future needs; if parents provide inadequate clothing, being repeatedly late in kindergarten, not understanding signals from their children, focussing on their mobile phones during meals, or letting personal struggles negatively affect the care situation. Conversely, situations of good care are included, despite other detrimental factors.

3. **Attachment and development:** descriptions and quality of attachment and development between parents and children, often connected with parents' and children's development, e.g. abilities to control emotions. Including observations of good development, or attachment, despite poor functioning or detrimental care situations.
4. **Stabilization:** diagnoses and the need for predictability and stability. The potential consequences of a psychiatric diagnosis of parents or children that may inhibit care owing to treatment keeping parents and children apart. Additionally, predictability and need for stability for children are included, because of diagnoses or other struggles. Including positive observations often related to how parents or children deal with diagnoses in a good way, or where stability may be present, despite poor care conditions.

3.6 | Assessing knowledge

To investigate the question of use and evaluation of disciplinary evidence, and to detect independent reasoning, theoretical input on epistemic authority and the role of knowledge informed the operationalisation that is otherwise rooted in the data.

Assessments were identified in the use and evaluation of references to, citations and paraphrases from disciplinary evidence. I identified three kinds of assessments, with four sub-codes. First, where the CB predominantly adheres to the conclusions of the disciplinary evidence, these *acceptive* assessments generally endorse deferral to epistemic authority. Two sub-codes were devised: (A) agreeing, where the CB explicitly agrees with and/or mirrors its own assessment with the disciplinary evidence, and (B) research, where the CB cites/paraphrases research literature. Second, where the CB evaluates disciplinary evidence and knowledge, these *evaluative* assessments lean toward reflective acceptance (Moore, 2017), based on evidence evaluation and corroborating lay evidence (Turner, 2012). Two sub-codes were devised: (A) data basis, where the CB highlights the basis of the evidence – clinical work and observations – and other details about the quality of the disciplinary evidence, and (B) conflicting assessments, identifies where different disciplinary evidence assess differently and conclusions diverge. Third, where the CB openly criticizes the disciplinary evidence's premises and/or conclusions. These *critical* assessments tend toward rejection of, or weaker deferral to, disciplinary evidence because premises and conclusions do not fit nor fit the CB's own assessment. Including procedural criticism, e.g. the CPS applied too late for a care order, or the CB disagrees with the need for such an application.

These codes are not divided between strong or weak deference to epistemic authority, because either may appear in a case. A 'sum of deferral' would be meaningless, as even in a case of criticism, there may be evaluative and acceptive assessments.

The decisions were de-identified at the time of collection; however, further anonymisation was undertaken by the researcher. I have engaged with and followed the research ethics guidelines by The National Committee for Research Ethics in the Social Sciences and

the Humanities.⁸ The study has been subjected to the legal and ethical process of the project.⁹ All excerpts presented in the findings section are fully anonymised, translated by the author and used illustratively to show instances of how decision-makers express uses and assessments of disciplinary evidence.

4 | FINDINGS

The findings show disciplinary evidence in 101 (97%) of the decisions. In 98 (94%) decisions, disciplinary evidence concerned children, and parents in 86 (83%). The larger focus on children in disciplinary evidence is unsurprising, because of the CBI principle, whereas the relatively high focus on parents is expected considering they represent the risk of violence.

Concerning sections 4–12 legal criteria, Table 2 shows that the legal threshold was considered and reasoned in all cases. Two points of interest appear in the criteria column: that support measures were not explicitly considered in two cases, and that in four cases the child's best interests were not given an independent justification beyond assertions like “The decision is in the best interests of the child”.

To what extent are legal criteria based in disciplinary knowledge? When combining knowledge codes with legal criteria codes, Table 2 shows disciplinary evidence present in the consideration of the legal threshold (93%), support measures (32%) and CBI (31%).

Figure 1 shows four topics in the CB's reasoning. The most prevalent topic (89%) concerns social, psychological, and physical skills, needs, and capacities of children and parents. The next topic (78%),

concerns the current and past social, emotional, and physical care situation, including needs and quality of psychosocial, and material conditions at home. The third topic (65%) concerns the attachment and children's physical and psychosocial development. The fourth topic (59%) concerns the needs for stability and treatment, regarding parents' conditions and children's need for predictability and safety.

4.1 | Use and evaluation

The use and evaluation of disciplinary knowledge are shown in the CB's responses to epistemic authority (Table 3). The following excerpts are used as illustrations of how the CB uses and evaluates disciplinary evidence.

4.2 | Acceptive

The CB's acceptive responses explicitly adheres to, or present assessments mirroring, the disciplinary evidence, sometimes referring to relevant research. The following excerpt illustrates how the CB agrees with disciplinary evidence recommending a care order concerning two children aged 13 and 8:

“Psychologist specialist [anonymised] from BUP explained that it can be harmful for children not to have

TABLE 2 Legal criteria according to sections 4–12 and disciplinary evidence presence (n = 104)

Code	Criteria	Disciplinary evidence presence
Legal threshold	104 (100%)	97 (93%)
Support measures	102 (98%)	33 (32%)
CBI	100 (96%)	32 (31%)

TABLE 3 Assessments (n = 104)

Codes	Sub-codes	n
Acceptive		85 (82%)
	Agreeing	81 (78%)
	Research	17 (16%)
Evaluative		71 (68%)
	Data basis	68 (65%)
	Conflicting assessments	13 (13%)
Critical		25 (24%)

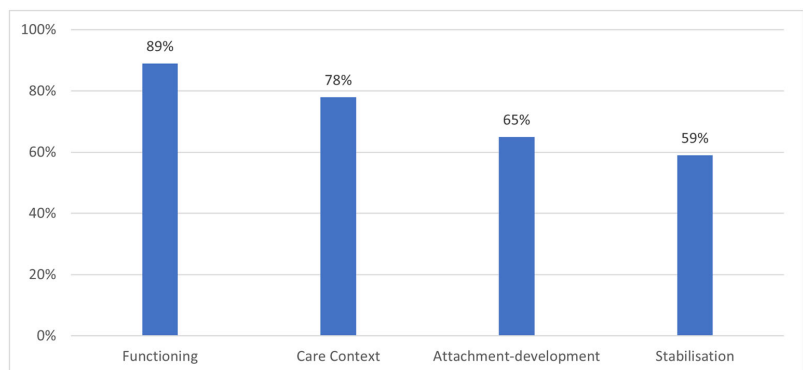


FIGURE 1 Topics (n = 104)

their perception of reality validated. This is because children need to be able to trust themselves and their perception to develop well. Children need help to interpret reality. If they are not given sufficient support, it could affect the child's safety and predictability. The county board shares this view." (16–12)

The CB presents the views and descriptions by the psychologist about harmful effects on children's development when validation and reality-interpretation are absent. This appears to be an endorsement of epistemic authority, as the CB 'shares this view', in what may be shorthand for reasoning absent in the decision.

In the next excerpt, the CB decision-makers reference research literature to highlight existing authoritative knowledge and research-based consensus, from a care order concerning a 13-year old:

In the case of epilepsy in general, psychosocial challenges relating to social interaction, insecurity, impulsivity or aggression, and memory difficulties are often reported. In general, about the diagnosis [confidential information removed], it is stated that it can lead to problems with oral instructions, difficulties in understanding fast or unclear speech, and poor listening skills. (17–01)

The excerpt illustrates how the CB links behaviour of the child to relevant diagnostic knowledge, relying on and deferring to this research-based knowledge in their justification to grant a care order.

4.3 | Evaluative

The CB's evaluative responses highlight the quality of the data as a basis for endorsing deference to disciplinary evidence. The following excerpt from a care order concerning a 10-year old illustrates the CB focussing on the data basis:

Special emphasis has been placed on the submitted expert report. The report's introduction states the extensive investigations it is based on, including 2000 pages of documents from the CPS, various conversations with the above-mentioned actors, the support apparatus in general, as well as mother, father, and child. Furthermore, additional documentation has been obtained from various agencies, interaction observations have been made and also cognitive ability tests (WISC-IV and WPPSI-III), and [child]'s functioning has also been mapped with checklists for experiences and symptoms (ATV's mapping package for children living with domestic violence). (16–03)

The amount and diversity of data, together with the descriptions of extensive and thorough disciplinary assessments of the child, are highlighted by the CB as they endorse the disciplinary recommendation to grant a care order.

In instances of conflicting assessments, the CB highlights diverging conclusions of disciplinary evidence in their justification, as illustrated in this excerpt from a case not ending in a care order, concerning four children aged 12, 8, 5 and 3:

The evidence diverges, the testimonies from "Familiehjelpen AS," the child protection service, from "ATV" and the crisis centre ... are not recognisable in testimonies from the [social welfare] contact or GP. ... They have not experienced anything criticisable... Nor do the statements from the school indicate that there is anything worrisome about the children's care situation. (16–15)

The family's social welfare contacts, physician and the school the children attend have no concerns regarding the family, despite the observations and concerns expressed by support measure services and CPS. The decision-makers consider, independently, which disciplinary evidence to defer to and which to challenge and reject.

4.4 | Critical

The CB's critical assessments criticizes disciplinary assessments and testimonies, sometimes showing the board's independence in reasoning and assessment. This excerpt from a case concerning three children aged 6, 5 and 3, not ending in a care order, illustrates independence in the CB criticism of poorly supported conclusions:

The board finds, based on a review of the observations [anonymised] has made in the family and [anonymised]'s supplementary explanation, that there is no basis for [anonymised]'s conclusion that these children live with serious neglect ... the board cannot see that it is likely that the children live in a clearly unsustainable situation with their parents, nor that it will be in the children's best interests for them to be taken out of the home. In the board's assessment, [anonymised]'s report draws conclusions based on poor factual basis. (17–09)

The CB has reviewed the expert report, rejecting it based on no or little evidence in the report to support its conclusion, also stating that it is doubtful that a care order would be in the children's best interests.

5 | DISCUSSION

5.1 | Assessment

This study addresses how Norwegian decision-makers use and evaluate disciplinary evidence in care order decisions. According to Ward (2016), a 'weak' expression of epistemic deference is appropriate in the judicial context. It acknowledges the relationship of dependence

between decision-makers and disciplinary practitioners and requires that the decision-makers themselves determine whether disciplinary evidence is relevant and understandable (Ward, 2016). This is similar to what Moore (2017) calls 'reflective acceptance', where the disciplinary evidence must withstand procedural contestation and scrutiny and be deemed sufficiently 'convincing', and that the decision-makers through argumentation come to a conclusion, explicating disagreements in the written decision. The findings of this study of care order decisions about familial violence demonstrate that the CB may actively, based on independent reasoning, choose to accept the premises and conclusions of the disciplinary evidence, judge the disciplinary practitioners' credibility, and fit disciplinary evidence together with other evidence (Moore, 2017; Turner, 2012).

