

# Chapter 5

## Lost Between Protective Regimes: Roma in the Norwegian State

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### Introduction

In a recently published book (Karoli 2014), a Norwegian Rom woman who has grown up in Norwegian foster care accused the Norwegian state of ethnic cleansing of the Rom population. She based her accusation on the fact that many Roma children were forcibly taken into custody by the Child Protection Services and raised in Norwegian foster homes, without access to their own language and culture. Although the number of Roma children in Norwegian foster homes is not documented, the allegations caused concern. In this chapter, I discuss the relationship between the Norwegian Rom minority and the State, represented by the Child Protection Services (CPS), as well as the relationship between different, and to some degree, opposing international protective regimes. I see this situation as one expression of a contest between different life-worlds and childhood regimes.

The relationship between Norwegian authorities, represented by the CPS, and the small Rom population in Norway is paradigmatic for three reasons: (1) Norway is a highly developed welfare society with a childhood<sup>1</sup> regime that sets standards for other countries in the world, and the Rom population is very small and vulnerable to political manipulation. We can therefore see how competing discourses about child protection and protection of minorities interact in this context. (2) The growing awareness of the cultural and economic marginalization of Roma in Europe and the political demand that countries integrate their Roma populations also make Norwegian experiences important. (3) Apart from Roma, a growing number of foreign citizens living in Norway, as well as immigrant organizations,

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<sup>1</sup>In this chapter, “Childhood” with a capital C denotes the ideational aspect of lived childhoods, whereas “childhood” denotes a stage in human life.

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object to what they call “abduction” of their children by Norwegian authorities (CPS).

In this chapter, I argue that Roma children are lost, not only between Norwegian and Roma norms for good parenting and proper Childhood, but between international conventions for the protection of individuals and conventions for the protection of minorities. My main research questions concern the problems of minority children growing up in foster families with different linguistic, cultural, and religious affiliations than the children’s birth family and kin. I present the case of Maria and her children to illustrate how the Norwegian child protection regime deals with Norwegian Roma families and children. More specifically, I discuss how individual and collective considerations are weighted against each other when deciding the best interests of Maria’s children. What role do local and international laws and conventions play in securing the best interest of the minority child?

I discuss these questions by first examining the case of Maria and her children, a case that has received much attention outside the court. I follow my analysis of this case with the discussion of the Norwegian Childhood Regime, placed within a discourse of “contested childhoods” as the main theoretical framework explored in this volume. I refer here to the discussions in sociology of Childhood as a social construction, to the notion of hegemonic Childhood supported by state institutions, and to the more or less explicit opposition and resistance to this hegemonic Childhood. I then briefly present the historical background of the relationship between the Norwegian state and the Rom population and of Rom childhood. I will then return to a discussion of Maria’s case, based on what I see as the dominant Norwegian and international childhood regime and Rom childhood. The conclusion will bring together the different aspects and roles of the two protective regimes and the interests they appear to serve.

The concept of regime employed here denotes the package of rights, duties, norms, practices, and institutions that make up a certain policy. I argue that the Norwegian official concept of childhood defined by its laws, regulations, institutions and practices for the governance of the population is hegemonic in Norway.

## **Background**

My background for raising this discussion is my work and research among Roma populations in Norway and Romania since the late 1970s. From 1978–1985, I was head of one of the kindergartens for Norwegian Roma in Oslo. This kindergarten was one of several institutions set up by the government as a strategy to prepare and motivate Roma families to send their children to school and to participate in adult education programmes. Most Norwegian Roma families sent their children to this kindergarten and many parents stayed with them there for most of the day. The staff, myself included, became quite involved in the lives of these families,

spending time with them outside working hours at parties, weddings, birthdays, and funerals. Even though this experience did not include systematic research, it constitutes valuable background for my later academic research with different Roma groups. In 1996–1997, I carried out fieldwork for my doctoral research in a Rom community in Romania (Engebriksen 2007). More recently, I have served as an expert witness for the defence in several lawsuits involving Roma children forcibly placed in foster homes. The case discussed in this chapter is one of these legal cases that I followed closely. It is a typical example of relations between the Roma and the CPS.

## Proper Parenting?

Roma children in CPS care are not available to researchers for interviews or observations, and only one Rom child raised by the CPS has spoken publically (Karoli 2014). Consequently, I do not have the details of Maria's actions, nor do I have access to "the children's voices" in this or other cases. The following is a reconstruction of the case based on files from the court case, Maria's accounts and my own participation in meetings with the CPS. All these sources are confidential.

