

Child Welfare Investigations: How Observations Create Practice

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Abstract

The present article stems from of a curiosity about how practice becomes established as practice in the face of the viability of other potential practices. Based on a hypothetical child welfare investigation, I show that the way we observe determines what we see and thus also how we act. The investigations take shape through observations and depend on the observers' particular perspective. Because the work of child welfare investigations is determined by the observer's way of seeing, it becomes critical to study the way different observations come into being, and which observations become visible. I also show how social systems make themselves dependent on the observations of non-social systems and how these observations serve as premises for what we see and how we act. The aim of the article is to show how any given and established practice could look different, not to criticize or applaud existing practice, but in order to demonstrate the uncertainty inherent in our observations and thus the seriousness of claiming that something needs to be a certain way. The article is based in a systems theoretical approach and employs form/medium analysis in accordance with the presentation and introduction of it by Niels Åkerstrøm Andersen in his most recent book (Andersen, (ed.) 2019).

Keywords: child welfare practices, systems theory, form/medium analysis, Niklas Luhmann

Introduction

This article thematizes the practices of child welfare services (CWS) and the way these practices emerge differently depending on the specific observations that shape them. More specifically, I base my analysis on a constructed child service investigation to explore what causes the investigation to take a particular form, a particular progression, as opposed to other potential progressions. In a previous article I have shown how, irrespective of the particular case, CWS agency, and caseworker, the investigations² conducted by CWS turn out quite similarly (Aamodt, 2015). The present article stems from my continued curiosity about this fact, but here my inquiry is about the reason that welfare practices emerge the way they do, and the article suggests a mode of analysis of such practices.

The article is anchored in a systems theoretical approach and employs form/medium analysis in accordance with the presentation and introduction of it by Niels Åkerstrøm Andersen in his most recent book (Andersen (ed.) 2019). This analytical strategy is not new. Fritz Heider published an article in 1920 in which he proposes the distinction between form and medium as the basis of all perception (Heider 2019).

Talcott Parson and subsequently Luhmann similarly employ the concept of medium in their descriptions of how systems observe in their understanding of the world (Parsons, 1976; Luhmann, 1982, 2000; Aamodt, 2018). Walter Seiter (2019) provides an expanded concept of medium and shows how mediums not only serve as communication or perception, but how they also emerge as physical materiality.

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² In 2018, more than 47.000 child welfare investigations were initiated in Norway (BufDir 2020). Many municipalities have chosen to use standardized models for their investigations while others have chosen to develop their own models for their investigative work.

In 2015, Bernd Herzogenrath published the anthology *Media Matter: The Materiality of Media, Matter as Medium*, which also suggests an expansion of the concept by the inclusion not only a physical but also a biological concept of mediums in addition to communication and perception mediums (Herzogenrath, 2019). This expansion of the concept of medium to include the physical and biological creates new observers. Not only individuals can now be said to observe the world, but also machines, objects, organisms, and systems. This causes practice to also be shaped by non-social observations.

This perspective presupposes that the way we observe something determines what we see and how we act. The central effort thus becomes to carefully examine the specific observations that cause practice to emerge as it does. The present article shows how an observation comes into being; what makes something appear as opposed to something else irrespective of whether the observer is an organization, a template or an individual.

Form/medium analysis allows us to see the way the observations within a professional field are determined by what different types of mediums allow observers to observe. This means that the observation appears as a *form* as opposed to a *medium* and that the type of medium determines which form will take shape. This gives us insight into the way that existing practices are established. The aim of the article is to provide a theoretical contribution to the understanding and analysis of practice. Specifically, the article's core question is what causes practice to emerge the way it does when the premise is that a different practice could have been established.

The article focuses on the investigations carried out by CWS. However, I believe that the article serves as an example of how, in more general terms, we might study an existing and self-evident practice.

Welfare services and social work practices

Welfare services across the board have been the object of criticism. In Norway, we have recently witnessed a scandal very few people could have anticipated. Through the Norwegian Labor and Welfare Administration portal, a number of people have mistakenly been accused of social security fraud. The reason has been the Labor and Welfare Administration's misinterpretation of EU legislation with respect to the payment of benefits to people spending a certain amount of time outside the country. The result has been that people whose financial situation was already unstable have not received the benefits to which they were entitled, others have had to illegitimately repay large sums, and some have been sentenced to prison.

It has been equally troublesome for CWS. Recently, Norway was convicted in two new cases, which had been put before the European Court of Human Rights (ECHR). A total of 43 Norwegian child welfare cases have been brought in front of the court and so far, Norway has been convicted in fourteen of these cases.³and has been acquitted in two cases. And at the same time, the agency has been the object of repeated criticism from professionals, private citizens, and media outlets. In other words, social work practices have become a topic of debate.

Denmark has seen the recent publication of Mathias Herup Nielsen's book *The Politics of Optimism*. The book shows how people who previously qualified for benefits are now classified as ready to work. An optimistic view of human potential creates a practice where an increasing number of people are defined as undeservingly needy. They are categorized as people capable of working, but who choose not to. The book provides examples of how different practices of categorization come to define what kind of assistance is provided (Herup Nielsen, 2019).

