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The Danish free school tradition under pressure

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Abstract

The Danish free school tradition has entailed a large degree of associational freedom for non-governmental schools, religious as well as non-religious. Until the late 1990s, the non-governmental schools were under no strict ideological or pedagogical limitations, they could recruit teachers and students according to their own value base, and were given a large state subsidy. From the late 1990s a number of legislative changes were introduced demanding that non-governmental schools provide civic education and document the academic value of their teaching programs. The rules concerning the monitoring of schools were also changed. This article analyses the political justification for these changes and asks to what extent the changes have altered the Danish free school tradition.

Introduction

In Denmark, non-governmental schools (religious as well as non-religious) have traditionally enjoyed a high degree of associational freedom in terms of ideology, pedagogy, recruitment of staff and students, generous state subsidies and a loose and decentralised control. The freedom of Danish non-governmental schools, officially known as ‘free primary schools’, is the result of a social and political struggle against church and state domination in the educational sphere that began in the early 19th century. The struggle was headed by the ‘free school movement’, which established and represented a number of free schools from the 1850s and onwards. The free school movement achieved its first legislative victory in 1855, when the ‘free school law’ established the

right for parents to choose the school for their children (or teach them at home) based on a general duty to *educate* their children rather than a ‘school duty’ in the strict sense, *as long as* the education provided was ‘equivalent’ to public school education.¹ In 1915, this resulted in an amendment to the constitution, which was written into the current 1953 Danish constitution, guaranteeing free public schooling for every child and giving parents the right to provide their children with ‘instruction equivalent to the general primary school standard’ by sending them to a non-governmental school of their choosing or, alternatively, to home-school them.

The freedom of parents and schools was not established all at once, since the clause demanding education ‘equivalent’ to the public school could be and initially *was* specified rather closely. From the 1930s and until the 1990s, however, the freedom of the schools increased significantly, providing the schools with considerable ideological and pedagogical freedoms and allowing them to recruit students and staff according to their own value base. At the same time, there was no detailed specification of the subjects to be taught or the educational targets to be reached, and the main responsibility for monitoring the schools was entrusted to the parents, while the state provided the schools with high subsidies (as high as 85 per cent in 1979). Significantly and in continuation with the free school movement’s notion of free-mindedness, schools could espouse views that were in ‘strong opposition’ to those of the majority, ranging from Nazi sympathies in the 1930s to revolutionary views in the 1970s, as long as the schools did not ‘act’ (with violence) on their views; and this despite the fact that they received state subsidies (Korsgaard and Wiborg 2006, 378-9).

However, in the last 15 years, the state has issued a number of new regulations regarding the free schools and hence on the conditions for running religious school in Denmark. This can be seen as the prerogative of the state to specify once again more in detail what it means for non-governmental schools to provide a ‘public school equivalent’ education. This article tracks

the motivation for this state regulation and the consequences of it, *asking to what extent the associational freedoms of these schools have been reduced or redefined in such a manner that there is a fundamental break with the Danish 'free school tradition'* that evolved since the 1930s and entailed a high degree of freedom of conscience and belief in education. The description of the historical background and the Danish free school tradition is based on secondary sources while the article's main contribution in the analysis of policy changes since the late 1990s is primarily based on legislative documents and interviews with the representative organizations of the free primary school sector.

The present article explores the thesis that the freedom of Danish non-governmental schools has been redefined due to concerns with the competitiveness of the Danish education system in light of (economic) globalization and due to (partly related) concerns regarding the integration of immigration-based minorities and fears of political extremism; and that the regulative changes for the non-governmental schools thereby partly follow the changes in the regulation of the public school.

