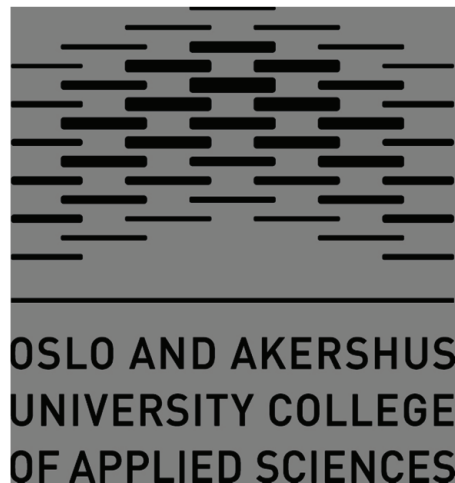


# Child Protective Services and Family Cultures: A Comparative Study of Norway and France

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## Abstract

The overall aim of this doctoral dissertation was to gain insight into the child protective services of two countries, Norway and France, and use this knowledge to put into perspective existing laws and practices in these two countries. In addition, the study aimed to investigate relevant factors likely to explain cross-national differences. The study asked which cultural understandings of family underpin the Norwegian and French child protective services respectively, and how different cultural understandings of family translate into differences in legislation and practices.

The study's research design was comparative. The study focused on two main issues: (1) the cultural understandings of family underpinning child welfare laws and (2) child welfare workers' perceptions of family. The central original empirical materials for this dissertation derived from professional accounts of 43 child welfare workers (20 in Norway and 23 in France). Furthermore, the study used as data the child welfare laws of the two countries, as well as previous studies of the historical development of the child welfare laws and policies in Norway. Theoretically, the study applies concepts and theoretical perspectives from cultural sociology and family and kinship studies.

The body of this dissertation comprises four research papers. Paper 1 examines legal provisions regulating out-of-home placements to compare the notion of family underpinning the child welfare laws in Norway and in France. Paper 2 uses a historical review of child welfare laws and policies to discuss the transformation in the forms of the state control of families in Norway. Using as data Norwegian and French child welfare workers' accounts, paper 3 explores their perceptions of biological kinship ties. Paper 4 sheds light on distinct *dispositifs* (i.e., a set of norms, knowledge, and practices) of parenting. Taken together, the four research papers also shed light on the relationships between the distinct cultural understandings, the professional ideologies and knowledge, and the broader structural and institutional contexts.

The study extends previous knowledge of cross-national variation in child protective services by shedding light on two different *dispositifs*: the Norwegian and the French. The Norwegian *dispositif* tends to be more individualist and child centric. The French *dispositif* in contrast is more family centric. This dissertation demonstrates the importance of considering the interplay between family cultures and professional ideologies and knowledge in order to understand cross-national

differences in child protective services. The findings from this dissertation have significant implications for social work practice with children and families, as they have the potential to enhance child welfare workers' awareness of how their cultural assumptions influence their practice in both home-based interventions and out-of-home placements.

## **Sammendrag**

Formålet med studien var å utforske barneverntjenester i to land, Norge og Frankrike, og å bruke denne kunnskapen for å sette i perspektiv barnevernslov og barnevernspolitikk i begge landene. Dessuten hadde studien som formål å undersøke relevante faktorer som kan forklare ulikheter mellom land. Hoved forskningsspørsmålet som besvares i avhandlingen er: hvilke kulturelle forståelser av familien ligger til grunn for de norske og de franske barneverntjenester, og hvordan ulike forståelser av familie kommer til uttrykk i ulike regelverk og praksiser?

Det overordnede studiedesign er komparativt. To viktige aspekter er i fokus: for det første, de kulturelle forståelsene av familien som understøtter barnevernlovene; for det andre, barnevernansattes forståelser av familie. Intervjuer med 43 barnevernansatte (20 in Norge og 23 in Frankrike) utgjør avhandlingens sentrale datagrunnlaget. Dessuten bygger studien på en analyse av barnevernlovene i de to landene samt tidligere forskning om den historiske utviklingen av barnevernsloven og barnevernspolitikk i Norge. Studien anvender begreper og teoretiske perspektiver fra både kultursosiologi og familie- og slektskapsforskning.

Avhandlingen består av fire artikler. Artikkel 1 tar utgangspunkt i det norske og det franske regelverket som regulerer omsorgsovertakelse i Norge og Frankrike, og i denne artikkelen sammenlignes de ulike forståelsene av familien som understøtter barnevernloven i Norge og i Frankrike. Artikkel 2 bygger på en gjennomgang av den historiske litteraturen om barnevernloven og barnevernpolitikk og drøfter endringene i former av statskontroll av familier i Norge. I artikkel 3 benyttes barnevernansattes fortellinger for å utforske deres oppfattelser av biologisk slektskapsbånd. Artikkel 4 belyser to dispositiver (dvs. sett av normer, kunnskaper og praksiser) rundt foreldreskapet. Samlet sett kaster artiklene lys på forholdet mellom ulike kulturelle forståelser, profesjonelle ideologier og kunnskaper, og de større strukturelle og institusjonelle kontekstene.

Ved å belyse to ulike dispositiver, det norske og det franske, bidrar studien til utvidet kunnskap om variasjon mellom land. Mens det norske dispositiv kjennetegnes av sterke individualistiske og barnesentrerte tendenser, er den franske dispositiv mer familiesentrert. Dessuten viser avhandlingen at for å forstå forskjeller mellom barneverntjenester i ulike land, er det viktig å se på samspillet mellom familiekulturer og profesjonelle ideologier og kunnskap. Funnene har viktige

implikasjoner for sosialt arbeids praksis med barn og familier. Det ligger et potensial i studien til å styrke barnevernansattes bevissthet om hvordan deres kulturelle antagelser påvirker deres praksis i arbeidet med både hjemmebaserte intervensjon og plassering av barn utenfor hjemmet.



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Table 5: Overview of the data sources and analytical approaches in the four research papers

## The four articles

### Article 1

Picot, A. (2012). Out-of-home placements and notions of family in Norway and in France. *Sosiologi i Dag*, 42(3/4), 13–35.

### Article 2

Picot, A. (2014). Transforming child welfare: From explicit to implicit control of families. *European Journal of Social Work*, 17(5), 689–701. doi:10.1080/13691457.2014.932273

### Article 3

Picot, A. (2015). Understandings of biological kinship ties in social workers' accounts: A cross-cultural study of out-of-home placements in Norway and France. *Qualitative Social Work*. Advance online publication. doi:10.1177/1473325015586247

### Article 4

Picot, A. (2015). “Dispositifs” of parenting in child welfare work: A cross-cultural study of home-based interventions in child protective services in Norway and France. *Nordic Social Work Research*. Advance online publication. doi:10.1080/2156857X.2015.1072324.

## **1. Introduction**

This doctoral dissertation investigates the relationships between child protective services and family cultures in Norway and France. In this dissertation, I use the phrase “child protective services” to designate both child protection and child welfare systems. It is clear that the duties and activities of child protective services in family service-oriented systems (Cameron & Freymond, 2006; Freymond & Cameron, 2006; Gilbert, 1997) in countries such as Norway and France go beyond narrow protective duties and aim to enhance children’s and families’ welfare. Yet the term “child welfare” does not reflect well the nature of services whose provision is based on a needs assessment (Pösö, 2014).

Previous research acknowledged the importance of culture in understanding cross-national differences in child protective services (Cooper, Hetherington, Baistow, Pitts, & Spriggs, 1995; Hearn, Pösö, Smith, White, & Korpinen, 2004; Hetherington, 2006; Hetherington, Cooper, Smith, & Wilford, 1997; Weightman & Weightman, 1995). However, the relationships between child protective services and family cultures remain significantly under-researched. This dissertation attempts to fill in some of this gap by focusing on the cultural conceptions of family underpinning child protective services.

The aim of the study for this dissertation was to explore the cultural understandings of family in Norwegian and French child protective services. The study also aimed to investigate relevant factors likely to explain cross-national differences. The overarching research question that I sought to answer has two parts: Which cultural understandings of family underpin Norwegian and French child protective services respectively, and how do different cultural understandings of family translate into different legislation and practices? In this dissertation, I understand “culture” in line with Swidler’s (1986) definition: “a ‘tool kit’ of symbols, stories, rituals and world-views” (p. 273) that the members of a social group or society use to label, describe, and interpret their experience. Here, the focus is on national cultures and on a specific area of culture: the family.

To answer the research question, I investigated four main issues:

1. The notions of family implicit in the legal provisions regulating out-of-home placements in Norway and in France

2. The transformation of the forms of state control of families in Norway from the late 19th century onwards
3. The cultural framing of biological kinship ties in Norwegian and French child welfare workers' accounts
4. The perceptions of parenting in home-based interventions in Norwegian and French child welfare workers' accounts.

To describe social work accomplished within child protective services, I use the phrase “child protection and welfare social work” (Skehill, 2007, p. 449). Furthermore, I use the term “child welfare workers” to refer to the members of the social work professions who are involved in child welfare and protection social work at child protection agencies. This term includes social workers (*sosionomer* and *assistants de service social*), child welfare pedagogues (*barnevernspedagoger*) (i.e., social workers trained to work in all areas of child protection), and specialised educators (*éducateurs spécialisés*).

The study's research design was comparative, including comparisons across time and space. To shed light on the conceptions of family and kinship sustaining child protective services in France and Norway, I applied theoretical perspectives from cultural sociology and family and kinship studies, and resorted to qualitative methods. The data comprised two main forms: (1) interviews with 43 child welfare workers, 20 in Norway and 23 in France, and (2) documentary sources including child protection laws and policy documents, as well as studies examining child welfare laws and policies from a historical perspective.

As mentioned by Baldersheim and Daloz (2003), France and Norway exhibit many differences – such as their size, their position on the international scene, their religious background, and their public finances. All these differences make them “an unlikely pair for comparison” (Baldersheim & Daloz, 2003, p. 3). However, beyond their many differences, both countries have large welfare states that intervene extensively in the lives of individuals and families. In France as well as in the Nordic countries, government intervention in family life benefits from broad popular support (Hantrais, 2004). In both nations, a conception of the shared responsibilities of the family and the state for childcare makes state intervention in families legitimate (Björk Eydal & Satka, 2006; Grevot & Lacharité, 2009). However, the objective and target of family policies differ: while in the Nordic countries family policies target individuals, French family policies “are aimed at

supporting families as a fundamental social unit” (Hantrais, 2004, p. 138). These contrasting contexts can serve as a “heuristic device” (Baldersheim & Daloz, 2003, p. 1)—in other words, as a tool in the exploration and discovery of cross-national differences.

Different childcare perspectives tend to indicate different conceptualisations of family (Harding, 1997), and Delay and Frauenfelder (2005) suggested that the analysis of societal responses to child mistreatment constitutes a privileged point of observation of the new normative framings of family relationships. Thus, even though child protective services concern only a minority of children, by looking at these services, the researcher can learn much about the cultural perceptions of children and families. This dissertation is intended to extend previous knowledge of the cultural understandings of family, kinship, and parenting that inform both the child welfare laws and social work practice within child protective services.

Given that family is central in child welfare work and that child welfare workers’ understandings of family impact on their assessments, stimulating child welfare workers’ critical reflection on family is important (Ellingsen, 2014). By showing that child protective services are moulded after the cultural contexts and the dominant professional ideologies, the study can contribute to destabilising some of the existing assumptions about family that most often remain implicit in child welfare policies and in child welfare work, and thus enhance social workers’ awareness of their cultural assumptions, as well as their ability to think reflectively about their practices and to challenge particular aspects of child protection law and practice. This in turn can have consequences for how child protection practitioners meet children and their families in their daily practice.

The body of this dissertation comprises four research papers:

1. Picot, A. (2012). Out-of-home placements and notions of family in Norway and in France. *Sosiologi i Dag*, 42(3/4), 13–35.
2. Picot, A. (2014). Transforming child welfare: From explicit to implicit control of families. *European Journal of Social Work*, 17(5), 689–701. doi:10.1080/13691457.2014.932273
3. Picot, A. (2015). Understandings of biological kinship ties in social workers’ accounts: A cross-cultural study of out-of-home placements in Norway and France. *Qualitative Social Work*. Advance online publication. doi:10.1177/1473325015586247

4. Picot, A. (2015). “Dispositifs” of parenting in child welfare work: A cross-cultural study of home-based interventions in child protective services in Norway and France. *Nordic Social Work Research*. Advance online publication. doi:10.1080/2156857X.2015.1072324.

The four research papers focus on different dimensions of child protective services and examine different types of intervention measures. Moreover, they draw on different data sets (see Table 1). In addition, three papers proceed to comparisons across space, and one paper compares different periods.

**Table 1: Overview of the four research papers: empirical focus, data sets, and research design**

<b>Paper</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Focus</b>	Legal regulation of child protective services	X			
	Historical foundations of child protective services		X		
	Professional accounts			X	X
<b>Interventions</b>	Out-of-home placements	X		X	
	Home-based interventions				X
	Both types of intervention		X		
<b>Data set</b>	Laws and policy documents	X			
	Interviews			X	X
	Secondary sources		X		
<b>Comparison</b>	Across space	X		X	X
	Across time		X		

In section 2, I briefly describe the organisation of the Norwegian and French child protection and welfare systems. Then I discuss relevant empirical literature on child protective services and family cultures, both nationally and comparatively (section 3). Section 4 presents the theoretical frameworks applied in the dissertation, and in section 5, I examine the methodological approaches. Section 6 focuses on ethical issues, and in section 7, I discuss methodological considerations and limitations. Section 8 summarises the empirical findings from the four research papers, and in



section 9, I discuss these findings and the conclusions from the four papers. The References section includes only the references used in this introductory chapter to the dissertation. The appendices comprise the interview guide (Appendix A) and the approval from the Norwegian Social Science Data Services (NSD; Appendix B).

## **2. Organisation of the Child Protection and Welfare Systems**

This section outlines the organisation of the child protection and welfare systems in Norway and France. First, I present the main stakeholders in the field of child protection and welfare, beginning with Norway and then considering France. After that, I examine the main categories of intervention measures in Norway and then in France. Finally, to shed light on the scope of child protective services' interventions in the two countries, I present some child welfare statistics.

### ***Stakeholders***

The key actors in the area of child protection in Norway are the state and the municipalities. Norway consists of 428 municipalities and 19 counties. The country has a long tradition of local autonomy: in 1837, Norwegian municipalities were granted extensive powers, which they have held since then.

The child protection authorities from the state include the Ministry of Children, Equality and Social Inclusion, the Norwegian Directorate for Children, Youth and Family Affairs—itsself divided into central, regional, and local levels—and the County Social Welfare Board (*fylkesnemnda*) (Norway & Barne- og familiedepartementet, 1992, § 2-2). The Ministry of Children, Equality and Social Inclusion has the power to make the law and to control its application. On 1 January 2004, a range of responsibilities was transferred from the regions (*fylkeskommune*) to the state, notably the responsibility for establishing and managing child welfare institutions (Kroken, 2012). Since then, the child protection authorities from the state at the regional level have been made responsible for the recruitment and training of foster home parents. In addition, the child protection authorities from the state at the regional level assist the municipalities in issues related to the placement of children outside their biological families. The County Social Welfare Board (*fylkesnemnda*) decides on any care orders.

The municipalities decide on any assistive intervention measures, and they are responsible more broadly for the delivery of child protective services—that is, the daily implementation of child welfare and protection intervention measures. This delivery entails such activities as carrying out child welfare investigations, deciding on and implementing intervention measures, and preparing cases to go to the County Social Welfare Board. Municipal child welfare services are also responsible for the approval of foster homes in each specific situation, the follow-up of foster homes, and the monitoring of children living in both foster homes and child welfare institutions. The high level of autonomy of the Norwegian municipalities results in local variations in the delivery of child protective services. Still, national law regulates child protective services in Norway, and all municipalities have to follow the law.

In France, the main actors in the area of child protection and welfare are the state and the *conseil général*, an elected body at the level of the *département*. *Départements* are local authorities that politically and territorially sit between the municipality and the region. Metropolitan France consists of 22 regions, 96 *départements*, and about 36,000 municipalities. Local autonomy is more recent in France than in Norway, with the devolution process dating back to the 1980s.

The state has the power to make the law and to control its application. The state actors are the Ministry for Social Affairs and Health and the Head of the Legal Protection of the Youth, placed under the Ministry of Justice. The juvenile courts, which are a specialised jurisdiction, deal with both young offenders (penal role) and endangered children (educative role). The children’s judge decides on judicial interventions—that is, judicially mandated interventions imposed on parents.

Since 1986, the child protective agencies of the *département* (*services d’aide sociale à l’enfance*) are responsible for deciding and implementing “administrative” interventions<sup>1</sup>. Moreover, the act from 5 March 2007 reforming child protection (France, 2007) made the president of each *conseil général* responsible for the coordination of all child welfare interventions (Code de l’action sociale et des familles, 2015, article L226-4). Even though child protection is framed by national legislation, the *départements* are granted some degree of autonomy in organising and defining local

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<sup>1</sup> Hetherington (2006) previously commented on the different meanings of the word “administrative” in the French and the English language: ‘*Administratif*’ is used in France to describe the structures of that part of the child welfare system that does not directly involve the law on child protection and is run by the local authority. The word ‘administrative’ in England would probably refer to the paperwork, not the structure” (p. 37).

priorities. Consequently, similar to Norway, there are variations in the implementation of child protection and welfare policies across territories. Finally, in France, organisations within the voluntary sector also play an important role in the delivery of child protective services, notably in the implementation of supervision orders and care orders. However, the role of these organisations is mainly that of contractor (Grevot & Lacharité, 2009).

The next subsection examines the main categories of intervention measures. In both countries intervention measures include both home-based interventions and out-of-home placements. Moreover, these interventions can be either voluntary or judicially mandated. However, differences exist in the ways in which interventions are labelled and categorised.

### ***Categories of intervention measures***

The Norwegian Child Welfare Act from 1992 distinguishes between assistive intervention measures (*hjelpetiltak*), which are voluntary, and care intervention measures (*omsorgstiltak*), which are judicially mandated (Norway & Barne- og familiedepartementet, 1992, §§ 4-4 and 4-12).

Assistive intervention measures are implemented in collaboration with the child's parents. Criteria for implementing care orders include serious deficiencies in everyday care (*omsorg*), mistreatment, and serious abuse, as well as serious risks for the child's health and development (Norway & Barne- og familiedepartementet, 1992, § 4-12).

In Norway, assistive intervention measures are primarily home-based—in other words, children live at their biological family's home. Typical assistive intervention measures are advice and guidance, a place in a kindergarten, economic assistance, a contact person for the child, or a weekend home. Child protective services can also decide the placement of a child in out-of-home care on a temporary basis as part of an assistive intervention measure (*plassering som hjelpetiltak*) in agreement with the child's parents. However, this option should be avoided if it is expected that the placement will be long lasting; implementing a care order is then viewed as preferable (Norway & Barne- og familiedepartementet, 1992, § 4-4).

Care intervention measures (*omsorgstiltak*) constitute mostly out-of-home placements, including both foster care and institutional care<sup>2</sup>. There are different types of foster homes in Norway: traditional foster homes, emergency foster homes, kinship foster homes, and family homes, the latter being foster homes that welcome children with specific needs. All Norwegian foster parents have to participate in the training programme PRIDE (Parenting Resources for Information, Development and Education) (Barne- og familiedepartementet, 2015). Furthermore, in the specific case of family homes, one of the adults should have fostering as a main occupation and should have undergone a 3-year training programme as a professional social worker (Barne- og familiedepartementet, 2015).

French law does not refer to assistive intervention measures and care intervention measures, but rather the main distinction is the one separating interventions that are implemented with parental consent (“administrative interventions”) from judicially mandated interventions that are imposed on parents (“judicial interventions”). The criteria for implementing a judicially mandated intervention include the presence of a danger to the health, security, or morality of the minor, as well as the existence of a serious danger impacting on the minor’s education and/or physical, affective, intellectual, and social development (Code civil, 2015, Article 375)<sup>3</sup>. However, since 2007, the decisive criterion in deciding whether to resort to judicially mandated interventions is no longer the level of danger, but the impossibility of remedying the situation either by means of voluntary measures or because of the parents’ inability or refusal to collaborate.

In France, both judicial interventions and administrative interventions come under two forms: home-based interventions and out-of-home placements<sup>4</sup>. Interventions in the home are called “educational assistance in the home” (*aide éducative à domicile*) when voluntary, and “open educational assistance” (*aide éducative en milieu ouvert*) when judicially mandated. Traditional home-based interventions as defined in the French Family and Social Action Code (Code de

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<sup>2</sup> Very few home-based interventions (supervision orders—*tilsyn*—and daycare) can be imposed on parents, and they are almost never used in practice (Norway & Barne, likestillings- og inkluderingsdepartementet, 2015).

<sup>3</sup> As Hetherington (2006) pointed out, *education* in French has a broader meaning than the English term “education” and is synonymous with “socialization” or “upbringing” (p. 37).

<sup>4</sup> The act from 5 March 2007 reforming child protection introduced new intervention measures such as part-time care (*accueil séquentiel*) that challenge traditional boundaries between home-based interventions and out-of-home care (France, 2007).

l'action sociale et des familles, 2015) include the intervention of a social educator, the placing of a support worker in the home, and financial assistance (§§ L222-2–L222-4).

The term “temporary accommodation” (*accueil provisoire*) is used to designate administrative placements. Judicially mandated out-of-home placements are referred to as “judicial placements”. As highlighted by Hetherington (2006), there is no equivalent in French for the term “fostering”. Foster families are called *familles d'accueil*, which means “a family that welcomes the child” (p. 38). Moreover, the adult who is more specifically in charge of the care of the foster child is called “family assistant”. Foster families in France are not considered to be substitute families. Their task is to provide children with “global educative care”—in other words, suitable care that satisfies their various physical and psychological needs (Dumaret & Rosset, 2005, p. 668). In addition, they offer children a “family organisation” and “structural referent points” (Dumaret & Rosset, 2005, p. 668). French foster families acquired professional status in 1977. Since 1992, French family assistants have to follow a professional training programme of 120 hours leading to a national degree (Carrieres-publiques.com, 2015).

### ***Scope of interventions***

The data used to describe the scope of child protection and welfare interventions are, for Norway, statistics from Statistics Norway (2014, 2015a, 2015b) regarding the intervention measures for 2013, and, for France, data from the social help survey concerning interventions measures for 2012 (Borderie, Trespeux, & French Ministry of Social Affairs, Health and Women’s Rights, 2014). These two data sets are not directly comparable because the methods of categorising the interventions and the age composition of the population of children vary. The data include children aged 0–22 years (Norway) and 0–21 years (France). Despite their limitations, these statistical data provide a broad indication of the nature and the scope of child welfare interventions in the two countries. At the same time, keeping in mind the very different population size is useful in any discussion of the numbers of children in the child protection and welfare systems. On 1 January 2015, the Norwegian population was 5,165,802, including 1,258,899 children and young people under 20 years of age (Statistics Norway 2015c). On the same date, the population of metropolitan France was 64,204,247, including 15,674,338 children and young people under 20 years of age (INSEE, 2015).

By the end of 2013, 25.5 per 1,000 children aged 0–22 years had received at least one intervention measure from the child protective services in Norway. In that country, 5.6 per 1,000 children (8,200 children) had received out-of-home care with care orders (*omsorgstiltak*) and 19.9 per 1,000 children (37,250 children) had received assistive intervention measures (*hjelpetiltak*), including both home-based interventions and voluntary placements (Table 2) (Statistics Norway 2015a, 2015b). Moreover, 14,500 children—representing 39% of the children followed by the child protective services—were living in out-of-home care (including both placements with care orders and voluntary placements) (Statistics Norway, 2014). Among these, 7 out of 10 children in care were living in foster care. Young people, especially those with behavioural problems, live more frequently in institutional care (Backe-Hansen, Højer, Sjöblom, & Storø, 2013).