Barnardo Zacka (2017) takes a different approach. His contribution represents an extension of the Michael Lipsky tradition with Weber-inspired literature on bureaucracy and the exercise of judgment (1980). He describes a bureaucratic life much more complex and fluid than what seems immediately apparent. His point is that welfare service caseworkers have quite a bit more freedom to apply judgment than we might believe. Instead, he argues in favor of seeing bureaucrats as moral agents with a significant capacity for judgment. Others emphasize the importance of institutional power for shaping practice. Employment in a government agency means the loss of autonomy and one becomes instead a part of an instrumental practice where responsibility for existing practices fall to the leadership and the agency as such rather than the individual's sense of moral judgment.

³ Norwegian institution for Human Rights, January 2022. [Norge dømt i storkammersak i EMD om barnevern - NIM \(nhri.no\)](https://www.nhri.no/en/norge-domt-i-storkammersak-i-EMD-om-barnevern-nim).

This creates the obedient caseworker, and successful practice is measured by whether the rules are adhered to (Larsen 2018, 1995; Mortensen & Thomsen 2003, Järvinen, 2012). The British child welfare researcher Eileen Munroe (2011) makes a similar argument. She claims that the work of CWS is becoming too standardized and not sufficiently based on professional judgment. She argues that practice is characterized by a fear of making mistakes and therefore that practice is ruled more by the caseworker's need to follow suit than the needs in the specific situation. It becomes more important to document that one is acting in accordance with regulations than whether the assistance meets the needs.

Nicole Hennem also discusses the practices of CWS. She warns against allowing recognized and recommended single theories to dominate the agency's work. Single theories often lead to one-sided conclusions. She argues that they entail the risk that what we see has more to do with the theory than with the specific child and its situation (Hennem, 2016).

Additionally, several studies have shown how clients are often not simply victims in their encounter with welfare services but also how they actively help shape and support an oppressive practice (e.g., Uggerhøj, 2011a, b; Engebretsen & Heggen, 2012; Järvinen & Mik-Meyer, 2003; Mik-Mayer & Villadsen, 2013; Lavelle, 2015)⁴ This allows us to see the way that clients also adapt to certain practices. Along those lines, Nana Mik-Meyer (2017) discusses the social work practices and combines the fields' different existing perspectives in her analysis of the encounter between citizens and state. Assuming a bureaucratic perspective while also incorporating an individual focus into the psychological perspective as well as a market logic with its emphasis on efficiency and goal management, she shows how these different logics establish premises for practice.

Another well-known discussion is about whether models and standardized tools ought to guide practice more than the individual's professional judgment. Some argue that models create predictability and thus serve as a form of quality control of practice (Christiansen et al. 2019; Rød & Heggdalsvik, 2016). Others argue that standardized practices run the risk of excluding specific and individual information and, moreover, that standardized interventions might become more invasive than the situation calls for (Rød & Heggdalsvik, 2016).

This article takes a different approach. Its investigation of social work practices is neither through the lens of individual agency and judgment nor through the perspective of institutionalized power. It also does not focus on the way that both caseworker and client adapt to unspoken or explicit expectations of the encounter. Instead, by applying a form/medium analysis, the article focuses on the *specific observation* that comes to determine practice.

Social and non-social observations

As already mentioned, I write here from the perspective that the way we see and observe something comes to determine how the world appears to us and thus comes to decide what we see. The central analytical term is the concept of *observation*, meaning that the world appears as an effect of the way it is observed. What we perceive is a relationship between the situation or the object and the one observing. This relationship both establishes what we see as well as the one who sees and thus directs our actions. In other words, we understand the world around us through observations and at the same time, observations establish its own observer (Luhmann, 2000).

According to George Spencer Brown (1969), an observation happens when a distinction is made. Something is marked as being different than something else. We cannot observe something without making a distinction. However, as we observe, we do not perceive the distinction we use to make the observation. To do so, we need to see again. This happens as a second-order observation in which we observe our observation and the distinction that made it possible. Thus, all observations take place from a blind spot. We see what we see, but we do not see what we do not see. Therefore, we must see again.

There is also always an observer who observes. Thus, the world appears dependent on the observation made by the observer. When trying to understand and perceive the world, we therefore must always ask who the observer is. The article presupposes that not only humans observe, and that consciousness, organizations, machines, technologies, recipes, and models also serve as observers in their understanding of the world. As an example, we might say that an oven makes an observation when it distinguishes between different temperatures and a light shut of once it reaches a certain temperature. Thus, the world appears also as a result of non-social observations.

⁴ Others are Cruikshank 1999; Dahlager 2001, 2005; Andersen 2003; Hennem 2012.