Maria and her kin group belong to the Norwegian Roma who have lived permanently in Norway since the end of the Second World War. This population includes around 600–700 individuals, bound together by kinship, marriage, a common language, and a way of life. Maria's extended family consists of grandparents and brothers and their wives and children who lived together throughout her childhood. The family travelled a lot for trade and social gatherings all around Europe. Maria and her four siblings only attended school sporadically. Maria was a grown woman when she met and married her husband, a man from another family of Norwegian Roma. These families were not on close terms—no alliance was established between them, although this is normally a central function of Roma marriages. She moved in with her husband's kin, as is the custom among the Roma, and gave birth to three children in three years. In this period, Maria was away from her children for months travelling with her natal family, while her husband and her in-laws took care of the children. Different kinds of fostering, as well as grandparents taking care of grandchildren are widespread among many Roma groups. The Child Protection Services (CPS) were in contact with the family because of reports from neighbours and the police concerning the well-being of Maria's and several other Roma children. The CPS tried in different ways to cooperate with the parents, but without success. When the children were about three to five years old, Maria and several family members were arrested for the criminal offence of fraud. Maria, being only marginally involved, received a short sentence. She was allowed to serve her penalty with her three children in a special institution for single mothers. She was not allowed to receive visitors, but broke the rule several times, arguing that she could not deny the children contact with their family. Because of this breach of terms, she was transferred to a regular woman's prison for the last week of her time, and could not bring the children with her. The Child Protection services took the children into custody without contacting Maria or the children's father. This arrangement was to be temporary until Maria had served her time and settled down. Nevertheless, when

she was released one week later and wanted her children back, the authorities refused to reunite the family. The local CPS office explained the decision, arguing that the children were detrimentally affected by the family's unstable life-style and Maria's deficient mothering. Both parents were suspected of being violent, and the authorities thought they were showing sexualized behaviour, stealing, lying, and not being able to follow rules and regulations. Maria was accused of not being able to provide for her children because she moved from flat to flat, of not protecting her children from instability and conflict, and of having chaotic finances. Both parents were also accused of failing to cooperate with the CPS to better the children's conditions, and of evading control and assistance. Several lawsuits, appeals, and new lawsuits followed. The CPS eventually wanted to permanently remove the children from their parents. It accused the parents of: an unstable and unprotected lifestyle, violent behaviour by the father, possible sexual abuse, and the suspicion that Maria still lived with him.<sup>2</sup> Maria was seen as an immature mother with poor caring abilities. CPS considered her to have weak bonds with her children because she had left them with her mother-in-law on several occasions. There was no suspicion of drug abuse and Maria was not found guilty of violence. After a verdict in the lower court, the three children were placed in different foster homes in different parts of Norway. Their whereabouts were kept secret from the family. No family members were considered as suitable foster parents and no steps were taken to assist Maria in her home at this stage, despite this being a condition in the Child Protection Law. The court upheld the care order.

During the first year in which the care order was in operation, Maria was allowed to see her children, but she was not allowed to speak to them in Romanes, only in Norwegian. The authorities believed that if the family spoke Romanes, Maria might make plans to abduct her children. After several complaints from her lawyer, the family was permitted to converse in their native language. However, the visits did not continue for much longer. CPS stopped Maria's visits citing anxiety exhibited by the children before and after their mother's visits. Since this decision, Maria has been engaged in one task: to get her children back and to become a "proper" mother. The children have not seen their parents or family for the last three years.

As I am writing this in 2016, the children are between 9–12 years old. According to Maria, the last time she saw them they were ashamed of speaking their mother tongue and told Maria they have forgotten it. They show many symptoms of self-hatred as "sigøyner" ("gypsy") and blame their misfortune on the fact that they were born Roma and hence are bad.

It is estimated that an undocumented number, around 30–40 Roma children of different ages, have been forcibly separated from their families and kin. They are all living in Norwegian families, generally at secret addresses, separated from siblings and often without contact with their family, kin, and friends. Most Roma in Norway live in the capital, but these children are placed all over the country, usually far away from Oslo. Thus, they are not only separated from their parents, siblings, kin, and socio-cultural environment, but they lose the possibility to speak and develop their mother tongue, Romanes, and thus the prospect of re-connecting with their

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<sup>2</sup>Roma children are often suspected of being victims of sexual abuse in cases where by Child Protection Services are involved. Roma children are often seen by Norwegians to be "unnaturally" sexually provocative, showing sexualized language and comporment. Among Roma, children are regarded as non-sexual beings and sexual games between children are not problematic while expressions of adult sexuality are strongly tabooed.

families and communities as adults. Before I return to a more detailed analysis of Maria's case, I will discuss some characteristics of the idealized Norwegian Childhood and present the historical relationship between the Norwegian Roma and the government.