**Table 2: Children receiving assistive measures and care orders at the end of 2013, Norway**

	<b>Assistive measures (including voluntary placements)</b>	<b>Placements with care orders</b>	<b>All interventions</b>
Number	37,250	8,200	45,450
Per 1,000 children aged 0–22 years	19.9	5.6	25.5

Source: Statistics Norway, 2015a, 2015b

The total number of intervention measures in France by the end of 2012 was 303,400, corresponding to a rate of 18 per 1,000 children aged 0 to 21 years. At that time, 153,040 children were receiving home-based intervention measures, representing 50.6% of all measures, and 150,350 children were in out-of-home care (Table 3). Out-of-home placements represented 49.4% of the total number of intervention measures. Educational assistance in the home represented 31% of all home-based interventions measures (47,450 children) and open educational assistance 69% (105,590 children). Of all out-of-home placements, 75% (101,440 children) were judicial placements. Moreover, 52% (69,750 children) of the children in care were placed in foster care and 38% (52,940 children) in institutions<sup>5</sup>. Children under 11 years of age live more often in foster care

<sup>5</sup> The remaining children are included in the broad category of “Other” covering various situations.

than do older children and young people. Of the children under 11 years of age who had been placed outside their biological parents' home, 67% lived in foster care (Borderie, Trespeux, & French Ministry of Social Affairs, Health and Women's Rights, 2014).

**Table 3: Children receiving home-based interventions and out-of-home placements at the end of 2012**

	<b>Home-based interventions</b>	<b>Out-of-home placements</b>	<b>All interventions</b>
Number	153,040	150,350 (101,440 of which were judicial placements)	303,400
Per 1,000 children aged 0–21 years	About 9	About 9	18

Source: Borderie, Trespeux, & French Ministry of Social Affairs, Health and Women's Rights (2014).

The rate of children receiving at least one intervention measure from the child protective services is significantly higher in Norway. Even though home-based interventions represent the majority of intervention measures in both countries, out-of-home placements still represent an important share of child protection, especially in France. Moreover, Norway makes greater use of voluntary interventions than does France, where legally enforced intervention measures represent an extremely high share of all child protection and welfare interventions. In contrast, the much higher share of voluntary and home-based interventions in Norway indicates that the use of coercion is unnecessary in most cases, pointing towards a greater tolerance of and demand for state intervention in families in that country than in France.

### 3. Child Protective Services and Family Cultures: A Research Overview

This section gives an overview of relevant research both nationally and comparatively. I used the research literature to set the contextual background for the study. The two questions that guided the selection and the analysis of the literature were, What do researchers know from the existing research about the similarities and differences between the Norwegian and French child protection and welfare systems, and what factors are likely to explain cross-national differences? To locate relevant literature, I combined three main search strategies: (i) searching by topic and by author in library catalogues (BIBSYS), (ii) searching by topic and by author in the electronic database Google Scholar, and (iii) tracing references<sup>6</sup>. I selected recent studies that had been conducted within the social sciences field, that focused on France or Norway, and that were directly relevant in answering the dissertation's main problem and the research questions addressed in the research paper—in other words, studies that shed light on the main dimensions of child protective services addressed in this dissertation: understandings of family and family ties in both home-based interventions and out-of-home placements. With these criteria, the volume of literature became manageable. Furthermore, only research literature in English, French, and Norwegian was included.

This literature overview is organised thematically. To explain cross-national differences in child protective services, Hetherington (2006) recommended taking into consideration the interplay among structures, cultures, and professional ideologies<sup>7</sup>. In the next subsection, I describe the material and institutional contexts of child welfare and protection in Norway and in France (structures). Then I concentrate on perceptions of family and biological kinship ties in Norwegian

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<sup>6</sup> To search in BIBSYS, I used the following search words: “child protection systems”; “child welfare policies”; “child protection policies”; “child protection work”; “child welfare law”. Furthermore, I combined the key words “welfare state” and “family” and the key words “child protection/child welfare” and “comparative”. When I conducted the same search in Google Scholar, these keywords gave too many results; therefore, I used the following search words: “comparative child protection”; “child protection law” and “comparative”; and “child welfare work” and “comparative”.

<sup>7</sup> While pointing out the role of structure, culture, and professional ideology in explaining cross-national differences in child protection practice, Hetherington argued that structures are not a determining factor and that professional ideologies are broadly similar across countries. According to her, culture—notably the normative conceptions of the role of the parents, the state, and the community—constituted the most important factor to consider in understanding cross-national variation.



and French child protective services (cultures). Finally, I discuss social work training and the theoretical knowledge bases of child protection and welfare work (professional ideologies).

## ***Structure***

Material factors are likely to influence both the nature and the scope of child protective services and social workers' perceptions. Before examining the Norwegian and French welfare systems, I provide a short presentation of the material contexts. Then I examine the central characteristics of the child welfare and protection systems.

### **Material contexts**

In 2013, the unemployment rate was 3.4% in Norway and 9.9% in France (OECD, n.d.). Although social inequalities have been on the rise in both countries, reflecting broader international trends, they remain significantly higher in France than in Norway, as reflected in the Gini index. In 2011, the Gini index was 0.309 in France and 0.250 in Norway (OECD, n.d.). In addition, the scope of child poverty is much larger in France: in 2011, the child poverty rate was 10.8% in France and 5.4% in Norway.

The contrasted socio-economic situations of Norway and France conceivably affect the welfare of children and their families and the need for child protective services. According to a recent UNICEF report (UNICEF Office of Research, 2013), Norway ranked on average 4.6 for child well-being among 29 rich countries, whereas France's average rank is 12.8 (Table 4).

**Table 4: Child well-being in Norway and France**

	<b>Norway</b>	<b>France</b>
Overall well-being (average rank)	4.6	12.8
Material well-being	3	10
Health and safety	7	10
Education	6	15
Behaviour and risk	4	13
Housing and environment	3	16

Source: UNICEF Office of Research (2013).

The nature of the welfare systems as well is likely to influence children and families' well-being.

## **The welfare systems**

Esping-Andersen's (1990) welfare regime model examined the various roles that the state, the market, and the family play in the provision of welfare in industrial societies. Furthermore, he highlighted the distinct political forces and institutional legacies from which these different configurations originate. He distinguished between three "welfare state regimes": the "liberal", the "corporatist", and the "social democratic" (pp. 26–27).

Social democratic welfare states such as Norway aim at enhancing equality through providing universal services and benefits and implementing redistributive measures. Moreover, they strive to emancipate individuals from dependency on family relationships, something Esping-Andersen (1999) later described as "de-familialization" (p. 46)<sup>8</sup>. In contrast, corporatist welfare states such as France tend to reproduce existing social statuses (Esping-Andersen, 1990). In accordance with the principle of subsidiarity, public services, including day care, are limited to a minimum in these welfare states. However, the French welfare state does not fit too well into the category of corporatist welfare regime because public services, notably day-care services, are well developed in France.

Esping-Andersen's (1990) model has been much criticised, notably for neglecting family (see, e.g., O'Connor, 1993). It is not possible, however, to review these criticisms in the limited space of this dissertation. In the next paragraphs, I examine alternative models that are more suitable for apprehending differences in welfare traditions relevant to a discussion of family cultures.

Building on Esping-Andersen's work, Masson's (2009) welfare paradigms captured key divergences between France and the Nordic countries regarding the role of families within welfare. Masson distinguished between three paradigms: the free agent, citizen equality, and multifaceted solidarity. The following discussion of Masson's model focuses on the paradigm of citizen equality and the multifaceted solidarity paradigm, as these are the paradigms currently prevailing in Norway and in France respectively.

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<sup>8</sup> Lister (1994) had previously introduced the concept of "defamilialisation" (p. 37).

The paradigm of citizen equality is based on universal citizenship. It does not tolerate well individuals' dependence on the family and distrusts family solidarities. Instead, it favours a direct dependence between individuals and the state. The multifaceted solidarity paradigm makes individuals' identity and social status dependent on several levels of belonging, from the family level to the state level. It trusts parents' generosity and views family solidarities positively. Moreover, this paradigm is favourable to a sharing of responsibilities for the welfare of individuals between the state and the family (Masson, 2009).

Similar to Masson, Berggren and Trägårdh (2010) noted that Nordic welfare states put more emphasis on individual autonomy and equality than continental welfare states. They argued that although Sweden and Germany share an acceptance of state intervention, their social contracts draw on different types of alliances. In Sweden (but this also applies to Norway), state intervention strives to emancipate individuals, notably children, from dependency on family and kinship ties. The main alliance is the one between the state and the individual. In continental European countries such as Germany and France, the state provides families with supports so that they are able to ensure the welfare of their members. In these societies, "a strong family is both a means and an end for social welfare policies" (Berggren & Trägårdh, 2010, p. 53). Here the alliance between the family and the state prevails. Trägårdh (1997) used the phrase "statist individualism" (p. 255) to describe the Swedish—and more broadly, the Nordic—social contract based on an alliance between state and individuals. The alliance between the family and the state that characterises continental welfare states can be described as "state familialism" (Lenoir, 2005, p. 12).

These distinct welfare paradigms or alliances are grounded in specific histories. Religious factors such as the inheritance of respectively Lutheranism in Norway and Catholicism in France are certainly significant in understanding the differences in the normative conception of the relationships between the state, individuals, and families. However, religious factors should not be viewed in isolation from broader socio-political contexts. While noting the consistency between features such as a positive view of government, individualism, and equality, and the Lutheran tradition, Trägårdh (2014) recommended taking into account, along with this legacy, the interplay between a broader range of socio-political factors, including the Nordic legal tradition, free peasantry, and Nordic family cultures.

Therborn (1993) highlighted the role of legal traditions in explaining the differences in the timing of the spreading-out of children's rights in industrial countries, along with the cultural traditions of patriarchy and religion<sup>9</sup>. Distinguishing between four families of legal nations—the Anglo-American Common Law, the Romanistic, the Germanic, and the Nordic families of nations—Therborn described the Nordic countries as “the vanguard” (p. 258) and the Romanistic family of nations as “the rearguard” (p. 262).

Norway implemented a child's ombudsman as early as 1981. Furthermore, it ratified the UN Convention on the Rights of the Child in 1991, and in 2003, the convention was incorporated in Norwegian law (Befring & Barne- og Likestilling departementet, 2009). Whereas France was among the first countries to ratify the UN Convention on the Rights of the Child in 1990, it was only in 2000 that a child's ombudsman was created. Moreover, when a consolidated ombudsman was created in 2011, the function of the child's ombudsman was transferred to the deputy in charge of children's rights (Gabriel, Keller, Bolter, Martin-Blanchais, & Séraphin, 2013).

Although the implicit ranking of countries operated by Therborn (1993) is problematic in a comparative study, the distinct religious and legal traditions of France and Norway clearly matter for understanding cross-national differences in the child welfare laws and in child welfare workers' accounts. In the next subsection, I draw on international comparative studies of child protection and child welfare systems to highlight the main similarities and differences between Norwegian and French child protective services.

### **The Norwegian and French child protection and welfare systems**

Gilbert (1997) provided a categorisation of child protection systems that is useful to frame the comparison between Norway and France even though the two countries are not included as cases. He distinguished between two categories of systems: the “child protective orientation”, which prevails in the Anglo-Saxon countries, and the “family service orientation” (p. 4), which is represented in both Nordic and continental European countries. While child abuse tends to be framed as a problem of individual pathology in the child protective orientation, in the family service

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<sup>9</sup> Therborn (1993) identified a three-step sequence in this development, from a “child-centred family”, to “child equality” (i.e., equality between legitimate and illegitimate children), and finally to “child integrity” (p. 257).

orientation, the emphasis is on family dysfunction. Moreover, whereas legal investigations represent the dominant reaction to child abuse in the child protective orientation, in the family service orientation, the response to child abuse is predominantly therapeutic. In addition, the relationship between the family and the state can be described as adversarial in the child protective orientation and as a partnership in the family service orientation. Finally, out-of-home placements negotiated with parents are more common in the family service orientation.

Similar to Gilbert (1997), Cameron and Freymond (2006) contrasted “child protection systems” and “family service systems” (p. 5). They categorised France as a family service system. While child protection systems, with their emphasis on individual rights and responsibilities, concentrate their focus on the protection of children from harm, family service systems grant a priority to preserving the parent–child relationship and helping families to fulfil their caring duties. Moreover, the prevailing conceptions of the causes of families’ difficulties differ in these two categories of systems. Child protection systems stress parental deficiency and focus on changing parents; if this is not possible, the child should be removed from his or her family. Family service systems grant more importance to family breakdown as a source of difficulties, and put more emphasis on helping families and maintaining the parent–child tie. Finally, family service systems exhibit a higher level of trust in professional discretion, whereas child protection systems favour standardised assessment tools (Cameron and Freymond, 2006; Freymond and Cameron, 2006).

Hetherington (2006) identified a link between “child protection systems” and liberal welfare regimes on the one hand, and between “family services systems” and social democratic welfare states—like Norway—and conservative welfare states—like France—on the other hand. According to her, the main differences between the child welfare systems of the social democratic and the conservative welfare states relate to the state’s involvement in service delivery, the latter being more important in social democratic welfare states. However, there are important differences among continental welfare states on this dimension: the state plays a larger role in the delivery of child protective services in France than in Germany (Hetherington & Piquardt, 2001).

In a recent update of the 1997 book edited by Gilbert (2011a) in which Norway is now included, Gilbert, Parton, and Skivenes (2011b) suggested that the categories Gilbert (1997) previously used are no longer sufficient to account for the complex reality of society’s responses to child abuse, as countries with a child protective orientation and countries with a family service orientation have

borrowed elements from each other. Furthermore, they argued that a third approach concerned with the individual child's rights, development, and well-being has emerged, the "child-focused" orientation (Gilbert et al., 2011b, p. 252). This emerging orientation puts to the test the more traditional family preservation and least intrusiveness principles that lay at the core of the family service orientation (Pösö, Skivenes, & Hestbæk, 2014). However, as Gilbert et al. (2011b) underlined, the child-centric approach is not exclusive of more traditional orientations including the family service orientation, but rather can coexist with them. For example, the Norwegian child welfare and child protection system combines features from both the family service orientation and the child-focused one (Skivenes, 2011).

### ***Culture: Distinct notions of family within child protective services***

In this subsection, I examine in more detail the cultural aspects of the Norwegian and French child protective services, focusing more specifically on the notions of family in these services. Previous research has revealed the imprint of an individualistic (or child-focused) understanding on Norwegian child protection and welfare work, and of the idealisation of biological family ties in French child protective services.

Grinde (2003, 2007)<sup>10</sup> examined cross-national differences in both legislation and practices among the Nordic countries and shed light on differences with regards to the position of parents' rights and the valorisation of the family unit. While all three countries' legislation incorporated the best interest of the child principle, Norwegian law stood out for its greater emphasis on the child's interest in the case of conflicting interests. The Norwegian child welfare workers, in comparison with the two other national groups, were more willing to resort to out-of-home care, including compulsory care. They were also more convinced of the need to speak with the children (Grinde, 2007; see also Grinde, Haugen, Bunkholdt, & Ministerråd, 2004).

Križ and Skivenes's (2012) comparative study of child welfare workers' perceptions of immigrant children demonstrated that more Norwegian participants had a strong child focus compared with the English participants, who were more "family-focused" and sensitive to racism (p. 448). While English workers stressed the protection of children in a narrow sense, that of preserving children

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<sup>10</sup> I have included only the most recent publications in Norwegian from this project.

from harm, the Norwegian workers were concerned about children's needs and parental responsibilities, and they adopted a "change-orientated perspective" (Križ & Skivenes, 2012, p. 448).

A Norwegian study by Backe-Hansen (1994) focusing on the patterns of contact arrangements among Norwegian foster children uncovered social workers' ambivalence towards contact. The child's age at the time of the placement appeared to be a decisive factor. For most of the children under 2 years of age at the time of the placement, contact with biological parents was either not maintained at all or terminated after a short time. Moreover, Backe-Hansen underlined the significance of negotiations and cooperation between social workers, biological and foster parents, and children for the contact arrangements.

Contact was also limited in the cases examined by Eide (2007). Although social workers viewed children's relationship to their biological mothers as important for the children, and emphasised the loving relationship between them, they were also very much concerned with the burden that the mother-child relationship represented for the children who worried about their parents' problems. Finally, a recent study by Ellingsen (2010) found that a sample of Norwegian social workers shared a common view of the relationships with both the biological and the foster parents as important for foster children<sup>11</sup>. While these findings may indicate a change in social workers' perceptions of biological kinship ties since Backe-Hansen's study, the focus of Eide's and Ellingsen's studies on another age group—adolescents—may also account for these differences.

Cooper et al. (1995)<sup>12</sup> highlighted the influence of the different "cultural notions of 'the family'" (p. 89) on the English and French child protection systems and social work practice. They showed that the English social workers were more concerned with children's individual rights than their French counterparts were. Furthermore, after a placement, child welfare interventions in France put greater emphasis on rehabilitating parents, reunifying families, and maintaining biological kinship ties than was the case in England. While English social workers were concerned with permanency planning, French children's judges and social workers were reluctant to place children

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<sup>11</sup> Ellingsen, Shemmings, and Størksen (2011) investigated perceptions of family among adolescents in foster care. They found that a majority of participants viewed both the foster family and their birth family as part of their family.

<sup>12</sup> This research project was later extended to include more countries and resulted in further publications (Hetherington et al., 1997, followed by Grevot, 2001).

permanently in foster care. The French idealisation of the biological family translated into a reluctance to separate children from their parents on a permanent basis. However, in practice, some children stayed in care for long periods. Even today, 20 years later, this observation still applies.

Boddy, Statham, Danielsen, Geurts, Join-Lambert, and Euillet (2014) noted the growing emphasis on “birth parent involvement” and “partnership with parents” in French child protective services when children live away from home (p. 156). Moreover they highlighted that the degree to which judicial placements involve a delegation of parental authority determines “the extent to which birth parents are still legally responsible for their child” (p. 159) and consequently sets the basis for how work with the families of children in care is thought about. Here it is important to have in mind that in France, parents retain parental authority.

National studies from France also highlighted the high priority granted to maintaining parent–child ties in French social work with out-of-home placements, as well as the lack of acknowledgment of the kinship ties between children and their foster parents (Cadoret, 1995, 2001; Potin, 2012; see also Becquemin, 2006). According to Cadoret (2001), French child protective services strove to “maintain a distance to prevent the emergence of a filiation tie between the foster family and the fostered child” (p. 108)<sup>13</sup>. Robin (2010) also found that professional practice aimed to maintain the tie with biological parents. Professionals perceived children’s return to their biological parents as one key intervention goal. However, young people’s perceptions of the family departed from professional ones: when professional accounts emphasised the biological nuclear family, young people had a plural view of the family, stressing the extended family, elective ties, and multiple belonging.

### ***Professional ideologies***

The following examination of the professional ideologies of child protection and welfare social work in Norway and France focuses on two main aspects: social work training and theoretical knowledge bases. Social work training is important to consider because educational institutions play a central role in the reproduction of professional ideologies. Moreover, theoretical knowledge also influences the ways in which social workers understand children, parents, and families, and

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<sup>13</sup> The term “filiation tie” is usually reserved for describing the connection between children and their birth or adoptive parents.



the state's duties and responsibilities. However, theoretical knowledge is only one part of social work knowledge bases, along with ethical, practical (or experiential) knowledge, and common-sense knowledge (Hutchinson, Lund, & Oltedal, 2001; Serre, 2004).

## **Social work training**

In Norway, the two main professions involved in child welfare work are child welfare pedagogues (*barnevernspedagoger*) and social workers (*sosionomer*). While the profession of social worker is generalist, the profession of child welfare pedagogue concentrates its focus on vulnerable children. Even though no authorisation is required to work at child protection and child welfare agencies, most of the child welfare workers employed by municipal child protection agencies hold degrees in either child welfare pedagogy or social work<sup>14</sup>. The profession of social worker is the oldest one, beginning in the 1920s<sup>15</sup>. The professional title of social worker (*sosionom*) and the professional organisation Norsk Sosionomforbund (Norwegian Union of Social Workers) were created in 1967 (Hutchinson et al., 2001; Levin, 2004). The title of child welfare pedagogues was created in 1968 (Levin, 2004)<sup>16</sup>. In 1992, a joint organisation for child welfare workers, social workers, and social educators was formed (Hutchinson et al., 2001; Levin, 2004). In Norway, training in social work exists from the bachelor's to the doctoral level, and training in child welfare exists at the bachelor's and the master's level. Training in both social work and child welfare is mostly provided at university colleges and the new universities<sup>17</sup>.

In France, the two main professions involved in child protection and welfare social work are social workers (*assistants de service social*) and specialised educators (*éducateurs spécialisés*). Social worker is a generalist profession. Specialised educators are trained to work not only with children and young people, but also with adults facing various challenges. The first national degree in social work (*diplôme d'assistant social*) was created in 1932. In 1944, the *Association Nationale des*

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<sup>14</sup> In 2007, 46% of Norwegian child welfare workers employed by municipal child protection agencies held a bachelor's in child welfare and 34% held a bachelor's in social work; 10% had another university degree (Befring & Barne- og Likestilling departementet, 2009, p. 73).

<sup>15</sup> The Norwegian Women's Council implemented a one-year social course in 1920 (Hutchinson et al., 2001; Levin, 2004).

<sup>16</sup> The first child welfare pedagogue training was implemented in 1952. It was a year in length and targeted leaders of child welfare institutions (Levin, 2004).

<sup>17</sup> One private diaconal foundation within the Lutheran church offers one training programme (Hutchinson et al., 2001).

*Assistantes Sociales* (National Association of Social Workers) was formed (Jovelin, 2008). The profession of specialised educator emerged in the 1940s. The first professional organisation, ANEJI (National Association of Educators of Maladjusted Youth), was formed in 1947<sup>18</sup>, and the state degree of specialised educator (*diplôme d'état d'éducateur spécialisé*) was implemented in 1967 (Jovelin, 2008). In France, training in social work and specialised education lasts 3 years and takes place mostly at private educational institutions<sup>19</sup>.

In both countries, child welfare work involves members of two social work professions, one generalist and the other specialised. However, the profession of child welfare pedagogue is much more specialised in the specific area of child welfare than that of specialised educator. In addition, unlike Norway, where social work constitutes an independent academic discipline, in France, neither social work nor specialised education constitutes a discipline taught at universities.

### **Distinct theoretical references**

In Norway, socially marginalised families, families with immigrant background, and single parents are clearly over-represented among the parents and families of children who receive child protective services (Backe-Hansen et al., 2013; Kojan, 2011; Skivenes, 2015). However, Norwegian child welfare workers' focus in their assessments on parent-child interactions, parenting skills, and mothers' abilities to fulfil children's psychological needs often leads them to overlook the influence of structural determinants such as poverty and inequality on parenting (Andenæs, 2004; Sagatun, 2011; Vagli, 2009). Andenæs (2004) previously related Norwegian child welfare workers' lack of acknowledgment of the influence of poverty on parenting to the strength of the egalitarian ideology leading to under-communicating differences, and to the influence of decontextualising developmental psychological models.

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<sup>18</sup> This organisation does not exist any longer. A new professional organisation, ONES (National Organisation of Specialised Educators), was created in 2008.

<sup>19</sup> Although French universities and *grands établissements* such as the CNAM (National Conservatory of Arts and Crafts) offer master's degrees in social work, these programmes are provided within other disciplines' departments. For example, when a specialisation in social work at the PhD level was created in France in April 2013, the new specialty (*mention*) was not a PhD in its own right; instead, it was connected, and still is, to two existing PhDs, one in sociology and one in educational sciences (Jaeger, 2014).