Heider (2019) describes how we never observe anything directly. The way we see something is always the result of a relationship between what we observe and the lens through which we observe it. This means that we don't have direct access to what we see. The world appears to us by way of something else. He refers to this other thing as medium. Things are not observable in themselves, he says. We can only observe something because a medium makes it accessible to us. From this perspective, what we see is different from the medium that determines what we see. The medium is what allows us to see and makes what we see visible to us. The observing system creates a distinction or a relationship between what we see (the form) and what we see by means of (medium). The relationship between form and medium establishes the conditions for the observations of the observing system. All systems, whether they are mechanical, biological, psychic, social, etc., need to make distinctions between form and medium to be able to make sense of the world. Thus, the relationship between form and medium becomes a precondition of all observation (Andersen 2019, p. 81-82). Therefore, a medium is not what appears, but which makes something else appear to us (Herzogenrath, 2019). Maturana concludes that living systems "can only make distinctions that their medium permits" (Maturana 1978, p. 53 in Andersen 2019, p. 19). This also implies that what appears will depend on the particular medium that becomes available to us. We see something because of the particular medium we make the observation with. In this way, mediums are a way for something to present itself; a medium makes something else appear but does not itself appear (Heidegger 1977, p. 137 in Seitter 2019, p. 76). Or mediums make something visible to us while the mediums themselves are eliminated or make themselves invisible. The participation of the medium is crucial, but it remains unnoticeable (Enell & Vogl, 1999, p. 10 in Seitter 2019, p. 76). Given a different medium, we might see something different. Thus, the medium determines the specific practices that emerge.

When studying how practices become established, we can thus look at the way in which observers repeatedly reinforce the distinction between form and medium in their observations. Each new observation in which the form subsequently becomes a medium for a new observation increases the complexity of the observation and also creates new possibilities for observation (Andersen, 2019).

Another significant point is that a medium consists of loose couplings compared to a form, which has a fixed coupling. This allows a medium to create many different forms. Heider uses sand as an example of a medium. Sand consists of loose couplings compared to the sandcastle, which is a form with fixed couplings. As a medium, sand has the capacity to create many different forms such as footprints, sandcastles, patterns in the sand etc. Sand serves as a medium for different forms, but once the form has been established, it is fixed and has been created by the medium. A sandcastle as form depends upon sand as medium. The sandcastle is made from grains of sand (Heider in Herzogenrath, 2019).

Analysis of a constructed case

The article's analyses relate to a constructed case based on data from a previous research project. A question, then, is whether the article presents insights that apply beyond the specific example used here. This is a familiar question in research where findings are meant to provide understanding and insight beyond the concrete analysis (Hersen & Barloz, 1977, p. 52; Robertson & Norris, 2001, p. 303; Cronbach 1983, p. 303; Donmoyer 2000). Bent Flyvbjerg, for instance, stresses that individual cases can serve as the point of departure for generalized insights and that we often underestimate the strength and productiveness of analyzing individual cases (Flyvbjerg, 2001). Others similarly argue in favor of generalizing on the basis of case studies (Rolland & Herstad, 2000). And several argue that the question is misleading, and that the validity of the analysis does not rely on the generalizability of the results in a traditional sense. Instead, the question should be the extent to which the reader perceives the analyses as useful for practice (Stake 1982; Ruddin, 2006).

The answer to the question of whether the insights are generalizable therefore depends more on the validity of the analysis than on whether the example or case are representative (Mitchell 1983). In the present articles, the case I use is constructed precisely to show the way a child welfare investigation is based upon, or comes into being through, a series of decisions. In that way, the case is representative of a child welfare investigation in general even though its specific content – case information and decisions – remain unique and cannot be generalized. Thus, the case is interesting as an example of general questions more than being interesting in itself.

Ethical reflections

As already mentioned, the case I use is put together based on data from a previous research project (Aamodt, 2016).

However, it is based on data from different CWS agencies and different cases, which means that it will not be possible to identify a specific child welfare service, contact person or family. Thus, I believe that there are no ethical concerns to address.

The case

The presented case serves as an example of a typical child welfare investigation. By typical I mean that it shows the way a child welfare investigation requires several decisions, exemplified here by showing that it is customary to gather information from parents and from other public agencies, and that it is customary to speak to the child. In this way, the case describes a customary practice and perhaps thus also a self-evident practice.

The police have referred a case to CWS. A family father has been accused of sexual assault of a ten-year old girl. The girl is the friend of the father's daughter. CWS initiate an investigation based on concern that the daughter might also be the victim of sexual assault. They bring the parents in for an interview and begin to plan their investigation. The focus of the investigation is the child's care situation and whether she has been the victim of sexual assault by her father.

The child welfare service agency has additional conversations with the parents, together and separately. They request information from the girl's school and pediatrician. The agency for child and youth psychiatry also contacts the family and their information is added to the case.

CWS conduct a home visit and speak to the girl. The girl does not say much during these conversations, but she denies any wrongdoing by her father. However, she seems visibly uncomfortable during the conversation with tears running down her face.