## Pastoral Power and Child Rescue

In his influential and widely discussed book *Centuries of Childhood*, Aries' (1996) main argument is that childhood as we know it is a cultural construct that varies according to time, place, and contexts. Childhood is also always governed by political regimes, both national and, increasingly, global (Wells 2009). Wells discusses the impact of international and national protective regimes for children, such as The UN Declaration of Human Rights and the UN Convention on the Rights of the Child. Her argument is that childhood regimes in many parts of the world are becoming increasingly universalized, in spite of the great global variety of Childhoods and children's lives. Wells also discusses the history of what she terms "child saving" or "rescuing" (Wells 2009, 26) which became particularly important in the nineteenth century as urbanization and child poverty became more visible than before, and the fear of juvenile criminality grew among the middle classes. Poverty was seen as an individual problem concerning particular groups of people and their moral character. Saving children often meant rescuing them from immoral and deficient parents and families: "In fact, 'child savers' collapsed together... poverty, disease, their families, their neighbourhoods and immorality" (Wells 2009, 28). Wells shows how the child rescue paradigm of the nineteenth century was challenged by the child rights paradigm of the twentieth century with the UN Convention on the Rights of the Child. She argues, however, that the child rescue paradigm is still alive and well in political approaches to childhood and children.

Foucault introduced the term "pastoral power" to analyze genealogies of modern governance (Golder 2007). Pastoral power is derived from the religious narrative of Jesus as the shepherd (pastor) of his flock. Foucault notes that pastoral power is a fundamentally beneficiary power, as the duty of the pastor is to save his flock from harm. Finally, it is an individualizing power as it is the individual sheep that is its object, together with the whole flock as individuals (Golder 2007). Foucault seems to mean that modern state power is derived from this kind of Christian image of power and governance. Pastoral power, when exercised by state institutions is the kind of "power through care" that parents have over their children, and according to Foucault the kind of power that governments increasingly exert over their subjects. Because the pastor, if necessary, must sacrifice himself for the salvation of his flock, the pastor and his flock (subjects) become closely interdependent. This interdependence explains the development of self-governance, where the pastor's subjects

internalize his true, good intentions (Golder 2007). Thus, norms, values, and practices are internalized and experienced as “inner” and self-evident. In Whites’ (1998, 267) words: “Foucault’s exegesis of the relationship between language, power and knowledge has illuminated the particularly pervasive role played by welfare professionals in the regulation of subjects.” The problem with governance through care and self-control is, of course, that it is difficult to oppose and criticize.

The modern Scandinavian welfare state with its childhood regimes may be seen as an expression of pastoral power that disguises the political idea and strategy behind seemingly natural phenomenon such as childhood. The agenda behind the governance of the assimilation and integration programmes for minorities in the 19th century focused on the coercive rescue of children from bad environments. This governance strategy has now changed to more pastoral projects based on the idea of the child’s best interests and the need to lead families along appropriate paths. However, in either approach the coercive power of the state is always present.

Before discussing the confrontation between the Norwegian childhood regime and the Roma, I will look at the academic discussion of the Norwegian hegemonic childhood regime, the normative basis for state intervention in families.

## **Growing up Norwegian—State, Class and Childhood: the Hegemonic Childhood Regime**

In the Norwegian welfare discourse, the future sustainability of the welfare state is increasingly regarded as dependant on the well-being of the family and the cognitive and emotional capacity of children (Esping-Andersen 2002). Children’s lives have changed rather drastically the last fifty years due to several factors including a strong increase in families’ purchasing power, intended political changes in gender relations, and the last thirty years’ influx of immigrants from all parts of the world. Scholars have described Norwegian childhood as increasingly modelled on middle class life courses and norms (Stefansen 2011; Gullestad 1996; Leira 2004). Norwegian childhood is managed through institutions such as primary health care, kindergartens, schools, sports clubs, parent education, TV programmes, and housing politics among others. These institutions benefit the middle class and are supported by middle class values and ambitions. Social researchers see children’s role in the family now foremost as emotional, confirming the intimacy of family bonds (Aries 1996; Gullestad 1996; Stefansen 2011). Gender equality politics advocate both parents as wage-earners and as child carers, guiding their children from being totally dependent objects towards a life more and more independent from parents and family where they become active subjects and agents in their own right able to search for their “true self” (Kjørholt 2008; Nilsen 2008). In spite of the fact that more control is exerted over the Norwegian child by parents and by state

institutions than any time in history, independence and individuality is strongly valued (Boli-Bennet and Meyer 1978). Ideas about children and childhood in Norway are, of course, more complex and diverse than the hegemonic Childhood that governs state regimes, but the government's regime for a proper childhood still concerns all families in Norway.