Psychology<sup>20</sup> is prominent in the social work profession's curricula in Norway<sup>21</sup>. Moreover, along with social pedagogy, it constitutes an essential component of the professional culture of Norwegian child welfare pedagogues (Befring & Barne- og Likestilling departementet, 2009)<sup>22</sup>. The psychodynamic approach, which draws on psychoanalysis, has been much criticised, and few social workers today would claim they are working within this perspective (Hutchinson et al., 2001). Developmental psychology and attachment theories occupy a central and hegemonic position in child welfare workers' professional knowledge bases (Andenæs, 2004; Befring & Barne- og Likestilling departementet, 2009; Ellingsen, 2010). Moreover, since the late 1990s, knowledge-based models and evidence-based knowledge drawing notably on behavioural sciences have increased in importance, and research centres specialising in child welfare have been established (Kroken, 2012). In addition, standardised assessment tools grounded in developmental psychological models, such as the tool developed by Kvello (2007), have been developed and implemented in many municipal child protective services. However, part of the profession is sceptical about evidence-based practice, and some researchers have instead recommended using the phrase "evidence informed programs and practices" rather than evidence-based practice (Backe-Hansen et al., 2013, p. 197).

Serre (2009) observed that many French social workers applied a "materialist approach stressing living conditions" (p. 164). Moreover, Boucher (2011) found that professionals tended to perceive parents as economically deprived and viewed them as victims rather than as culpable. This emphasis on material aspects should be viewed in relation to the fact that social workers—especially the generation of social workers educated in the 1970s—were sensitised to critical sociological perspectives (notably theories of social control) through their education (Serre, 2009).

French sociology, along with history and philosophy, adopted a critical position towards psychological knowledge, thus contributing to put it into perspective. By deconstructing the position of psychological knowledge, Foucault's archaeology contributed to legitimising other bodies of knowledge such as the sociological perspective (Neyrand, 2011a). In the 1970s, socio-

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<sup>20</sup> Notably developmental psychology, social psychology, and clinical psychology.

<sup>21</sup> A national curriculum was implemented in 1974 for training in social work and in 1982 for child welfare pedagogues (Befring & Barne- og Likestilling departementet, 2009).

<sup>22</sup> The social workers' curriculum exhibits a broader social science profile than the curriculum in child welfare pedagogy (Befring & Barne- og Likestilling departementet, 2009).

historical work on family in the Foucauldian tradition flourished in France (see, e.g., Donzelot, 1977; Meyer, 1983).

Among the “psy” disciplines, psychoanalysis—notably Freudian, Lacanian, and analytical or Jungian psychoanalysis—has been especially influential in child protection and welfare social work in France (Giuliani, 2009; Grevot & Lacharité, 2009). Psychoanalysis became central in knowledge related to childhood in the period following World War II (Neyrand, 2011a), and from the 1960s onwards, it became a central reference in child welfare and child protection social work (Cooper et al., 1995; Fablet, 2008; Grevot & Lacharité, 2009). Neyrand (2011a) suggested that the rise of psychoanalysis as a central theoretical reference among French social workers was concomitant with the destabilisation and identity crisis following the criticisms of these professions for being agents of social control. According to him, social work was then in search of “a more legitimate normativity of reference” (p. 199).

Psychoanalytical theories emphasising the mother–child tie and the traumatic effects of separation resulted in criticisms of out-of-home placements in France in the 1960s–1970s, and the intervention of psychiatrists in child welfare teams from the 1960s–1970s onwards conceivably contributed to the diffusion of the orthodoxy of the maintenance of the parent–child tie in child protection and welfare social work (Becquemin, 2006). Although theoretical references have become more diverse since the 1980s, including most notably systems theory, psychoanalysis has remained the dominant paradigm (Cooper et al., 1995; Grevot & Lacharité, 2009). Even though attachment theories are part of their professional repertoires, French professionals are often unaware of them, and these theories are little used in practice (Savard, 2010). In addition, French professionals are highly sceptical about behaviourist models, decision support tools, standardised assessment tools, and evidence-based practice (Cooper et al., 1995; Grevot & Lacharité, 2009).

Attachment theories and psychoanalysis reflect and support distinctly different understandings of the family and the parent–child relationship<sup>23</sup>. Attachment theories stress the importance of the nature of children’s attachment to their mother or to a maternal substitute for their development

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<sup>23</sup> Grevot and Lacharité (2009) previously highlighted the importance of the dominant theoretical paradigms to understand cross-national differences. They showed the influence of respectively the psychoanalytical perspective (France) and the eco-systemic perspective (Québec) on the understanding of children, parents, and families in child protective services.

and emotional well-being (Ainsworth, 1982; Bowlby, 1952). Psychoanalysis is concerned not only with the mother–child relationship, but also with the father–child relationship, in particular with the symbolic function of the father and the child’s position in a genealogy (Neyrand, 2011a).

Not only attachment theories, but also behavioural sciences stand in opposition to psychoanalysis. Although both psychoanalysis and behavioural sciences entail the exposure of the individual to the gaze of professionals, they do operate differently: whereas behavioural sciences establish a “behavioral object”, psychoanalysis involves a “speaking subject” (Fraser, 1981, p. 277) and emphasises truth telling—for example, revealing family secrets (Foucault, 1976; Fraser, 1981). In addition, psychoanalytically grounded social work is reluctant to impose norms (Donzelot, 1977). Thus psychoanalytically oriented approaches tend to represent a more indirect and diffuse form of normative imposition than do behavioural approaches.

### ***Gaps in previous research and contribution to the field***

Both Norway and France were previously characterised as having systems oriented towards family service, but the two countries exhibit differences when it comes to perceptions of family. Norway tends to be more child-centric. Norwegian child welfare legislation and practice stand out by their focus on the individual child (Grinde, 2003, 2007; Križ & Skivenes, 2012). In contrast, French child welfare laws and practice bear the imprint of an idealisation of the biological family (Cooper et al., 1995; Daguerre, 1999; Grevot, 2001). In addition, the theoretical paradigms that dominate child welfare and child protection social work differ: first, the position of sociology is stronger in France. Second, despite the use of psychological knowledge in both countries, child welfare workers in Norway and in France draw on different types of psychological knowledge. In Norway, development psychology, attachment theories, and behavioural sciences clearly dominate. In France, psychological knowledge is more variegated.

Przeworski and Teune (1970) have distinguished between two main categories of comparative research design: the “most similar systems” design and the “most different systems” design. The “most similar systems” design selects cases that share many characteristics in order to maximise homogeneity among systems and then looks for differences between them. As common factors are irrelevant in explaining differences across systems, this irrelevancy allows for limiting the number of factors that can be used to explain the empirically observed differences between systems. In

contrast, the most different systems design maximises heterogeneity among systems and looks for similarities between them.

Previous comparative studies focusing on child protection shed light on differences in the nature and scope of child protective services between systems oriented towards child protection and systems with a family service orientation. These researchers paid scant attention to differences within the group of countries categorised as having family service systems, with a few exceptions (Backe-Hansen et al., 2013; Grinde, 2003, 2007; Grinde et al., 2004). In the study for this dissertation, I applied a “most similar systems” design. By focusing on Norway and France, I sought to shed light on more subtle differences in the foundations of child protective services. In particular, the dissertation highlights a dimension of variation that has been relatively neglected in previous comparative research on child protection, namely the perception of “family” and “family ties”.

This dissertation includes the two main types of intervention: home-based interventions and out-of-home placements. The reason for doing so is that the state’s regulation of family and the parent–child relationship takes different forms and has different implications depending on whether the child lives at home with his or her biological family or in substitute care. I expected that looking at these distinct moments of intervention would yield complementary insights on the relationships between family cultures and child protective services.

Finally, even when they mentioned the role of culture as an explanatory factor, previous researchers seldom discussed in detail the cultural understandings of family underpinning both the legal foundations of child protective services and child protection and welfare social work. Although culture has been used as a notion in previous research, the authors in question did not elaborate on cultural meanings. Ignoring the theoretical debates that have animated cultural sociology in recent years, comparative child protection research has drawn on a traditional conceptualisation of culture in terms of values and attitudes (see, e.g., Cooper et al., 1995; Grinde, 2003, 2007), concepts that were previously criticised notably for their essentialism and their abstract and ahistorical character (Swidler, 1986). In the next section focusing on the theoretical frameworks of the study, I discuss theories both from cultural sociology and from family and kinship studies that are relevant in examining the relationships between child protective services and family cultures.

## 4. Theoretical Frameworks

To discuss the relationships between child protective services and family cultures, the research draws on theoretical perspectives from cultural sociology and from family and kinship studies. In this section, I examine the theoretical frameworks of the study, in contrast to the next section, where I discuss the analytical approaches. However, the distinction between theoretical and analytical approaches is not clear-cut; rather, the analytical and theoretical approaches applied in this dissertation are tightly connected.

The perspectives from cultural sociology applied in this dissertation include Foucauldian approaches to government (Foucault, 1982, 1991) and Goffman's (1986) concept of frame. A long research tradition has applied Foucauldian perspectives in investigating the government of families by child welfare agencies, highlighting the ambiguities of social work interventions in families (see, e.g., Boucher, 2011; Chambon, Irving, & Epstein, 1999; Donzelot, 1977; Hennem, 2011). The use of Goffman in this field of research is more original.

Playing with the polysemy of the term *encadrement* in French, Serre (2009) had previously characterised child protection work as an activity of “family framing” (in French, *encadrement des familles*) (p. 14). According to her, social interventions monitoring families “cover two dimensions, the one cognitive and normative, the other, practical and concrete” (Serre, 2009, p. 14). She argued that the first dimension (i.e., the cognitive and normative one) is an “activity of classification and interpretation” (Serre, 2009, p. 14)—in other words, an activity of “framing” (Goffmann, 1986)—and the second dimension (i.e., the practical and concrete one) refers to “practices of government” in the sense Foucault gave to this term (Serre, 2009, p. 15). Drawing on theoretical perspectives from both Foucault and Goffman, this dissertation incorporates these two dimensions of family framing.

Neither Foucault nor Goffman had family as their primary concern<sup>24</sup>. Thus, Foucauldian and Goffmanian perspectives are not sufficient alone in apprehending the cultural meanings of family. I therefore supplemented Foucauldian and Goffmanian approaches by theoretical approaches that focus more directly on family—specifically, family and kinship studies.

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<sup>24</sup> Although Foucault addressed family issues most notably in his history of sexuality (Foucault, 1976), he always linked family to other topics such as discipline, dispositifs, governmentality, and power-knowledge (Lenoir, 2006).

I begin with discussing Foucauldian approaches, and then I focus on Goffman's concept of frame. In the final subsection, I consider the concepts and theoretical perspectives from family and kinship studies that I applied in the study for this dissertation.

### ***Foucauldian perspectives***

In the following discussion of Foucauldian perspectives, I elaborate on the Foucauldian concepts applied in this dissertation in more detail than was possible in the limited length of the four research papers. Here I concentrate on the concepts explicitly used in the papers: that is, state control, regimes of truth, and the *dispositif*. In addition, I also include in this theoretical discussion three concepts that are closely related to state control: government, governmentality, and pastoral power. However, I do not discuss Foucault's "history of the present" and genealogy in this section. Instead, I consider these two concepts in the next section together with the discussion of the analytical approaches.

### **State control, government, and pastoral power**

Here I understand control as a set of constraints that are both cognitive and normative, and the concrete procedures involved in the government of families. Thus the meaning I give to this term is very close to Serre's (2009) concept of "family framing". However, the meaning Foucault gave to "state control" is more specific. Foucault (1982) used the notion of state control to refer to the fact that in modern societies, power relationships have to relate to the state. According to him, power relationships "have been progressively governmentalized, that is to say, elaborated, rationalized, and centralized in the form of, or under the auspices of, state institutions" (Foucault, 1982, p. 793).

Foucault (1991) used the term "government" to designate a form of power that targets population and aims to increase its welfare. Practices of government take multiple forms and have multiple targets: these targets include the government of the state, of the self, of children, and of the family (Foucault, 1991). According to Foucault, from the 18th century onwards, the family ceased to be a model of government; instead, it became a central instrument in government, and it served as a support for the control of populations (Foucault, 1976, 1991). Foucault (1991) used the term "governmentality" to refer to three things: (1) a set of institutions and intellectual tools required by the exercise of the specific form of power that government represents; (2) the tendency leading to



the pre-eminence of this form of power that involves the development of apparatuses and a body of knowledge; and (3) the outcomes of this process of governmentalisation. Moreover, he argued that governmentality is defined by its specific target (population), knowledge base (political economy), and technical means (security apparatuses). Although Foucault emphasised the distinction between government, sovereignty, and discipline, he stressed the fact that government did not replace sovereignty and discipline; rather, he viewed all three as interacting.

Foucault's reference to the state should not be misunderstood. His mention of the state in relation to control does not mean that he viewed power as essentially located in the state. Moreover, Foucault did not conceive of the modern state as an entity separated from the individuals. Rather, he viewed the modern state "as a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns" (Foucault, 1982, p. 783). What characterises the power of modern states, according to Foucault (1982), is its "individualizing and totalizing" nature (p. 782).

Foucault (1982) related the unprecedented combination between "individualization techniques" and "totalization procedures" to the modern state's reliance on "pastoral power" (p. 782). He summarised his view of the modern state as follows: "We can see the state as a modern matrix of individualization or a new form of pastoral power" (p. 783). Foucault used the term "pastoral power" to designate a "very special" form of power that is "salvation oriented . . . oblativ . . . individualizing . . . coextensive and continuous with life . . . [and which is] linked to the production of truth" (p. 783). Pastoral power and its "individualizing tactic" spread out to pervade the society's various sectors. Foucault argued that pastoral power is distinct from its previous ecclesial institutionalisation in three main ways. First, it does not provide the perspective of redemption in the next world, but rather health, well-being, security, and protection in this world. Second, its exercise mobilises a broader range of actors, including not only state apparatuses, but also philanthropists, families, and doctors. Third, it involves the development of knowledge about both the population and the individual subject.

## Truth regimes and the *dispositif*

The new technologies of power described by Foucault—for example, evaluation—both rely on and contribute to the production of knowledge and truth about individuals, and also contribute to shaping people’s self-conceptions (Foucault, 1975). Truth regimes constitute a set of criteria, technical means, and institutional sanctions (Foucault, 1980). They comprise various forms of social constraints (or social power), such as the valorisation or devaluation of statements, institutional licencing, and discourses targeted at social work and social policy clients (Fraser, 1981). Foucault emphasised the close connection between power and knowledge. According to him, truth is not located “outside power”; rather, it is dependent on multiple forms of constraints, and it in turn “induces regular effects of power” (Foucault, 1980, p. 131). Foucault viewed truth as both the product of power systems and the producer of effects of power. Foucault described the relationship between truth and power as a circular one: “‘Truth’ is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it” (Foucault, 1980, p. 133).

As noted by Raffnsøe and Gudmand-Høyer (2005), *dispositif* can be viewed as an underlying red thread in Foucault’s scholarship. As Bussolini (2010) noted, the French term *dispositif* has been translated in various ways, including as “apparatus” (p. 85), as “deployment” (p. 86), and as “social apparatus” (p. 86). According to him, the *dispositif* covers a wider spectrum of meanings than “apparatus” and it lacks the association to the state that characterises “apparatus” (p. 93). For Bussolini, the power involved in *dispositif* is both “wider and more diffuse” (p. 94). To preserve the specific meaning of the term *dispositif*, Bussolini recommended translating it as “dispositive”. However, because the use of the term “dispositive” is not well established in English, here I keep the original French term *dispositif*, as Garland (2014) did.

Foucault used the concept of *dispositif* to designate an assemblage of heterogeneous elements, including discursive as well as non-discursive ones, and the interplay or network between them (Foucault, 1976; Neyrand, 2011b). Similar to truth regimes, *dispositifs* constitute networks. The main difference between them is that *dispositifs* also include non-discursive components. Law, discipline, and governmentality constitute *dispositifs* and can be analysed as such. The analysis of a *dispositif* focuses on a “transversal and fundamental level” that “links” experiences, knowledge forms, and institutions, and “allows these to emerge” (Raffnsøe & Gudmand-Høyer, 2005, p. 165).

The concept of *dispositif* allows the identification of regularities “permeating arguments and actions” that support them and make them “easier to articulate”, but without determining them (Born & Jensen, 2010, p. 331; Raffnsøe & Gudmand-Høyer, 2005). A *dispositif* has a strategic function—that is, it responds to a difficulty or an urgency (Raffnsøe & Gudmand-Høyer, 2005). Furthermore, a *dispositif* always operates in connection with other *dispositifs* and hence *dispositifs* should not be considered in isolation from their broader historical and societal contexts (Foucault, 1976; Raffnsøe & Gudmand-Høyer, 2005).

I used the concept of state control to examine the transformations in child welfare laws and policies (paper 2). Furthermore, I applied the concept of truth regime to analyse the knowledge underpinning particular understandings of family and kinship in child welfare at different times (paper 2) and places (papers 1, 3, and 4). Finally, I used the concept of *dispositif* to compare child welfare workers’ perceptions and practices in home-based interventions (paper 4).

Whatever its fecundity, Foucault’s framework also has limitations. Fraser (1981) has drawn attention to the normative ambiguities in Foucault’s study of power-knowledge regimes and his genealogical method. She has concentrated on the tensions between Foucault’s claims to value neutrality on the one hand, and his political involvement and the normative undertones of his depiction of modern power on the other hand. As Fraser noted, Foucault’s genealogy has clear normative political implications: it calls for opposition to modern power regimes. Fraser (1981) has linked the contradictions in Foucault’s theories to his concept of power. She argued that Foucault’s concept of power covers a broad range of phenomena, and he has no criteria for determining whether these different forms of power are tolerable or not.

Hacking (2004) previously argued that Foucault’s archaeologies—including genealogy—and Goffman’s sociology supplement each other’s weaknesses: together they make it possible to develop an understanding of the processes of constitution of individual existence. As Hacking noted, Foucault’s approach is “top-down” (p. 277), and it emphasises discourses in the abstract<sup>25</sup>. Its main weakness is that it fails to address the operation and institutionalisation of discourses in daily settings (Hacking, 2004). In contrast, Goffman’s approach can be described as “bottom-up” (Hacking, 2004, p. 278). Its main weakness is that it fails to provide a full account of the process

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<sup>25</sup> Unlike ideas, discourses are not viewed as being located in the individual consciousness. Discourses are made of stories on normalcy that have the power to modify individual actions and practices (Neumann, 2011).

of constitution of the institution and of the “surrounding structures” (Hacking, 2004, p. 288). In the next subsection, I discuss Goffman’s concept of frame.

### ***Goffman’s frame perspective***

Goffman (1986) used the terms “frames” and “frameworks of understanding” to refer to the “principles of organization” (p. 10) according to which social events and individuals’ experiences are defined and governed. He used the phrase “frame analysis” to designate “the examination in these terms of the organization of experience” (p. 11). Goffman also used the term “primary frameworks” to designate those frameworks that are not dependent on any previous interpretation. Moreover, he noted that primary frameworks can exhibit various amounts of organisation. While some frameworks are organised into a “system of entities, postulate and rules”, others have no “articulated shape”, offering barely “a lore of understanding, an approach, [or] a perspective” (Goffman, 1986, p. 21).

Frameworks, according to Goffman (1986), “provide background understandings for events that incorporate the will, aim and controlling effort of an intelligence, a live agency, the chief one being the human being” (p. 22). Goffman explicitly related the concept of framework to “culture”. According to him, culture is the sum of a group’s primary frameworks. Consequently, the process of considering these multiple frameworks can—and should—shed light on a group’s culture: “One must try to form an image of a group’s framework of frameworks—its beliefs system, its ‘cosmology’” (Goffman, 1986, p. 27). In addition, Goffman (1963) showed how social frameworks constrain everyday interactions. By explicitly relating stigma to the dominant social norms shared and incorporated by participants, he contributed to linking categorisation in social interaction to the broader social norms and mechanisms of social control.

The concept of frame allows for light to be shed on cultural variation while avoiding the pitfalls of more traditional perspectives on culture (Lamont & Thévenot, 2000). This concept has influenced my understanding of cross-national differences in the use of cultural categories such as “biology” and “filiation tie” (paper 3). Moreover, Goffman’s approach to culture is open to variations within a national community and across time. He noted, for example, that within the United States, the sharing of cognitive resources is incomplete (Goffman, 1986). Finally, Goffman (1986) also pointed out that frames have a history and change over time. To understand the processes of keying

and rekeying—that is, frame transformation—he suggested that the researcher should “think of each transformation as adding a layer . . . to the activity” (Goffman, 1986, p. 82).

After Goffman, social movement scholars have elaborated further on the concept of frame. Snow and Benford (1992) defined “frame” as “an interpretive schemata that simplifies and condenses the world out there by selectively punctuating and encoding objects, situations, events, experiences and sequences of actions within one’s present or past environment” (p. 137). Small (2002) explained differences in participation among the residents of the Villa Victoria neighbourhood in Boston, USA by the distinct term “neighbourhood frames”, defined as the “cultural categories through which residents perceive and interpret their neighbourhood” (p. 7). These neighbourhood frames are “*narrative-related*”—in other words, they are connected to particular stories about the neighbourhood (Small, 2002, p. 28). According to Small, individuals “tend to act not when acts are rational but when the actions accord with such narratives” (p. 23).

In addition to frame, Benford and Snow (2000) used the concept of “framing”, which according to them offers a “fluid conception” (p. 611) and emphasises agency and process (p. 614). The status of agency in framing perspectives has been the target of repeated criticisms. Interestingly, these concepts have been criticised for neglecting agency, as well as for overestimating it. For example, Benford (1997) criticised the social movement framing perspectives for “neglecting human agency” (p. 418), while Steinberg (1999) pointed to the tendency towards “excessive voluntarism” (p. 743) in certain framing perspectives. Likewise, Mik-Meyer and Villadsen (2013) previously underlined the ambiguity in Goffman’s work between a view of the self as “a social product” and a view of individuals as “not . . . determined by society and its institutions” (p. 31). Rather than putting the emphasis on a possibly damaging ambiguity, I view Goffman’s attempt to achieve a balance between structure and agency as valuable.

In the study for this dissertation, I used the concepts of “frame” and “framing” to conceptualise and operationalise culture and to describe the distinct cultural categories. In papers 3 and 4, I explicitly used the concept of framing, asking what the similarities and differences in the cultural framings of biological kinship ties in social workers’ accounts are. This concept also served as a background for the discussion of differences across national cultures and historical periods as reported in papers 1 and 2.

## ***Family and kinship studies***

Foucault (1982) recommended that to analyse power relationships, the researcher should take as a starting point “the forms of resistance against different forms of power” (p. 780). Taking the example of sanity, he suggested that “to find out what our society means by sanity, perhaps we should investigate what is happening in the field of insanity” (Foucault, 1982, p. 780). Child protective services are involved in families when the practices of family life depart from the dominant societal standards. In the same way that looking at insanity permits the study of sanity, considering child protective services permits the shedding of light on cultural understandings in the area of family life and child rearing.

Recent theoretical developments within sociology and anthropology underlining the complex and heterogeneous nature of Western family and kinship, as well as the tensions between biological and social kinship (Carsten, 2000; Edwards & Salazar, 2009; Gullestad & Segalen, 1995), have inspired the conceptualisations of family and kinship applied in this dissertation and oriented my interpretation of the empirical materials. Given the amount of literature available on family, kinship, and parenting, I do not provide an exhaustive account of this literature, but more briefly discuss the concepts of family, kinship, and parenting, and highlight key issues of relevance for answering the research questions addressed in the research papers.