CWS reach the conclusion that the father needs to move out of the home. The father, mother and the girl all deny the allegations of sexual assault, but the information overall cause CWS to make the decision not to allow the father to be alone with the daughter. CWS meet with the parents and deliver their conclusions from the investigation.

I am now going to thematize how practice can be analyzed by looking at the way that observations emerge as a result of the distinction between form and medium. In this short case, one might imagine several involved observers. The child, the contact person,⁵ the police, the mother, the father, the investigation plan, the report, the EU Convention on the Rights of a Child, the Child Welfare Act, and CWS to mention the most obvious ones. And each of these observers bring certain expectations about how to understand the world. In my analysis, I will try to provide examples of different types of observers. I show how different observations observe using different mediums, and how these observations interact in a way that is not immediately visible, but which nevertheless regulate practice. My aim is to thematize the way that these diverse observations impact the communication and practice of social work and how different observations make themselves dependent on one another. My analysis of the observations is meant as examples. Thus, I describe only certain observations and not all the observations involved.

The investigation plan as form and medium

When CWS carry out a child welfare investigation, a central tool is the investigation plan (Aamodt, 2015). This plan provides a comprehensive look at how the investigation will be approached, and it is often created according to standardized items. The plan will include language about collecting information from the parents and school, interviews with the child etc. The aim is to provide both parents as well as the contact person with an overview of what needs to take place and to ensure the most in-depth investigation of the child's situation in relation to the report that has been filed. It also serves as a form of quality control of practice in the sense that the plan prevents the investigation from being shaped by the caseworkers' subjective judgment and protects against arbitrariness in the investigative work (Samsonsen, 2016). In this case, we see that the parents are summoned for an interview. However, it makes a difference whether CWS create their plan before the conversation with the parents or whether it is done after the conversation has taken place.

If the plan is created before the first conversation with the parents, the investigation plan becomes the medium for the conversation as form and the plan's predefined items serve as the theme for the conversation in which a schedule is established for the gathering of information and for future meetings. In that way, the investigation plan regulates the way the conversation evolves. The observation can be illustrated by the following form:

⁵ Employees in CWS are called contact persons, previously caseworkers.

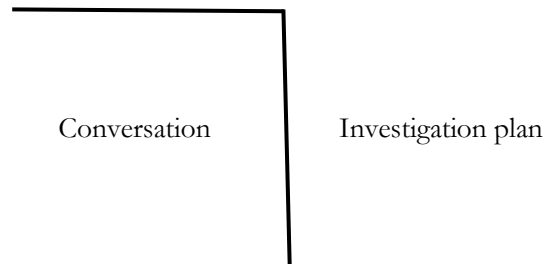


Figure a. The investigation plan as medium creates the conversation as form

However, one can also imagine that the initial conversation takes place before the creation of the plan. In this case, the conversation between the contact person and the parents about the filed report will function as medium that establishes and determines the investigation plan as form. Information gathering would then be determined based on the contact person's perceived needs after the conversation with the parents about the filed report. The contact person's observations about necessary information are established on the basis of a distinction she creates between the conversation as medium and the investigation plan as form. Thus, the investigation plan comes into being as a result of the conversation as medium. The contact person's view of what is central to the investigation determines the questions raised in the investigation plan, the information that needs to be gathered and a schedule for when this needs to happen. The contact person hears, assesses, and reflects on the information she received in the meeting with the parents and then constructs the investigation plan as form. This gives the observation the following form:

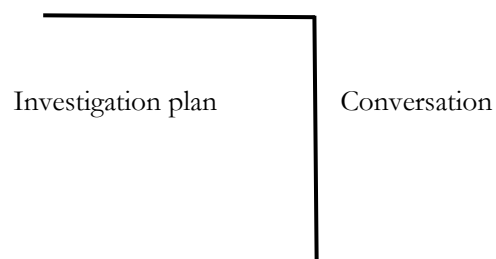


Figure b. The conversation as medium creates the investigation plan as form

The difference is the observer. When the investigation plan is established before the conversation with the parents, it is CWS as organization that is the observer. We might imagine a decision being made about the *general* investigative approach. If the investigation plan is created based on the conversation with the parents, the contact person becomes the observer.

The different observations might not be aligned and might create conflicting expectations about action to be taken. For instance, the organization as observer may have an interest in making sure that an investigation relies on a certain amount of information. However, the contact person as observer might feel that an investigation can be closed following the initial conversation with the parents. From the perspective of the contact person, it is not a given how the investigation plan turns out. She makes assessments and interprets the information in context and seeks to balance a range of possibilities. Where a standardized investigation model produces unambiguity, the observations of the contact person might introduce a certain level of ambiguity.

The child's right to participation as form and medium

The case describes how CWS conduct home visits and interviews the girl to gather information. A child's right to be heard in cases relating to them is written into law in article 104 of the Norwegian Constitution, chapter 4

of the Child Welfare Act, and the UN Convention on the Rights of the Child § 12. In Norway, such provisions have increasingly impacted the practices of CWS. Unlike a previous practice where the child was almost never or only rarely consulted, the child’s participation is now a requirement, irrespective of the character and content of the case.