Education on the agenda

In Denmark, education is high on the political agenda for three reasons. First, there is an ambition to maintain and improve the global economic competitiveness of the Danish nation, a political priority since the economic crises of the 1970s (Pedersen 2011a). Further, disappointing OECD PISA results in 2000 – which hit a policy community already concerned with the academic quality of Danish schools – thrust education high on the political agenda. Second, the 'integration' of marginalized groups, especially non-Western immigrants and their descendants, has been a high priority since the 1990s. Non-integrated groups were commonly viewed as a burden on the welfare services. Along with the gradual shift from the welfare state to the workfare state (Torfing 2004),

new emphasis was placed on duties rather than rights. Everybody had to contribute to society actively and be able to participate and work smoothly with the institutions of a modern society. It has increasingly been stressed that all citizens be at least familiar with and preferably acquire (liberal) national values (Mouritsen and Olsen 2013). Schools were seen as a place where the socialization of marginalized groups could take place and where immigrants and descendants could learn the values and practices of Danish liberal democracy (Jensen 2010). This includes the conviction that religion and politics are to be considered separate matters, a belief that some leading politicians somewhat paradoxically base on the national Christian Evangelical-Lutheran culture, thereby indirectly protecting the privileged position in the constitutional order of the Danish People's Church from demands for disestablishment (Berg-Sørensen 2006; Olsen 2011; Mouritsen and Olsen 2013; Christoffersen 2010). Third, particularly since 9-11 there also is a fear of extremism that might lead to terrorism. Particular concern here pertains to Muslims and non-governmental Muslim schools, the fear being that they might function as breeding grounds for extremism (Lindekilde and Sedgwick 2012).

The main focus for the government continues to be on the public school, which still takes care of the majority of schoolchildren in Denmark (in 2012, 79 per cent of children in grades 0–10). Accelerated by a shift to a centre–right government in 2001, the public school system witnessed a relative shift towards increased focus on measurable skills and competences and away from a conception of schools as a place for the general education or *Bildung* of the individual and future citizen (Korsgaard 2010; Pedersen 2011b). In light of the PISA results, the national politicians have wanted to reinforce this focus and have left part of the more decentralized aspects of the public school behind. In 2003, educational goals and guidelines set by the Ministry of Education (ME) were changed from recommendations to teachers to obligatory goals that had to be reached within each subject (Holm-Larsen 2006). The range of subjects included in the final exams

of the public school was expanded so it covered not only core topics such as Danish, math, English, but also the natural sciences as well as history, social studies, and Christianity studies (ibid.). Furthermore, the exams were made obligatory rather than optional, and they were made the basis of access to upper secondary education (ibid.). The logic behind the new ‘Common Goals’ (*Fælles Mål*) for the public school was that they should facilitate new national tests in the public school at different age grades, rendering it possible to see the extent to which the school population had reached required levels. This was also supposed to contribute to an overall ‘culture of evaluation’ in the public school system (ibid.). The latter was reinforced by the publication of grade point averages (GPAs) from each school’s final exams so that the public, parents, and students would be able to compare schools. Combined with the free choice of public schools (introduced in 2005), the publication of GPAs would create a market-like incentive structure for schools to improve their results. The publication of GPAs for each school has been suspended by the centre–left government that came to power in 2011, however, due to fears of unfair comparisons between schools with very different student populations and the likely negative effects of privileged families de-selecting certain schools with low GPAs. But the Common Goals, national tests, and obligatory final exams stay in place since they originally were backed by the Social Democrats (SD), the leading party in the current centre–left government coalition.

The question then becomes whether the developments in public schools are followed or accompanied by similar developments in the regulation of non-governmental schools and the extent to which this leaves the Danish free school tradition, with its large associational freedom for schools, intact. The next section briefly describes the historical background of the free school tradition and lays out its defining features before turning to the analysis of the last 15 years of change in the regulation of the sector. The last section analyzes how the changes are perceived to

affect the associational freedom of non-governmental schools, including religious ones, by the central representatives of the non-governmental school sector.

The Danish free school tradition

The Danish free school tradition gave Danish free primary schools large degree of associational freedom. The associational freedom of schools depend the extent to which they are regulated, subsidized and controlled (Bader 2007, 279-83). An important dimension in the regulation concerns what schools are required to teach in terms of knowledge, technical skills, values and virtues and how it is controlled that schools live up to the regulation through input control (control through specification of school teaching programmes), through put control (control of teaching practices) and output control (control of results). Important is also who is controlling, for example, the state (e.g. ministry of education, central inspectorates), the local administrations (which might be running ‘competing’ public schools as in the Danish case), the parents or other types of actors (e.g. certified inspectors) or even the schools themselves through self-control. School freedom also depends on the extent to which schools can be selective in their staff and student recruitment. Finally, the level of public subsidy shapes the schools’ freedom to pursue their own policies independently of other actors. There is no simple formula for the calculation of associational freedom, but all things considered the less regulation and (centralized) control and the more public subsidy, the larger the freedom is. Based on secondary sources, this section provides a brief sketch rather than a detailed account of the background and fundamental features of the Danish free school tradition sufficient to tell whether the last 15 years of regulation analysed in the following sections has led to a break with this tradition.