To ensure accountability, decisions must be available, and Norway published 15% of the CB decisions in 2017 (Fylkesnemndene, 2018),¹⁰ which is high compared to countries like, for instance, Ireland, where access to published care order decisions is more difficult (Burns et al., 2019). Also, the reasoning and justification must be understandable (Bovens, 2007). In other words, the CB should be transparent and detailed in their evaluation of evidence – arguably also a challenge for professionals who deliberate among themselves when creating or approving reports (Moore, 2016). Thus, the transparency of disciplinary evidence to be assessed by decision-makers influences the decision-makers' competency gap (Cashmore & Parkinson, 2014; Moore, 2016). However, in the Norwegian system, the inclusion of an expert member may help to bridge this gap (Skivenes & Tonheim, 2017). Also, disciplinary evidence from schools and CPS may relieve the CB from relying on a single professional source, alleviating vulnerability to poor-quality expert reports, through a kind of data triangulation (Bernt, 2017).

How is the disciplinary evidence evaluated? The decision-makers largely show acceptive agreement (78%), sometimes supported by references to research (16%). This suggests a strong deferral; however, it is informed by the evaluative assessments of the basis of the evidence (65%), where premises and conclusions are considered, showing the CB asserting competency to evaluate the evidence. Furthermore, when the CB evaluates conflicting disciplinary evidence (13%), it claims understanding of the disciplinary evidence's quality and relevance, asserting independent reasoning. Here, the CB endorses some evidence while rejecting other. Two possible explanations for these demonstrations of competency are the CB's experience as specialized decision-makers; and the presence of expert members assisting in evaluating disciplinary evidence. This suggests a leaning toward stronger epistemic deference but with prospects for weaker deference and reflective acceptance. Including an expert on the decision-making panel is an arguable strength of the Norwegian system, compared to systems where the decision-makers are non-experts with regards to disciplinary knowledge, e.g. Germany (Haug & Höynck, 2017). However, in Norway, it could also constitute a risk of disciplinary knowledge overshadowing legal jurisdictions (Sosialdepartementet, 1985, see Abbott, 1988).

While acceptive uses of the evidence are prevalent, critical appraisals are present in relatively many cases (24%). Here the CB

highlights unsupported claims, criticizing disciplinary evidence that does not hold up under scrutiny, because it appears biased, or the CB finds the conclusions poorly supported. While it is expected that the CB is rigorous that almost a quarter of the cases in this study include criticism of disciplinary evidence demonstrates rigorously in the Norwegian model to protect children's and parents' rights, and to uphold rational democratic legitimacy. This speaks to criticism of disciplinary evidence quality and the CB's capability to independently assess quality (Asmervik, 2015; MRU, 2021). It suggests an awareness that strong deference is undesirable in judicial decision-making, despite a high prevalence of agreement. The prevalence of agreement and internalization of disciplinary evidence in justifications suggest a strong deference to expert authority, emphasized by references to research literature, and sometimes further nuanced by the evaluations of the data basis of the evidence. This nuancing appears to focus on the quality of the data, evaluating the relationship between the observations and recommendations, including descriptions of the long and hard work of the expert (Ward, 2012). Evaluations of conflicting evidence, where the work and experience of the professional is used to reason and justify the CB's decision, express stronger deference (Ward, 2016). However, criticism of premises and conclusions in disciplinary evidence appears in several cases, and this critical stance is legitimized by an expert member among the decision-makers who is there to ensure the correct understanding and use of disciplinary evidence.

The CB's deference to disciplinary evidence in this study appears characterized by variability. Some instances appear less independent in use and evaluation, but many are characterized by leaning toward deference dependent on an appraisal of the evidence and the credibility of its source. There is critical reasoning in relatively many cases in this study, whereas outright and unreasoned rejection is absent. Reasoned and justified deference, as it appears in this study, weakens what first appears as strong deference. However, weak deference combines disciplinary and lay evidence, showing evaluations of why and how disciplinary evidence was used, including disagreement, criticism and contingent agreement (Moore, 2017; Ward, 2016).

5.2 | Use

Who produces, and about whom is, the evidence? The study shows that disciplinary evidence from psychologists, social workers, physicians and other professionals working with families is consistently used (97%). This was an expected prevalence due to the nature of care order cases and the wide inclusion of knowledge professions (Alanen, 1988; Friis, 2017). Because these are cases about protecting children from familial violence, the CB uses disciplinary evidence about children (94%) and parents (83%) to justify the legal criteria. Disciplinary evidence is highly present when considering the legal threshold (93%) but curiously absent when considering support measures (32%) and CBI (31%). Whether this absence is because the decision-makers find the latter two criteria easier to judge, despite

claims that CBI is a difficult and complicated normative consideration (Elster, 1989; Ottosen, 2006), or in a sort of spillover effect where justifying the legal threshold implicitly justifies the following criteria sufficiently, remains a question. The less explicit use of disciplinary evidence when justifying support measures and CBI suggests an inconsistency in how disciplinary evidence is used and challenges the accountability and legitimacy of some decisions. The evidence may be part of the in-person deliberations but its absence in the CB's written justification confounds the CB's reasoning and conclusion from a lay perspective.

Following the prevalence of disciplinary evidence in these cases is a worry about the reliability of the evidence (Mnookin, 2008). Decision-makers' use of disciplinary evidence about case-relevant topics, including evaluating the evidence's relevance and quality, must bridge methods of pursuing truth and evaluating evidence in law and the social sciences (Beck et al., 2009). CB justifications of interventions rely on a pragmatic discourse (Løvlie & Skivenes, 2021), and in this study, CB justifications concern four topics following the disciplinary evidence. Evidence about children's and parents' functioning (89%) and qualities of the care situation (78%) are prevalent. These topics correspond with research showing that social and psychological capacities are central in care order considerations (see Krutzinna & Skivenes, 2020), interweaving family members' functioning together and separately, with the CBI. The topics illustrate where norms blur the lines between lay perspectives, and legal and disciplinary jurisdictions. Overcoming these blurred lines using disciplinary evidence suggests an arguably reasonable deference to epistemic authority. Evidence about attachment between children and parents, and children's development (65%), together with stabilizing aspects (59%) of diagnoses and therapy, shows that focus on the individual's relationships, sociopsychological development, and side effects of mental illness interlaces the CB's reasoning with disciplinary knowledge. Using disciplinary evidence on these topics to justify whether the legal threshold is met informs why disciplinary evidence is rarer in the justifications of support measures and CBI. These two criteria depend on meeting the legal threshold, as cases that do not end in a care order, may be because support measures are still deemed viable and may therefore not include CBI considerations in their written decision (see Løvlie & Skivenes, 2021).

6 | CONCLUDING REMARKS

The study shows that disciplinary evidence is extensively used to ensure the capacity to decide whether children's functioning, care situation, attachment, development and stability meet the legal threshold for a care order. The use and evaluation of disciplinary evidence in the published decisions appear as acceptive, evaluative and critical. The CB's use and evaluation are characterized by acceptance, evaluation and criticism of disciplinary evidence, both dependently deferring and independently endorsing the epistemic authority. Disciplinary evidence is consistently used to justify the legal threshold based on assessments of risks of harm, and the CB

demonstrates an independent gaze when asserting its competency and authority.

Further investigation into the organization of the CB with an expert member is needed, as it can push proceedings toward both transparency and opaqueness. Transparency, because the lay member may require the expert member to clarify evidence and reasoning. Opaqueness, because the disciplinary and legal expertise overwhelms the lay perspective, pushing deliberations toward negotiating the professional jurisdictions, and 'which truth' (legal or scientific) is advocated in the decision's justification (Moore, 2016).

The inconsistency regarding disciplinary evidence's role in justifying (and determining) the child's best interests remains unresolved; however, the implications could be promising if reasoning was more transparent about the use of disciplinary evidence.

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CONFLICTS OF INTEREST

No conflict of interest to report.

ETHICS

The project's ethics and data protection assessments can be found here: <https://www.discretion.uib.no/wp-content/uploads/2019/12/INFORMATION-ABOUT-DATA-PROTECTION-ETHICS-AND-DATA-ACCESS.pdf>

DATA AVAILABILITY STATEMENT

The data material consists of cases written in Norwegian that are available from the public legal database LovdataPro (<https://lovdata.no>) for registered users. More information about the cases and search keywords used in this study are available from the author upon request.

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ENDNOTES

- <https://discretion.uib.no/projects/supplementary-documentation/key-informant-interviews-5-countries/>
- See Appendix for an outline of CB decisions (<https://discretion.uib.no/projects/supplementary-documentation/#1,552,296,903,964-af7d19a0-9d4c>)
- <https://discretion.uib.no/projects/the-acceptability-of-child-protection-interventions-a-cross-country-analysis/>
- https://lovdata.no/info/information_in_english
- Requirements and structure of decisions: <https://discretion.uib.no/resources/requirements-for-judgments-in-care-order-decisions-in-8-countries/#1,588,242,680,256-00a159db-e96f>

- ⁶ Independently engaged experts appeared only in 17 cases thus the extension to professional affiliation.
- ⁷ See Appendix.
- ⁸ <https://www.forskningsetikk.no/en/about-us/our-committees-and-commission/nesh/>
- ⁹ <https://www.discretion.uib.no/wp-content/uploads/2019/12/INFORMATION-ABOUT-DATA-PROTECTION-ETHICS-AND-DATA-ACCESS.pdf>
- ¹⁰ They may publish up to 20% (Fylkesnemndsutvalget, 2005).
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SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

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APPENDIX

Author(s): Løvlie, Audun Gabriel

Title of publication: Evidence in Norwegian Child Protection Interventions –
Analysing cases of familial violence

Year: 2022

Journal / Publisher: Child & Family Social Work

Content

Typical content of a written care order decision by the Norwegian County Social Welfare Board	1
Experts and specialist prevalence	2

Typical content of a written care order decision by the Norwegian County Social Welfare Board

1. Background

The first section of the decision covers the background of the case. This includes previous history with the child protection services if any; information about the family, parents, and children; age; how long they have lived where they live; any other background information about the family presented to the board; and the grounds for notifications and worry for why the child protection services forwarded the case to the county board. Previous reports and expert testimonies related to the history of the case and family will be included here.

2. Municipality and child protection services

The second section covers the state's arguments and evidence for why the child should be considered removed from its family, and what article(s) of the law they argue comes into effect. Expert testimonies will be cited and included in this section of the decision.

3. Parents

The third section covers the parents' arguments and evidence. This is sometimes split into two headings, one for each parent. This part covers a summary of the parents' testimonies, what, together or separately, they forward as reasons and explanations for why the child should not be removed, or where it should live, how often the parents should get to meet the child, and either an argument for the complete rejection of the child protection services' perspective, or arguments for adjustments and decreased severity of outcome. Any expert testimonies the parents have acquired will be included here.

4. The Child

Not present in all decisions, this section will appear if the child is treated as its own party in the proceedings, and sometimes if there is a spokesperson for the child. It will cover the child's testimony, the child's perspective, experience, and narrative of the family and life situation.

5. The County Board's assessment

This is the section under which the County Board reasons, argues, and concludes in the questions of whether the threshold of the law has been met, if support services has been sufficiently attempted, and if it is in the best interest of the child. It will cover the care needs of the child as revealed during

the proceedings, an assessment of the parenting skills and the support services rendered/attempted. Included are also relevant expert evidence and testimonies that the county board finds relevant for the decision-making process. Here the county board decides on whether a care order is necessary, and subsequently about placement of the child, duration of placement, and visitation (i.e., the number and duration of meetings between the child and the parents).