Child welfare service employees are required to talk to the child, either alone or together with the parents or other adults whom the child trusts. When the Convention on The Rights of the Child was passed in 1989 and was subsequently ratified by Norway in 1991, the convention’s article 12 – the child’s right to be heard – became part of the agenda in Norwegian jurisprudence, and Norway took on the task of incorporating this right into Norwegian legislation.

A practice that requires a conversation with all children whose case has been referred to CWS aims to fulfill a child’s right to be heard. Thus, we can define article 12 of the Convention on The Rights of the Child as a concrete form and the overall Convention on The Rights of The Child as a medium for this form:

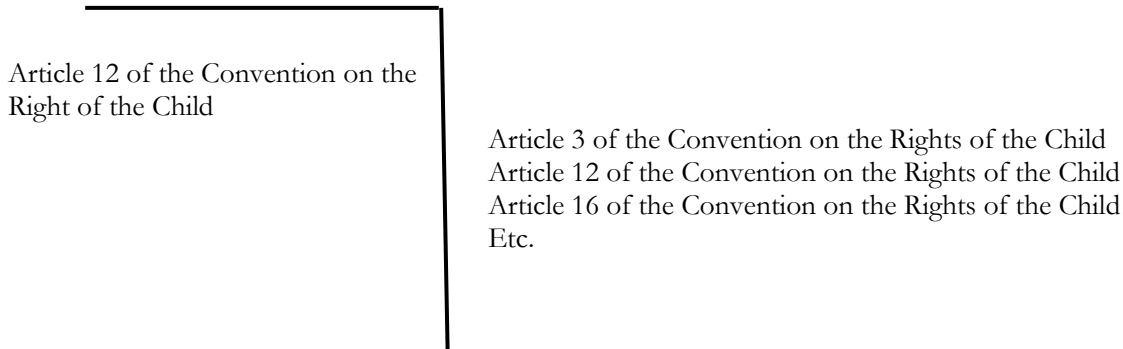


Figure c. CWS observation of the Convention on the Rights of the Child

With its many paragraphs, the Convention on the Rights of the Child consists of loosely coupled elements. In this way, the convention as medium provides a range of different observations. It is the system itself, i.e., the observer, that shapes the medium to the existing form and establishes the relationship between medium and form.

We could imagine that article 16 of the Convention on the Rights of the Child – *no child shall be subjected to arbitrary or unlawful interference with his or her privacy* – could have served as form, or that article 3 - *in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration* – could have created a form. Thus, the Convention on the Rights of the Child offers several potential observations. The form emerges when the observer actualizes one aspect among different possibilities and fixes the loosely coupled elements in a specific form.

We might ask whether CWS’ observation of the Convention on the Rights of the Child is sufficient to ensure the child’s right to participate. We can imagine, for instance, an observation where the convention serves as the medium for the question of the child’s participation as form:

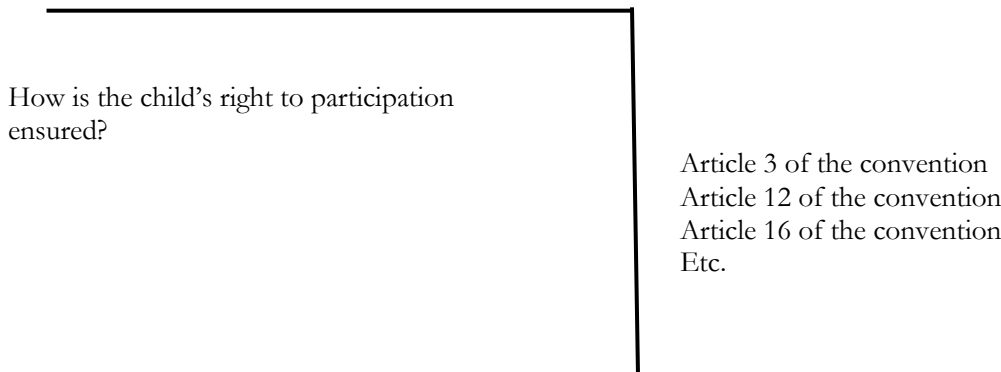


Figure d. Contact person’s observation of the child’s participation

In this case, the observation would have to investigate how to ensure the child’s participation. To establish the child’s right to participation as form, questions such as how to speak to the child, who the child needs to be accompanied by, what the conversation should be about, what information the child needs, where to conduct the interview, etc would have to be thematized.

The investigation report as medium and form.

At the conclusion of an investigation, the contact person will present her findings in an investigation report. This report is intended to shed light on the questions that CWS have asked, which action has been taken, which information has been gathered, and provide a concluding assessment of the investigation’s theme and areas of inquiry (Christiansen et al., 2019). Thus, the investigation report might serve as medium for whether CWS will dismiss the case or act.