The Danish free school tradition is founded on an opposition against both the domination of the state and the Lutheran-Evangelical state church in the educational sphere. Since

the Protestant Reformation (1536) the state and the established church had been closely connected (Danmarkshistorien.dk 2014a/b). In the first part of 19th century the influential priest, poet, philosopher and politician N.F.S. Grundtvig and the teacher and educationalist Christen Kold, key persons in the free school movement, started criticising the public school system based on a law from 1814 for being authoritarian, dogmatic, and ill-equipped to enlighten and empower the population. Grundtvig argued against the close connection between religion and education in the public school and was in favour of removing religion from the curriculum (Korsgaard 2011, 27–34). He and Kold saw the right to establish free schools as an alternative. Schools should be based on dialogue between teacher and student, singing and storytelling, and without the formal strictures of exams, thereby contributing to the national and democratic enlightenment of the ‘commoners’, transforming them into equal members and citizens of the nation. The free schools ideology was not driven by a defence of a minority identity as such, and both Grundtvig and Kold belonged to the Evangelical Lutheran Christian majority. However, they favoured a new, more liberal interpretation of the faith emphasising ‘the living word’ (i.e. the spoken word) over rationally organized doctrine and, crucially, defended a concept of free-mindedness (Danmarkshistorien.dk 2014c). Free-mindedness entails the defence of legally protected rights for all to form and publicly defend their own opinion combined with the right (and obligation) to use all verbal means to criticize false views and beliefs (Bredsdorff and Kjældgaard 2010). The ambition was to create both ideological and pedagogical freedom for the schools through independence from the state and the established church (since 1849 called ‘The People’s Church’).

On his own initiative but with the support of Grundtvig and his circle, Kold established the first free school in 1852, and in 1855, 6 years after the first Danish constitution, the law on free schools was passed by the Danish Parliament. This law gave parents the right to assume the responsibility for the education of their own children by choosing a non-governmental school

(or home-schooling) based on general duty educate them rather than a duty to send them to school. However, the law demanded that the private education be equivalent to public school education (Balle 2001, 44). As mentioned in the introduction, these principles concerning the rights and duties in education are now found in article 76 of the current Danish constitution.

The requirement of a public school equivalent education is an open-ended clause enabling the state to specify in a rather detailed manner what non-governmental schools need to do and to control them (Ross 1966, 767–70). In the first eight decades after 1855, the authorities by way of the local school commissions chaired by the local People's Church priest kept free schools on a relatively short leash, requiring them to teach all of the public school subjects, including Christianity studies, and to subject students twice annually to exams to assess whether they achieved the same GPAs as the local public school students (Balle 2001, 43–51). Initially, their ideological and pedagogical freedom was hence rather limited and control was tight. But this began to change from the early 1930s onwards.

First, after pressure from the free school movement and in conjunction with a fortunate constellation of political forces, the monitoring of the schools was in principle turned over to the parents in 1933. After 1933, the ME monitored only written and oral Danish and math as well as Christianity studies through the reports written by the parent-selected external supervisor and priest.² The remaining subjects were only parent-supervised. Moreover, schools no longer had to hold exams and give grades. In the late 1970s, the obligation for the free schools to teach every subject required for the public school was also watered down, in part following a similar development for the public school in terms of a looser specification of subjects and academic targets. For example, by 1977 the demand was only that non-governmental schools teach the general subjects (*fagkreds*) of the public school, and these 'naturally would be divided into, including also social sciences, practical-musical and physical education' (Horten-Frida Circular

1977, quoted from Balle 2001, 59). The monitoring of the school only had to include Danish, math, and English (the latter added in 1977). In the early 1990s, the parent selected school supervisor did not even have to be approved by the ME or local authorities. In sum, from the 1930s the pedagogical freedom of the schools increased significantly over the years, and control was decentralized.