Experts and specialist prevalence

Table 1 Knowledge (N=104)

Code	Code description	N
Disciplinary evidence	Expressions of expert and specialist knowledge in CB reasoning/justification.	101 (97%)
Specialists	Expressions of specialist knowledge (social workers, nurses, teachers, some foster parents) in CB reasoning/justification.	91 (88%)
Experts	Expressions of expert knowledge (physicians, psychiatrists, and psychologists) in CB reasoning/justification.	79 (76%)

Table 1 shows a high presence of both specialists and experts in the county board's use and evaluation of evidence, with a relatively small difference in the presence the two groups of professions.

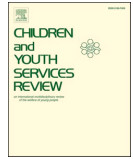
Table 2 Specialist and expert evidence thematic presence (n=104)

	Experts	Specialists	Total
Attachment	9.62%	22.12%	27.88%
Development	28.85%	40.38%	57.69%
Assessing child/parent trustworthiness	9.62%	16.35%	21.15%
Care context	41.35%	71.15%*	81.73%
Case is an effect	9.62%	15.38%	19.23%
Data basis justifications	29.81%	39.42%	55.77%
Functioning	51.92%	82.69%*	94.23%
Stabilisation	48.08%	29.81%	62.50%

Sig.: * = 1%, ** = 5%

The software Zigne signifikans¹ was used to test differences between assessments after the coding process. Table 2 shows that specialists are significantly more present in considerations of care context and functioning. However, because of the relatively few differences and the high presence of professional groups, as well as the aim to investigate the use and evaluation of evidence from experts and specialists by judicial decision-makers, I decided to merge the professional groups. This allows a more general analysis of the themes of research-based knowledge and to focus particularly on how the county board uses and evaluates evidence of this kind in the study.

¹ <https://aardal.info/zigne-hva-er-signifikanstesting/>



Experts and migrants – A survey experiment on public acceptance of violence and child protection interventions

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ABSTRACT

Do experts influence public attitudes toward familial violence and child protection interventions? Are public attitudes on familial violence and child protection interventions biased against migrant families? I conduct a vignette experiment survey on the Norwegian population's acceptance of psychological and indirect violence to determine whether acceptance increases or decreases due to causal claims credited to experts and/or alleged violence in migrant families, and whether these factors influence the population's recommended intervention. The analysis shows that there is significant differential acceptance with regard to violence in the children's environment in migrant and non-migrant families. Yet, concerning psychological violence and state interventions there appears to be little difference. The population attitudes appear unaffected by expert claims with regard to acceptance of violence and state interventions. The study contextualises criticism against the Norwegian child protection services that claims migrant children risks living longer under violent conditions in Norway, as well as claims about a lack of cultural sensitivity. Judicial decision-makers acting in this environment must balance allegations of violence with societal norms and the law, having to ensure equality and not legitimising potential discriminating attitudes.

1. Introduction

This population study aims to increase our understanding of the population's norms and values on familial violence and state interventions. I will do this by investigating the Norwegian population's acceptance of familial violence and recommended child protection interventions in a survey vignette experiment. I will examine the influence of two factors: 1) a child welfare expert testimony about the causal relationship between familial violence and children's difficulties, and 2) a family's migrant background. The study sheds light on societal norms and values about the acceptance of potential violent situations in different families, the recommended interventions, and the relation to the professed epistemic authority of child welfare experts (e.g., psychologists and social workers).¹ This authority may be contested by the public, which is also relevant for judicial decision-makers of the courts and the Country Social Welfare Boards (CB) that navigate these complicated normative issues (Friedman, 2020; Løvlie, 2022; Moore, 2017). In addition to professional experience and expert evidence, CB decision-makers also base their assessments of the child's best interests and the necessity to intervene in the family on societal norms and values

(Eriksen & Skivenes, 1998; Løvlie & Skivenes, 2021).

Expert assessments are central for the child protection services (CPS) and judicial decision-makers deciding interventions, however expert assessments are not value-neutral and shape judicial practices (Cashmore & Parkinson, 2014; Løvlie, 2022; Robertson & Broadhurst, 2019). This also applies in the Norwegian context, where the CB relies on experts to make well-informed and legitimate decisions in cases about familial violence and considering the child's best interests (Løvlie, 2022; Løvlie & Skivenes, 2021; Skivenes & Tonheim, 2017). The legitimacy of interventions also relies on public trust and acceptance (Berrick et al., 2020; Skivenes & Benbenishty, 2022). In Norway, there are persistent suspicions that the CPS is biased against migrant families, resulting in worse outcomes than for non-migrant families (Berggrav, 2013), that they are lacking cultural sensitivity and competency about migrants (Aarset & Bredal, 2018; Ghilechi, 2018; Haugness & Stokland, 2015), and worries about insufficient regard for the rights of migrant children (Skivenes, 2015). Similar concerns and challenges also appear to varying degrees in other countries, e.g., Finland and the Netherlands (Grietens, 2015; Pösö, 2015). The European Court of Human Rights (ECHR) has criticised the Norwegian judiciary for its use of expert

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¹ I use the term "expert" in the text for brevity.

evidence (e.g., Strand Lobben et al v. Norway [GC], 2019), and the number of cases brought to the ECHR in recent years (NIM, 2020; Sovig & Valvatne, 2022), may also have impact on public attitudes. More generally expert evidence is criticised for poor quality with regard to experts' qualifications and poorly substantiated conclusions (e.g., Asmervik, 2015; Augusti et al., 2017). Both the reliance on experts and the suspicions of unequal treatment of migrants, may risk undermining the democratic values of neutrality and equality (Turner, 2001). The study contributes to understanding societal norms and values on violence and migrants and contextualises how decision-makers act in these normatively sensitive dilemmas.

Violence towards children is a global struggle (Global Initiative to End All Corporal Punishment of Children, n.d.), and despite the predominantly unaccepting attitude towards corporal punishment of the Norwegian population (Burns et al., 2021; Helland et al., 2018) and violence towards children being illegal in Norway, familial violence persists as a social problem (Hafstad & August, 2019; Mossige & Steffansen, 2016). Familial violence is a prevalent allegation in the Norwegian CPS, almost four out of ten notifications sent to the CPS in 2020 were related to conflicts in the home, psychological abuse, and suspicions of domestic violence (Statistisk Sentralbyrå, 2022).

Violence, migration, and expertise, are important topics and expansive fields of research. In this study I touch upon population attitudes specifically, which is a narrow focus and in this context arguably under researched. This means I cannot enter the larger debates on the important contributions and research activities of the wider fields.

This study examines three research questions:

1. Does the Norwegian population accept parents' psychological and potential indirect violence towards children, and is the acceptance different for migrant children?
2. Does the population recommend the CPS to intervene, and do the recommendations differ for migrant children?
3. Does it matter for the acceptance of violence and CPS recommendation that an expert makes a causal claim between violence and children's difficulties?

The paper begins by covering the background on notifications to the CPS, including concerns about CPS practices and CB proceedings with regard to the treatment of migrants and the use of expert knowledge. I continue with a conceptual framework and hypotheses, prior to study design, methods, and results. The paper concludes with a discussion of the results and suggestions for further research.

1.1. Background

The Norwegian CPS holds children's rights in high regard, and is organised as a low-threshold service providing support for families, aiming to prevent intrusive and coercive measures like care order removals (Hestbæk et al., in press; Skivenes, 2011). The CPS relies on reports and notifications of concern about children's situations. Norwegian professionals and public employees are obliged to report their concerns, and citizens have a moral obligation to do so. In 2020, 38% of all referrals (n = 56,802) to the CPS concerned observed or suspicions of high degrees of conflict in the home, sexual, physical, and mental abuse, and children witnessing domestic violence (Statistisk Sentralbyrå, 2022). Allegations of familial violence make up a substantial portion of the investigatory work of the CPS. If the CPS finds reason for a coercive intervention – e.g., placing a child in foster care – after investigation and implementation of family support measures, an application for a care order will be submitted to the CB, which then decides after court-like proceedings (Skivenes & Sovig, 2017). These proceedings are considered to adhere to deliberative and democratic principles of legality, rationality, and justice, based on the facts of the case and every party's equal opportunity to make their case (Eriksen & Skivenes, 1998). The parties make their case to the CB, which consists of a panel of three

decision-makers, a jurist with judge qualifications, an expert member, and a lay member (Skivenes & Tonheim, 2017; Sosialdepartementet, 1985).

Expert knowledge used as evidence and grounds for justifications of CB decisions is prevalent in CPS cases. Expert knowledge penetrates Norwegian decision-making processes as important elements of the justifications, and is central to risk assessments (Lovlie, 2022; Skivenes & Stenberg, 2013). Decisions regarding child development, needs, and upholding a child's rights, are complicated and depend on the use of expert knowledge (Hardwig, 1985; Skivenes & Tonheim, 2018). However, while the use of expert knowledge is necessary in judicial decision-making, the public's attitudes and deference to disciplinary authority may be more variable, and subject to other forces than research-based evidence (Collins et al., 2020; Friedman, 2020; Moore, 2017). Public attitudes are important, since public opinion and confidence in the quality of the CPS is key for the state's legitimacy (Juhász & Skivenes, 2016; Rothstein, 2011).

There are persistent concerns about the CPS's interactions and interventions with migrant families, focusing on a lack of cultural sensitivity, including a lack in experts' competency in working with migrant families (Aarset & Bredal, 2018; Haugness & Stokland, 2015), less regard for the rights of migrant children (see Skivenes et al., 2015), and in particular in the context of violence, that there is a detrimental bias against migrant families: a higher threshold for intervention in migrant families, ostensibly leading to migrant children having to endure violence for longer due to the discretion of experts working with children (Berggrav, 2013). On the one hand, recent research has shown that CB decision-makers do not treat migrant families differently in proceedings concerning familial violence (Lovlie & Skivenes, 2021), nor that the population has a higher acceptance of corporal punishment in migrant families (Helland et al., 2018). On the other hand, population norms and values – the level of acceptance of potential familial violence – may relate closer to the assessment and threshold for CPS investigations and interventions preceding CB proceedings, than CB decision-making practices (Berrick et al., 2020). Experts assist decision-makers (Lovlie, 2022), and may also influence population attitudes towards violence, as well as attitudes towards violence in migrant families.