We can also imagine the investigation report as medium for the contact person as an individual. The contact person emerges as a person by way of her specific formulations in the report. Heider describes how people become visible through the traces they leave. In this way, traces can serve as medium for interpersonal processes. We cannot see a person directly. Heider argues that when we observe people, loosely coupled actions and experiences serve as the medium through which we see the person (Heider, 1988, p.195 in Andersen 2019, p. 94). A person emerges as a fixed form through the medium through which she is seen. Thus, we form an impression of the contact person through the investigation report she has authored. We might think of her as particularly insightful and thoughtful because of the way the report is written. As a fixed form, a person is perceived as permanent as opposed to actions and experiences which are perceived as transient, even though, according to Heider, the opposite is the case (Heider, 1958, p. 28 in Andersen, 2019, p. 95). We might imagine the investigation report as permanent whereas the contact person is transient and depends on who sees her and through which medium.

The observation of the contact person

In the case, the social worker reaches the conclusion that the father needs to move out. He is not to be alone with the daughter. Even though both the parents and the child deny the assault, the contact person still considers it too risky to allow the father to remain in the home. The gathered information is used to make the decision as it appears in the case. This allows us to establish the following observations based on the distinction between form and medium:

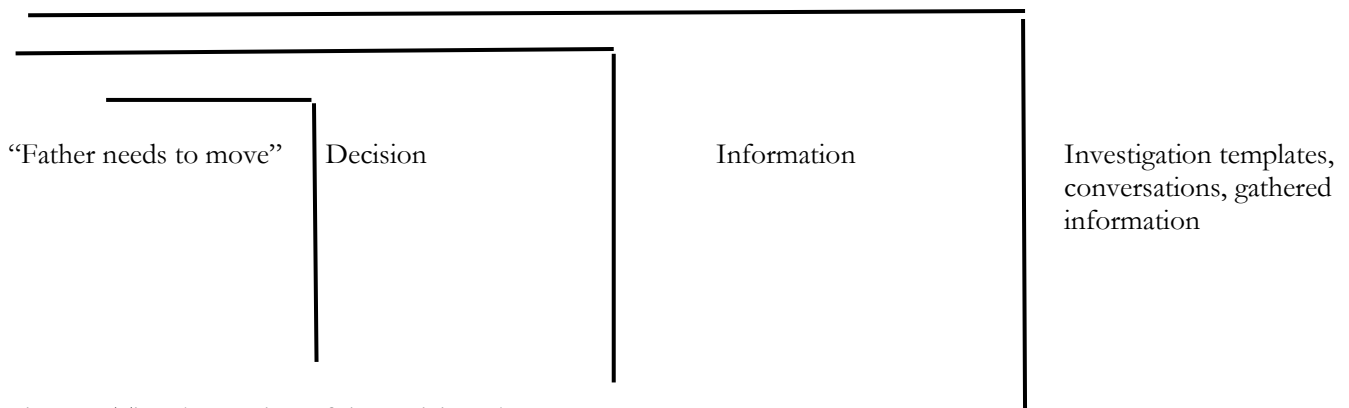


Figure e. The observation of the social worker

As we can see, the decision that the father needs to move out is based on a number of previous form/medium formations. If we begin at the right side of the figure, the conversations, gathered information and investigation plan as medium produce the information as form. The kind of information that emerges depends, among other things, on whether the conversation serves as medium for the investigation plan or the other way around. We can see how the mediums regulate the information, which the contact person will use to make decisions in the case. The nature of the conversation between the contact person and the child will similarly affect the information that is produced.

Thus, the conversations, gathered information from other agencies and the investigation plan do not *determine* the information that is produced, since there are many different possible combinations. However, they do *place limitations* on the information. Not all information is possible. The mediums regulate the kind of information that can be produced. The information assumes a form that presupposes its medium.

In the next observation, the same information now serves as the medium for the kinds of decisions that can be made. The information is loosely coupled in a way that enables several different decisions, e.g., that the girl has not been assaulted, that she has been assaulted, that she is well cared for, not well cared for etc. However, once the information assumes a form in the decision “that the girl might have been assaulted by her dad,” the mediums have created a fixed form. That decision now comes to serve as the medium for the insight that CWS cannot risk allowing the father to remain in the home. This work thus establishes meaning as medium for the contact person’s insights. The *meaning* leads to insight based on a series of different observations that are all based in different mediums. Thus, meaning can be seen as both form and medium respectively depending on the point of observation (Andersen, 2019, p. 116). As form, meaning represents the unity of actuality and potentiality. From the sum of potential information available to the caseworker, she makes the decision to see something as more significant and central and thus freezes the information. This more significant information subsequently serves as the medium for further potential meaning production. In that way, meaning becomes a medium for the handling of complexity (Andersen, 2019, p. 116). The caseworker chooses some information as relevant and disregards other information.