To most middle-class families, the resulting Norwegian childhood regime is experienced as natural and self-evident, not as an imposed political project. However, precisely because it is a cultural and political product, this Childhood is not self-evident to all inhabitants of Norway. Many Norwegian-born parents have lived under different childhood regimes than their children. Class and minority position, ethnicity and gender intersect in different ways and may represent different material and symbolic environments than middle-class positions do. Many people have not been subject to the Norwegian variants of pastoral power, have not attended the main institutions of the Norwegian childhood regime, or live different lives. This is the situation of most migrant and some minority populations, who may contest and even resist the hegemonic idea of childhood covertly or openly. This conflict often has its most dramatic expression in the encounter between families and the CPS.

## Some Notes on the History of Governance of Minorities in Norway

Contemporary Norwegian Roma are descendants of groups that travelled in Norway between the late 1860s and the late 1920s. During the 1920s, all Roma families left the country. Lidén and Engebriksen (2010) attributes this exodus to restrictive assimilation policies aimed at different groups of Norwegian Travellers (*Tater, Romani, Splint*)<sup>3</sup> as well as the indigenous population of the Saami. The assimilationist regime began in the late 1800s and lasted until the late 1970s. Traveller children were the main targets of these assimilation measures, legitimized by the government's determination to solve the "Traveller problem." Families were rounded up, often with no legal basis, and given the choice of either being sent to disciplinary camps or having their children placed in Norwegian foster homes or orphanages (Hvinden 2000; Pettersen 2005). When the authorities signalled interest in including the Rom population in this assimilatory project, all Roma left the country.

When, in 1934, the same Roma with Norwegian birth certificates and passports tried to enter the country to seek protection from the rising persecution in Germany. They were denied entry, and sent back to Germany where the majority died in concentration camps. In the 1950s, the surviving "Norwegian Roma" returned to Norway and applied for citizenship based on their own or their parents Norwegian

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<sup>3</sup>Norwegian ethnonyms.

passports and birth certificates. After several years and several lawsuits, they were granted citizenship. More families followed. In the late 1960s, there were about three extended Roma families, some 60 individuals, living in Norway.

Following a request from a prominent Rom “king,” the municipality of Oslo started to plan a comprehensive programme. The *Rehabilitation of the Norwegian Gypsies* was launched in 1972, and lasted until around 1990 (Engebriksen and Lidén 2010). The new programme represented a break from earlier policies of forced assimilation. Children and youth were important targets in the new programme as well, and their best interest was determined to be a settled life, working parents with fixed salaries, and access to education. The programme aimed at integrating Roma families into the Norwegian labour market, educational system, permanent settlement, and family planning. After around twenty years with meagre results, the programme was shut down. Evaluation reports explained the failure of the program citing the government’s lack of understanding of the lives and interests of the Roma and their resistance to this kind of change (Hjemdal 1982; Hervik 1999; Engebriksen 2007; Engebriksen and Lidén 2010; Lidén and Engebriksen 2010). The programme did, however, influence the social organization and life of the Rom population in Norway in important ways.

Overall, most families had gained economically from the programme, but not in the ways the authorities had intended. It seems that the welfare benefits given to individuals over the age of eighteen undermined the traditional authority of Roma elders and fostered an independence that, for many, resulted in social marginalization. Dependency on welfare prevented several families from long journeys for economic purposes, and many families abandoned or reduced their itinerant lifestyle. Some families continued their old businesses, primarily as itinerant vendors in “Persian” carpets,<sup>4</sup> but as this business was technically illegal,<sup>5</sup> they still officially lived on welfare benefits. More and more children did attend school, but the majority only did so for limited periods, many leaving school to travel with their families. Thus, they were not adequately prepared for the labour market, causing their parents to believe that school was not worth the effort. Some families became “addicted” to social welfare and stopped generating income in other ways; they became permanently poor. The contact between Roma youth and non-Roma youth in poor neighbourhoods with many social problems increased and drug-abuse became a problem. Mobile families managed better, both economically and socially. Research in Romania indicates that Roma groups that maintain their nomadic life style are better off socially and economically than semi-assimilated settled Roma (Voiculescu 2004). This also seems to be the case among the Norwegian Roma.