Investigating the population's acceptance and recommendations is important in relation to the decision-making context because it can indicate (in)congruence between norms and values of the population and the state's representatives. Decision-makers are trained in their profession's norms and standards, that may differ from the population (Abbott, 1988; Habermas, 1987; Moore, 2017). However, judicial decision-makers (and experts) are not shielded from society's norms and values; they are still subject to the same norms and habits of their cultural context, the same 'rules-in-use' (Gorddard et al., 2016). These 'rules-in-use' will also affect the practices of decision-makers, professions, and expert. 'Rules-in-use' vary between countries, thus the meeting with migrants will also vary, potentially leading to friction when (expressions of) cultural values differ (Fischer & Schwartz, 2011; Hofstede et al., 2010). While societal norms and values may be shared, assessments of family situations and appropriate interventions have been shown to differ between judicial decision-makers, CPS workers, and the population. In Norway, CPS workers and the population are more aligned with each other when it comes to assessing neglect than they are with judicial decision-makers; however, CPS workers and decision-makers are more aligned with each other in favouring care orders than they are with the population (Berrick et al., 2020). This stands in contrast to for instance Finland, where CPS workers and decision-makers are more aligned with each other about assessing neglect and favouring a care order than they are aligned with the population (Berrick et al., 2020). Also, Norwegians exhibit higher levels of trust in decision-makers and the CPS system than for instance Finland (Juhász & Skivenes, 2016; Skivenes & Benbenishty, 2022), which corresponds to the high level of general trust in institutions and fellow

citizens in Norway (Bergh & Bjørnskov, 2011; Wollebæk et al., 2012).

I am not aware of studies on population trust in experts and expert knowledge specifically about the CPS. However, the mentioned criticism above and research on attitudes towards climate change indicate that scepticism is not uncommon (Collins et al., 2020; Moore, 2017), and research on attitudes on politics indicates that populist attitudes (i.e., ‘politics guided by the people’) outweigh attitudes favouring experts (Bertsou & Caramani, 2022). This could substantiate both some of the criticism and confidence expressed towards the CPS system, considering that Norwegians have a heterogeneous but positive attitude towards migrants (Heath & Richards, 2020), that is subject to lower trust in migrants (Kumlin et al., 2017).

2. Conceptual framework

To investigate if the public acceptance of violence and the recommendations for CPS interventions vary for migrant compared to non-migrant families, and due to expert testimony, I apply aspects from a typology on familial violence (see Løvlie & Skivenes, 2021). This typology classifies violence according to the CRC’s general comment no 8 (2006), and justificatory practices of CB decision-makers (Løvlie & Skivenes, 2021). First, a classification of psychological violence capturing parents blaming, humiliating, or threatening their children (CRC Committee, 2006; Løvlie & Skivenes, 2021). Second, a classification of indirect violence, capturing instances where children witness violence between parents (Hillis et al., 2017; Holt et al., 2008; Løvlie & Skivenes, 2021). This last classification includes loud, or high degrees of, conflict between parents, which may not be viewed as violence in all cultural contexts. Thus it may be better here to consider it as *potential* indirect violence, as allegations of psychological and indirect violence are not uncommonly disputed by parents (Løvlie & Skivenes, 2021). The present study sheds light on the complicated instances of alleged direct and indirect psychological violence. Because they are arguably more ambiguous kinds of violence, compared to physical violence, direct and indirect psychological violence may serve to tease out different results regarding influence by experts and potential discriminatory views on migrants. The typology is analytically meaningful as different types of actions may have different consequences and meaning for the victim and perpetrator, as well as for decision-makers and the public (Callaghan et al., 2015; CRC Committee, 2006; Kelly, 1987; Løvlie & Skivenes, 2021).

Research on violence is extensive and clear about the detrimental consequences for children’s development when targeted by or witnessing violence in the family (Callaghan et al., 2015; Hillis et al., 2017). In addition to the detrimental effects on children, familial violence also incurs economic costs on the state, estimated to be between 14.4 and 39.6 billion NOK of net production and tax loss per year in Norway (Rasmussen & Vennemo, 2017). Attitudes toward corporal punishment and the predilection to report it to the CPS vary between countries (Baniamin, 2021; Burns et al., 2021; Helland et al., 2018). Helland et al. (2018) conducted a survey with an experimental design to investigate to what extent populations in three different countries found corporal punishment acceptable, and whether their acceptance was influenced by family background, i.e., a migrant or non-migrant family. The results show that the Norwegian population has little tolerance of corporal punishment (87% finds it unacceptable). Another Norwegian study (Hafstad & August, 2019) reports that 20% of children have experienced psychological violence at home, 17% have witnessed physical or psychological violence towards the mother, and 13% have witnessed physical or psychological violence towards the father. Interestingly, it does not provide numbers for psychological and indirect violence experiences of non-Nordic children (i.e., migrant) and Nordic children separately (Nordic children are merged into one group). Regardless, the reported prevalence of experienced psychological and indirect familial violence corresponds with findings in previous research (Løvlie & Skivenes, 2021).

2.1. Migrant families

Equal treatment before the law is a fundamental democratic principle. In the context of CPS interventions, critics hold that migrants² are treated differently, being held to a different standard of parenting (Berggrav, 2013). This may be rooted in language barriers, such as when migrants do not speak Norwegian proficiently (enough) it may cause miscommunication, and/or due to problems related to the use of interpreters, migrant families receive less accurate assessments and/or lose access to support services (Kriz & Skivenes, 2010). This may also be linked to critique about experts lacking intercultural competency to adequately assess and meet the needs of migrant families (Aarset & Bredal, 2018; Haugness & Stokland, 2015). Relatedly, the CPS and experts may exhibit tolerance of care conditions at home in migrant families that in a non-migrant family would be considered unacceptable (Berggrav, 2013). This may be understood as a kind of respect for, or sensitivity to, different cultural practices (cf. Ghiletschi, 2018), that ultimately could be detrimental to children (Berggrav, 2013). The confidence and support of the public are important for the acceptability and legitimacy of CPS practices (Juhász & Skivenes, 2016). Family background affecting the state’s assessments of a care situation and acceptance of potentially violent behaviour differently could undermine equal treatment. However, this criticism is not supported by some survey experiments on attitudes toward corporal punishment and reporting families to the CPS (Burns et al., 2021; Helland et al., 2018). Yet, corporal punishment has commonly been operationalised as physical violence, not potential indirect and psychological violence (e.g., Helland et al., 2018; Kurz, 1991). Thus, to discern differences in acceptance, and potential discrimination, this study examines if it is beneficial to narrow the conceptual distinctions.

Despite the criticism of different treatment, and allegations of discrimination and cultural insensitivity (Aarset & Bredal, 2018; Berggrav, 2013), the study’s first three hypotheses are based on the findings of Helland et al. (2018), as well as a presumption about neutrality and equal treatment based on findings that shows the CB not justifying cases of familial violence in migrant and non-migrant families differently (Løvlie & Skivenes, 2021), and population alignment with CPS assessments (Berrick et al., 2020). Assuming that migrant background does not affect the population’s acceptance-levels of psychological violence nor potential indirect violence, neither should it affect the respondents’ recommended CPS intervention. Any significant results would suggest that family background does indeed matter, via cultural norms and perspectives expressed in population attitudes.

The following hypotheses use as their starting point the above research findings indicating that family background does not appear to have a bearing on the acceptance of corporal punishment. The present study tests if these findings hold when it comes to potential indirect violence and psychological violence as defined by the violence typology used in this study (CRC Committee, 2006; Løvlie & Skivenes, 2021), and CPS intervention recommendations.

H1: Migrant background of family has no bearing on public acceptance of high levels of conflict (potential indirect violence) in families.

H2: Migrant background of family has no bearing on public acceptance of psychological violence in families.

H3: Migrant background of family has no bearing on public intervention recommendations to child protection services.

² “Migrant” is here understood as children and parents who have migrated to Norway, including children born in Norway of migrant parents. This is a simplified definition based on Statistics Norway’s operationalisation (Statistisk Sentralbyrå, 2019).

2.2. Expert knowledge

Judicial decision-making about CPS interventions is influenced by expert evidence (Lovlie, 2022; Ward, 2012). The relationship between experts³ and judicial decision-makers may be seen as one of dependence (Hardwig, 1985). The decision-makers depend on the experts to make legitimate and well-informed decisions (Turner, 2014). Public acceptance of CPS interventions may depend on the premises, reasoning, and arguments of the judicial decision (Moore, 2017). Because expert knowledge is central for the decision-makers to understand the premises of a case, it is reasonable to assume that expert knowledge may also play a role in public attitudes towards and acceptance of familial violence (Friedman, 2020). This study attempts to capture the link, if any, between expert claims of violence and its consequences, and the population's acceptance of violence and its consequences – and whether the acceptance differs for migrant and non-migrant families.

Whereas CB decision-makers largely defer to expert authority (Lovlie, 2022; Ward, 2016), it is not safe to assume that the public will defer (Collins et al., 2020; Moore, 2017). It may appear so, if the expert knowledge is already embedded into the societal value system (Rose, 1999), which may be the case when it comes to the detrimental consequences of abuse and physical violence (Hacking, 1991; Jackson & Scott, 1999). However, this is not necessarily deference to expert authority, but may be understood as public agreement with and trust in expert knowledge, a result of public inquiries about child abuse and experiences of victims of familial violence, and/or an expression of internalisation of expert knowledge in cultural values or norms. Alignment with expert knowledge would be represented in non-significant results and very small effects from the expert causal claim stimuli. A significant effect could be an indication of deference to authority, where acceptance decreases, and severity of intervention increases, or inverted effects if there are strong anti-expert sentiments and scepticism in the population.

The hypotheses assume that experts exert authority, and that the population will be influenced and defer to expert claims in instances of psychological and potential indirect violence. Given extant literature on professions and experts, and presupposing that expert knowledge is not internalised as societal norms and values, a statement credited to an expert should decrease the acceptance of indirect violence and psychological violence, and accordingly increase the severity of recommended CPS interventions. However, there may be reason to believe that expert testimonies may affect population acceptance of violence and/or CPS recommendation differently in migrant and non-migrant cases, due to cultural sensitivity and children's rights.

H4: A statement from an expert about the situation at home will decrease public acceptance of high levels of conflict (potential indirect violence).

H5: A statement from an expert about the situation at home will decrease public acceptance of psychological violence.

H6: A statement from an expert about the situation at home will increase the strength of public intervention recommendation to the child protection services.

H7: A statement from an expert about the situation at home will affect migrant families differently compared to non-migrant families.

3. Study design

3.1. Method

The study is part of the ACCEPTABILITY-project⁴ financed by the

Norwegian Research Council. The design of the study is a 2x2 factor survey vignette experiment. I developed the vignette and subjected it to scrutiny from fellow researchers. Data collection was conducted via an online survey by Respons Analyse in November 2021, and the vignette was written and sent out in Norwegian. A representative sample was obtained (n = 1104), based on demographic factors such as age group (six groups), gender, and parts of the country (six regions). Gender distribution is 54% men to 46% women. Age group distribution is: 18–24 (10.68%), 25–34 (18.75%), 35–44 (18.56%), 45–54 (15.39%), 55–64 (14.67%), and 65+ (21.92%), average age: 47.7. Representativeness is ensured by Respons Analyse's programming and curation to mitigate under- and overrepresentation of demographic groups, including a weight for variables: gender, age group, and part of the country. Background questions were standard questions by Respons Analyse.