The practice of social work

If we regard the child welfare investigation as described in the short case used here, we can organize the observations in the context of social work using the following form:

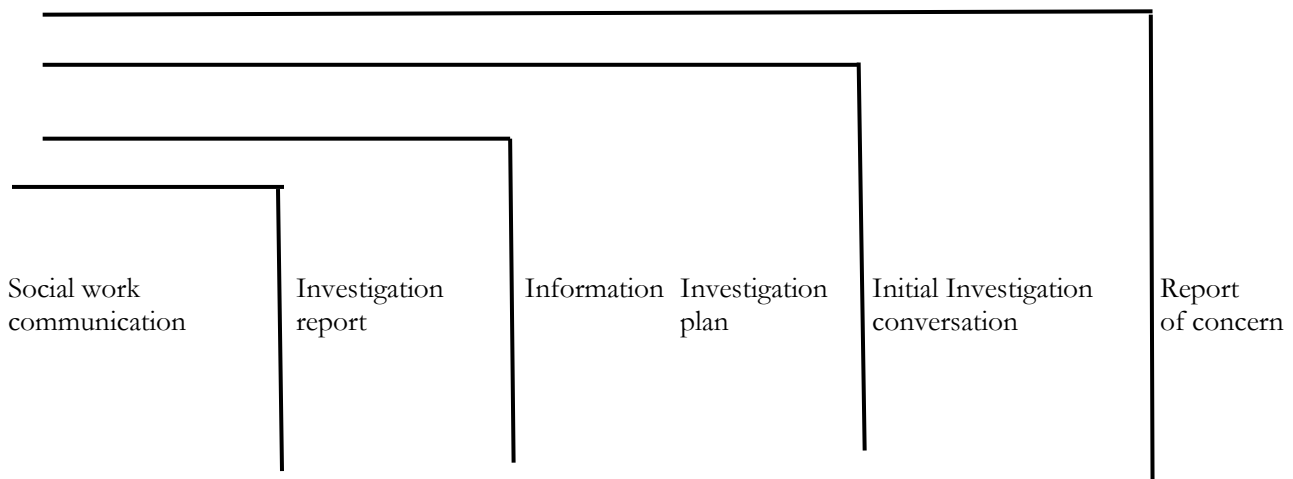


Figure f. Social work communication with its recursive creation of forms

The case describes a report of concern submitted by the police. If we begin at the right side of the form, we can think of the Child Welfare Act as the observer. This act decides whether the report of concern should result in an investigation. To the extent that the report involves a situation that might require action taken by CWS, the case will need to be investigated in accordance with article 4-2 of the Child Welfare Act. However, the decision whether to investigate is based on an internal assessment by the law as observer and the report of concern as medium. The law affirms the report of concern to be either investigated or dismissed, and in this case, this results in an investigation. Reports submitted to CWS consist of loosely coupled elements, which are then fixed as form once a report is defined as worthy of an investigation.

The report of concern thus serves as medium for the investigation as form. The investigation as form subsequently becomes medium for the initial conversation with the parents. In accordance with article 4-3 of the Child Welfare Act, the investigation should aim to be only as invasive as necessary and to unearth as much information as possible about the child’s situation as it relates to the report and also to ensure that the parents feel

heard. Thus, the law as medium does not allow for all types of conversation to be initiated; it creates a framework for the conversation and establishes it as form. We might continue to think of the law as the observer.

We can imagine a situation in which gathered written information, conversations with the girl, conversations with Child and Adolescent Psychiatric Out-patient Clinics and the family's doctor as well as with the parents together serve as medium for the information that is produced. The information subsequently serves as the medium for a decision. Connecting the information in a particular way causes the contact person to reach a certain conclusion. Thus, the conclusion that the father should not be allowed to be alone with the girl is not arbitrary. Not any conclusion could have been reached based on the provided information. But other conclusions could have been reached. The fact that the father should not be with the girl is not the only possible conclusion to be drawn. The repeated form/medium relationships establish different possibilities for observation, each drawing of a distinction creates new observations, and each observation is in itself an affirmation of actuality among the potentiality of the mediums. Each new distinction shifts both the observer and the observation.

Discussion

A recurring debate in the investigative work of CWS is about the use of standardized tools and models as opposed to the use of judgment (e.g., Samsonsen, 2016; Bartelink et al., 2015; Lwin et al., 2014; Høybye-Mortensen, 2015; Christiansen et al., 2019). One question is whether the use of standardized models contributes to a more responsible practice (Bartelink et al., 2014). Lars Uggerhøj (2011c) raises the questions of whether models function to protect the agency more than a way to support the families it serves. Some studies show that the use of certain models make employees more aware of what they are looking for, e.g., specific risk and protective factors (Rød & Heggdalsvik, 2016; Andershed & Andershed, 2016).

This article, accordingly, aligns itself with previous research exploring how decisions are made in CWS (Munroe 2011; Warner 2015; Hennem 2016; Christiansen et al., 2016; White, 2020). The difference is my focus on specific observations, and thus the article shows how decisions that appear to be based on an individual's professional judgment might be conditioned by a series of non-social observations such as investigation models, reports, laws, the Convention on the Rights of the Child, and other written documentation.