In 2006, the Norwegian State Church and the Norwegian Government extended an official apology to the Norwegian Roma for their deportation to Nazi Germany in 1934.

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<sup>4</sup>This was an illegal, but tolerated activity (Hjemdal 1982).

<sup>5</sup>Ambulant trade was against the law.



## Growing up Roma—from Autonomy to Dependency?

The Norwegian Roma make up what could be termed a parallel society in Norway. They are organized in extended families that are related through kinship or inter-marriage with the eldest male or couple of each family as leaders. Several families travel abroad for business during spring, summer, and autumn. The Rom community in Norway is closely knit, characterized by limited social contact with non-Roma, and fraught with internal conflicts. The core of the Rom moral code is concerned with separation between Roma and non-Roma in terms of purity of language, body, and society. This cosmology strengthens a deeply felt mistrust towards the non-Rom society that children learn from infancy. The Norwegian Roma have their own Pentecostal Church and their moral values are maintained through their religious practice. Last, but not least, the complicated balance between personal autonomy and collective responsibility means that members of the Rom community may follow their own will and interests within the limits of Roma values and the common good of the community (Mirga 1992). This self-segregation must be interpreted as a way of surviving centuries of state persecution, exclusion, discrimination, and abuse in most parts of Europe (Rosvoll 2013; Engebriksen and Lidén 2010; Achim 2004; Mirga 1992).

Roma children grow up in an almost exclusively Rom social environment (Lidén and Engebriksen 2010; Engebriksen and Lidén 2010). They learn from infancy that being Rom is different than being non-Rom, and that protection and morality is achieved by adhering to Roma norms. Ideally, they grow up in large extended families with many caregivers, siblings and cousins. Children lead a life quite similar to the adults. They are around their parents, aunts, and uncles all day participating in whatever is going on. This is not so different from the life of children in France in the Middle Ages (Aries 1996). They are much indulged as infants and toddlers, and trusted to fend for themselves as young children. They sleep when they are tired and eat when they are hungry. In spring, summer, and fall, extended families move into caravans and travel all over Scandinavia and Europe for religious meetings, business, and to meet kin. The Rom child is seen as an unfinished adult with a will of their own that is respected and opens space for negotiation between children and adults. Adult life starts with marriage, often arranged, and binds boys and girls together and to their kin from an early age. Mothers train their daughters for whatever chores they have. Boys learn the occupation of their fathers and male relatives. Assertiveness, self-expression, and courage are valued characteristics in children. Elders encourage children to challenge adults, especially non-Roma. Thus, non-Roma generally characterized Roma children as “wild” and undisciplined (Engebriksen 2007; Engebriksen and Lidén 2010; Lidén and Engebriksen 2010). However, the conceptualization of childhood has changed among Norwegian Roma. The Roma are neither unaware nor un-receptive to the Norwegian childhood regime. Since the 1970s and 1980s,

fertility rates have decreased from approximately six or seven, to three or four children. Other changes followed: smoking where children are present is no longer accepted; many children attend kindergarten; and most children do attend school more or less regularly.

In summary, the Rom childhood regime is based on dependency on family and kin, and is not socialized by Norwegian state institutions. A Rom child is expected to express individuality and assertiveness and is allowed much personal autonomy even at a very young age. A Rom child is expected to adhere to Roma cultural values, which include honouring Roma elders, showing loyalty to their own kin-group, and stressing difference and separation from mainstream society. A Rom child thus grows up with a strong identification with his kin and ethnic group and a strong sense of being Rom and being different from non-Roma people.

The reality is, however, more complex. Several families are entirely dependent on social benefits and are stuck in one place, mostly in Oslo, often in poor and deprived areas with little social support. Several young parents are addicted to prescription medication, narcotics, or alcohol, and some young parents live more or less separated from their extended kin because of their own or their parents' substance abuse. These children may experience neglect and abuse, but family members may be reluctant to offer assistance for fear of destroying the strong ethos of autonomy and self-determination lauded by the Roma (Stewart 1997; Engebriksen 2007). Even abused children may have strong bonds to their sisters and brothers, cousins, uncles, aunts and grandparents and other relatives. Many do not speak other languages than Romanes until late childhood and know little about other ways of living.