### **Family**

The concept of family, notably its definite form (“the family”), has been much criticised, especially for being normative and bearing ideological connotations (Morgan, 2011; Silva & Smart, 1999; Smith, 1993). Important transformations have occurred in families since the late 1960s, leading to a diversification of family configurations and kinship relationships (Godelier, 2010; Smart & Silva, 1999). Still, in Western culture, the term family tends to refer to the nuclear family—a unit composed of two adults of different sex and one or several children living together in the same household (Levin, 1994; Smith, 1993).

A number of studies focusing on stepfamilies, post-divorce families, homo-parental families, adoptive families, families constituted with the assistance of reproductive technologies, and foster families have shed light on both the diversity and the changing nature of families, family concepts, and family lives (Cadoret, 1995; Levin, 1994; Smart & Silva, 1999; Stiklestad, 2006). Following

these recent discoveries, sociological definitions of family have moved from focusing on institution and structure to emphasising practices, and from biological and legal connections to subjective meanings (Morgan, 1996; Silva & Smart, 1999).

Even though the concept of family has been much criticised for privileging forms of relatedness involving biological connection (Smart, 2007), it retains a specific and irreplaceable heuristic value. While being well aware of the criticisms directed at the concept of family, family scholars have noted that it remains central for describing and understanding relationships (see, e.g., Edwards, McCarthy, & Gillies, 2012; Morgan, 2011). According to Edwards et al. (2012), alternative concepts such as kinship and personal life (Smart, 2007) are unable to convey a “sense of deep belonging” and “a meaning of family as a collective fusion beyond an aggregation of individual persons-in-relationships” (Edwards et al., 2012, p. 735)<sup>26</sup>. Moreover, the concept of family is essential in developing a sociological analysis of the normative judgements about family embedded in social and family policy (Edwards et al., 2012).

Although transformations of family configurations apply to all European countries including Norway and France, De Singly and Commaille (1997) have suggested that differences might persist between Northern and Southern European societies with respect to the degree to which individualism (here understood as the valuation of individual autonomy) is internalised and used as a principle of justification. Even though individualism is present in both French and Norwegian cultural repertoires, individualism is more in the foreground in Northern European countries and in Protestant countries such as Norway (De Singly & Commaille, 1997).

Not only the degree, but also the meaning attributed to individualism in Norway and France conceivably differs. The Norwegian anthropologist Marianne Gullestad’s (1992) discussions of “egalitarian individualism” highlighted the specific meanings of individualism and equality in the Norwegian—and more broadly, Scandinavian—society and culture. As she noted, in Norway, conceptions of individualism emphasise “independence” (Gullestad, 1992, p. 184), and equality “implies a considerable emphasis on being and doing the same” (p. 185).

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<sup>26</sup> Smart’s (2007) point is not that the concepts of family and family life should be abandoned, but rather that these concepts and that of personal life serve different purposes.

## **Kinship**

Since the 1980s, kinship has been reframed along the same lines as family (Smart, Neale, & Wade, 2001), so that many of the comments made when it comes to family apply also to kinship. Kinship is no longer equated with blood ties or legal connections (Edwards, 2000). Furthermore, conceptualisations of kinship have moved from emphasising institutions towards stressing practices and negotiated relationships (Morgan, 1996; Smart, 2007).

French and Norwegian kinship are part of a common European cultural model whose central principles and rules are blood ideology, bilaterality, genealogical proximity, and equality (Fine, 2001; Howell, 2001; Jallinoja & Widmer, 2011). The American anthropologist David Schneider (1980) contended that Euro-American cultural models understand kinship as based on natural (i.e., biological) facts. Furthermore, he argued that the anthropology of kinship has merely reproduced the existing assumptions incorporated in these models (Schneider, 1984). This radical attack on the concept of kinship has led to a profound renewal of the field of the anthropology of kinship.

In the wake of these criticisms, alternative concepts breaking with the connotations of blood and marriage (Smart, 2007) such as relatedness (Carsten, 2000) and relationality (Smart, 2007) have been forged. Moreover, Edwards (2000) has used the idiom of “born and bred kinship” (p. 28) to highlight the interplay of biological and social aspects<sup>27</sup>. As she noted, “the juxtaposition of being born and being bred allows for kinship to be conceptualised through both or through either” (p. 28).

Anthropological research also stressed the fact that biology requires interpretation, since it can take on various meanings and can play different roles in the production of kinship relations. Biology may refer not only to shared biogenetic substance, but also to gestation and giving birth (Edwards & Salazar, 2009). Cadoret’s (2009) study of family-making processes among lesbian families in France shed light on the different ways in which family and kinship can be conceived. She distinguished three ways: (1) one emphasising “desire . . . [and] subject therefore to the whims of the individual and her or his personal history”, (2) one emphasising “legislation, depending on

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<sup>27</sup> Specifically, Edwards (2000) wrote: “The kinship on which I focus requires both the biological and the social: it emerges from an interplay between the two rather than from the social elaboration of natural facts” (p. 28).



human or political decisions”, and (3) one focusing on “human biological materials” (p. 81). Noting the importance of all these aspects, she brought into question the tendency to base identity on genes. As Edwards (2000) mentioned, stating that kinship is based on a biological substratum is erroneous. The social aspects in kinship are often considered more fluid, whereas biology has tended to be linked with fixity. The sociologist Mason (2008) challenged the association between fixity and biology; she suggested that “fixed affinities may have no connection with biological ties . . . [and that] fixity can contain layers of electivity (and can be created)” (p. 35). According to her, “there are other ways in which kinship may be ‘given’, which are not to do with biology, substance or biogenetics” (p. 32).

## **Parenting**

The concept of parenting, here understood as the cognitive frames and taken-for-granted assumptions about how parents should behave in relation to their children, is distinct from both parenthood and kinship. Moreover, the recent shift in language from “child rearing” to “parenting” is not innocent, but rather reflects an alteration in meaning. As mentioned by Daly (2013), parenting differs from child rearing in at least three ways: its normative connotations, its “sense of activation”, and its “suggestion” that parenting “involves a set of skills that can be taught and learned in a service setting” (p. 162).

There is a huge body of knowledge showing how current cultural constructions of children and parenting reflect scientific accounts from developmental psychology, behavioural psychology, and neuropsychology (Burman, 2008; Lee, Bristow, Faircloth, & Macvarish, 2014; Ramaekers & Suissa, 2011). As noted in the research literature, these discourses convey normative assumptions. They involve a language that views particular feelings and actions such as love and play as instrumental in reaching defined outcomes; by focusing on the means rather than on parents’ perceptions and experiences, current accounts of parenting have a tendency to reduce child rearing and the parent–child relationship to skills and functions (Ramaekers & Suissa, 2011).

Recent research on parenting support policies and interventions also provides important insights into the cultural meanings of parenting. Daly’s (2013) comparative study of parenting support policies across Europe found two distinct meanings of parenting support. The first, “general parental support” (Daly, 2013, p. 170), understands parenting in broader ways—in other words, as

supporting parents in the exercise of their duties and responsibilities. The second, “support focused on parenting learning” (Daly, 2013, p. 171), prevailing in the UK, conceives of parenting as a set of practices and skills, and focuses on educating parents through behavioural training. According to Daly, the second understanding (i.e., support focused on parenting learning) is less likely to prevail in continental European countries such as France, with its more holistic view of the family. With its more individual view of the family, Norway is conceivably closer to the model of support focused on parenting learning.

According to previous national and comparative research on parenting support, parenting support interventions in France aim to support, accompany, and valorise parents, and not to teach them how to parent (Boucher, 2011; Giuliani, 2009; Join-Lambert Milova & Sohre, 2011). Moreover, several studies found that French professionals did not believe in the existence of recipes; they considered that parents know best (Boucher, 2011; Join-Lambert Milova & Sohre, 2011). Boucher (2011) observed that French social workers were concerned not only with care, but also more broadly with the parent–child relationship, child-rearing (education) issues, authority, and the exercise of parental roles.

In the research for this dissertation, I applied the concept of family to explore the distinct cultural understandings underpinning the legal provisions regulating out-of-home placements in Norway and France (paper 1). I drew on concepts and theoretical perspectives from the new kinship studies<sup>28</sup> to examine the complexities of social workers’ perceptions of biological kinship ties in out-of-home placements (paper 3). Finally, the perspectives on parenting inspired my analysis of child welfare workers’ accounts of parenting (paper 4).

## **5. Methodological Approaches**

This dissertation is a small-scale comparative study concentrating its focus on two countries and using as data the child welfare laws and professional accounts; organisations are outside the scope of this study. The overall research design of this dissertation is comparative, including comparisons across time (paper 2) and space (papers 1, 3, and 4). Comparative approaches may take different

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<sup>28</sup> After being eclipsed for some time, kinship has re-emerged as a focus of interest in social and cultural anthropology, giving birth to the “new” kinship studies (see, e.g., Carsten, 2000; Edwards & Salazar, 2009).

forms and pursue different aims, depending on an author’s disciplinary background and epistemological position. Focusing on anthropology, Krogstad (2000) distinguished between three types of comparison: (1) comparisons aiming to identify social laws, (2) comparisons taking as a starting point human action, and (3) comparisons within interpretative approaches. The methodological approach applied in this dissertation is closer to the third category. It draws on a view of social reality as socially constructed and it emphasises the construction and the interpretation of meaning (Haavind, 2000; Holy, 1987). Comparisons conducted within interpretive approaches grant priority to identifying culturally specific meanings rather than to testing universal hypotheses (Holy, 1987). Hence, they are especially fit to gain insight into “complexity and nuances in social phenomena” (Krogstad, 2000, p. 95).

This research has combined two main types of sources: (1) documents, including the Norwegian and French child welfare laws and related policy documents; and (2) qualitative interviews with 43 child welfare workers, 20 in Norway and 23 in France. The four research papers in the body of this dissertation use different data sets and apply different qualitative analytical approaches (Table 5).

**Table 5: Overview of data sources and analytical approaches in the four research papers**

<b>Paper</b>	<b>Data sources</b>	<b>Analytical approach</b>
1	Documents (laws and public reports)	Problem representation
2	Secondary literature	Genealogy
3	Interviews	Thematic analysis of professionals’ accounts
4	Interviews	Thematic analysis of professionals’ accounts

The goal in studying child welfare laws (paper 1) was to provide a picture of legal regulation at the national level. This research reflected the view of legal rules as a specific type of norm. Legal rules are norms of a special importance that “have been elevated to the level of legal rules, and have thereby attained a higher degree of support” (Hydén, 2011, p. 132). The child welfare laws both reflect prevailing cultural frameworks and categories, and reinforce them. Thus, by examining legal rules, the researcher can learn something about the cultural frameworks. Yet looking at the laws will not necessarily provide a good picture of social work practice, since there may be a gap between the law and its implementation by both the legal system and child welfare workers. The

goal with the qualitative interviews (papers 3 and 4) was to obtain information on child welfare workers' perceptions.

The analytical approaches applied in the four research papers were inspired by a constructionist perspective. Like most scholars who make social constructionist claims, I do not make universal claims—that is, I do not believe that all objects are socially constructed; rather, I believe that certain social phenomena—not all—are socially constructed (Hacking, 1999). Here, I view the concepts and meanings of family, kinship, parenting, and child welfare as socially constructed. By this I mean that they can take different meanings depending on the historical, social, and cultural contexts in which they are embedded, and that as a consequence, their definition is open to debate and interpretation within and across societies (Gubrium & Holstein, 1990). Viewing child welfare as socially constructed does not necessarily entail ignoring the harm that child abuse and neglect causes to children (Bacchi, 1999). Rather, it means that the experiences and meanings of child welfare are not constant, but instead may vary across societies.

The next two subsections present the data and analytical approaches in more detail than was possible in the research papers, focusing successively on the two main data sets: (1) the documents and secondary sources, and (2) the interviews.

### ***Document analysis of child welfare laws***

In the research reported in this dissertation, I applied a document analysis. In the next paragraphs, I present first the data and second the analytical approach.

#### **The data**

The legal sources for the study include the current child welfare laws and the preparatory work for these laws. The central source for Norway is the Child Welfare Act from 1992 (Norway, 2011). Furthermore, I included the preparatory work for the act (Norway & Sosialdepartementet, 1985; Norway & Barne- og familiedepartementet, 1992), as well as recent Norwegian act proposals that modified this act (Norway & Barne- og familiedepartementet, 2009, 2010).

Unlike Norway, France has no unique child protection act assembling all regulations related to child protection; instead, child protection regulations are split among various codes<sup>29</sup>. The sources for France include articles from the Civil Code<sup>30</sup> and from the Code of Social Action and Families<sup>31</sup> that relate to child protection, and the preparatory work for the 2007 reform of child protection—that is, the Act no. 2007-293 of the 5th of March, 2007 reforming children’s protection (Bloche & Péresse, 2006; France, 2007; Lardeux, 2006, 2007; Péresse, 2006, 2007).

In addition, several Norwegian and French policy reports containing information on the background for reforming child welfare policies have been included as sources: for Norway, one white paper (Norway & Barne- og familiedepartementet, 2002) and several Norwegian official reports (Befring & Barne- og familiedepartementet, 2000; Befring & Barne- og Likestilling departementet, 2009; Hove & Barne- og Likestilling departementet, 2009; Raundalen & Barne-, likestillings- og inkluderingsdepartementet, 2012); and for France, two policy reports (De Brossia, 2005; Naves, Cathala, & Deparis, 2000).

I used the child welfare laws and the policy reports as data in paper 1 to compare the legal regulation of family in the area of out-of-home placements in Norway and France. The main strength of using the child welfare laws as data is that since the state in both countries retains the power to make the law, a comparison of both countries’ laws is possible. The main weakness of these data is that they do not provide any information on how the legislation is practised.

Even though it is clear that the fundamentals of the Norwegian and French child welfare laws were set earlier (with the 1953 Child Welfare Act in Norway and the ordinance from 23 December 1958 on the protection of endangered children in France), only the most recent legislation and policy reports were included as primary data sources in this study.

The secondary data sources comprise previous research literature that shed light on the historical developments of child welfare laws and policies in Norway. This literature includes studies

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<sup>29</sup>The Civil Code, the new Code of Civil Procedure, the Code of Social Action and Families, the Penal Code, and the Code of Public Health.

<sup>30</sup>Articles 348, 348-4, 348-6; 349; 350; 371, 371-1 to 371-5; 372, 372-2 ; 373, 373-1, 375, 375-1 to 375-9, 375-9-1, 375-9-2; 376, 376-1; 377, 377-1 to 377-3 ; 378, 378-1; 379; 380; 381.

<sup>31</sup> Articles L112-3, L112-4; L221-1 to L221-4; L222-1 to L222-6; L223-1, L223-3, L 223-3-1 ; L223-4 to L223-8; L226-1, L226-2, L226-2-1, L226-2-2, L226-3, L226-3-1, L226-3-2, L226-4 to L226-12, L226-12-1, L227-1 to L227-3; L421-2; L421-15; L421-16.

authored by specialists within a number of disciplines focusing on child welfare in Norway: criminology (Dahl, 1985; Ericsson, 2000; Larsen, 2002), history (Andresen, 2006; Haavet, 2006; Seip, 1987, 1994), and law (Holthe, 1985; Stang, 2007). In paper 2, I drew on a review of this literature to analyse the transformations of child welfare laws and policies in Norway. When using secondary data, the researcher is dependent on the interpretations and assumptions of the studies' authors. However, the studies included as sources form the canonical history of child protection in Norway. They are widely used in research, in educational curricula, and in public documents such as official Norwegian reports.

### **The analysis**

To analyse the laws and policy documents, I resorted in my research to analytical approaches that were inspired by Foucault's concepts: Bacchi's (1999, 2009 "what is the problem represented to be" (WPR) approach (paper 1) and Foucault's history of the present approach, especially genealogy (Foucault, 1971, 1980, 1984) (paper 2).

Bacchi's (2009) WPR approach to policy analysis frames policy as "a cultural product" (p. ix). It is inspired by Foucauldian concepts and analytical strategies, especially discourse, problematisation, genealogy, and power-knowledge (Bacchi, 2009; Foucault, 1976, 1980). Bacchi (1999, 2009) adopted a critical stance against sociological approaches to social problems. She used the concept of "policy problems" instead of social problems (Bacchi, 1999, p. 50). Furthermore, she made it clear that the WPR approach is concerned with studying "problematisations", or "the way/s in which particular issues are conceived as 'problems'", rather than with studying problems (Bacchi, 2009, p. 30). Instead of considering policy as instigating solutions to social problems, the WPR approach focuses on the "production of meaning" (Bacchi, 1999, p. 39), interpretations, and representations. It takes as a starting point that interpretations are not external to policy proposals, but rather are built into them. According to Bacchi (1999), policy proposals incorporate a "diagnosis", which is a perception of what is problematic and required to change, something she designated as the "problem representation" (p. 1). The purpose with a WPR approach is to uncover the cultural premises, the presuppositions, and the assumptions in public policies by deconstructing problem representations and identifying the discursive frames and normative views that are implicit in the policies.

According to Bacchi (1999), discourses, understood as the “language, concepts, and categories, employed to frame an issue”, provide and reflect particular frameworks (p. 40). Furthermore, she pointed out that problem representations have real consequences for how particular issues are dealt with (p. 2). This statement reminded me of Goffman’s (1986) contention that the belief in the validity of a particular framework has real functions and real consequences. Even though she emphasised the differences between the approaches she developed and the sociological framework perspective, Bacchi (2007) acknowledged there are commonalities between them. The WPR approach is distinct from sociological frame theory, since it does not emphasise to the same extent the strategic shaping of arguments (Bacchi, 2007, p. 16).

Bacchi (1999) underlined the importance of paying attention to context and the role of extra-discursive factors, including historical and institutional factors (p. 43, p. 205). In addition, Bacchi (2009) pointed out the value of using cross-cultural comparisons to uncover the connections between problem representations and cultural contexts, and thereby “destabilise identified problem representations” (p. 44). Finally, she emphasised the value of using “a piece of legislation” as a starting point for studying government (Bacchi, 2009, p. 20), a suggestion that I followed in paper 1.

The analytical strategy applied in paper 1 to analyse cross-national variations in the notions of family implicit in child welfare laws draws on Bacchi’s (1999, 2009) WPR approach. Following Bacchi’s (2009) invitation to consider key concepts whose meaning is contested in policies, such as the concepts of “health” or “welfare”, in the analysis I focused on the concept of “family”. Drawing on Bacchi’s framework, I asked the following questions regarding the data: What are the problems represented in the legal provisions regulating out-of-home placements? What cultural assumptions about family are implicit in these provisions? Who are the defenders of the dominant problem representations?<sup>32</sup>

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<sup>32</sup> Bacchi’s (2009) WPR approach is based on six questions: “(1) What is the ‘problem’ . . . represented to be in a specific policy?; (2) What presuppositions or assumptions underlie this representation of the ‘problem’?; (3) How has this representation of the ‘problem’ come about?; (4) What is left unproblematic in this problem representation?; . . . (5) What effects are produced by this representation of the ‘problem’?; [and] (6) How/where is this representation of the ‘problem’ produced, disseminated and defended? How could it be questioned, disrupted and replaced?” (p. xii). The analysis is inspired by Bacchi’s first, second, and sixth questions.

I initially examined sections of general principles and the provisions regulating the assistance measures in the home, the placement of a child into care, the removal of a child previously in care, rights of access, and adoption. Later, the analytical focus was narrowed, and the focus of the analysis was concentrated on the legal provisions regulating out-of-home placements and the adoption of children in care<sup>33</sup>. Since placements lead to a breakdown of a family unit, by looking at the regulation of placements, it is possible to see how the societies deal with issues related to family breakdown. In the analysis, I systematically compared the legal provisions on four dimensions: the placement criteria, the criteria for returning a child to his or her family, the definition of the rights of access, and the criteria for adoption.

Bacchi (1999) acknowledged the WPR approach's tendency for positions to be oversimplified. However, she viewed oversimplification to be justifiable as a "strategy" to reflect on the effects of problem representations (p. 112). An excessive reduction is problematic, however, since it can lead to reifying cross-cultural differences and to stereotyping.

The goal with a "history of the present" approach is to uncover something in the present, to understand, reveal, and reassess present practices (Castel, 1994, p. 241). As Mik-Meyer and Villadsen (2013) noted, uncovering complex historical trajectories of institutional regimes allows for these regimes to be problematised through the realisation of contingencies. In the specific area of social work research, Skehill (2007) highlighted the usefulness of using a history of the present approach to uncover existing assumptions. As she noted, employing this approach makes it possible not only to shed light on the various forces impacting on the nature of social work across contexts, but also to problematise the contradictions inherent in social work between care and reform on the one hand and social control on the other hand. Moreover, by opening alternative horizons of understandings, historical knowledge of social work increases the potential for changes in practice (Skehill, 2007).

A genealogical approach permits the study of the present time's history. The term genealogy refers to a particular form of history accounting for the social and historical conditions in which discourses and knowledge are formed (Foucault, 1971, 1980, 1984). Breaking with traditional historiography's claims to coherency and causality, genealogy is highly selective in its

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<sup>33</sup> Sections 4-1, 4-12, 4-16, 4-19, 4-20, 4-20a, and 4-21 from the Norwegian Child Welfare Act of 1992, and articles 350, 375; 375-1 to 375-8; and 378, 378-1 from the French civil code.



consideration of events, depending on the problem it wants to address in the present (Mik-Meyer & Villadsen, 2013). As highlighted by McGregor and Hoikkala (2014), the genealogical approach is highly suitable for examining transformations in child welfare and apprehending ongoing changes, since it allows for the identification of both discontinuities and continuities in discourses. Foucault did not prescribe any method for implementing a genealogical approach (Dean, 1994). Rather, the appropriate method will depend on the issues addressed, and the approach has to be operationalised anew in each piece of research (Skehill, 2007). Even though Foucault did not provide any recipe, his descriptions of the genealogical approach provide a few broad guiding principles. A history of the present or genealogical approach starts with a problem from the present, and then “works backwards through particular historical moments which allows for non-linear and multi-lateral layers of analysis” (Skehill, 2007, p. 453).

Garland (2014) underlined the importance of carefully formulating the statement of the problem the researcher wants to tackle. According to him, this initial “critical account” should include an “analytical description of the dispositif within which the object of study is constructed and experienced in the present”, as well as a problematisation (Garland, 2014, p. 379). This initial diagnosis will indeed direct the genealogical analysis. In this study, the problem identified in the present was the place given to the child’s perspective in Norwegian child welfare—in other words, the idea that the lack of consideration of the child’s perspective constitutes the central challenge in child welfare practice, and that most problems could be solved by granting more importance to the child’s perspective.

When implementing a genealogical approach, the researcher has to identify the moments that are essential in developing an understanding of the problem raised in the present (Skehill, 2007). Genealogy focuses on “historical moments when strategies of government and forms of knowledge are being questioned and transformed” (Villadsen, 2008, p. 95). This research came back to the Treatment of Neglected Children Act of 1896, which marked the birth of a public child protection system in Norway. In addition to this act founding child welfare legislation, the analysis concentrated on the child welfare reforms from 1896, 1953, and 1992, and the Children’s Act of 1915.

The analytical strategy I applied in paper 2 to analyse the transformations of Norwegian child welfare laws and policies was inspired by Foucault's history of the present, notably his concept of genealogy. The central focus of the analysis was on the transformations in the understandings of child welfare, its discursive construction, and the broader conditions of possibility of these discourses and knowledge. The goal of the analysis was to problematise the dominant practices and knowledge in the field of child welfare, with a particular focus on current discourses on child autonomy and equality. The analysis of each moment focused on three main dimensions: (1) the legal changes and their implications for the forms of control of families, (2) the knowledge used by politicians for legitimising child welfare interventions, and (3) the social struggles and relationships of domination.