The strengths of vignette survey experiments are that participants respond to the same case and facts, thus minimising biases from design and observations (Soydan, 1996; Wilks, 2004). Vignette experiments also enable meaningful interpretation of causal relationships between the manipulated factors (family background and source of causal claim) and the responses of the sample (acceptance of psychological and potential indirect violence, and recommended CPS intervention) (Aguinis & Bradley, 2014). I used statistical software RStudio to analyse the data, separately inspecting demographic variables and finding no systematic or significant differences in the background variables in the dataset, i.e., gender, education, age, which can influence the responses. I also ran ANOVA and OLS (see results section). Consult the appendix⁵ for pairwise t-test, cross-tabulation (chi-square), LOGIT and OLS tables. Only results of $p < 0.05$ are reported due to uncertainty and margins of interest for the discussion. Coefficients are marked *** for $p < 0.01$ or ** for $p < 0.05$.

3.2. Case vignette

The survey experiment is based on a vignette about two children telling the school about events at home that may be understood as violence, and a causal claim about the children's social and academic difficulties. It is built on complex assumptions about the relationship between parental and children's behaviour, which may be difficult to measure. The sample (n = 1,104) was randomised into four groups exposed to one of four distinct vignettes (see Table 1). A randomised quarter of the sample was asked to consider the following vignette (translated from Norwegian):

Hanna (13) and Daniel (9) live with their parents, who are originally from Ethiopia. The parents are employed. The school is concerned about Hanna's challenging behaviour towards adults and high absenteeism, and that Daniel avoids contact with adults and has few friends. Both lag behind at school compared to their peers. Hanna and Daniel separately describe that they often witness loud conflicts between their parents, and both say that the parents often blame Hanna for these conflicts. The school has spoken to the parents, who

Table 1
Vignette number according to factors (n = 1104).

Causal claim	Family background	
	Migrant	Non-migrant
No expert	1 (n = 275)	3 (n = 276)
Expert	2 (n = 276)	4 (n = 277)

³ Understood as child welfare experts such as psychologists and social workers, see Lovlie (2022).

⁴ <https://discretion.uib.no/projects/the-acceptability-of-child-protection-interventions-a-cross-country-analysis/>.

⁵ <https://discretion.uib.no/projects/supplementary-documentation/#1552296903964-af7d19a0-9d4c>.

say the children are lying and what there are of discussions, are because of Hanna’s challenging behaviour. A child welfare expert believes the conditions in the home are probably the reason for the children’s behaviours and difficulties.

The other three randomised groups responded to an identical vignette, but the underlined parts of the vignette are variables that were manipulated. The former was changed to “Al” (a town in Norway), and the latter was removed, leaving the claim that follows unsupported by expertise, making four different vignettes: 1) migrant family, and an uncredited causal; 2) migrant family, and a causal claim credited to a child welfare expert; 3) non-migrant family, and an uncredited causal claim; and 4) non-migrant family, and a causal claim credited to a child welfare expert.

Following the vignette the respondents were asked to respond to these three questions (question one measures indirect violence and question two measures psychological violence):

1. *Based on this description, to what extent do you think it is acceptable for the parents to have loud conflicts in front of Hanna and Daniel?*
 - > Response options (1–6): “completely unacceptable”, “unacceptable”, “somewhat unacceptable”, “somewhat acceptable”, “acceptable”, and “completely acceptable”.
2. *Based on this description, to what extent do you think it is acceptable for the parents to say that the children are lying and blaming Hanna?*
 - > Response options (1–6): “completely unacceptable”, “unacceptable”, “somewhat unacceptable”, “somewhat acceptable”, “acceptable”, and “completely acceptable”.
3. *If the child welfare service received this case, what would you recommend them to do? (You can only choose one answer option)*
 - > Response options (1–5): “They should do nothing”; “They should monitor the family, but not do anything unless the situation worsens”; “They should implement support measures, but only if the parents agree”; “They should implement support measures, even if the parents disagree”; and “They should temporarily move the children to another family”.

All three questions’ response options included an “uncertain/prefer not to answer” option.

3.2.1. Limitations

There are limitations related to measurement. The expert treatment may not measure expert influence on public attitudes, failing to pick up on the epistemic authority of experts, as the causal claim is present in all vignettes. However, it is a useful methodological exploration of measuring expert influence on population attitudes for future studies. Moreover, the migrant treatment uses Ethiopia as a proxy for “migrants.” Using a specific country may yield different results from previous research using generic terminology (e.g., “migrant” or “non-native”) and I cannot claim that the results are valid beyond the case of Ethiopian migrants. However, using Ethiopia touches upon prejudice and discrimination toward families from the African continent and the data constitute a basis for further investigation of differential attitudes towards certain population groups.

Additionally, there are limitation in the methodology. Three frequent objections to vignette surveys relate to complexity, realism, and whether the responses realistically reflect what the respondents would have done in a real situation. Concerning complexity, the vignette introduces several factors about children and parents, however the factors and causal claim are accessibly phrased and presented in relation to the response options. The vignette is based on characteristics from 104 care order decisions about familial violence (Løvlie, 2022; Løvlie & Skivenes, 2021). Drawing on typical descriptions of situations and conditions from these cases in the design of the vignette mitigate concerns about realism. How the respondents would have responded in a real situation is unknown, however the survey responses are responses

to a realistic scenario. The survey is designed such that the respondents recommend an intervention to the CPS, which already have received the case. Thus, I avoid asking the respondents about whether they would have reported it to the CPS, which could be affected by respondents’ aversion to contact public authorities. This strengthens the vignette survey method to further reduce social desirability biases (Wilks, 2004), despite the respondents possibly responding differently in a real situation. The reasons respondents may want to respond in a way that they think is more socially or contextually acceptable are numerous (Barter & Renold, 2000; Finch, 1987; Wilks, 2004).

4. Results

The general acceptance of psychological violence (blaming, humiliating, or threatening children) and potential indirect violence (children witnessing conflicts and violence between parents) is very low, more than 90% of the respondents in each treatment group responds that the parental behaviour was unacceptable (see Fig. 1). Below the 6-point acceptance scales are merged into binary variables of unacceptable and acceptable (for a detailed frequency distribution, see appendix). About 50% of the respondents recommended involuntary support measures, and only about 3% recommended temporary placement of the children.

Fig. 1 shows the acceptance levels for the four different treatment groups. Psychological violence is unacceptable by the majority of the respondents, between 95% and 97%, with virtually no variations between treatment groups. The largest difference being between treatment group 3 (non-migrant + no expert) and 4 (non-migrant + expert), at just over 1.4%. The difference between groups 1 (migrant + no expert) and 2 (migrant + expert) is just below 0.4%. Hinting perhaps at a slightly different effect of the expert treatment. The expert treatment seems also to hint at a potential inverse effect in groups 1 and 2, where acceptance is slightly higher in group 2.

The analysis of variance (Fig. 2) shows the mean acceptance of psychological violence (6-point scale ranging from 1 = completely unacceptable to 6 = completely acceptable). The highest mean (1.62) is found in treatment group 1, the next two are identical (1.58) found in groups 2 and 3, and lowest mean (1.52) in group 4. There are no significant differences. However, there are hints that the expert treatment influenced responses as expected in the hypotheses. The hints of a potential inverse effect of the expert treatment in Fig. 1 are put to rest as an interesting curiosity, but unlikely an artefact of anti-expert sentiments.

Fig. 3 shows the acceptance levels for the four different treatment groups. Potential indirect violence is unacceptable by a vast majority of

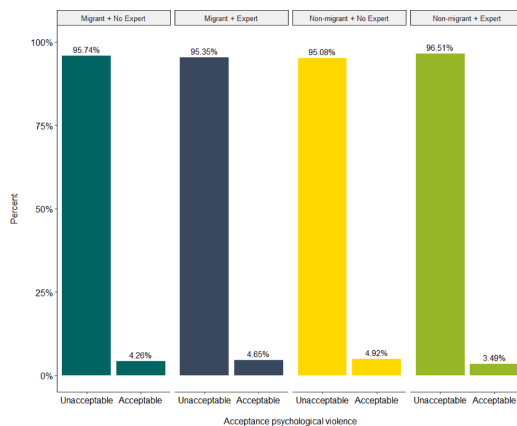


Fig. 1. Acceptance psychological violence (n = 1038, missing = 66).



Fig. 2. Mean acceptance of psychological violence (n = 1038, missing = 66).

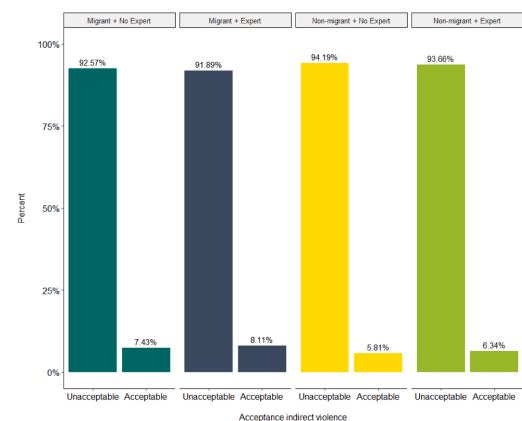


Fig. 3. Acceptance indirect violence (n = 1054, missing = 50).

the respondents, between 92% and 95%, with virtually no variations between treatment groups. However, the general acceptance is slightly higher than for psychological violence. According to family background, treatment groups 1 is 1.62% higher on acceptance than treatment group 3, and treatment group 2 is 1.77% higher than group 4. These differences are small and investigated further below. We also see that the expert treatment hints at a potential inverse effect compared to expectations; acceptance is comparably higher in group 2 and 4, than 1 and 3 respectively.

The analysis of variance (Fig. 4) shows the mean acceptance of potential indirect violence (6-point scale ranging from 1 = completely unacceptable to 6 = completely acceptable). The highest mean (1.98) is found in treatment group 1, the next (1.95) in group 2, followed by (1.88) group 3, and the lowest (1.76) in group 4. The differences

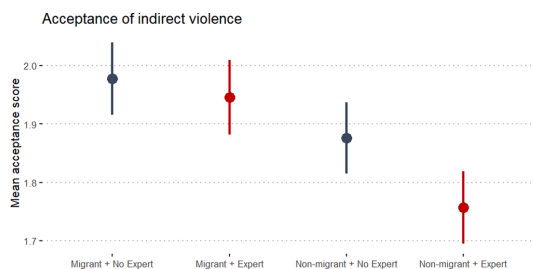


Fig. 4. Mean acceptance indirect violence (n = 1054, missing = 50).

between treatment group 1 and 2 are non-significant, similarly between group 3 and 4. However, treatment group 4 is significantly different from group 2 and 1. Group 4 is barely non-significantly different from group 3 (see appendix for a detailed overview). There are hints here too that the expert treatment influenced the acceptance as expected; however, not enough to be significantly different within the same family background treatment, but experts are indicated to have a stronger effect in non-migrant families. An OLS may reveal if it is the expert or migrant treatment that may be the cause.

Fig. 5 shows distribution of recommended CPS intervention in the four different treatment groups. For all groups involuntary support measures scores the highest, 43%–50%. This is followed by monitoring the family, 26%–30%, followed closely by voluntary support measures, 15%–22%. No intervention and temporary placement have both very low scores across the board, 1%–3%, conforming to research with similar findings (Berrick et al., 2017, 2020).