## **The Child Protection Services—Individualization and Legislation**

The Child Protection Services form one of many instruments of the Norwegian Government's childhood regime. Their mission is: *To make sure that children and youth living under conditions that can harm their health and development, receive the proper help and care at the right moment—to contribute to the development of good and safe living conditions for children and youth* (Moufack 2010, 12). The Norwegian CPS was established in 1896 when a new law, the Guardianship Act (*Vergemålsloven*), was passed.<sup>6</sup> Since then the child welfare system has evolved along with other state welfare institutions (White Paper No. 40 2001–2002, On the protection of children and youth). The goal of CPS is to provide a wide range of services from economic support to poor families through relief measures targeting children and families to coercive steps such as forced foster care.

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<sup>6</sup>This law defined the public administration of the means belonging to a person declared a minor according to the law.

Developmental psychology and attachment theory are the founding models of child welfare in Norway as elsewhere, where the intimate bond between a mother and a child, nowadays increasingly also a father and a child, is given crucial importance in child development. Although psychological models as a basis for legalization have been deconstructed and challenged internationally (White 1998), these critical stances do not contest the firmly established development model in child welfare. White notes, "...a clear preference can be detected for locating the causation of 'abnormal' development in inadequate or deficient parenting, rather than in biology, culture or chance" (White 1998, 271). She argues that while biological pre-programming is accepted as a valid explanation for normal development, it is rejected as explanation for deviant behaviour. Child-care professionals show instead a preference for a discourse where parents are culpable, and she notes: "Thus, under the influence of this particular form of developmentalism, the child's body becomes the repository for, and the measure of, 'good enough parenting'" (1998, 271). I will return to this issue when analysing Maria's case.

As discussed in the previous section, Norwegian childhood has become increasingly governed by national and global legislation (Reynaert et al. 2009). In 1991, Norway ratified the UN Convention on the Rights of the Child (CRC). A year later, in 1992, the Law on Child Protection Services<sup>7</sup> was passed. In 2003, the CRC was incorporated into Norwegian law and into the Universal Declaration of Human Rights (UDHR). That means that the CRC became Norwegian law and may overrule other regulations in other jurisdictions if they are contradictory. These laws were developed and established to protect children from harmful authorities and environments, counteract the negative results of families in difficult life situations, protect children from parents with problematic child rearing practices, and support families with children with behavioural problems. CPS interventions usually result from both external concerns and families seeking support. Local and international laws and conventions oblige the CPS to make sure that the best interest of the child prevails in all contexts.

However, children's lives are dependent on their families' class position, economic situation, ethnicity, history, health condition, and not least whether they grow up in towns or on farms and whether they are boys or girls. Is this multiculturalism understood and acknowledged in the work of CPS professionals? By analysing seventeen court cases in Norway that resulted in children from immigrant backgrounds being placed in care in foster homes, Hofman (2010) found that although the child's cultural background (ethnicity, religion) played a role in the decisions for placing children in public care, cultural aspects were not taken into consideration at all in the choice of foster homes. Although Roma children have grown up mostly in Norway, they have grown up in a segregated Rom environment with little contact with mainstream Norwegian society. A Norwegian foster home will probably represent an even greater break from their cultural background, than it will for many immigrant children.

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<sup>7</sup>The law on public Child Care was passed in 1953.

## **The Framework Convention for the Protection of National Minorities—Liberation or Control Through Care?**

In 1999, Norway passed the Council of Europe’s *Framework Convention for the Protection of National Minorities*. This convention states that national minorities shall be protected from discrimination and shall be granted the ability to keep and develop their language, religion, and culture. With this convention, Rom childhood in Norway is not only protected as an individual experience, but as collective way of life, and with it, the individuals’ right to belong to the Rom collective and to maintain and develop cultural traits such as language, religion, and culture.

The Roma willingly accepted the status as “national minority.” However, the framework convention appears to have become a mixed blessing for the Rom population. Designating the Roma as a national minority, the Council of Europe expected that they would successfully “integrate” into the mainstream society in their respective countries. The authorities’ ability to register, control, and monitor this minority in order to assure their wellbeing and future inclusion into the welfare state, is increasingly managed by referring to “the best interest of the child,” in accordance with national and international legislation such as the Convention for the Rights of the Child. This renewed engagement of the State with Roma families means an increased pressure towards what they see as assimilation. Roma in Norway experience education in Norwegian language, norms, and ways of life as a threat to their language, cosmology, and society (see among others Voiculescu 2011). As the Convention for the Protection of National Minorities, unlike the Convention for the Rights of the Child (CRC), is not incorporated into Norwegian law, its protective function is limited and in practice, it is subordinate to the CRC.