### ***Interview study of child welfare workers' perceptions***

In the next paragraphs, I present the interview data, the profile of the interviewees, the recruitment, the interview questions, and the conduct of the interviews.

#### **The interview data**

In papers 3 and 4, I drew on data from interviews with 43 social workers: 20 in Norway<sup>34</sup> and 23 in France<sup>35</sup>. The interview data yielded knowledge of perceptions and discourses about practices, rather than direct information on practices. In particular, they did not provide direct knowledge of child welfare workers' actions in interaction with their clients, which could be viewed as a drawback. In order to obtain knowledge of the interactions between child welfare workers and their clients, observations of these interactions would have been helpful. However, observations are not raw facts; they are also interpreted. To remedy the lack of observations, I asked the participants to

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<sup>34</sup> One Norwegian interviewee was interviewed twice.

<sup>35</sup> I conducted two more interviews with child welfare workers in France that are not included as data in the research articles, the first one because the interviewee opposed tape-recording and the second one because the interviewee—an agency leader—was not educated as a social worker and had no prior experience of social work with children and families. In addition, I interviewed four French psychologists. I did not intend to interview psychologists, but when I was recruiting interviewees in the two French *départements*, several psychologists manifested their interest in the study and asked whether I was interested in interviewing them. I did not include these interviews as data in the research papers, as I lacked equivalent data for Norway. However, the data from the interviews with these psychologists served as background in interpreting the status of psychological knowledge in the rest of the French data. Finally, in one of the *départements*, I also had several meetings and discussions with top managers of the child protective services.

describe specific situations. Even though these descriptions give only an imperfect picture of practice, they allowed me to gain some insight into professional perceptions and practice.

### **Profile of interviewees**

The interviews were conducted in child welfare agencies at the local level—that is, in two municipal child protective services (*barneverntjenesten*) in Norway and the child protective services (*services d'aide sociale à l'enfance*) of two *départements* in France. As indicated earlier, these public agencies in both countries are responsible for day-to-day child welfare work, including the implementation and follow-up of home-based interventions and out-of-home care.

In both countries, the interviewees were predominantly experienced social workers, with 14 of the 20 Norwegian interviewees and 15 of the 23 French interviewees having more than 10 years of experience in social work with children and families. In terms of positions, the Norwegian interviewees represented a somewhat heterogeneous group, while the French interviewees constituted a more homogeneous group. The 20 Norwegian interviewees comprised 10 caseworkers, five family supervisors or consultants, two team leaders, one agency manager, one advisor, and a member of the coordinating unit. However, all of the interviewees who were not currently caseworkers had previous experience of operative child welfare work, and they drew not only on their present experience, but also on their previous experience. Among the 23 French interviewees, 19 were caseworkers, three were team leaders, and one was an advisor. Similar to Norway, the team leaders and the advisor had previous experience of operative child welfare work.

Fourteen of the 20 Norwegian interviewees were child welfare pedagogues and six were general social workers. Twelve of the 23 French interviewees were general social workers and 11 were specialised educators. While all interviewees had completed at least 3 years of vocational training in social work at university colleges (Norway) or social service schools (France), the Norwegian interviewees were slightly more educated than their French counterparts, which might have related to the differences in positions. Seven of the Norwegian interviewees had continuing education, five had an education in family therapy or Marte Meo therapy (i.e., a method of educational counselling), and one had a master's degree. Three of the French interviewees were trained in family therapy.

In terms of gender, the Norwegian interviewees formed a more homogeneous group than the French. Only two of the 20 Norwegian interviewees were men, compared with seven of the 23 French child welfare workers. In both countries, however, the majority of child welfare workers are women. This factor is important, since women's perspectives on family, kinship, and parenting may differ from men's owing to their different position within the family.

Differences in the interviewees' gender, educational, and professional background might have influenced the child welfare workers' perceptions. However, the analysis did not find any significant differences in the interviewees' perceptions of family, kinship, and parenting related to these criteria.

### **Recruitment of interviewees**

Considerations of access to the agencies played a central role in selecting the agencies where the interviews were conducted. Indeed, I selected agencies where I could connect with the top managers or the employees through my personal network. In Norway, the interviews were conducted in the municipal child welfare agencies of two large urban municipalities, one being located on the west coast and the other in the Oslo region. Of the 20 interviews, 17 interviews were conducted at one agency and only three interviews at the other agency. I had wished to be able to conduct more interviews at the second agency, but it was not possible to recruit more interviewees in this agency.

In France, the interviews were conducted in different local agencies within two *départements*—one located in north-eastern France and the other in south-eastern France. Each *département* contributed roughly half of the interviews. The two *départements* are densely populated and urbanised, and the local agencies are located in urban areas. Three of the agencies located in smaller cities covered the population of the surrounding rural areas in addition to the population of the small city. However, the eight interviews conducted in these three agencies did not stand out from the remaining interviews, beyond the interviewees more frequently mentioning mobility issues among their clients.

In both countries, the interviewees were recruited through agency leaders. I sent by email or mail a presentation on this research project to these managers, asking them whether they would let me interview some child welfare workers in their agency. The top managers who agreed to participate

in the study transmitted the information about the project to the team managers and to the social workers, and asked them if they wanted to contribute to the research project. The team managers sent me the names and contact details of the social workers who were willing to participate in the study. I contacted these social workers by phone or email in order to schedule the interviews<sup>36</sup>.

### **The interview questions**

Jäger (2001) suggested that one way to reconstruct the knowledge underpinning individuals' action is to ask people what they do and why, a suggestion that I followed in this research. The goal with the interview questions was to have the interviewees explain what they did and why they did it. The interview started by asking the interviewees to describe and reflect on their experiences of exerting a mandate of child protection, and to share their viewpoints on the problems faced by children and families and their intervention practices, as well as the challenges they met in their work.

The interview guide (Appendix A) included main questions, probes, and follow-up questions on the following themes: the social workers' duties and responsibilities, the nature of the problems encountered by parents and children that justify the interventions, the intervention measures implemented to help the families, and the criteria used to choose between different types of intervention measures. When conducting the interviews, I strove to let the interviewees develop their thoughts without interrupting them. Furthermore, I asked the interviewees to describe situations and interventions in order to obtain thick descriptions of practices (Geertz, 1973). However, the density of examples in the interview data varied: certain interviewees provided many detailed examples, while others stayed at a more general level of description. Even though there were some differences in the emphasis put on the different themes in the interview guide, all interviews probed three critical themes: the aims of the interventions, the perceptions of children and families' problems, and the description of the interventions.

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<sup>36</sup> In one Norwegian agency, one of the employees assisted me with obtaining authorisation from the agency manager and with recruiting the interviewees by contacting them in my stead.

## **Conduct of the interviews**

The interviews were conducted between the years 2011 and 2013 in the Norwegian and the French language<sup>37</sup>. The interviews took place at the child welfare agencies. All the interviewees showed up and all the planned interviews were completed. The interviews lasted between 1 hour and 3 hours, typically 1 1/2 hours. The interviews were tape-recorded. Moreover, I took notes on key points during the interview and after I had stopped the tape-recorder. I transcribed the interviews verbatim in their original language. The transcripts do not include a detailed record of the hesitations and pause durations.

Some of the interviewees were specialised in work with the follow-up of out-of-home placements, others worked only with the implementation of home-based interventions, and some of them currently worked with or had previous experience of work with both types of intervention measures. As the interview guide initially did not differentiate between out-of-home placements and home-based interventions, I had to adapt the interview guide in accordance with each interviewee's core activities. The analyses reported on in paper 3 drew on the subset of interviews that included descriptions of work with out-of-home placements (10 of the Norwegian interviews and 17 of the French interviews). The analyses reported on in paper 4 concentrated on the interviews that included descriptions of work with home-based interventions (18 of the Norwegian interviews and 19 of the French interviews).

## **Analysis of the data**

The analysis framed the interview data as accounts, with the term "account" referring to a "linguistic device employed whenever an action is subjected to valuative inquiry" (Scott & Lyman, 1968, p. 46). Interview accounts give insight into the "ways in which people organize views of themselves, of others and of their social world" (Orbuch, 1997, p. 455). The ways people account for their practices are influenced by the dominant norms and by cultural representations and discourses in a given social context: "People must account for their experiences in ways that are intelligible and legitimate in their current social context" (Orbuch, 1997, p. 460). Thus comparing accounts from participants from distinct cultural and institutional settings allows for the

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<sup>37</sup> I had previously conducted exploratory interviews in 2010 in another Norwegian city. Owing to their exploratory nature, these interviews are not included as data in this dissertation.

identification of cross-cultural differences in social workers' framings of biological kinship ties and parenting.

The analysis of the interview data concentrated on both “manifest” levels (i.e., concerning “visible or apparent” aspects) and latent levels (i.e., concerning “underlying” or implicit aspects) (Boyatzis, 1998, p. 16). To analyse the interview data, I applied a thematic analysis as Braun and Clarke (2006) described it. Thematic analysis is a type of qualitative method used to identify “repeated patterns of meanings” in a data set (Braun & Clarke, 2006, p. 86). De Santis and Ugarizza (2000) proposed the following definition of “theme”: “an abstract entity that brings meaning and identity to a recurrent experience and its variant manifestations” (p. 362). According to De Santis and Ugarizza, themes are distinct from both pattern and category; they are more encompassing, and they are located at a more general and abstract level<sup>38</sup>. Moreover, themes are recurrent and appear in many situations.

Boyatzis (1998) previously argued that thematic analysis does not constitute an independent method, but rather can be used within various research traditions and methods. Here, I view thematic analysis as an independent method, in line with Braun and Clarke (2006). Braun and Clarke noted that thematic analysis can be used to provide either an exhaustive picture of the data set, or a detailed account of one or several themes or aspects that are prominent within the material. In this dissertation, rather than attempting to describe all the dimensions of the data set in the analysis, I concentrated on specific issues chosen after my preliminary analysis: (1) social workers' perceptions of biological ties in out-of-home placements and how they affect practice (paper 3), and (2) perceptions of parenting in home-based interventions (paper 4).

Braun and Clarke (2006) distinguished between six main steps in a thematic analysis: (1) becoming familiar with the data; (2) systematically coding the material; (3) identifying themes; (4) verifying and refining the themes; (5) giving the themes a definition and a label; and (6) writing the analysis. Furthermore, a thematic analysis may proceed either inductively or deductively. Here I proceeded inductively. In other words, the codes, categories, and themes are derived from the data.

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<sup>38</sup> Patterns constitute “smaller units of recurrent behavior that contribute to themes” (De Santis & Ugarizza, 2000, p. 357), while categories constitute “limited, concrete and discrete entities that emerge from data analysis” (p. 359).

In my research, I began the thematic analysis before completing all the data collection. I gained familiarity with the data through transcribing the interviews and reading and rereading the transcripts. Then I constantly moved back-and-forth between the raw data, the codes, and my preliminary analysis and interpretations. I took notes directly on the transcripts and on separate sheets. Then I coded the interviews manually and searched for patterns and common themes in the interviews. Moreover, I strove to generate codes and themes that allowed for differentiation among national subsamples. Finally, I came back to the raw data to verify that these codes and themes reflected the key categories of meaning in the interviews.

To classify the data, I grouped the data on out-of-home placements and depictions of biological kinship ties under four categories that I used as subheadings: (i) beneficial attachments with the biological parent, (ii) constructive ties with the biological parent, (iii) problematic ties to the biological parent, and (iv) ties to toxic biological parents. To analyse the data set related to home-based interventions and perceptions of parenting, I applied three analytical dimensions derived inductively from the data: (i) the intervention goals (why the social worker intervenes), (ii) the perceptions of parenting (how one views parenting), and (iii) the modalities (how one intervenes). To depict the conceptual arrangement between these three dimensions across the two national contexts, I used Foucault's concept of *dispositif*.

## **6. Ethical Considerations**

In this section, I discuss the main ethical issues raised by this research. I focus successively on confidentiality—the key issue in interview research (Kelman, 1982)—and on informed consent. In the final part, I discuss the possible negative consequences of the research for the participants.

### ***Protection of confidentiality***

The project was declared to the Norwegian Social Science Data Services (NSD) and it received the necessary approvals (see Appendix B). The project did not involve the collection of any sensitive personal information. As the NSD drew my attention to the fact that the research should not involve the collection of any data on third persons, I was careful during the interviews not to collect any identifying data on individual child protection clients. The examples reported by the interviewees



were anonymised ones, so that it was not possible to identify individual children and families from these examples.

All the interviewees were promised confidentiality. All identifying information on the interviewees was taken out when transcribing the interviews: specifically, I did not transcribe the interviewees' names or any place names, and I transformed the information that could have been indirectly identifying (e.g., an interviewee's years of experience) into coarser categories. In the research papers, I used letters and numbers (e.g., N4 for Norwegian interviewee number 4) to designate the interviewees, to minimise the possibility of their being identified by their co-workers and managers. In addition, I elected not to mention the agencies' locations in the publications from this project.

### ***Informed consent***

All the interviewees gave written consent to participate in the study based on the information I provided on the study's topics, aims, and rationale. However, given that the interviewees were recruited through agency leaders, a possible question is whether they felt fully free to decline the offer to participate in the study. Still, the interviewees gave no indication that their participation was not voluntary.

In addition, in qualitative research, informed consent is not a straightforward issue. The concept of informed consent comes from the medical field. It was later applied to other fields including qualitative research in the social and human sciences. Beyond the principles that deception is to be condemned and the aims of the study should not be purposefully distorted (Eisner, 1991; Kelman, 1982), what informed consent practically means within qualitative research remains somewhat unclear (Eisner, 1991). Qualitative research implies openness to unexpected findings. A central issue is that the concept of informed consent "implies that the researcher knows before the event that is to be observed what the event will be and its possible effects" (Eisner, 1991, p. 214).

Although Eisner (1991) concentrated on field research, his observation applies more broadly to qualitative methodologies including interviews. Also when conducting interviews, the researcher has difficulty knowing beforehand precisely what he or she will find in the data. It is only when the researcher begins analysing the data that meaningful differences become visible. Consequently,

it is not always possible to provide the desirable level of information to potential participants to ensure that their consent to participate in the study is fully informed.

In this study, the focus of the dissertation and the four research papers was defined gradually. Consequently, it was not possible at the beginning of the research to provide the interviewees with full information on the specific topics I ended up writing about. Rather, I provided only general information about the research topic and aims.

No agreement was reached beforehand on whether the participants would be given an opportunity to comment on the manuscripts before publication. Because of time and other practical constraints, it was not possible to travel to the different locations to present my research findings. An additional problem related to language and translation issues. Although the study is written in English, the research was conducted in two non-English speaking countries, and the participants' command of English is uneven. Most Norwegian social workers can read English, whereas most of the French social workers do not. I sent the manuscript from one of the papers only to those Norwegian participants who had explicitly expressed a wish to read the publications from my research project. However, I did this too late in the publication process to be able to make any structural changes in the manuscripts.

### ***Anticipation of negative consequences for the research participants***

Despite most researchers expecting to produce knowledge that is useful, the risk of harming others is always present (Eisner, 1991). In order to limit the possible harm caused by research, the researcher has to anticipate the effects of the research on the interviewees at both the individual and the group level (Kelman, 1982). Being interviewed can turn out to be a stressful experience (Kelman, 1982). The interviewees can consider that they are being judged on their practices even though this is not the case, and they may experience embarrassment in relation to certain questions that they may feel obliged to answer because they have consented to participate in the study (Kelman, 1982). When conducting the interviews, I attempted to minimise interviewees' stress and embarrassment. When I observed that the interviewees were having difficulty answering a question—for example, if they seemed hesitant or if they said that they did not know how to answer—I informed them that there were no good or bad answers.

Since it is not possible to predict how a particular piece of research will be received and interpreted by the interviewees, by the scientific community, and by the broader public, it is also not possible to fully anticipate the consequences of the research for the group (Kelman, 1982). Still, researchers have an ethical responsibility to avoid betraying their participants by propagating caricatures or negative pictures of the interviewees' viewpoints and practices that might contribute to reinforcing existing stereotypes (Shaw, 2008).

When working with cross-cultural comparisons, the risk of betrayal (Eisner, 1991; Shaw, 2008) closely relates to the risk of being ethnocentric. Taking as a starting point that child protective services reflect distinct ways of thinking normatively about childhood and family (Pösö et al., 2014) that are culturally bound and equally valid, I consider the viewpoints expressed by the interviewees of the two national groups as the expression of worldviews and cultural assumptions that are equally valid and respectable. In writing up the findings of the study, I attempted not to judge the interviewees, not to hierarchise their practices and viewpoints, and not to place one group at any disadvantage.

## **7. Methodological Considerations and Limitations**

In this section, I address the strengths and weaknesses of the study. Here I focus on four areas: (1) quality criteria, (2) my own position, (3) translation issues, and (4) generalisation.

### ***Quality criteria***

The grounds on which to assess the quality of qualitative research have been much discussed. Objectivity, reliability, and validity are criteria that are broadly used to assess the quality of a piece of research. Objectivity is synonymous with unbiased, reflexive, intersubjective, and adequate knowledge (Kvale & Brinkmann, 2009). Reliability refers to the “consistency and trustworthiness of research findings” and is often equated with the replicability of research findings (Kvale & Brinkmann, 2009, p. 245). Finally, validity is a matter of “truth, correctness and strength” (Kvale & Brinkmann, 2009, p. 246). However, these criteria stem from quantitative research, and their applicability to qualitative studies—notably those conducted within the interpretive and constructionist paradigms—is in debate (Madill, Jordan, & Shirley, 2000; Seale, 2002).

Madill et al. (2000) claimed that the relevance of the criteria of objectivity and reliability to assess the quality of qualitative research is limited to certain categories of studies, those conducted within a naïve or scientific realism. According to them, studies that are grounded in a critical realist or social constructionist position—such as this study—fall outside the scope of applicability of the objectivity and reliability criteria. Indeed, scholars adopting a constructionist epistemology do not assume the existence of “one reality that can be revealed through the utilisation of correct methodology” (Madill et al., 2000, p. 9). Consequently, this makes it difficult to invalidate a particular account as inadequate (Madill et al., 2000; Seale, 2002).

These observations raise the question of the alternative criteria that can be used to assess a qualitative study grounded in a social constructionist epistemological perspective. Madill et al. (2000) mentioned as useful criteria the persuasiveness of the research accounts, their relevance to the research questions, and their internal coherence. Charmaz (2008) proposed four criteria to assess the quality of social justice studies: credibility, originality, resonance, and usefulness. Chabal and Daloz (2006) also highlighted the importance of the credibility of the findings in any assessment of cross-cultural comparative studies. As Charmaz (2008) noted, the displayed familiarity with the topic, the density of the observations, and the provision of evidence support credibility. The reader can consider to which extent the research papers display such familiarity and draw on extensive observations. Moreover, the provision of excerpts from the interviews in the papers allows the reader to judge the credibility of the findings.

The originality of this study comes from the collection of original research materials from two countries and the application of theoretical perspectives from cultural sociology and family studies that have been little used within comparative scholarship on child protective services to date. This specific combination of original research materials and innovative theoretical perspectives allowed me to offer new insights into the cultural understandings of family, kinship, and parenting in child protective services.

The study has used a comparative approach to uncover taken-for-granted meanings and offer alternative interpretations that hopefully will resonate with practitioners’ concerns. Child welfare workers’ ability to recognise themselves in the research accounts should be a good indicator of the study’s resonance. The study’s usefulness relates to its contribution to a “realization of social relativity” (Mills, 2000, p. 7). By drawing on research linking social workers’ experiences and

meanings with the broader historical, social, and cultural contexts of child protective services, the study extends the possibilities for critical reflection on the conceptual and intellectual premises of child protection interventions and on the need for changes in social work practice. I come back to these issues in the concluding discussion.

Given that constructionist approaches allow for the existence of multiple interpretations of a given event, they grant a central importance to the role of context and subjectivity, including the participants' as well as the researcher's subjectivity (Kvale & Brinkmann, 2009; Madill et al., 2000). Thus, reflecting on the researcher's own position is critical (Madill et al., 2000). This issue is the main focus of the next subsection.

### ***Reflection on my own position***

As already mentioned, a researcher reflecting on his or her own position gives other researchers the necessary grounds for assessing the quality of a piece of research. Clarifying the researcher's position is especially important in comparative research. Indeed, while fully detaching ourselves from our context as researchers is impossible, "making explicit our method of 'translation' . . . [provides] the standpoint for the assessment of our approach" (Chabal & Daloz, 2006, p. 174).

It is commonplace in a comparison that the researcher is better acquainted with one of the countries under study. There is no doubt that when I began this research, I was much more familiar with the French research settings, language, and institutional and local contexts. In contrast, I had to learn the rudiments of the Norwegian language and the welfare context. Then moving to Oslo to pursue my doctoral studies allowed me to become better acquainted with Norwegian society and culture. Thus, in cultural terms, my position was more that of an insider in France and of an outsider in Norway (Merton, 1972). In terms of my academic and professional background, I was an outsider in both countries. Indeed, I am not educated as a social worker; instead, my academic background is from the social sciences, and my professional background is from teaching in a social work department at a French university.

The fact that I am less familiar with the Norwegian society represents both an inconvenience and a resource. On the one hand, it requires more effort and time for a stranger to establish trust with the gatekeepers and convince them of the value of the project, of that person's capacity to understand, and of his or her ability to treat people with respect. On the other hand, being a stranger

gives a privileged access to cultural understandings, first because the interviewees may perceive a foreign researcher as less threatening, and second, because they may feel a responsibility to explain more to a guest (Wærdahl, 2010). The Norwegian interviewees clearly felt the need to be more explicit on certain issues, since they were aware that I did not share all their assumptions. Many of them manifestly strove to explain to me how things are in Norway.

In addition, the interviewees may want to behave as good ambassadors of their country (Wærdahl, 2010), and so the Norwegian interviewees in this study may have presented themselves in a better way because they wanted to give a positive picture to a foreign researcher. Given that the French social workers had been exposed to criticism from social scientists, it can be expected that they as well were eager to provide a positive picture of their work. In one of the French *départements*, a top manager reported a possible distrust towards research owing to a recent audit within the agency. In this *département*, two participants—one social worker and one psychologist—refused tape-recording, probably reflecting this distrust<sup>39</sup>.

The comparative dimension in my research is also likely to have influenced the ways the interviewees in both countries presented themselves. Indeed, comparison can be easily associated with benchmarking, so the interviewees might have thought that their practices would be evaluated. This observation may apply to any research interview, but this issue is reinforced by this research being comparative in nature. Several of Norwegian and French interviewees expressed curiosity during the interviews and asked how the situation is in the other country. Children's outcomes were a central concern for these interviewees, but I was unfortunately unable to satisfy their curiosity. In some cases, I attempted to share my preliminary interpretation of cross-cultural differences with the interviewees. My intention was to use the cultural differences as a tool to gain richer data and to test my preliminary interpretations. Even though sharing my interpretations sometimes gave me the opportunity to go into greater depth on certain issues, in most cases my attempts were unfruitful, not only because my observations in the other country seemed unfamiliar to the interviewees, but also because I had difficulties at that stage in formulating what the main differences were.

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<sup>39</sup> These interviews are not included as data in the four research papers.

A stranger who has successfully adapted is no longer a stranger (Schuetz, 1944)<sup>40</sup>. Whether I would have seen these aspects in the same way if I had lived in Norway for 10 years is uncertain. It may also have been easier to identify existing assumptions and meanings in the Norwegian materials, which are more distant from me, than in the French data. However, when analysing the French data, I actively used the comparison as a tool to distance myself from my own preconceptions about the French realities. For example, my resistance towards the use of the terms “biology” and “biological” in reference to the parents of children in care contributed to raising my awareness of my own assumptions, which has been an important step in the identification of distinct cultural meanings.