The analysis shows that the practices of CWS depend on several observations that could technically take a different form. The observations that lead to a final decision build on each other and presuppose each other. More specifically, these observations emerge differently depending on the mediums we use. Loosely coupled mediums offer more potentiality. The more loosely the mediums are coupled, the more ways there are for them to be combined and the more range there is in creating the form. Thus, the analysis creates expectations about an observer who has the capacity to connect the different elements when making decisions about a child's situation depending on the context within which they are produced. The more the information consists of loose elements, the more combinations, perspectives, and observations are possible. This also means that the looser the couplings of the medium, the greater the space for judgment. Therefore, as we watch the increasing use of models and quality tools in CWS (Rød & Heggdalsvik, 2016), we should be aware that these are mediums that consist of fewer coupled elements, which reduces the possibility for judgment and alternative ways to interpret a situation. It limits the number of different ways to understand a situation because information is either not included or is easily removed from the basis for decisions.

The point is that the different mediums interact with each other in a way that is not immediately obvious, and that this produces a reality that is created by the different systems of observations, but which appears to others to be the result of a contact person's individual judgment. When the contact person writes her decision in the investigation report, several elements will be taken out of context and isolated in a way that makes context-dependent information appear independent and unambiguous in the same way that several potential observations might have disappeared from the line of vision.

In practice, it is not easy to see precisely how the different decisions rely on their observations. Instead, these observations interact with each other so that what appear as the result of individual professional judgment is in fact shaped by a series of observations that do not belong to the individual and can be difficult to spot. The central effort, then, is to explore both who the observer is but also how a specific observation has evolved.

Criticism of the field of social work has been quick to point to a specific agency or caseworker or contact person as responsible for instances of misjudgment. The decisions and assessments are seen as belonging to specific

individuals or agencies. In the context of the scandal involving the Norwegian Labor and Welfare Administration, the media portrayed individual caseworkers as having failed to do their job. If nothing else, it was easy for individual practitioners to feel targeted.

Similarly, the criticism of CWS is often directed at the entire agency being charged, for instance, with not paying sufficient attention to “the reunification clause” (European Court of Justice).⁶The focus on the individual or specific agency is also often seen in research papers (Zacka, 2017), where blame is placed on individual professionals for being afraid to make mistakes or on the institutional power that regulate decisions (Munro, 2011; Larsen, 2018, 1995; Mortensen & Thomsen, 2003; Järvinen, 2012). This article provides a different and perhaps supplementary approach to analyzing practice. Here, the focus is not directed at the individual, or the agency or the connection between them. Instead, the article shows the way that practice is constituted by a series of previous observations that are defined by specific mediums, which then become the object of study. This analytical approach can be said to be reminiscent of Herup Nielsen’s perspective, where categorization is what shapes practice and where it is precisely specific views of knowledge and humanity that make these practices of categorization possible (Herup Nielsen, 2019).

If we use the scandal involving the Norwegian Labor and Welfare Administration as an example, a form/medium analysis would focus on the way that practice is produced by a series of established and previous observations, which do not necessarily belong to individuals. By providing a detailed analysis of what serves as medium, we are able not only to see what shapes the concrete practices but also how changing the medium creates a different practice. Thus, this analytical approach compels insights into the *preconditions* for specific practices, which is something we might not otherwise have paid attention to. We see the mediums precisely because we are looking for them. At the same time, it might be argued that this approach can tend to make existing practices seem *innocent*. The analysis suggests that practice takes place independent of the individual’s judgment and influence, which means that there is no one to hold accountable. The observations are not motivated by anything outside themselves. And their only sovereignty is the one assigned to them by the observing system. Thus, this analytical approach only provides a way to see what shapes practice and does not provide a way to judge that practice as either good or bad.

Concluding reflections

The ability to imagine that what is given and familiar could be otherwise or that we might see it in a different or unfamiliar way is not self-evident. To ask questions of what we already know or discover the inevitability of a practice, we need to be able to observe the way we observe. Not to see something new, but to see anew. To understand the way, we see. This allows us to gain a different view of practice. The question is how to do that? How can we see what we see, and how can we compel ourselves to see with unfamiliar eyes? The form/medium analysis aspires to provide some answers to those questions.

In this article, I have sought to analyze the practices of CWS by employing the analytical difference between form and medium. My aim has been to expand our understanding of how practices come into being. Not to point to something as wrong or right, or to suggest that practice needs to change, but in order to suggest new tensions, more possibilities, and more self-descriptions of the practices within CWS (Andersen, 2019). In many ways, systems theory is about showing how something is perceived as inevitable even though it could be different. However, I do not consider my analytical approach an alternative to other approaches, but a supplementary alternative approach. For one, it would not be possible to employ the form/medium analysis to reach a conclusion about the practice being good or bad or in line with existing regulation. Thus, the approach has obvious limitations. To the extent that one is aware of, and considers, such limitations, however, I will argue that the approach has certain strengths, specifically because it offers a precise and focused perspective on how different mediums condition which kinds of practices can emerge.

⁶ Strand Lobben and others v. Norway.

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