## **The Universalized Political Regime and Norwegian Child Protection Services**

Scholars have criticized the development of international and national regimes of childhood, for their technicalization and decontextualization (Reynaert et al. 2009) of childhood, for their defamiliarization (Therborn 1993) and for their education-alization, or biased preoccupation with school education (Reynaert et al. 2009, 529). The critics tie this model of the childhood regime to the development of liberal politics in Europe focused on the individual, autonomous, and choosing subject. International convention regimes are based on the ideas of a general child, freed from class, ethnicity, gender, and poverty. This autonomous child’s rights are in conflict with the rights of the parents to foster a child, and are at the same time strongly focused on institutionalized education, both private and public (Reynaert et al. 2009, 529).

However, in spite of its universalizing scope, The UN Convention on the Rights of the Child is meant to be culturally sensitive, to be conscious of the diversity it

represents and thus to protect families from state power when that is necessary. In combination, the Childcare law, the Convention on the Rights of the Child and the Convention for the Protection of National Minorities, should guarantee the protection of the best interest of the child, even for minority children.

In spite of the international conventions' stress on the necessity to "take diversity into consideration," the Norwegian version of Childhood has become more universalized and streamlined through these globalized processes, and different childhoods have increasingly been treated with suspicion in this process (Wells 2009). Like Europe in general, Norway is increasingly multi-ethnic. An increasing part of the Norwegian population has grown up elsewhere with different languages, norms, values and life trajectories and corresponding experiences. Their childhoods, more or less compatible with the Norwegian norm, are not part of the Norwegian concept of Childhood except as challenges and deficits (Boddy 2013). This assumed challenge of diversity has led to the development of parent education programmes for foreigners, based on Norwegian middle-class values and streamlined by "international and culturally neutral scientific methods for 'good parenting'" (see for instance Øyby 2007). Practitioners and politicians do not regard these models and programmes as politically and ideologically shaped, by global or national cultural norms. They are not seen as parallel to other child-rearing practices, but as inherently better and better suited to improve the quality of life for children, and as such they are seen to represent both progress and the realization of children's human rights (Wells 2009, 179). This may explain why cultural differences are often neither understood nor taken into consideration when choosing foster homes for minority children (Hofman 2010). This is the case in spite of the overwhelming evidence from research on children and children's worlds, and research on class differences in early childhood, showing that child-rearing practices are embedded in cultural worlds and value-systems and are difficult to learn outside these in some sort of value-neutral way (James and Prout 1997; James et al. 1998; Wells 2015). Although Roma children have grown up mostly in Norway, they have grown up in a parallel society of Roma, with other cultural norms and practices, generally with no or little school attendance, and with a mother tongue other than Norwegian.

## **Perceptions, Dilemmas, and Ambiguity Dealing with Roma Families**

### ***Maria: Poor Mothering***

Maria's parenting defied Norwegian childhood in important ways. She left her children with her husband and close relatives for long periods while travelling with her natal family. Her children grew up dependent and attached to a group of kin,

rather than to their parents alone. Her marriage appeared to be unstable. When she eventually moved away to live with her children, she moved from flat to flat because she had difficulty paying the rent. When the CPS tried to contact her to establish cooperation for the good of the children, she moved or did not keep the appointments. She did send her children to school, but too late according to Norwegian law. The school reported that the children had difficulties adapting to the classroom norms and teachers described them as wild and uncontrollable. The headmaster of the special institution where Maria served her penalty also experienced her children as anti-social, and Maria was accused of breaking the rules she promised to adhere to when she was admitted.

Maria's behaviour is not pathological from a Rom point of view. She had a much narrower network of supportive kin than is the norm among Roma women, because of problems between her natal family and her in-laws. In general, she behaved very much in line with general Rom way of life, where economic instability, repeated change of residence, leaving children with relatives, and not protecting children from family conflicts is the norm rather than the exception. Maria herself has only sporadically attended school, and she knew little about the laws and regulations that govern primary education. Many Roma regard formal schooling as an assimilatory strategy (Engebriksen 2007; Engebriksen and Lidén 2010; Voiculescu 2011) and evading school has been, and for some families still is, a way to resist assimilation.

This case is only one of several cases that confronted the CPS with difficult dilemmas. The fact that neither Maria nor her husband were wage earners, but were receiving welfare, like the majority of the Norwegian Roma, was another concern to the CPS, together with the fact that Maria and her in-laws had criminal records. Finally, the CPS found indications that the father had been violent towards some of the children and that there was a suspicion of sexual abuse. Maria's behaviour was consequently interpreted as an expression of "poor ability to care for her children," because she was not able to protect her children in a proper way. Rom child rearing traditions and family life patterns, the "normality" of Roma children, or any other aspects of their cultural background seem not to have been taken into consideration. Neither was her special situation, giving birth to three children in three years, discussed as a burden that could overstretch her mothering abilities.