### ***Translation issues***

Although this dissertation is written in English, the materials are from two non-English-speaking countries. The use of a third language puts the two countries on the same level, thus reducing the possible imbalance in the comparison. However, translation involves a “process of knowledge transformation” (Pösö, 2014, p. 617), and it might lead to a loss of meaning (Hearn et al., 2004; Pösö, 2014). For example, I translated both the Norwegian *samvær* (literately “being together”) and the French *droits de visites et d’hébergement* as “contact”. While the Danish/Norwegian term *samvær* puts the emphasis on “being together” (Boddy et al., 2014, p. 156), the French phrase *droits de visite et d’hébergement* (literally translated as “visiting rights”) refers to parents’ and children’s rights to have contact. In addition, the French term *aide sociale* connotes social assistance, while *barnevern* means literally the protection of children.

Although differences in semantics and languages constitute a key limitation of the study, language can also serve as a resource, since linguistic differences may sensitise researchers to subtle cross-national differences. The fact that the French term *filiation* cannot be directly translated into Norwegian—no Norwegian term exists with the same semantic content as filiation—has stimulated my reflection on the distinctly different meanings of family and biological kinship in the two

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<sup>40</sup> “The adaptation of the newcomer to the in-group which at first seemed to be strange and unfamiliar to him is a continuous process of inquiry into the cultural pattern of the approached group. If this process of inquiry succeeds, then this pattern and its elements will become to the newcomer a matter of course, an unquestionable way of life, a shelter, and a protection. But then the stranger is no stranger any more, and his specific problems have been solved” (Schuetz, 1944, p. 507).

societies. The Norwegian social workers resorted to the terms *tilknytning* (attachment) and *biologi* (biology). The Norwegian term *tilknytning*, which is used to refer to an attachment bond, may also be used to refer to a connection in a broader sense. However, in the field of child protective services, it is used essentially to refer to an attachment bond in accordance with the content of this concept in attachment theories.

### ***Generalisation***

Generalising entails the formulation of a claim that something that applies at a particular time and place also applies at other times and places (Payne & Williams, 2005). Generalisation is a disputed topic among qualitative researchers. Nadim (2015) identified three main positions on generalisation. The first one rejects generalisation, viewing it as both impossible and unattractive. The second position does not reject generalisations, but maintains that its nature is distinct from generalisation within quantitative research: generalisation in qualitative research will be of a theoretical, rather than an empirical, nature. The third position supports the possibility of proceeding to the same type of generalisation in both qualitative and quantitative research. The position adopted in this study is closer to the second position—that is, I view generalisation in qualitative research as possible, but I believe that the nature of that generalisation will differ from that of quantitative research.

Payne and Williams (2005) pointed out that qualitative researchers often tend to generalise but without making it explicit. Consequently, they do not make explicit the bases for the generalisation, which is problematic. In this study, I make claims to “moderatum generalization”, which is a generalisation that is both moderate in scope and “moderately held”, here meaning hypothetical and open to an ulterior empirical test (Payne & Williams, 2005, p. 297). The claim I make here is that the findings could be generalisable to the social workers in each country, but in line with a moderate position, I acknowledge that this statement is a hypothetical one that still has to be verified on a larger scale.

My claims to generalisation are limited in the sense that I do not claim that these findings are representative of the perceptions of family, parenting, and kinship in Norwegian and French society and culture at large. Even though child welfare workers are members of a particular society and hence their perceptions are likely to have much in common with those of the general public, child



welfare workers' perceptions are not necessarily in line with the views of family that prevail in the broader society (Ellingsen, 2014). Providing a picture of the cultural understandings of family would require a broader investigation of how family is perceived across various areas of social life, and would include, for example, adoption and assisted conception. This broader investigation would allow for a determination of whether the differences in the meanings of parenting and biological kinship ties in the Norwegian and French society apply more broadly.

Nadim (2015) has underlined the implication of the choice of particular dimensions and categories for generalisation. In this study, I granted a central importance to national contexts as a dimension of variation. Taking as a starting point the existence of theoretically relevant differences among similar systems, the "most similar systems" design focuses on differences and similarities between systems. It grants little attention to differences at lower levels, such as differences at the individual level within countries and communities (Przeworski & Teune, 1970). The emphasis on national contexts as a dimension of variation entails a risk of neglecting other relevant dimensions or categories, as well as possible local or regional variations. Moreover, I strove to uncover culturally specific meanings and to reconstruct the cultural logics underlying the cross-national differences. This approach led me to put the emphasis more on cross-national differences than on similarities, which may have resulted in oversimplification. The emphasis put on cross-national differences rather than similarities has to be viewed as a limitation of the study.

## **8. Summary of Findings**

Taken together, the four research papers shed light on similarities and differences between child protective services in Norway and France, and on the cultural understandings of family, parenting, and kinship underpinning these services. The following summaries highlight how the papers contributed to answering the dissertation's overarching two-part research question: that is, Which cultural understandings of family underpin Norwegian and French child protective services respectively, and how do different cultural understandings of family translate into different legislation and practices?

The research papers included in this dissertation focused on various levels of the child protection and welfare systems. The first paper examined the legal foundations of child protective services in

Norway and France, and the second paper examined the historical foundations of Norwegian child welfare laws and policies. However, examining the child welfare laws is not sufficient to provide a picture of the cultural understandings of family in child protective services. Indeed, there may be a gap between the law and its implementation. To provide a fuller picture of how family is regulated, the study of the laws had to be supplemented with data that provided information on the professional practice of child protection and welfare social work. The other two papers compared professional accounts of child protection and welfare social work in the two countries.

Papers 1, 3, and 4 applied a cross-cultural comparative approach to examining various aspects of the perceptions of family, kinship, and parenting in child protective services. Paper 2 is the only paper that does not involve a cross-national comparison. It used a genealogical approach to interrogate power relationships. Moreover, unlike the other papers, paper 2 did not focus on the cultural understandings of family per se, but rather, it approached family in connection with the larger issue of state control.

### ***1. Out-of-home placements and notions of family in Norway and in France***

Paper 1 was published in *Sosiologi i Dag* in 2012 (vol. 42, issue 3/4). This paper explored the notions of family implicit in French and Norwegian child protection laws. The aim of the paper was to shed light on variation in the cultural understandings of family through a comparison of the legal provisions regulating out-of-home placements. The data constituted the legal provisions regulating the conditions for placement, rights of access, return of the child to his or her family, and adoption in Norway and France. The paper argued that a collective notion of family underpinned child welfare legislation in France, while the notion of family in Norwegian child welfare laws tended to be more individual.

Applying a “what is the problem represented to be” approach (Bacchi, 1999, 2009), the study showed that although the biological principle underlies the Norwegian provisions regulating out-of-home care, such as rights to access and conditions for returning children in care to their families, this principle is not decisive. Indeed, the Norwegian child welfare laws put forward stability in care and attachment bonds, and the preservation of ties with biological families is abandoned when it is viewed to be in the child’s best interest to do so. In contrast, the French laws do not consider the

attachment of the child to his or her new environment as a legitimate motive to give up the goal of reunifying children with their biological families.

Paper 1 concluded that the meaning of and the weight given to the filiation bond—that is, the bond between children and their biological or adoptive parents—in Norway and France are different. In Norway, the weight given to the biological principle is now weighted against the new principle giving priority to secure and stable attachment as a prerequisite for the child's development (*utviklingsstøttende tilknytning*). To summarise the main cross-national differences, in Norwegian law individual children are viewed much more as autonomous individuals with claims on the state than in France, where child protection interventions attempt to promote coeducation and involve the parents of children in out-of-home care in the life of their child. The distinct notions of family implicit in child welfare laws conceivably reflect a more individualised concept of family in Norway than in France.

This paper provided a picture of the legal regulation of child protection at a given time: the years from 1990–2000. Paper 2, examining the changes in child welfare laws and policies over the course of the 20th century, set Norwegian child welfare laws into a broader historical frame.

## ***2. Transforming child welfare: From explicit to implicit control of families***

Paper 2 was published in 2014 in the *European Journal of Social Work* (vol. 17, issue 5, doi:10.1080/13691457.2014.932273). This second paper investigated transformations in child welfare laws and policies through a historical review of these laws and policies between 1896 and 1992 in Norway. The paper aimed to problematise current practices and discourses in child welfare. The central questions in the paper were related to the transformations in the forms of state control of families. The paper argued that state control, from having been explicit in the late 19th century, became increasingly implicit and hidden over the course of the 20th century.

Applying a genealogical approach to previous studies of the historical development of child welfare in Norway, paper 2 demonstrated the complexities of legislative attempts to govern the family in the Norwegian context. The analysis showed the shift in the forms of control and the ways that the control became more covert. This examination of the transformations of child protection laws and

policies granted central attention to how these transformations relate to the transformations of the knowledge basis of child protection law and practice. The paper examined the place given to various disciplines such as criminology, demography, psychiatry, psychology, and law.

The knowledge regime that justified state intervention in families in the late 19th and early 20th century was structured around criminology, statistics, and medicine. In the post–World War II reforms of child welfare legislation, the knowledge regime has revolved around psychology. This shift from criminal science and statistics to psychology can be viewed as a central precondition for transforming the aspects of state control of families, as discussed in this paper.

By linking the changes in legislation to the changes in the knowledge regime, paper 2 has contributed to a better understanding of the historical pathway leading to the adoption of a child-centric approach in Norway. The remaining two papers drew on child welfare workers' accounts of social work with children and families to compare cultural understandings of family in child protective services.

### ***3. Understandings of biological kinship ties in social workers' accounts: A cross-cultural study of out-of-home placements in Norway and France***

Paper 3 was published online this year in the *Qualitative Social Work* journal (doi: 10.1177/1473325015586247). This paper compared cultural understandings of biological kinship ties in Norwegian and French professional accounts of social work with out-of-home placements. The aims of the paper were twofold: (1) to compare the interviewees' perceptions of biological kinship ties and (2) to underscore the implications of these perceptions for social work practice. The paper considered child protection practice through a sociological and anthropological lens by using new kinship theories to analyse social workers' accounts. The central issues explored in the paper are the similarities and cross-national differences in social workers' framings of biological kinship ties.

Paper 3 shed light on the importance or lack of importance of biology when making decisions about children's futures in out-of-home placements. Using as data 27 qualitative interviews with Norwegian and French child welfare workers (10 in Norway and 17 in France), the paper showed that even though both Norwegian and French social workers view biological kinship ties as

important for the children's development and well-being, they approach biological kinship ties very differently.

The Norwegian and French social workers in this study talked about biological kinship ties in very different terms. The Norwegian participants distinguished between attachments on the one hand and biology on the other hand, whereas the French participants seldom isolated biology. Moreover, these differences clearly impact on social work practice with out-of-home placements, especially parent-child contact. The French social workers endowed biological parents with a central role in the lives of their children and were willing to go to great lengths to obtain their involvement. In contrast, the Norwegian social workers tended to prioritise the child's well-being and development in foster care and the development of attachment bonds to foster carers.

While paper 3 compared perceptions of biological kinship ties in out-of-home placements, the fourth paper concentrated its focus on home-based interventions to shed light on child welfare workers' perceptions of parenting.

#### ***4. “Dispositifs” of parenting in child welfare work: A cross-cultural study of home-based interventions in child protective services in Norway and France***

Paper 4 was published online this year in *Nordic Social Work Research*. This paper compared Norwegian and French child welfare workers' accounts of parenting in home-based interventions. The aims of the paper were twofold: (1) to compare child welfare workers' accounts of home-based interventions targeting parents and (2) to understand cross-national differences in these accounts. The question the paper posed concerned how Norwegian and French social workers perceive parenting in home-based interventions. Using as data 37 interviews with child welfare workers (18 in Norway and 19 in France), the paper showed that while changing the parents constituted the central category of meaning in the Norwegian accounts, the French interviewees emphasised supporting parenthood.

Paper 4 highlighted the key differences in how Norwegian and French child welfare workers approach their work with home-based interventions along three dimensions: (1) the intervention goals (why they intervene), (2) the perceptions of parenting (how they view parenting), and (3) the modalities (how they intervene).

While the Norwegian social workers viewed changing parental behaviours as a central intervention goal, the French social workers emphasised supporting the parents and the parent–child relationship. Furthermore, whereas the Norwegian social workers tended to conceptualise parenting as a set of skills, the French social workers viewed parenting as not only a set of practical skills, but also an irreducible relationship. Finally, the child welfare workers in the two countries used distinctly different methods. The Norwegian social workers used forms of advice and guidance that are broadly inspired by structured parenting programmes to modify parents’ behaviour. In contrast, the French child welfare workers in this study reported resorting predominantly to individual and family consultations.

Finally, paper 4 stressed the connections between these two distinct ways of conceptualising and talking about child rearing and the parent–child relationship, and the different theoretical bases of child welfare work in Norway and in France: developmental psychologies and attachment theories on the one hand, and psychoanalysis and sociological knowledge on the other hand.

## **9. Concluding Discussion**

The main question I investigated in the study for this dissertation included the following: Which cultural understandings of family underpin Norwegian and French child protective services respectively? In addition, I asked: How do different cultural understandings of family translate into different legislation and practices? In order to answer this two-part question, I examined the understandings of family and kinship underpinning both child welfare legislation and child welfare workers’ accounts in Norway and France. To examine these cultural meanings, I drew on theoretical perspectives from cultural sociology and from family and kinship studies. In the study, I relied both on cross-cultural comparisons of the child welfare laws and child welfare workers’ accounts and on a genealogical study of child welfare laws and policies in Norway.

In this concluding section, I build on the conclusions from the individual research papers in order to answer the main research question and I provide some indications of the nuances in the findings. Then I discuss the interplay between institutional structures, the social work profession, and family

cultures. Finally, I highlight the dissertation's contribution to existing research and discuss the main theoretical implications of the study.

### ***Cultural understandings of family underpinning child protective services***

The study showed that although both the Norwegian and the French cultural understandings of family grant a significant role to biological nuclear families in relation to children, there are important differences in the cultural meanings attributed to family, biological kinship ties, and parenting in Norwegian and French child protective services. The main cross-national differences concern the degree to which the goals of intervention and the professional practices focus on the individual child.

In both the Norwegian child welfare legislation and child welfare workers' accounts, the intervention tends to be constructed in more individualistic and child-centric terms than is the case in France. The child-centric approach is reflected in the weight given to attachment bonds with foster parents, the emphasis on changing parents, and the reference to the child's perspective. In contrast, the French child welfare legislation and professional accounts indicate a more family-centric approach, granting greater importance to supporting parents and maintaining the ties between children and their biological and legal parents.

Finally, the study also revealed differences in the theoretical knowledge bases of child welfare laws and child welfare work in the two countries. While Norwegian child welfare laws and child welfare workers' accounts draw mainly on developmental psychology and attachment theories, sociological and psychoanalytical approaches are combined in French child welfare laws and in child welfare work. Attachment theories and psychoanalysis convey distinct views of the family and the parent-child relationship. These distinctly different theoretical perspectives bring about differences in social work practice. The influence of developmental psychologies and attachment theories in Norwegian child protection and welfare social work is made visible in the professional focus on enhancing parents' abilities to stimulate their children's development and on enhancing children's secure attachment bonds with their foster parents. The influence of psychoanalytical models of understanding comes to the fore in French social workers' concern with the complexities

of parents' experiences of parenthood and the social workers' fears related to the long-term danger of an early breakdown of the parent–child tie.

### *Nuances in the findings*

Although there are clear differences in the cultural meanings attributed to family, biological kinship ties, and parenting in the Norwegian and French child protective services, these differences should not be exaggerated. They should be viewed as differences in emphasis, rather than radically different understandings.

In both countries, child protective services rely to some extent on the principle that biological kinship ties should not be broken. Both systems grant priority to home-based interventions and to voluntary interventions, viewing out-of-home placements and judicially mandated interventions as last-resort solutions. Moreover, in both countries, these placements are in principle temporary; parents and children are entitled to have contact, and the use of adoption as a child welfare measure is uncommon. Finally, the two countries share a recent trend towards focusing on helping parents in order to help the children: in both cases, home-based interventions in child welfare have increasingly targeted the parents.

Although French laws and practice are built on a more collective notion of family and prioritise to a greater extent the maintaining of biological kinship ties, the French society and welfare system do still acknowledge the child as a subject of rights. Becquemin (2006) previously observed that the French system combined both familialist and individualist elements. From the 1980s, French childcare policies reflected concern with the child's status as a subject of rights (Neyrand, 2011a). The 2007 reform of child protection also affirmed the best interests of the child and children's rights. When compared with Norway, however, the familialist elements in the French system become more manifest.

The study stressed the controlling elements in child welfare, in particular in Norwegian child welfare. However, the supportive and protective services to children and families should not be reduced to their function of social control; their function of social solidarity should also be acknowledged. As reflected in the child welfare statistics, voluntary interventions clearly dominate in Norwegian child protective services. Moreover, the interventions are predominantly home-based. The provision of voluntary services would not be possible without some demand for, or at



least acceptance of, the services on the families' part. Thus, the positive view of government in the Nordic welfare states such as Norway represents a central precondition for the extensive use of home-based interventions in families with parental consent.

Finally, it is well known that child welfare policies are characterised by swing and pendulum effects (Harding, 1997). The cultural understandings of family are not static, and changes in these understandings—such as the changes reflected in the *Convention on the Rights of the Child*—may lead to changes in policy and practice (Freymond & Cameron, 2006). Many of the categories and patterns of practice uncovered in the dissertation, such as change, support to parenthood, attachment supportive of development, and maintaining the tie, are quite recent. Whether these categories will endure over time is uncertain.

New laws are currently under preparation in both countries, and these ongoing changes might result in the Norwegian and French child protective services becoming more similar. A recent Norwegian proposal (Norway & Barne-, likestillings- og inkluderingsdepartementet, 2015) suggested extending the range of intervention measures that can be imposed on families. In France, the recent proposal relative to child protection (France, 2015a, 2015b), adopted by the National Assembly, lowered the threshold for adoption, strengthened family assistants' status, and added the enhancing of stability in out-of-home placements as a new duty for child protective services. The preparatory work for this new act stressed the necessity of putting the best interests of the child at the core of the child protection system and the importance of providing children with stability in care and secure attachments (Dini & Meunier, 2014). Moreover, the report by Dini and Meunier (2014) adopted a critical stance towards the strength of familialist ideology in French social work practice and legal practice and the priority granted to biological kinship ties, even when affective ties are non-existent or even harmful.

### ***Institutional structures, the social work professions, and family cultures***

The next subsections discuss in more detail the complex relationships between institutional structures, the social work profession's ideologies, and family cultures. I focus successively on three aspects: the relationships between the law and practice; the interplay between the laws and family cultures; and finally the interplay between professional ideologies and family cultures.

## **The laws frame professional practice without determining it**

The cross-national differences found in professional accounts are broadly similar to those uncovered between Norwegian and French child welfare and protection laws. This is not surprising, since the child welfare laws serve to justify child welfare and protection interventions. The laws define the rights of both parents and children, the categories of measures that may be used, and the conditions under which these measures can be used.

Although child welfare laws clearly frame the practice of child protection and welfare social work, they do not fully determine this practice. The laws indeed are always implemented in a context that is both cultural and professional. Even though social workers are expected to show loyalty towards the legal frameworks, they are granted some degree of discretion. Not only the child welfare laws, but also the cultural understandings of family and the professional ideologies and knowledge influence the professional practice of child welfare work. All of these factors impact on social workers' interpretation of the legal norms and their implementation of these norms in their practice. Still, the leeway of social workers in relation to the laws and the legal system is clearly circumscribed. Child protection and welfare social work is constrained by the laws, since the latter delineate the range of solutions that can be foreseen (Hetherington, 2006).

## **The laws and family cultures: A two-way relationship**

The laws clearly have a normative function. For example, the wish to orient action has been a central motivation in implementing laws forbidding the corporal punishment of children. Thus, legal changes may come before changes in culture and practice and may induce those changes, but the laws may also reflect and incorporate pre-existing cultural categories and social discourses. It seems that the cultural logics of statist individualism and state familialism (Lenoir, 2005; Trägårdh, 1997) have been incorporated in both the Norwegian and the French welfare state and social legislation. At the same time, the laws have contributed to reinforcing these specific worldviews.

Given that the influence of family cultures on child welfare and protection work is mediated by the laws and the welfare state institutions, and in addition given the reciprocal influences between the laws and cultural perceptions, locating the origins of changes in practice is not always easy. For example, I can consider the category of change. This category is present in the Norwegian Child

Welfare Act following modifications from 2013, in two previous Norwegian official reports (Befring & Barne- og familiedepartementet, 2000; Raundalen & Barne-, likestillings- og inkluderingsdepartementet, 2012), and in the Norwegian interviews (conducted before the legal changes were implemented). One question then is, Were the social workers directly influenced by the categories from the official reports, or did changes in meanings and categories first occur in the field before the new categories made their way into the public documents and finally into the laws?

### **Professional ideologies and family cultures**

The relationship between professional ideologies and family cultures is also a two-way relationship. Professional ideologies and knowledge mediate the impact of family cultures on social work practice. At the same time, family cultures also mediate the influence of professional ideologies on practice. Indeed, the influence of theoretical knowledge is not always a straightforward one: theories are not interpreted in a vacuum, but rather through specific cultural lenses (Hetherington, 2006)<sup>41</sup>.

Family cultures and professional ideologies can be congruent, although this should not necessarily be so. In the case of France, the cultural and institutional tradition of familialism and the theoretical knowledge from psychoanalysis seem to have been mutually reinforcing. On the one hand, familialism constituted a fertile ground for the reception of psychoanalytical explanations in France. On the other hand, psychoanalysis conceivably supported a familialist worldview (Becquemin, 2006; Neyrand, 2011a; see also Donzelot, 1977). In the case of Norway, a similar connection can be sketched between, on the one hand, an egalitarian and individualistic culture and an institutional tradition of statist individualism, and on the other hand, the weight given to theoretical knowledge derived from developmental psychologies, attachment theories, and behavioural sciences in child protection and welfare work. The tradition of statist individualism may have contributed to the positive reception of this theoretical knowledge. The weight given to

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<sup>41</sup> Cooper et al. (1995) previously found that attachment theories were used in ways that departed from their initial formulation and served to legitimate very different priorities. In the case of England, attachment theories justified resorting to foster care instead of residential care. In France, these theories were used to justify residential care on the grounds that they provide for “supplementary rather than alternative attachments to the natural family” (Cooper et al., 1995, p. 91).

these theoretical perspectives in turn conceivably supported and reinforced an individualistic view of families and children.

Finally, other structural factors such as financial issues may be of relevance in understanding the nature and scope of child protective services. Exogenous pressures may impact both on the need for child protection and welfare measures and on the type of measures that are favoured. So tensions in social welfare expenditure and cuts in other welfare policies such as health, housing, and education may impact on the need for child welfare interventions. Similarly, pressures on public expenditure may also influence which intervention measures are prioritised: for example, preventive measures and foster care may be favoured as part of a strategy of cost reduction (Harding, 1997). These observations apply to both Norway and France.

### ***Contribution to existing research***

By adopting a comparative perspective, I sought in this dissertation to contribute to the production of knowledge of cross-cultural variation in the area of child protective services. Previous cross-national comparisons, such as France and England, France and Québec, and England and Norway, uncovered cross-national differences in the notion of family (Cooper et al., 1995; Grevot & Lacharité, 2009; Križ & Skivenes, 2012). However, in many of these cross-national comparisons, the differences in family cultures coincided with marked differences in the degree of state intervention in families. The comparison between Norway and France provides a better starting point to compare family cultures, since both states intervene extensively in families.