The analysis of variance (Fig. 6) shows the mean CPS intervention recommendation (5-point scale ranging from 1 to 5: No intervention; Monitor; Support Measure (voluntary); Support Measure (involuntary); Temporary Placement). The highest mean (3.24) was found in treatment group 2, followed by group 4 (3.24), then group 1 (3.18) and then group 3 (3.14). Again, no significant differences, however the influence of the expert treatment hints at an increase in severity of recommended interventions (treatment groups 2 and 4), a more symmetric picture than for the acceptance variables is illustrated. Recommendations have a similar pattern, and the expert treatment may suggest higher levels of intervention.

4.1. Regressions

Testing the hypotheses I ran three different OLS analyses, first for the acceptance of psychological violence, then indirect violence, and finally recommended CPS intervention. Each OLS was run with seven models testing the treatments separately, together, and with demographic background variables, and an interaction between the treatments. For detailed information and tables, see the appendix.

4.1.1. Psychological violence acceptance

The OLS test and analysis of acceptance of psychological violence produced no significant results on the treatment variables. Neither the migrant treatment nor the expert treatment significantly influenced the acceptance of psychological violence, together, separately, or as an interaction. However, two of the demographic control variables yielded significant results. The coefficient of gender (−0.22***) indicates that women decrease acceptance of psychological violence. Education has a positive coefficient (0.05**) indicating that increased education may increase acceptance of psychological violence slightly.

4.1.2. Indirect violence acceptance

The OLS test and analysis of acceptance of potential indirect violence produced significant results on the migrant treatment variable (0.17***) indicating that acceptance increased among respondents who read the migrant family treatment. The expert treatment produced no significant result, and neither did the interaction. Three of the demographic control variables yielded significant results. The coefficient of gender (−0.18***) indicates that women decrease acceptance of potential indirect violence. Education has a positive coefficient (0.06**) indicating that increased education may increase acceptance of potential indirect violence slightly. Age has a negative coefficient (−0.05**) indicating that older age reduces acceptance of potential indirect violence.

4.1.3. Recommended CPS intervention

The OLS test and analysis of recommended CPS intervention produced no significant results on the treatment variables. Neither the migrant treatment nor the expert treatment significantly influenced the recommended CPS intervention, together, separately, or as an

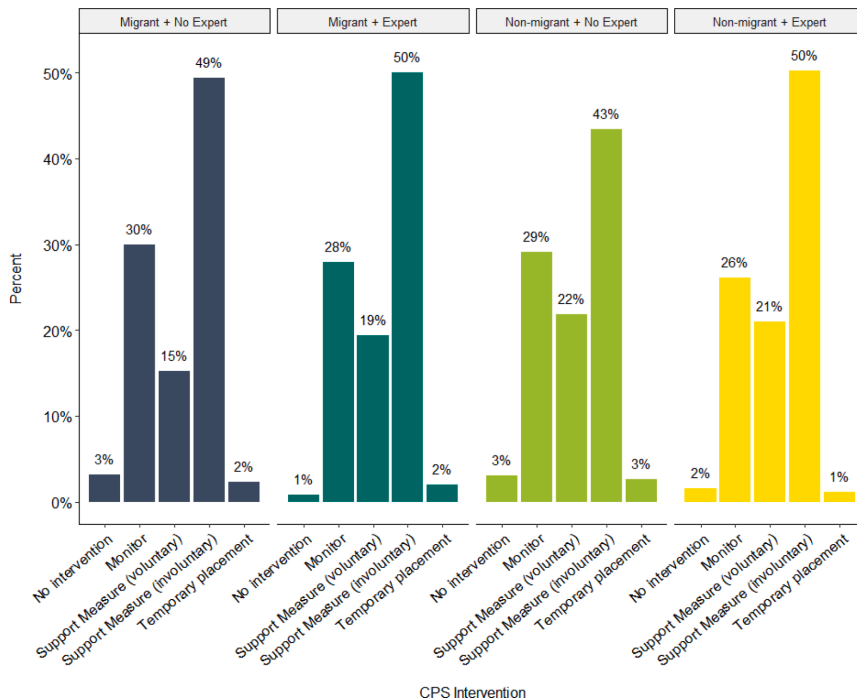


Fig. 5. Recommended CPS intervention (n = 1037, missing = 67).

interaction. However, one of the demographic control variables yielded a significant result. The coefficient of gender (0.21***) indicates that women increase the severity of the recommended CPS intervention if the CPS should receive the case described in the vignette.

5. Discussion

Critical claims about unequal treatment of migrants and the role and competency of experts in the CPS system can undermine the acceptability of state decisions, and thus its legitimacy. I have surveyed the population using a vignette survey experiment measuring the Norwegian population’s acceptance of violence in migrant (Ethiopian) and non-migrant families, and subsequent recommendations for CPS interventions, and whether the acceptance and recommendations are affected by expert claims. I examine three research questions.

5.1. Does the Norwegian population accept parents’ psychological and potential indirect violence towards children, and is the acceptance different for migrant children?

I find that the large majority finds both psychological violence (96%) and potential indirect violence (93%) to be unacceptable. These results correspond with and supports the findings of Helland et al. (2018) with regard to corporal punishment. The population’s acceptance of psychological violence was unaffected by the family’s background, as shown in the OLS confirming hypothesis H2. Conversely, the results when testing H1 indicate that acceptance of potential indirect violence is affected by the family’s background. The treatment effect was small, but clearly significant (CI 99%), increasing the acceptance when the family had a migrant background. Consequently, it appears that a migrant background does affect the Norwegian population’s acceptance when presented with a case that could represent potential indirect violence.

The migrant treatment effect on potential indirect violence, while unexpected in light of research that shows no migrant-effect on acceptance (Helland et al., 2018), expands on previous research that found a higher proportion of care order cases about indirect violence in Norwegian families (Løvlie & Skivenes, 2021). A potential explanation for the migrant treatment effect in the case of potential indirect violence is that the population perceives migrants from Ethiopia as “others” (Schenk, 2021). They are culturally different, family values may be (perceived as) different, as adherence to and actions tied to these values vary across cultures (Fischer & Schwartz, 2011). Cultural differences in defining something as violence, and when violence is unacceptable, varies between countries and cultures (Cousineau & Rondeau, 2004; White & Satyen, 2015). This study shows that the Norwegian population may be more or less sensitive to that with regard to families from Ethiopia, which may be felt and/or expressed as discrimination/prejudice if expectations to families and parents differ due to

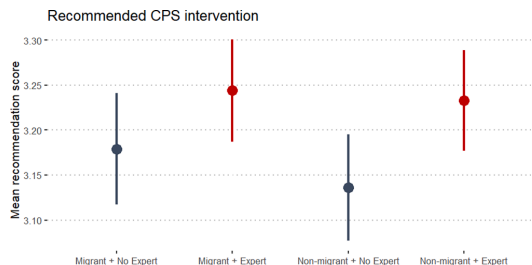


Fig. 6. Mean recommended CPS intervention (n = 1037, missing = 67).

perceptions of different cultures, languages, and behaviours. The study sheds light on the criticism of the CPS having a higher intervention threshold in migrant families (Berggrav, 2013), insofar as CPS workers' norms and values shared with the population are not overridden by professional norms and values. I am not aware of literature on public acceptance of high degrees of conflict or children witnessing familial violence, but this finding should provoke investigations on the contested borderlines of what constitutes violence.

The lack of migrant treatment effect on acceptance of psychological violence suggests that psychological violence may be viewed similarly to physical violence with regard to harm, supporting the findings of Heland et al. (2018) and conforming to the CRC's definition corporal punishment (CRC Committee, 2006). It speaks against, in some respects, criticism of the CPS's threshold of intervention (Berggrav, 2013), insofar as CPS workers' norms and values shared with the population are similarly reflected in their professional norms and values (and practices). It may also be tied to societal attention on harassment and bullying, and the consequences of emotional and psychological abuse (Festinger & Baker, 2010; Kwan et al., 2022; Lee, 2015), and/or may represent an internalisation of expert knowledge into the population's norms and values (Hacking, 1991; Jackson & Scott, 1999; Rose, 1999).

5.2. Does the population recommend the CPS to intervene, and do the recommendations differ for migrant children?

The respondents recommended all but identical interventions in both the case of migrant and non-migrant families, and 98% of the respondents recommended some kind of intervention. Predominantly 'involuntary support measures' were recommended by 48% of the total sample, followed by 'monitoring' of the family at 28%, 'voluntary support measures' at 19%, and 'no intervention' and 'temporary placement' both at 2% of the respondents. The second research question was examined by testing a hypothesis about family background effect on recommended CPS intervention (H3). Neither migrant nor non-migrant family background produced significant results affecting the population's recommended CPS interventions.

The lack of migrant treatment effect speaks to the criticism about increased CPS intervention threshold, because the results suggest that the population's recommended interventions for migrants and non-migrants are the same, indicating that normative expectations are similar, despite critical allegations of unequal treatment in practice (Aarset & Bredal, 2018; Berggrav, 2013). It makes the criticism of experts' lacking cultural competency (and sensitivity) relevant in relation to questions of discriminatory treatment and state interventions. This may also be relevant to the discussion of discriminatory treatment in other national contexts, such as the USA with the challenges of overrepresentation of minorities such as African Americans in the child welfare system (Dettlaff & Boyd, 2020), and an overrepresentation of incarcerated African Americans (Blumstein, 2015).

The means test (Fig. 6) also indicates identical recommendations for migrant (Ethiopian) and non-migrant families. Insofar as population norms and values are or should be reflected in CPS practices, the practices should be unfettered by family background. Conversely, the migrant treatment effect increasing acceptance of potential indirect violence in migrant families, and the higher proportion of cases about indirect violence in non-migrant families (Lovlie & Skivenes, 2021), hints at an area that requires further investigation. It may indicate a discrepancy between population norms and professional CPS workers' norms, where the professional norms and practices take precedence. However, it also hints at a different threshold in the population about expectations to behavioural norms, standing in contrast to similar expectations and thresholds for intervening in a family. While CB practices have been shown to not treat migrant families differently in care order proceedings about violence (Lovlie & Skivenes, 2021), and CPS workers in Norway tend to align with decision-makers about care placements, the Norwegian population and the CPS tend to align in assessments of

neglect (Berrick et al., 2020). It may be reasonable to assume this extends to assessments of violence; however, the relationship between CPS practices and population expectations and attitudes in these borderline cases should be further investigated to pinpoint any potential discrepancies between the population and the services of the state.

5.3. Does it matter for the acceptance of violence and CPS recommendations that an expert makes a causal claim between violence and children's difficulties?

Population acceptance of both kinds of violence and the recommended CPS interventions remained unaffected by the expert treatment effect when testing the hypotheses H4, H5, H6, and H7. This may suggest that expert testimonies have less bearing on the opinions and attitudes of the population when it concerns actions of potential indirect violence and psychological violence. Conversely, it could also mean that the Norwegian population's attitude is in alignment with expert knowledge, implying an internalisation of expert knowledge with regard to children and children's rights. This would stand in contrast to research on population trust in experts on other topics, for instance climate change where populist scepticism is more common (Collins et al., 2020; Moore, 2017). However, some research finds attitudes favouring experts (Bertsou & Caramani, 2022), and in Norway trust levels in institutions are relatively high (Wollebaek et al., 2012), which incentivises further investigation of the relationship between population attitudes and experts; both in the CPS context and other contexts of law and welfare services infringing on citizen's rights. This may shed light on the confidence in decision-makers, and any (in)congruence of norms and values between populations and professions.