How were the CPS to interpret this way of life and how could they secure the children's rights without "rescuing" them from their parents and environment? How could they have balanced securing the rights of the children as individuals in accordance with Norwegian and international law, while also considering their right to grow up in their natal ethnic group and develop their ethnic identity and language? The Norwegian CPS has difficulty reconciling these considerations for cultural awareness with the approach and the tools they have at their disposal today.

Transferring a child from a Rom environment to a Norwegian foster home implies a total transformation of that child's life-world and identity. As already discussed, the Roma children are socialized in opposition to the Norwegian

life-world. For these children to manage this transformation and to attach to new parents, they need to deny their “Rom-ness,” their biological parents, and their entire background. The Roma are a stigmatized population in Norway, as they are all over Europe, and Roma children will always be reminded of their ancestry. There is a considerable likelihood that Roma children in Norwegian custody develop self-hate and insecure identities (Høgmo 1986; Eide and Aanesen 2008). Regardless of the quality of the foster family, they will most probably have been exposed to the majority’s pejorative view of the Roma. To handle this stigma without internalizing it, the individual depends on an affirmative social group that will support them. Roma children in Norwegian foster care are without the social protection of an affirmative Rom community and will most probably internalize the stigma attached to them and develop insecurity and a negative identity. What will happen when these children are no longer under CPS-care? Will they contact and try to re-unite with their families? Will they be accepted? Will they be accepted by and attach to the majority society, or will they linger between these conflicting societies without finding their place? What has been gained by removing the children from their families if they grow up without the personal security they need to handle a difficult life?

## **Lost Between Protective Regimes?**

Children need protection from neglect, abuse, and violence from their caretakers, the environment, and from the general public, but not least from government agencies. The development of national and international laws and conventions have highlighted the lives and conditions of children and secured a better life for children in many parts of the world. But, as Wells, following Foucault (2009), points out, universalized children or “the best interest of the child” is increasingly an instrument for a state’s political goals. This was the case in the Afghanistan war, where girls’ education was an important argument for intervention. It is also the case in the implementation of national integration programmes for the inclusion of minorities and immigrants, where arguments based on the best interest of the child predominate. As White (1998) argues, the best interest of the child has been moulded on psychological theories that are reified and legalized by being incorporated into the judicial field and presented as self-evident. In spite of good intentions, state intervention can also be abusive and harmful to children and their caretakers. The transfer of Roma children to Norwegian foster homes can be regarded as a process of forced assimilation that can be analyzed as symbolic violence (Bourdieu 1986) with a very indecisive result. Placing minority children in Norwegian foster homes can also be regarded as state discrimination. While Norwegian children are placed in Norwegian foster homes, where their national culture, traditions, faith and language are known and can be developed, Roma children are placed in families that

do not resemble their native families. They lose not only their parents, but their entire life world, their ethnic group, and their mother tongue. Thus ideas of the child as a free-floating individual that can be uprooted and replanted without concern for her cultural, social and linguistic context prevails.

But are there no ways to reconcile the child as an individual and as a collective member in CPS service? There are several options. Foster parents can be actively sought in Roma communities both in Norway and in other countries. The Roma are a transnational population with kin all over Europe. Of course, this solution implies new problems. Instead of placing Roma children in foster families with strong expectations of intimate attachment to new parents, one should also develop small orphanages, modelled on SOS Children's Villages<sup>8</sup> where siblings can live together and keep in touch with their family and kin. Most importantly, Roma children in CPS custody in whatever model need support and assistance to be able to maintain contact and communication with their ethnic group, develop their language, intellectual abilities, identity, and sense of belonging. If and when foster children wish to reconnect in some way with their family and kin, the chance of not fitting in or of being rejected may thus be minimized.

The aim of this chapter has been to highlight how protective regimes may be contradictory, and, in the case of Roma families, how conventions and laws to protect the individual child overrule protective conventions that are intended to protect minorities from state discrimination. The notion of the universal, individual, right holding child—the child as agent—is the basis of legislation on children. Therefore, the notion of the child in context, the social child, is overruled. The UN Convention and the best interest of the child may thus support state abuse against Roma children, by separating them not only from their parents, but also from their entire social and cultural world.

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<sup>8</sup>An international NGO developing and running orphanages as villages based on a family model where children grow up in “social families” with a “mother” “siblings” and sometimes a “father.” Co-operation with the biological family is sought after (<http://www.soschildrensvillages.org.uk/>).



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