Focusing on Norwegian and French child protective services allowed for a more specific concentration on variation in family cultures and highlighting subtle differences between the services with regards to family cultures. The dissertation demonstrates the importance of family cultures as a dimension of cross-national variation. These appeared to be a dimension of variation that is broadly independent from the scope of state responsibilities and intervention that differentiates child protection systems from family service-oriented systems.

The comparison between France and Norway contributes to enriching an understanding of both the Norwegian and the French child protection and welfare systems. Indeed, uncovering differences in the ways in which interventions are conceptualised contributes to knowledge production on the

main characteristics and distinctive features of the Norwegian and French child protective services. Although the marginal use of adoption in Norway compared with the UK and the US may easily lead to the conclusion that biological family ties are given central importance in Norwegian child protection services, the comparison with France results in a quite different picture. Thus, comparing Norway with France allowed for the weight given to biological kinship ties in Norwegian child protective services to be put into perspective.

Looking at the child welfare laws and professional accounts of both out-of-home placements and home-based interventions allowed for light to be shed on specific aspects of the regulation of the family and the parent–child relationship in child protective services. Isolating these two distinct moments of intervention is necessary, since the respective weight given to the family service orientation and to the child-centric approach may differ depending on the timing of the intervention. The newly introduced “attachment supportive of development” principle and the biological principle reflect the coexistence of potentially conflicting orientations in Norwegian law and practice (Ellingsen, 2014). While the biological principle reflects the fundamental importance granted to biological kinship ties, the attachment supportive of development principle stresses the value of secure attachment bonds for children. As long as children live with their biological parents to whom they have attachment ties of good quality, the two principles do not conflict much. However, when children are separated from their biological families and live in foster care, tensions may easily occur between these two principles. Norway makes extensive use of home-based interventions to intervene preventively in families and support parents in their caring duties, which is typical of family-oriented systems. However, in case of judicially mandated out-of-home placements, especially in the case of long-lasting placements of young children, the family orientation is downplayed. This downplaying is justified by child-centric arguments that entail the intention of providing all children with equal opportunities for development. In the French child protective services in contrast, the family orientation appears especially strong after a placement decision is taken.

The study’s conclusions tend to validate the contention made by previous comparative studies (see, e.g., Gilbert et al., 2011b) that current child protective services incorporate a blend of orientations. This contention applies especially well to Norway. For example, should the researcher relate Norwegian child welfare workers’ emphasis on changing parents to a narrow child protection

intervention, to a child-centric approach, or to a family service approach? The trend towards standardized assessments in policy and practice in Norwegian practice evokes a narrow child protection orientation (Cameron & Freymond, 2006), whereas the recent emphasis on the “child’s perspective” in Norwegian policy and practice is testimony to the strength of the child-centric orientation in Norwegian child protective services. However, rather than concluding too quickly that the child-centric approach and the child protection components lead to the dissolution of family-oriented components, the researcher should keep in mind that a large majority of interventions in Norway occur at home and with parental consent.

The study also contributed to extending previous knowledge of the interplay between institutional structures, family cultures, and professional ideologies. The research uncovered the connections between the specific features of child protective services, the institutional structures—notably, the child welfare laws and the type of welfare traditions—and the choice of theoretical knowledge. Foucauldian perspectives allowed for highlighting of the role of professional ideologies and knowledge in shaping both the child welfare legislation and the child protection and welfare social work. It made it possible to uncover the tight connections between the social workers’ priorities, the welfare traditions, and social workers’ specific selection of theoretical knowledge. The strong emphasis on supporting parents and maintaining biological kinship ties in French child welfare workers’ accounts should be viewed in relation to a long-lasting familialist welfare tradition and the influence that psychoanalysis has had on child welfare and protection social work. In addition, the study shed light on the connections between the child-centric perspective in Norwegian child protective services, the statist individualist tradition of the Norwegian welfare state, and the recent emphasis on attachment theories in both law and practice.

### ***Theoretical implications***

Psychologically oriented and child-centric theoretical frameworks have tended to dominate in research on child protection practices that focus on the parent–child relationship. However, these frameworks are not necessarily the most suitable for capturing differences in the cultural meanings of family. The use of sociological perspectives and approaches allows light to be shed on different aspects of the parent–child relationship, and thereby the development of a broader understanding of family and kinship ties in the area of child protective services.

The comparison calls for the use of concepts and theoretical frameworks that transcend national frameworks of reference, in order to account for empirical materials from various national contexts. Thus, comparative research stimulates the development of theoretical models and analytical perspectives that are applicable beyond a particular data set, something that increases the transferability of concepts to other cases and contexts (Krogstad, 2000). Throughout the study, I developed a growing awareness of the cultural boundedness of the categories of analysis—such as biology and filiation tie—that prevail in both French and Norwegian social science research. In order to move beyond these concepts, I greatly benefited from reading the international sociological and anthropological literature in the field of family and kinship studies, notably the bodies of research known as new kinship studies and parenting culture studies.

Although the concepts and categories from the new kinship studies and parenting culture studies are not new, their application to a new empirical area of study, comparative child protection, brings new insights into this field. Theoretical perspectives from family and kinship studies emphasise fluidity, complexity, and tensions in the cultural meanings of family and kinship. These perspectives are invaluable in attempting to picture and understand the cultural meanings of family, biological kinship ties, and parenting. By directing attention at complexity and ambiguities, they allow the researcher to transcend oppositions between child-centric and family-centric systems and to move beyond a basic understanding of the roles of parents and the state to capture the different cultural expressions of family and biological kinship ties. The relevance of these theoretical perspectives for practitioners and social work educators needs to be highlighted. Keeping in mind that even when individualistic logic dominates, biological kinship ties are very difficult to escape (Smart, 2007) may help in understanding the tensions and contradictions many Norwegian and French social workers experience in their daily practice of child protection and welfare work.

### ***Concluding remarks***

The study has shed light on cross-national variation in child protective services and family cultures. By bringing together theoretical perspectives from cultural sociology, theories and concepts from family and kinship studies, and original research materials from two countries, this study has extended previous knowledge of the perceptions of family biological kinship ties and parenting in the area of child protective services. Drawing on cross-cultural comparisons and a genealogical

study, this dissertation contrasted and interrogated two different *dispositifs* in the Norwegian and the French child protective services respectively that incorporate distinct normative assumptions or family morals: the Norwegian *dispositif* can be described as child centric, while in contrast the French *dispositif* can be described as a family-centric *dispositif*.

By using both cross-cultural comparisons and Foucault's history of the present approach, the study has contributed to destabilising the prevailing views of family and child welfare in each country. The study challenged a range of taken-for-granted assumptions, perspectives, categories, and practices that currently prevail in Norwegian and French child protective services. For example, it raised critical questions about the perspectives that frame professional conceptions of a "good" intervention in child protection and child welfare, such as "changing the parent" and taking "the child's perspective" (Norway), or "supporting parenthood" and "maintaining the tie" (France).

These different approaches to child welfare and protection social work have important consequences for the parents and children who are on the receiving end of such interventions. An excessive priority given to attachment bonds with foster families may have negative consequences for parents and children, since strengthening an "attachment perspective" in some cases may involve a "downplaying of the efforts directed towards the significance of the biological family for the child" (Ellingsen, 2014, p. 138, my translation). Conversely, a unilateral focus on preserving biological kinship ties may also have negative consequences for the children, since they might not have the opportunity to forge secure attachments with other adults.

The emphasis on changing parents reflects growing individualising trends in Norwegian social work and the neglect of structural differences. While the Norwegian social workers tended to view children's entitlements to adequate care as broadly independent from their family's class background, the French social workers put more emphasis on class differences. Both perspectives entail advantages and drawbacks, of which social workers should be aware. On the one hand, a consideration for class-related issues allows for greater sensitivity to social and cultural differences. On the other hand, this consideration may also lead to greater tolerance towards social inequality, which raises the question of whether the children receive the help they need. Conversely, ignoring class and cultural background may be important in order to focus on guaranteeing all children access to the same standards of care. However, the lack of attention to the structural determinants



of parenting may have stigmatising and marginalising effects, since this lack makes it easier to hold parents responsible for their difficulties.

Given that the ways in which child welfare workers interpret situations depend significantly on their cultural assumptions, it is crucial to raise social workers' awareness of what the cultural views and professional knowledge underpinning their actions are, and of how these views and knowledge bear the imprint of both the family culture and the welfare context. Knowing about different perspectives has the "potential to expand the boundaries constraining our particular notion of proper ways to help children and families" (Cameron & Freymond, 2006, p. 12). The comparison between Norway and France has contributed to make visible cultural assumptions that are otherwise difficult to pinpoint. By uncovering and questioning the cultural assumptions that social work practice with children and families builds on, this study allows for greater awareness of implicit cultural assumptions and offers child welfare workers access to alternative understandings. Thus it might stimulate critical reflection about social work practice with children and families. However, changes in practice would require not only greater professional awareness, but also broader system changes, notably changes in legislation and its implementation into practice by the legal system.

There may be a gap between social workers' understandings as reflected in professional accounts and their actual practices. Therefore, more research is needed to provide an account of the relationships between the understandings of family, kinship, and parenting, and the practices of intervention in child welfare. Investigating social work practices calls for more research that relies on alternative methodologies such as the study of case documents and ethnographic observations. Moreover, providing a comprehensive picture of the knowledge bases of child protection and welfare interventions and their use in practice would require a more systematic investigation of the theories from sociology, developmental psychology, attachment theories, and psychoanalysis that frame child welfare work, and of the ways in which social workers in different cultural contexts mobilise and interpret these theories.

Freymond and Cameron (2006) previously highlighted the gaps between families' life experiences and professionals' life experiences, at "emotional, intellectual, social and practical" levels (p. 296). The users of child protective services, who are exposed to the professionals' power, may also have distinctly different perceptions of family than those of child welfare workers. Further comparative

research on the cultural understandings of family underpinning child protective services should therefore include the perspectives of children, biological parents, and foster parents. Future comparative research on child protective services and family cultures could also dig into specific areas of practice such as kinship care, institutional care, and support to care leavers.

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## **Appendix A: Interview Guide**

I am a PhD student and I am carrying out research on how the welfare state intervenes to help children in France and Norway. I would like you to tell me about your experience as a social worker of work with families and children. Would you please tell me how you protect children, and what challenges you meet in your work.

### **1) Information**

How long have you been working in child protection services?

How old are you?

What education do you have?

### **2) Duties**

What are your duties according to the law?

How do these provisions apply to your position?

Could you describe the different steps of an intervention?

### **3) Children's and families' problems**

Which situations justify child protection services intervening?

Which types of problems do children and families experience?

How would you describe the relationship between the children you meet and their parents?

Do certain parents have economic difficulties? Which sorts? How do they affect the child?

### **4) Intervention**

I have often heard that child protective services tend to intervene too late. How do you interpret this situation?


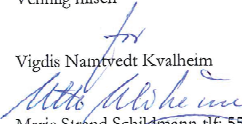
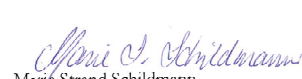
Do you think that using coercion brings good results for the child?

How do you choose the type of intervention?

What justifies choosing a placement in a foster family rather than in an institution? What is the role of the foster family in the child's upbringing?

Can you tell me about your experience of home visits?

## Appendix B: Approval for research

<b>Norsk samfunnsvitenskapelig datatjeneste AS</b> NORWEGIAN SOCIAL SCIENCE DATA SERVICES			
Aurelie Picot Institutt for sosialfag Høgskolen i Oslo og Akershus Postboks 4 St. Olavs plass 0130 OSLO		Harald Hårfagres gate 29 N-5007 Bergen Norway Tel: +47-55 58 21 17 Fax: +47-55 58 96 50 nsd@nsd.uib.no www.nsd.uib.no Org.nr. 985 321 884	
Vår dato: 18.05.2012	Vår ref:30405 / 3 / MSS	Deres dato:	Deres ref:
<b>TILBAKEMELDING PÅ MELDING OM BEHANDLING AV PERSONOPPLYSNINGER</b>			
Vi viser til melding om behandling av personopplysninger, mottatt 10.04.2012. Meldingen gjelder prosjektet:			
30405	<i>Understanding Social Work in Context. A Comparative Study of Child Protection in France and Norway.</i>		
<i>Behandlingsansvarlig</i>	<i>Høgskolen i Oslo og Akershus, ved institusjonens øverste leder</i>		
<i>Daglig ansvarlig</i>	<i>Aurelie Picot</i>		
Personvernombudet har vurdert prosjektet og finner at behandlingen av personopplysninger er meldepliktig i henhold til personopplysningsloven § 31. Behandlingen tilfredsstiller kravene i personopplysningsloven.			
Personvernombudets vurdering forutsetter at prosjektet gjennomføres i tråd med opplysningene gitt i meldeskjemaet, korrespondanse med ombudet, eventuelle kommentarer samt personopplysningsloven og helseregisterloven med forskrifter. Behandlingen av personopplysninger kan settes i gang.			
Det gjøres oppmerksom på at det skal gis ny melding dersom behandlingen endres i forhold til de opplysninger som ligger til grunn for personvernombudets vurdering. Endringsmeldinger gis via et eget skjema, <a href="http://www.nsd.uib.no/personvern/forsk_stud/skjema.html">http://www.nsd.uib.no/personvern/forsk_stud/skjema.html</a> . Det skal også gis melding etter tre år dersom prosjektet fortsatt pågår. Meldinger skal skje skriftlig til ombudet.			
Personvernombudet har lagt ut opplysninger om prosjektet i en offentlig database, <a href="http://www.nsd.uib.no/personvern/prosjektoversikt.jsp">http://www.nsd.uib.no/personvern/prosjektoversikt.jsp</a> .			
Personvernombudet vil ved prosjektets avslutning, 31.08.2015, rette en henvendelse angående status for behandlingen av personopplysninger.			
Vennlig hilsen			
			
Vigdis Namtvedt Kvalheim	Marie Strand Schildmann		
Marie Strand Schildmann tlf: 55 58 31 52			
Vedlegg: Prosjektvurdering			
<small>Avdelingskontorer / District Offices: OSLO: NSD, Universitetet i Oslo, Postboks 1053 Blindern, 0316 Oslo. Tel: +47-22 85 52 11 nsd@iuh.no TRONDHEIM: NSD, Norges teknisk-naturvitenskapelige universitet, 7491 Trondheim. Tel: +47-73 59 19 07 kyrr.svarva@svt.ntnu.no TROMSØ: NSD, SVE, Universitetet i Tromsø, 9037 Tromsø. Tel: +47-77 64 43 36 nsdmaa@svt.uo</small>			

## **Article 1**

Picot, A. (2012). Out-of-home placements and notions of family in Norway and in France. *Sosiologi i Dag*, 42(3/4), 13–35.



## Out-of-Home Placements and Notions of Family in Norway and in France

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Sosialforsk

Comparative welfare state research has shown that French and Nordic welfare systems provide similar high levels of support legislated for families, but differ in their treatments of the family unit. This article explores notions of family implicit in French and Norwegian child protection laws through a comparison of legal provisions regulating out-of-home placements. Taking as a starting point the concept of filiation bond, which designates the bond between a child and his/her parents, the analysis shows that there are significant differences in how the family is conceptualized in Norway and France. While an individual notion of family is implicit in Norwegian child protection law, the notion of family underpinning French legislation tends to be more collective. The article suggests that these differences may be related to the interplay between different interest groups, and to the disciplines dominating the production of knowledge on which state interventions in the family are based.

Key words: comparison, child protection, family, parent-child relationship, filiation

### *Introduction*

Comparisons of child welfare systems have been object for much research in recent years (Cf for example Achard & Skivenes, 2009; Forsberg & Kröger, 2010; Healy & Oltedal, 2010; Kriz & Skivenes, 2011; Gilbert, 2011; Kojan

& Lonne, 2011). In earlier comparative studies of child protection, both Norwegian and French child protection systems were categorized as "family service oriented systems", as opposed to "child protection systems" (Freymond & Cameron, 2006; Grevot, 2006; Gilbert, 2011; Skivenes, 2011). Family service systems are understood as granting central importance to prevention and family support. This may be linked to the importance given to what in Norway has been called the "biological principle" and in France the "ideology of family bonds" (Skivenes, 2003; Sandberg, 2003; Bloche & Péresse, 2006; NOU 2012). Both entail that children have the right to receive care from their families, and families should be helped to perform their duties. However, in Norway, the family service orientation coexists with a "child focused" orientation, which views the child as an individual with claims on the state, concentrates on the child's developmental needs and emphasizes parents' caring duties (Gilbert, 2011; Skivenes, 2011). At a time when a recent governmental report in Norway recommends subordinating the biological principle to a new principle called "attachment supportive of development" (*utviklingstøttende tilknytning*) (NOU 2012), it is interesting to examine this principle and the understanding of family implicit in this notion.

In researching legal aspects of child protection systems, most studies have been conducted by jurists and political scientists (see, for example, Haugli, 1998/2000; Skivenes, 2003; Sandberg, 2003; Verdier, 2005; Gording Stang, 2007; Bendiksen, 2008). Most often, researchers focus on single countries, with only few exceptions (Ryburn, 1994; Grinde Vogt, 2004). In contrast, this article adopts a comparative perspective drawing on a sociological understanding of the state and the law (Neuman, 2011) to study child protection legislation in the Norwegian and French welfare systems. Following Bourdieu (1986), I assume an approach to laws framing them as documents of a specific genre codifying, objectifying and standardizing social reality: They serve as a source of data about how social problems and solutions are constructed – in this case, out-of-home placements – at particular times and places. Among other things, child protection laws and policy reports express a definition of parental duties and responsibilities in a society, and the state's power to enforce these definitions. In this article, the main focus will be on provisions regulating the parent-child bond when children are in out-of-home placements.

While France and the Nordic countries are similar in many respects in terms of the services and relatively high levels of support legislated for families,



they differ greatly in general policies related to the preservation of the family unit (Hantrais, 2004). The central interrogations of this research relate to the similarities and differences in the legal provisions regulating out-of-home placements, the notions of family implicit in these provisions, and how the differences can be understood. Previous comparative research on child protection focused mostly on variations in the framings of social interventions towards child maltreatment (Khoo 2002, Gilbert 2011), but the variations in the notions of family underpinning legislation remain under investigated. In order to conceptualize the different notions of family and child-parent bonds underpinning the differences observed, I employ Paugam's concept of filiation bond (2008). The filiation bond designates the bond between a child and his/her birth or adoptive parents. This article will show that the filiation bond is understood differently in Norway and in France: Interventions which lead to a breakdown of the filiation bond are conceivable to a higher extent in Norway than in France. Furthermore, I discuss possible explanations for these differences, considering sets of knowledge used in the case of child protection laws to legitimate state interventions as regimes of truth (Foucault 1980). Before embarking on the analysis of the legal principles, I will give a brief description of the methodology and of the main organizational features of child protection systems in both countries.

### *Methodology*

This article is part of a comparative PhD project about the regulation of the filiation bond in the Norwegian and French welfare states. One part of the project includes qualitative interviews of Norwegian and French child welfare workers in relation to their practices of intervention, while another part comprise an analysis of national contexts based mainly on a study of the child protection legislation in Norway and France. In this article, I concentrate on analyzing child protection legislation, particularly regarding out-of-home placements.

The article focuses on legal provisions regulating the conditions for placement (*omsorgsovertakelse*), rights of access (*samvær*), return of the child to his/her family (*tilbakeføring*), and adoption, as these aspects of the law provide indications of the relative importance granted to bonds with birth families as well as new caregivers and the willingness to sever the initial filiation bond in order to create a new one.

In addition to the formal acts, that is the 1992 child welfare Act in Norway and the section on *assistance éducative* of the French civil code<sup>1</sup>, the article also focuses on preparatory legislative documents (NOU, 1985:18; Ot. prp. nr. 44, 1991-1992; Lardeux, 2006; Bloche & Péresse, 2006; Péresse, 2006; Lardeux, 2007; Péresse, 2007; Ot. prp. nr. 69, 2008-2009; Prop. 7 L, 2009-2010) and policy reports (Naves, 2000; NOU 2000:12; St. meld. nr. 40, 2001-2002; De Brossia, 2005; NOU, 2009:8; NOU, 2009:21; NOU, 2012:5). It is important to emphasize that this is not a comparative study of child protection laws in a juridical context; instead, these laws are used to provide a background for discovering some of the cross-national differences in legal frameworks, and how those differences relate to distinct notions of the family.

In order to analyze the problem representations that are implicit in the laws, the research on which this article is based relies on a "What is the problem represented to be" (in short, WPR) approach as developed by Bacchi (2009). The WPR approach is a type of policy analysis that views policy as a cultural product. It emphasizes cross-cultural comparison as a central device to uncover how certain problem representations are linked with specific institutional and cultural contexts.

### *Organization of child protection systems*

A brief description of the main organizational features of child protection systems in both countries will be presented here before embarking on the analysis of the legal principles of the two systems.

In Norway, state authorities at the regional level are responsible for placements into foster homes and for the recruitment and training of foster families (Child Welfare Act, Section 2-3), while municipalities are responsible for day-to-day child protection work, including the follow-up of placements (Child Welfare Act, Section 2-1). A state organ at the county level, the County Social Welfare Board, makes decisions about care orders, (*omsorgsovertakelse*, § 4-12), rights of access (*samvær*, § 4-19), depriving parents of responsibility for their children (*fratakelse av foreldreansvaret*) and adoption (§ 4-20). In Norway, care orders are defined as coercive, even when parents give their consent (Gording Stang, 2007: 371).

In France, the children's judge<sup>2</sup> decides on coercive measures involving educative action in the home (corresponding supervision orders according to

§ 4-4 in the Norwegian Act of 1992) as well as care orders (corresponding care orders according to § 4-12 in the Norwegian Act of 1992). Municipalities in France have no responsibilities or duties in matters regarding child protection, and it is the *département* – a political-territorial level between the municipalities and regions – which is responsible for implementing all coercive measures decided by the children's judge. The *département* also makes decisions about administrative protection, i.e. voluntarily assistive programs at home and voluntary out-of-home care, though the implementation of those measures can be delegated to NGOs. Hence, a central similarity between the two countries regarding the organization of child protection systems – and specifically the responsibility and decision-making authority regarding out-of-home placements – is that they are divided between a judicial and an administrative system.

Furthermore, while a slightly larger proportion of children receive child protection services in Norway (2,59 % of those aged 0-22) than in France (1,79 % of those aged 0-21), the rates of out-of-home placements are similar (0,87 % in Norway, 0,90 % in France, including both voluntarily and coercive placements) (SSB 2010, Borderies, & Trespeux 2012, INSEE 2012). However, the principles and criteria guiding out-of-home placements are notably different.

### *Different guiding principles*

Each country defines explicit principles applying to child protection. These are central norms which frame child protection interventions. As we will see, there are some subtle differences in the content and formulation of those principles.

In Norway, child protection policies rely on three main explicit principles: the best interest of the child (*barnets beste*), inscribed in the child welfare Act (§ 4-1), the principle of least intrusiveness (*minste inngrep*) (NOU, 2000:12) and the biological principle (*biologiske prinsipp*), explicitly mentioned in policy reports (NOU, 2000: 12:5). The French civil Code retains two explicit principles: The child's interest and the maintaining of the child in his environment. In the following I will highlight the main similarities and differences between these two principles and the best interest and least intrusiveness principle in Norway and discuss the absence of a biological principle in France.

### **Child's interest versus child's best interest**

The principle of the child's interest (*intérêt de l'enfant*) used in the article 375-1, 375-5 and 375-7 of the civil Code is distinct from the best interest of the child (*intérêt supérieur de l'enfant*)<sup>3</sup>. Lebreton (2003) argues that the French civil law resists to the best interest of the child, due to its faithfulness to the republican tradition. Indeed, the best interest is according to him the product of an ultra-individualistic thinking; it contradicts the republican tradition, which emphasizes the general will and hence does not recognize the superiority of any interest.