The means test (Fig. 4) hints at patterns of difference, and the OLS makes it clear that the significant difference for potential indirect violence between treatment group 4 and groups 1 and 2 comes from the migrant treatment. The lack of expert treatment effect was unexpected but makes sense if the normative perspective on potential indirect and psychological violence in the Norwegian population aligns with and/or is based on (a trust in) expert knowledge. The two acceptance means tests (Fig. 2 and Fig. 4) show non-significant patterns alluding to higher acceptance of psychological and potential indirect violence in migrant families, and where the expert treatment reduces acceptance somewhat closer to the level of non-migrant families with no expert treatment. This suggests a difference in acceptance that could become clearer using different and more appropriate research design and methods, for instance a conjoint survey experiment (Bansak et al., 2021), as this vignette experiment yielded no significant results.

The lack of significant results from the expert treatment on CPS recommendations suggests a possible alignment between public attitudes and expert knowledge. The means test (Fig. 6) shows a pattern where family background has identical recommendation levels, which is paralleled in the slight (non-significant) increase in intervention severity that comes with the expert treatment. This indicates no difference in recommended intervention due to family background and could hint at a real expert treatment effect with different design and methods.

5.4. Demographics

Significant results were found in some of the control variables. Perhaps unsurprisingly, gender had a significant effect indicating that women are less accepting of both psychological and potential indirect violence. With a somewhat stronger effect on the acceptance of psychological violence. Similarly, recommended CPS intervention was also significantly affected by gender, where women would increase the recommended severity of the intervention. This stands to reason as women are more often victims of familial violence (Hester, 2013; Walby & Towers, 2018).

Educational level also produced significant results pertaining to the acceptance of psychological and potential indirect violence, with very

small effects. Increased education indicates a propensity to a somewhat higher acceptance of both violence types. However, this was only significant on a 5% level, thus there is uncertainty tied to the results. This may be explained, and I am now on speculative ground, by higher educated individuals possessing a critical gaze, which could have them relativise the described family situation in the vignette and the questions in relation to how bad the actions and situation “actually are”.

Age produced significant results only when pertaining to the acceptance of potential indirect violence. The effect is small, like education, but stands to reason as age and experience could more easily see problems with behaviour as potential indirect violence, yet here too there are uncertainties tied to the results due to the significance was at a 5% level.

6. Conclusion

The study shows that the Norwegian population’s acceptance of potential indirect violence appears to increase for migrant families from Ethiopia. Whether this is an expression of discrimination and/or cultural sensitivity towards migrants, or variations in the public sense of justice towards migrant and non-migrants must be investigated. Migrant children living longer under conditions of potential violence is a children’s rights and state legitimacy problem. If non-migrant parents have (too) high expectations of non-conflictual behaviour put upon them (compared to migrants), this could be a contributing factor for critics and families who claim the CPS intervenes too early or too often (or unnecessarily, wrongly, or with failed outcomes). The seeming difference in attitude demands awareness from the CPS and judicial decision-makers, to ensure equality before the law and not risk legitimising potential discriminating population attitudes in their practice.

When it comes to psychological violence and the recommended actions of the CPS, migrant background does not seem to matter. Expert testimonies have not been shown to affect public acceptance of violence or recommended CPS action. This latter requires further investigation and research, to disentangle the relationship between cultural norms and expert knowledge.

A potential and speculative explanation for no expert treatment effect is that the expert knowledge is known and internalised as values and norms. The understanding of what consequences violence may have on the development of a child is ‘tacit’, i.e., the consequences of treating children badly are instinctively known by the population, and if made conscious, regarded as common knowledge. This may be seen as legitimising for CPS practices, interventions, CB decisions and decision-making proceedings. This non-effect by the expert treatment may also be useful to consider in research contexts of criminal law proceedings about sanity pleas, potential systematic discriminatory incarceration of minorities, studies on the medication and treatment of psychiatric patients, and the relationship between psychiatric patients, their families, and psychiatrists.

The study uses data from Norway. The lack of comparative data was of lesser importance in this study, as it tested for effects of expert influence and migrant family background on population attitudes. However, more research is needed in other national contexts as well as comparative studies, and here the results of this study are of interest to shed further light on the role of experts and perspectives on migrant families.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

Data will be made available on request.

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Ethics

The project’s ethics and data protection assessments can be found here: <https://www.discretion.uib.no/wp-content/uploads/2019/12/INFORMATION-ABOUT-DATA-PROTECTION-ETHICS-AND-DATA-ACCCESS.pdf>.

Pre-analysis plan: <https://aspredicted.org/y9k6u.pdf>.

Author statement

This is a single authored paper.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.childyouth.2022.106757>.

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APPENDIX

Author(s): Løvlie, Audun Gabriel

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Frequencies

Figure 1 Acceptance of psychological violence (n=1104)

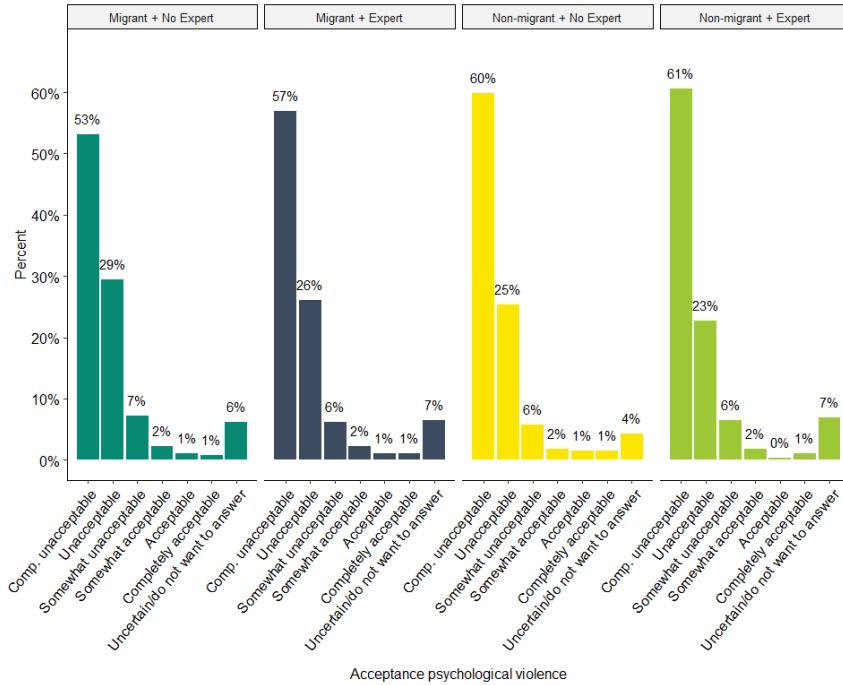


Figure 1 shows the relative frequency distribution of acceptance of psychological violence in the four different treatment groups. For all groups psychological violence is predominantly unacceptable and completely unacceptable. With a higher prevalence of “completely unacceptable” for treatment groups presented with a non-migrant vignette. The results suggest a slightly higher acceptance of psychological violence in (non-western/African) migrant families than in non-migrant families.

Figure 2 Acceptance of indirect violence (n=1104)

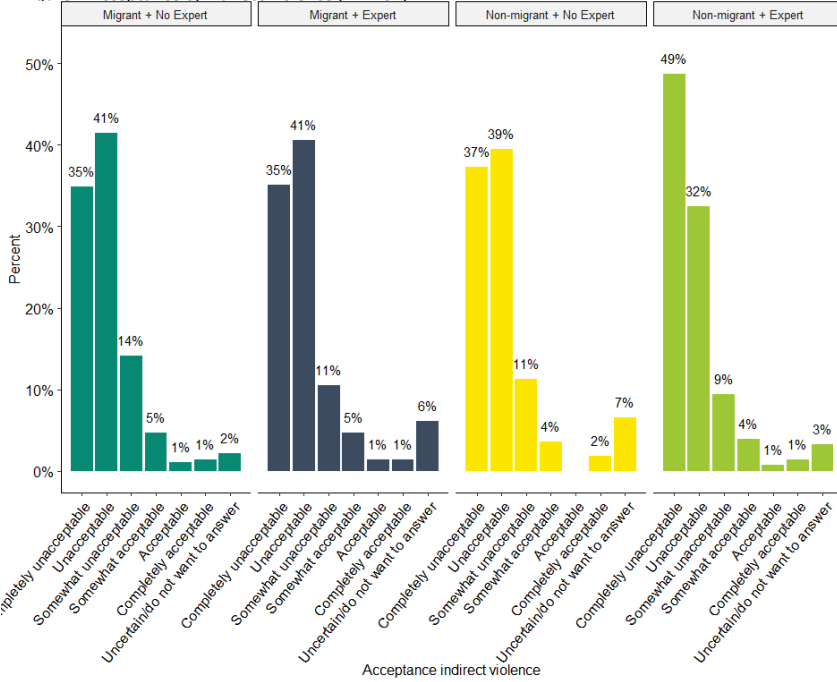


Figure 2 shows the distribution of acceptance of indirect violence in the four different treatment groups. For all groups indirect violence is predominantly unacceptable. However, it is only treatment group 4 (*non-migrant+expert*) that scores higher on “completely unacceptable”.

Figure 3 Recommended CPS intervention (n=1104)

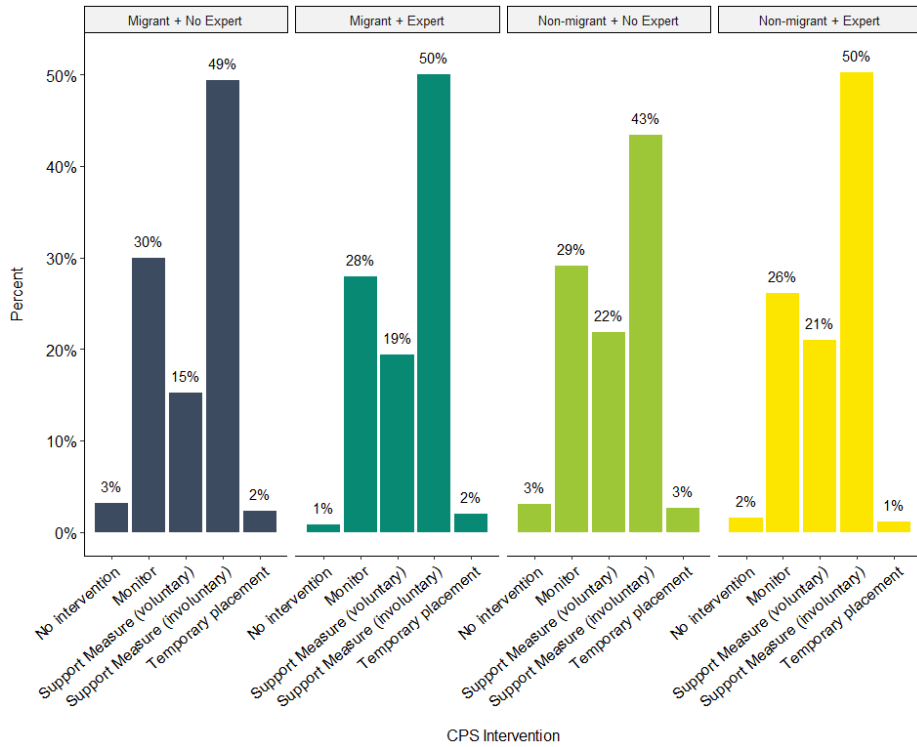


Figure 3 shows the distribution of the recommended CPS interventions in the four different treatment groups. For all groups involuntary support measures is the predominant response. The distribution is for all intents and purposes the same across the groups.