### **Maintaining the child in his/her environment**

The principle of maintaining the child in his/her environment (*principe de maintien dans le milieu*) (Article 375-2, Civil Code) can be compared with the Norwegian least intrusiveness principle. The law indicates that whenever possible, the child should be maintained in his/her environment. Here the environment refers to the child's primary family. This principle can be related to the broader principle of subsidiarity (*subsidiarité*), which entails that the state can only take the role of the family when the family fails.

### **The status of biological family**

The biological principle entails that children should grow up with their birth families; if they are separated, maintaining contact with their biological parents has a value in itself (NOU 2000:12; Bendiksen, 2008: 164). There is no direct equivalent to the biological principle in French legislation. However, the protection of the family unit is strong: Policy documents often refer to the protection of "the child and his/her family" or to "the child and his/her family's interests". It is interesting to note that the terms "biology" or "biological parent" are not used in a child protection context in France. Birth parents are designated as "the parents", and it is taken for granted that a child can only have one set of parents. Still, critical voices have contended that the nuclear biological family definition is too dominant in the law and that such a definition does not serve the interest of the child (Bloche & Péresse, 2006:5).

### *Criteria guiding out-of-home placements*

This brief comparison of the principles guiding child protection in Norway

and France has shown that although the principles are similar in many ways, there are also significant differences. The following section will develop this comparison further, through a detailed examination of the criteria regulating the implementation of care orders, rights of access, the return of the child, and adoption according to the Norwegian 1992 Child Welfare Act and the French Civil Code.

#### **Criteria for implementing care orders**

The criteria for implementing care orders in Norway and France are quite similar. In Norway, these criteria include serious deficiencies in everyday care (*omsorg*), mistreatment and serious abuse, as well as serious risks for the child's health and development (§ 4-12). Similarly, according to the French Civil Code, the criteria for implementing a care order include the presence of a danger to the health, security or morality of the minor, and further, the existence of a serious danger impacting on his/her education<sup>4</sup> and/or his/her physical, affective, intellectual and social development (Article 375).

It is thus clear that the criteria for out-of-home placements in both countries involve assessments of the seriousness and gravity of harmful factors in the lives of children. Nevertheless, despite the gravity of certain situations, in both countries, laws do not offer the possibility to order permanent placements outside the home. In Norway, care orders have no limit on their duration, but are to be revised on a regular basis or at the request of the parents (§ 4-21). Yet, as we will see, there may be other obstacles to the return of the child. In France, placement decisions by the children's judge are limited to a maximum of two years. The children's judge has to strive to obtain the parents' support, although s/he has to adjudicate ultimately in consideration of the child's interest (Article 375-1 of the civil Code). At the end of the decided period, the case is reexamined in court and a new decision is made – either to extend or end the placement. At any time, however, the parents of the child can submit a request to the judge to revise her/his decision about the placement (Article 375-6).

#### **Regulating rights of access**

As for the rights of access, the following picture emerges when comparing the Norwegian and French laws: In both countries, parents and children are entitled to rights of access under the law, but those rights can be restricted or blocked in the interest of the child (Article 375-7; Lardeux, 2005-2006:33,

§4-19; Haugli, 2000). In both cases, the granting of rights of access (*samvær*) reflects a fundamental view that contact with the birth parents is perceived by the state as being of major importance for children not living at home (Haugli, 2000). But while in France, the importance of continuity in relations between children and their birth parents has remained uncontested, in Norway, the emphasis on continuity has been increasingly balanced with a concern with stability.

The preparatory work for the Norwegian Child Welfare Act refers to psychological knowledge about the importance of continuity as a key element in determining the best interest of the child (*barnets beste*) (Ot.prp. nr. 44 1991-1992: 51; Haugli, 2000, § 4-1 Child Welfare Act). In 2000, this point was re-emphasized in a public document also containing references to psychological theories used to point out that the rights of access might become problematic in the cases of youngsters in long-term foster care (NOU 2000:12: 213). The rights of access end up being perceived as a burden (Haugli 2005), especially when a child is placed in foster-care with a long term perspective, notably because it may impede on the building of attachment bonds with the new carers (NOU 2000:12: 213, St.meld.nr 40, 2001-2002: 168). In such cases, the goal with the rights of access is not to create or maintain the emotional bond with the birth parents, but rather to allow the child to gain knowledge about his/her origins (NOU, 2000:12:211). The recent report by a government commission chaired by the child psychologist Magne Raundalen (*Raundalen utvalget*) suggests that rights of access should be maintained only to the extent that they allow the development of a bond of attachment supportive to the child's development (*utviklingstøttende tilknytning*) (NOU 2012:5:111-112).

Rights of access assume a different role in France: Parents are considered by French child protection policies to be irreplaceable in the upbringing of their children and they are expected to play an active role even when their children are placed outside the family home (Naves, 2000: 66), which requires frequent access to the child. Bloche and Péresse thus argue that a central goal for these placements is to control "the exercise of parental authority without undermining it, by providing help and counseling to the family" (2006: 271). Parents' competencies, no matter how impaired, should be encouraged and supported (Bloche & Péresse, 2006: 332). This means that in France, out-of-home placement is used not only to improve care for the child, but also to rework the relationship between the parents and the child. Still, the children's

judge may suspend temporarily parental rights of access or decide that these rights may only be exercised in the presence of a third person if it is felt that this is in the best interest of the child (article 375-7 of the civil Code).

### **The return of the child**

In both countries, out-of-home care placements (*omsorgsovertakelser*) are understood as being temporary according to the Norwegian Child Welfare Act of 1992 and the French Civil Code (NOU 2000:195; NOU 2012: 114; Civil Code Article 375). In Norway, like in France, child welfare services have the duty to constantly follow up the birth parents of children in out-of-home placements, while also providing them with help and support necessary to enable them to take care of their children in the future (§ 4-16). The County Social Welfare Board has the duty to revoke a care order when it is highly probable that the parents will be able to provide the child with proper care (§ 4-21, Ot. prp. nr. 69 2008-2009). There is, however, an important difference between the two countries which emerges already in the Norwegian 1992 child welfare Act: Article 4-21 states that if the child has become so attached to his new caregivers that the removal may lead to serious problems, the child cannot be returned to his or her family.

It is conceivable that the interpretation of this clause has evolved during recent years. Indeed, while the preparatory work to the 1992 Child Welfare Act underlined that attachment (*tilknytning*) between birth parents and children represented a resource in itself that had to be taken into consideration in decisions involving returning children in care to their families (*tilbakeføring*) (Ot.prp. nr. 44 1991-1992: 55), a decade later, the White Paper no. 40 emphasized children's specific vulnerability and their particular need for a stable and secure care situation in such decisions (St. meld. nr. 40 2001-2002: 33). This reflects an understanding of good contacts with adults as an important element in providing children with equal opportunities for development in out-of-home placements (NOU 2000:12). These obstacles to returning children to their families are suggested reinforced by the recent governmental report by the Raundalen commission (NOU 2012:5:122).

In France, care orders tend to be conceived as temporary to a greater extent than in Norway, as there are no clauses or provisions in the French Civil Code allowing for maintaining placements in cases where children have been attached to their new caregivers. Moreover, the Civil Code does not specify criteria for the return of the child to the family: It only asserts that beyond

the fixed duration, the care order may be renewed by means of a new juridical decision (Article 375). The French civil Code does not grant any legal recognition to the bonds of attachment constructed with other adults, which reflects a distinctive view on family, in which the parent-child relationship is understood as constituted once and for all.

### **Adoption criteria**

In Norway, in particular in situations where the initial child-parent bond is likely to be disrupted or broken due to a long-lasting impairment of parental abilities, both the breaking of the legal bond between children and birth parents as well as the creation of a new filiation bond through adoption are conceived as an option if it is in the child's best interest. This is especially so in cases where it has been determined that such decisions will provide the child with a higher degree of stability and belonging, and in cases where having access to his/her parents is viewed as being of little use to the child (Bendiksen, 2008; NOU 2012:5: 130). Depriving parents of responsibility for their children (*fratakelse av foreldreansvaret*) is one of the conditions required for implementing an adoption (§ 4-20, Bendiksen, 2008), and in cases of adoption, parents and children lose their rights of access (*samvær*). The County Social Welfare Board can decide that limited contacts can be maintained, provided that the adoptive parents give their consent to these (§ 4-20a, Prop. 7 L 2009-2010), and the Ministry of Children and Equality since recently encourages increased use of adoption as a child protection measure (Ot. prp. nr. 69 2008-2009).

In France, children can be adopted without parental consent only in those cases where the child has been declared by the family court to be abandoned, which is defined as the cases where it has been proven that the parents show "manifest disinterest" towards the child (Article 350 of the Civil Code). Parents are considered as having shown disinterest when they do not maintain the contacts necessary for preserving affective bonds during one year (Article 350). Furthermore, the threshold for adoption has long been high, although a recent law proposal replaces the criteria of manifest disinterest by that of parental desertion, which takes into consideration not only contact, but also parental involvement and contribution to the child's upbringing and development (law proposal on deserted childhood and adoption, adopted by the French National Assembly on March 1, 2012). This could contribute to an increased use of adoption as a child protection measure.



Thus, in both countries, adoptions are conceived as a last resort solution. A central difference in the provisions relative to adoption is that in France, unlike in Norway, the status of "the parents" remains uncontested whatever their caring abilities: Indeed, emphasis is put on the parents' degree of involvement rather than on their incompetency.

### *Differential interpretations of the filiation bond*

What can be concluded thus far from this comparison of the treatment of the filiation bond for children placed in care in these two countries? In Norway, stability in care, and attachment bonds, tend to be prioritized over the preservation of bonds with birth families when this is viewed as in the child's best interest. Although the biological principle underlies the provisions regulating out-of-home care, such as rights to access, and conditions for returning children in care to their families, it is not decisive, as a consequence of the paramount status of the best interest of the child (Sandberg, 2003:77). In contrast, in France, the central focus of the law and policy documents is on the involvement of parents. Rights of access are perceived as essential in the task of reworking the parent-child relationship. Furthermore, the attachment of the child to his/her new environment is not a legitimate motive to prevent family reunification. Finally, it is not possible to implement an adoption against parental will unless the child has been declared abandoned.

Based on the examination of the different criteria involved in implementing care orders, regulating rights of access, the return of the child, and adoption, I suggest that the understandings of family and the filiation bond underlying child protection legislations in Norway and in France differ perceptibly. In Norway, there are circumstances where it is deemed acceptable to break a filiation bond, while such interventions lack the necessary legitimacy in France. Before examining in more details how the filiation bond is understood in both countries, I will shortly present Paugam's concept of filiation bond.

According to Paugam, individuals are integrated within a society through a plurality of bonds that offer them material protection and recognition. These include bonds of organic participation<sup>5</sup>, elective participation, citizenship and filiation. According to his understanding, every social bond is defined by two dimensions: protection and recognition (Paugam, 2008)<sup>6</sup>. The filiation bond

– including biological and adoptive filiation – is understood by Paugam as having a socialization function, in addition to acting as a support for identity. The material protection provided to children by this bond may include housing, clothes and hygiene, while recognition involves affective contacts and security. Paugam views insufficient protection and recognition experienced by children who have been mistreated or rejected by their parents as disruptions of the filiation bond (Paugam, 2008). Although he mentions attachment as an important component of the filiation bond, attachment is neither an autonomous basis for filiation nor for parenthood. Furthermore, although like other social bonds, the filiation bond may be disrupted or broken, e.g. by the parents' or child's death, Paugam argues that "the filiation bond is not modifiable, whatever the quality of the relationships" (Paugam 2008: 67). Here, it is unclear whether Paugam intends to mean that this applies universally or to the French society; the concept of filiation bond defined this way seems to fit better to the French case than to the Norwegian case. It can nonetheless help us to shed light on some differences in the legal regulation of the parent-child relationship in the two countries.

The French civil Code puts forth the permanence of juridical bonds between children and their birth or adoptive parents, rather than "juridical acknowledgement" of social and psychological bonds constructed with persons other than the juridical parents. Indeed, underlying the French child protection legislation is a collective concept of family<sup>7</sup>, in which children are viewed as being dependent on the filiation bond for access to welfare. Although children are entitled to protection from harm as future citizens, protection for the child against the hazards of life relies not only on the social rights of citizenship but also on belonging to a family. Furthermore, the family, too, is viewed as in need of protection in a context of a perceived "crisis of the family institution" marked by rising divorce rates and the diversification of family forms with an increasing number of step families. These transformations are conceived as a burden and a probable cause, among others factors, of parental difficulties (Commaille & Martin, 2001). In contrast, the Norwegian legal provisions regulating out-of-home-care are based on an individual concept of family where children are viewed as autonomous individual subjects with rights, and foster parents can be included in the child's family (Skevik, 2003; Bendiksen, 2008; Kjörholt, 2010; Ellingsen, 2011). The emphasis on the psychological aspects of parenthood may lead to deemphasizing the significance of the initial biological and juridical bonds with birth parents for children in care.

*Understanding Differences: Knowledge and Power Relations*

During the 1980s, in France as in Norway, there was increased emphasis on preserving and strengthening biological bonds in the area of child protection. However, despite this common emphasis on the bonds with the primary family in public discourses, there are major differences between Norway and France regarding provisions regulating rights of access, returning children in care to their families and adoption. As we have seen, those differences reflect distinct understandings of family and the filiation bond.

In this section, I will attempt to explain those differences, relying on a WPR approach. The central goal of a WPR approach is to assess rationalities and techniques of rule in public policies. This assessment relies on a critical examination of problem representations, their underlying assumptions, the origins, the silences, the effects and the supporters of the problem representations (Bacchi 2009: 2). In order to understand differences in the problem representations underlying child protection laws, I will focus on the interplay between interest groups and knowledge-based state interventions in families. According to Foucault (1980), the choice of knowledge by the state is not neutral. The state uses knowledge satisfying two criteria: 1) knowledge must have legitimacy; 2) knowledge must not prevent the state from assuming its functions (Scott, 1998; Hennum, 2010). Thus, in order to understand why a particular form of knowledge has been viewed as legitimate in a given social context, it is also necessary to consider the power relationships at work in the larger environment.

In many ways, Norway and France have followed different paths. During the 1960s, Norwegian child welfare services were criticized for their encroachment of parental rights, but from the 1970s and onward, these criticisms have been muted by emphasis on the conflict of interests between parents and children (Ericsson, 1996). From that point on, parents' rights have been granted less importance than children's rights and interest (*ibid.*). The reference to the biological principle first appeared in the form of an act proposed by the *Sosiallovutvalget* in 1985. According to the Raundalen's commission, it is conceivable that the introduction of the biological principle in preparatory legislative documents at that time has been motivated by a political need for underlining parents' rights (NOU 2012:5:26). The influence of the biological principle culminated in the early years of the twenty-first century with the publication of the Befring commission's report (NOU 2000:12) and the White Paper on Child Welfare in 2002 (St. meld. nr. 40, 2001-2002).

In Norway, psychological knowledge about children, more specifically developmental knowledge, acquired a hegemonic status in the field of child protection and more broadly in the child welfare policies for children (Andenæs, 2006; Hennum, 2010). Today, this knowledge is firmly anchored in Norwegian child protection law and policies (White, 1998; Sandberg, 2003). Attachment theory, as represented by the writings of Bowlby (1951) and Ainsworth (1982) on attachment and Main's theories on disorganized attachment (Main, 1995), features prominently in governmental reports and related documents (NOU 2009:8; NOU 2012:5). As a consequence of the dominance of such psychological understandings, children subject to out-of-home placement are framed in governmental reports and legislation as somehow detached from their socioeconomic environments, and, this way, class-related issues are effectively silenced (Kojan & Marthinsen, 2012).

In attempts to resist these understandings, some parents of children in care have joined together, primarily in internet forums, to express their views in such organizations as GFSR (*Gruppen til Familien Selvstendig Rett*), *Redd Våre Barn* and *barnasrett.no*. Even so, it seems that these groups have little support from civil society. The fact that the scope of social inequalities and poverty has been rather limited in Norwegian society compared to France or England, may help explain why it has been more difficult for deprived parents in Norway to gain significant voice, visibility and influence. Furthermore, several researchers have remarked that social workers in Norway often deny or understate the impact of poverty among the parents of children in care, and emphasize instead moral and psychological explanations for family disorders (Vagli, 2009; Andenæs, 2004; Ericsson, 1996).

An additional factor is represented by groups such as *Landforening for Barnevernsbarn*, which was organized in 1997 by those who were previously in care (Gording Stang, 2007). This and related organizations comprised mainly of former child and adolescent clients of the child welfare system have gained visibility in the media, which has further amplified these groups' claims that child protection services either came too late in their lives or failed to protect or hear them (ibid). The efforts by these groups and the publicity they have generated may have contributed to reduce the legitimacy of the claims of parents whose children have been placed in out-of-home care.

In France as well, the 1960s and 1970s represented a turning point in the history of out-of-home placements. At earlier times, such placements entailed severing of bonds with birth parents whose places in their children's lives were

then often forgotten. But in the late 1960s, bonds between children in care and their birth families began to be progressively taken into account (Cadoret, 1995). Moreover, the report authored by Bianco and Lamy in 1980 represented a central step in asserting that children as far as possible should stay with their families (Eloi 2007). While psychological knowledge in the form of attachment theory has not been as widely diffused among professionals (Savard, 2010), sociological knowledge has been very influential in the area of social assistance and child protection policies in France compared to Norway. Much research carried out by social scientists in France has focused on the social control of families, especially by the state (Donzelot 1977, Verdès-Leroux 1978), as well as on processes socially disqualifying social assistance recipients (Paugam 1991). These findings have documented many of the negative effects of social intervention on individuals and families. The sociological knowledge these and other investigators have produced has made a considerable impact on professionals working in child protection and social services, making it difficult for some social workers to assume their duty of monitoring families (Serre, 2009). Paugam describes the impact of the criticisms addressed by Foucauldian intellectuals to social workers as "a traumatism of the profession"<sup>8</sup>. Teachers of the schools of social work have played a central role in the diffusion of such knowledge among their students (Serre 2009).

Starting in the 1990s, the discovery of new forms of poverty, marginalization and social exclusion has directed public and policy attention in France to family and community bonds, with family being increasingly viewed as protection against social exclusion (Commaille & Martin, 2001). Furthermore, organizations of parents with children in out-of-home care have emerged in France, such as *Le Fil d'Ariane*, and their claims have been supported by family organizations such as the National Union of Family Associations and various NGOs sponsoring anti-poverty programs (Verdier, 2005). One organization, ATD Quart Monde, documented the impact of poverty and precarious living conditions on placement decisions which led the Ministry of Social Affairs and the Ministry of Justice to ask their inspectors to conduct investigations of these areas (Grevot, 2006). This led to the publication in 2000 of a report by Naves and Cathala (2000). Its authors stressed the need to understand placement in out-of-home care as a "temporary separation in the frame of a social and educative strategy elaborated in discussion with parents" (Naves, 2000:72). Finally, it should be

noted that in contrast to Norway, there is no equivalent in France of organizations among those formerly in care and, as a consequence, children's voices are mostly invisible in the public debate.

Thus, when considering the social and political contexts for child protection in Norway and France, one should take into account the interplay between knowledge packages and interest groups, which themselves relate to different notions of family. Child protection in Norway is characterized by emphasis on conflicts of interests between parents and children, on listening to children's voices and by the weight given to developmental psychological knowledge. These factors may be seen as both underpinned by – and underpinning – an individual notion of the family, while in France, emphasis on sociological knowledge, discourses about social exclusion, and organizations of parents separated from their children tend to favor, and are reinforced by, a collective notion of family.

### *Conclusion*

This article has shown that although in both Norway and in France, the filiation bond appears to be a central issue in the determination of the child's interest, the meaning of and the weight given to the filiation bond varies noticeably between the two countries. In Norway, the weight given to the biological principle is now counterbalanced by another principle giving priority to secure and stable attachment as a condition for the child's development (*utviklingsstøttende tilknytning*). Here, individual children are viewed much more as autonomous individuals with claims on the state than in France, and the bond of citizenship plays a central role in the protection of children in out-of-home care: In Norway, therefore, the state tends to act as a substitute of birth families. In this way, the child's dependency is masked, but it cannot be totally blocked out. Rather, the child's dependency on parents is replaced by a dependency on the state and the law.

In contrast, the responsibilities for child protection in France are shared between parents and the state. Child protection interventions attempt to articulate citizenship and filiation by promoting coeducation and involving parents of children in care in the life of their child. The type of knowledge produced by the state and the nature of the power relations conceivably account for these differences.

These conclusions are based mainly on an analysis of legal provisions regulating the filiation bond when children are in out-of-home care. However, because child protection work is not entirely guided by law and procedures, discrepancies between the law and its implementation can arise (Weyland, 1997). As researchers in Norway and the United Kingdom have shown, criteria for interventions in child protection are also based on moral judgments which are necessary to get the work done (Vagli, 2009; Parton, 1997). Thus, professional norms and values influence the content given to legal rules implemented into practice. Consequently, giving an exhaustive picture of the legal regulation of the parent-child relationship requires other sources of data yielded by observations, interviews and analyses of case documents.

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### Notes

1. Norwegian Child Welfare Act 1992, § 4-1, § 4-12, § 4-16, § 4-19, § 4-20, § 4-20a, § 4-21 and the French Civil Code recently modified in 2007, articles 350, 375, 375-1, 375-2, 375-3, 375-4, 375-5, 375-6, 375-7, 375-8, 378, 378-1. The 2007 Act reforming child protection modified several articles of the civil code.
2. In France, the children's judge, an agent of the state, is responsible for the protection of endangered minors as well as the repression of delinquent minors.
3. The term best interest of the child (*intérêt supérieur de l'enfant*) is used in the French Code of Social Action and Families, which regulates administrative (child) protection, but, according to Lebreton, even when the French law uses the notion "best interest of the child", the child's interest is not placed in a position of superiority with regard to other legitimate interests.
4. The official translation of the civil code retains the term education. However, it is important to underline that the French term *éducation* is neither restricted to school education nor to moral education (*oppdragelse*), but covers broader aspects of parenting.
5. The term "bond of organic participation" (*lien de participation organique*) designates the learning and exercise of a given function within the division of labor.
6. Paugam borrowed the notion of protection from Durkheim to refer to material support, including physical care (Durkheim, [1897] 2007; Paugam, 2008). In addition, Paugam uses the concept of recognition, first developed by Honneth (2002), to designate "the social interaction that supports the individual by offering him/her the proof of his/her existence and value in the eye of others" (Paugam, 2008: 63).

7. The distinction between individual and collective concept of family is borrowed from Skevik (2003).
8. Personal communication. Additionally, a study of the diffusion of *La disqualification sociale* conducted by the publisher uncovered that this book has also been broadly diffused in schools of social work.

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### *Sammendrag*

Ifølge komparativ velferdsforskning kjennetegnes både den franske og de nordiske velferdsstatene av høy grad av lovfestet støtte til familier, men statene behandler familien som enhet på ulike måter. I denne artikkelen utforskes implisitte forståelser av familien i lovverk som regulerer omsorgsovertakelse i

Frankrike og i Norge. Teoretisk tar artikkelen utgangspunkt i Paugams begrep *filiation bond*, som referer til slektskapsbåndet mellom barn og deres foreldre. Analysen viser at mens en individuell forståelse av familien understøtter den norske barnevernsloven, ligger en kollektiv forståelse av familien til grunn for den franske. Artikkelen konkluderer med at disse forskjellene kan forstås i lys av samspillet mellom ulike interessegrupper, og ulike fagdisipliners posisjon i utviklingen av barnevernets kunnskapsgrunnlag.

Nøkkelord: sammenligning, barnevern, familie, foreldre-barn-relasjon, slektskapsbånd

## **Article 2**

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## **Article 4**

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