ANOVA

The ANOVA test results for the treatment groups on the dependent variables are shown in table 1.

Table 1 ANOVA numeric presentation each treatment group's recommendation and acceptance mean and standard errors.

Recommended CPS Intervention			
Treatment groups	n	mean	se
1	257	3.18	0.062
2	258	3.24	0.057
3	265	3.14	0.059
4	257	3.23	0.056
Acceptance Psychological Violence			
Treatment groups	n	mean	se
1	258	1.62	0.057
2	258	1.58	0.059
3	264	1.58	0.061
4	258	1.52	0.055
Acceptance Indirect Violence			
Treatment groups	n	mean	se
1	269	1.98	0.062
2	259	1.95	0.064
3	258	1.88	0.061
4	268	1.76	0.062

Pairwise t-test (multiple comparison p-adjustment)

Table 2 pairwise t-test treatment groups and DVs comparison

		Treatment groups							
Accept psychological violence		group1	group2	n1	n2	p	p.signif	p.adj	p.adj.signif
1	Auib_2n	1	2	275	276	0.637	ns	0.944	ns
2	Auib_2n	1	3	275	276	0.586	ns	0.944	ns
3	Auib_2n	2	3	276	276	0.944	ns	0.944	ns
4	Auib_2n	1	4	275	277	0.186	ns	0.944	ns
5	Auib_2n	2	4	276	277	0.395	ns	0.944	ns
6	Auib_2n	3	4	276	277	0.433	ns	0.944	ns

		Treatment groups							
Accept indirect violence		group1	group2	n1	n2	P	p.signif	p.adj	p.adj.signif
1	Auib_1n	1	2	275	276	0.719	ns	0.719	ns
2	Auib_1n	1	3	275	276	0.249	ns	0.719	ns
3	Auib_1n	2	3	276	276	0.432	ns	0.719	ns
4	Auib_1n	1	4	275	277	0.0119	*	0.0712	ns
5	Auib_1n	2	4	276	277	0.0329	*	0.164	ns
6	Auib_1n	3	4	276	277	0.18	ns	0.719	ns

		Treatment groups							
Recommended CPS intervention		group1	group2	n1	n2	p	p.signif	p.adj	p.adj.signif
1	Auib_3n	1	2	275	276	0.434	ns	0.898	ns
2	Auib_3n	1	3	275	276	0.602	ns	0.898	ns
3	Auib_3n	2	3	276	276	0.19	ns	0.898	ns
4	Auib_3n	1	4	275	277	0.514	ns	0.898	ns
5	Auib_3n	2	4	276	277	0.898	ns	0.898	ns
6	Auib_3n	3	4	276	277	0.238	ns	0.898	ns

* p < 0.05

The pairwise t-test of the treatment groups on the three dependent variables (table 2) shows significant results (CI 95%) only between treatment group 4 and 1, and 4 and 2, when the question concerns the acceptance of (potential) indirect violence. When doing multiple comparisons, there is an increased chance for Type I error, thus I applied the Benjamin Hochbach correction, which led the test to yield only non-significant results. However, the Hochbach correction, like other p-correction measures, also increases the chance for a Type II error, but ultimately, the results are non-significant.

Chi-square tests

Table 3 Cross-tabulation and chi-square

Chi-squared tests	Independent variables				
Dependent Variables	Age group	Gender	Part of country	Accept Psychological	Recommended CPS intervention
Accept Psychological	26.90926 ns	21.02238 p = 0.000802	29.90914 ns	-	84.80525 p = 5.91E-10
Accept Indirect	28.37467 ns	13.82962 p = 0.0167	30.02796 ns	475.0003 p = <2e-16	94.59417 p = 1.15E-11
CPS recommendation	30.87511 ns	18.90928 p = 0.000819	20.25112 ns	84.80525 p = 5.91E-10	-

OLS tables

Table 4 OLS Acceptance of psychological violence

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
(Intercept)	1.54 *** (0.04)	1.59 *** (0.04)	1.56 *** (0.05)	1.69 *** (0.12)	1.73 *** (0.12)	1.70 *** (0.12)	1.69 *** (0.12)
treatMigrant	0.07 (0.06)		0.07 (0.06)	0.08 (0.06)		0.08 (0.06)	0.08 (0.08)
treatExp		-0.02 (0.06)	-0.02 (0.06)		-0.01 (0.06)	-0.01 (0.06)	-0.01 (0.08)
genderWoman				-0.22 *** (0.06)	-0.22 *** (0.06)	-0.22 *** (0.06)	-0.22 *** (0.06)
edu				0.05 ** (0.03)	0.05 ** (0.03)	0.05 ** (0.03)	0.05 ** (0.03)
income2				0.00 (0.02)	0.00 (0.02)	0.00 (0.02)	0.00 (0.02)
i_agegr_6				-0.03 * (0.02)	-0.03 * (0.02)	-0.03 * (0.02)	-0.03 * (0.02)
i_countpart				-0.01 (0.02)	-0.01 (0.02)	-0.01 (0.02)	-0.01 (0.02)
treatMigrant:treatExp							-0.01 (0.12)
N	1038	1038	1038	1031	1031	1031	1031
R2	0.00	0.00	0.00	0.02	0.02	0.02	0.02

*** p < 0.01; ** p < 0.05; * p < 0.1.

Table 5 OLS Acceptance of indirect violence

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
(Intercept)	1.80 *** (0.04)	1.90 *** (0.04)	1.81 *** (0.05)	1.93 *** (0.13)	2.02 *** (0.13)	1.94 *** (0.13)	1.96 *** (0.13)
treatMigrant	0.17 *** (0.06)		0.17 *** (0.06)	0.17 *** (0.06)		0.17 *** (0.06)	0.12 (0.09)
treatExp		-0.03 (0.06)	-0.03 (0.06)		-0.03 (0.06)	-0.03 (0.06)	-0.07 (0.09)
genderWoman				-0.18 *** (0.06)	-0.17 *** (0.06)	-0.18 *** (0.06)	-0.18 *** (0.06)
edu				0.06 ** (0.03)	0.06 ** (0.03)	0.06 ** (0.03)	0.06 ** (0.03)
income2				0.02 (0.02)	0.02 (0.02)	0.02 (0.02)	0.02 (0.02)
i_agegr_6				-0.05 ** (0.02)	-0.04 ** (0.02)	-0.05 ** (0.02)	-0.05 ** (0.02)
i_countpart				-0.03 (0.02)	-0.03 * (0.02)	-0.03 (0.02)	-0.03 (0.02)
treatMigrant:treatExp							0.08 (0.12)
N	1054	1054	1054	1046	1046	1046	1046
R2	0.01	0.00	0.01	0.03	0.02	0.03	0.03

*** p < 0.01; ** p < 0.05; * p < 0.1.

Table 6 OLS Recommend CPS intervention

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
(Intercept)	3.20 ***	3.18 ***	3.16 ***	3.13 ***	3.11 ***	3.10 ***	3.10 ***
	(0.04)	(0.04)	(0.05)	(0.12)	(0.12)	(0.12)	(0.12)
treatMigrant	0.03		0.03	0.02		0.02	0.02
	(0.06)		(0.06)	(0.06)		(0.06)	(0.08)
treatExp		0.07	0.07		0.07	0.07	0.07
		(0.06)	(0.06)		(0.06)	(0.06)	(0.08)
genderWoman				0.22 ***	0.21 ***	0.21 ***	0.21 ***
				(0.06)	(0.06)	(0.06)	(0.06)
edu				0.04 *	0.04 *	0.04 *	0.04 *
				(0.03)	(0.03)	(0.03)	(0.03)
income2				-0.03 *	-0.03 *	-0.03 *	-0.03 *
				(0.02)	(0.02)	(0.02)	(0.02)
i_agegr_6				0.01	0.01	0.01	0.01
				(0.02)	(0.02)	(0.02)	(0.02)
i_countpart				-0.02	-0.02	-0.02	-0.02
				(0.02)	(0.02)	(0.02)	(0.02)
treatMigrant:treatExp							0.00
							(0.12)
N	1037	1037	1037	1029	1029	1029	1029
R2	0.00	0.00	0.00	0.02	0.02	0.02	0.02

*** p < 0.01; ** p < 0.05; * p < 0.1.

LOGIT tables

Table 7 LOGIT Acceptance psychological violence (Acceptable = 1, Unacceptable = 0)

	Model 1	Model 2	Model 3
(Intercept)	-1.90 ** (0.76)	-1.82 ** (0.76)	-1.92 ** (0.77)
Treatment Migrant	0.21 (0.31)		0.21 (0.31)
Female	-1.22 *** (0.35)	-1.21 *** (0.35)	-1.22 *** (0.35)
Education	0.28 ** (0.13)	0.28 ** (0.13)	0.28 ** (0.13)
Personal income	-0.04 (0.10)	-0.04 (0.10)	-0.04 (0.10)
Age grouped	-0.16 (0.10)	-0.15 (0.10)	-0.16 (0.10)
Part of country	0.12 (0.09)	0.11 (0.09)	0.12 (0.09)
Treatment Expert		0.06 (0.31)	0.05 (0.31)
N	1031	1031	1031
AIC	387.68	388.04	389.74
BIC	422.25	422.61	429.25
Pseudo R2	0.06	0.06	0.06

*** $p < 0.01$; ** $p < 0.05$; * $p < 0.1$.

Table 8 LOGIT Acceptance indirect violence (Acceptable = 1, Unacceptable = 0)

	Model 1	Model 2	Model 3
(Intercept)	-2.05 *** (0.62)	-2.03 *** (0.62)	-2.15 *** (0.63)
Treatment Migrant	0.25 (0.25)		0.25 (0.25)
Female	-0.32 (0.25)	-0.33 (0.25)	-0.34 (0.25)
Education	0.10 (0.11)	0.10 (0.11)	0.10 (0.11)
Personal income	0.03 (0.07)	0.03 (0.07)	0.03 (0.07)
Age grouped	-0.05 (0.08)	-0.05 (0.08)	-0.05 (0.08)
Part of country	-0.15 * (0.08)	-0.16 ** (0.08)	-0.15 ** (0.08)
Treatment Expert		0.23 (0.25)	0.23 (0.25)
N	1046	1046	1046
AIC	563.22	563.12	564.33
BIC	597.89	597.79	603.95
Pseudo R2	0.02	0.02	0.02

*** p < 0.01; ** p < 0.05; * p < 0.1.



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