Second, the ideological freedom also increased. In the 1930s the Minister of Education argued that explicit Nazi sympathies at a particular free school did not disqualify it from receiving state money. The same view applied in the 1970s to schools based on Marxist revolutionary views. This ideological freedom rested on a distinction between ‘opinions’ and ‘actions’. As long as there was no attempt at overthrowing the state by illegal means (violence), the schools should have the right, with state subsidies, to hold points of view that were in strong opposition to the existing political and legal order and against the views of the majority (Korsgaard and Wiborg 2006, 378–9). Formally, the tie between the public school education and the People’s Church and the Evangelical Lutheran faith has been progressively loosened from the late 1930s and with it also the tie between majority religion and non-governmental schools (Danmarkshistorien 2014a; Kristeligt Dagblad.dk 2014). As of 1899, the free schools were able to obtain a state subsidy. It increased over the years and reached its pinnacle in the late 1970s when it amounted to around 85 per cent.

Summing up, the historical development reveals a free school tradition based on free-mindedness and on opposition to state and church dominance in education. As the tradition evolved the associational freedoms of non-governmental schools increased along the ideological and pedagogical dimensions and in terms of loosened control and increased public funding. In addition to what has been described above, schools also enjoyed a high degree of freedom in the recruitment of staff and students. A defender of the tradition, T. Balle (2006), sums it up by explicating its five

principles of ideological freedom, pedagogical freedom, financial freedom, and freedom in the recruitment of both staff and students and argues that it implies minority protection in its prioritization of the rights of parents over those of the state in the education and upbringing of children:

The ideological freedom was of course the most fundamental, i.e. the freedom of parents to choose which view of the human being, of life, and of society that should direct their children's upbringing and education, even when those views were in *strong opposition to those of the majority*. The ability to realize this ideological freedom required a high degree of freedom in pedagogy, funding, and staff recruitment. Just as it was necessary to leave it to the schools – and not the public/the state – to decide which children they could admit or expel. These five freedoms against the state were introduced into the legislation regarding the private schools for children and supported by the state. They thereby became a unique and distinguished example of free-mindedness in Danish culture, which were developed by the popular movements by the end of the 19th century (Balle 2006, 6, translated from Danish, italics added).

According to Balle, the free school tradition consistent with the notion of free-mindedness entails a large degree of associational freedom for schools with an ideological freedom to espouse views which are 'in strong opposition of those of the majority'. As late as 2001, the legislation covering the free schools did not entail any value clause other than that schools must provide public school equivalent education. There were no clauses regarding civic education or personality ideals. Over the years, from the 1930s and towards the end of the last millennium the regulation entailed a

decreasing input control in the specification of subjects, curriculum, and educational targets; the throughput control in terms of the inspection of school teaching and practices was minimal and carried out by supervisors chosen by the school parents; and the output control in terms of examinations was loose, also considering that it is not obligatory for schools to hold the official final exams. Moreover, schools are not obligated to hire state-certified teachers and can recruit both teachers and students according to their own value base. The schools enjoyed considerable financial freedom, with a public subsidy of around 75 per cent of the average cost of a public school student. However, since the late 1990s, things began to change.

The next section analyses these changes and discusses whether they have altered the Danish free school tradition and the associational freedom of schools fundamentally. The analysis proceeds chronologically and points out the main changes in various dimensions of associational freedom of schools, however with a special focus on the ideological and pedagogical freedom and the means of control. Not all dimensions were subject of legal changes in the period. The freedom of recruitment was for example left untouched. In order to investigate the article's main thesis, the section traces the justifications, i.e. the stated reasons, for making legislative changes in order to tell the extent to which they were based on the concerns about academic quality (competitiveness), integration and the fear of extremism respectively.

Policy Changes

The period of unregulated freedom began to come to an end in the 1990s, when the socialist Tvind school conglomerate was accused of a fraudulent use of state subsidies. This led to legislation requiring schools to be independent units that could not be controlled by other units or transfer money to them. In 1998, in the wake of the Tvind affair, the rules concerning supervision were revised and it became mandatory for schools to teach in Danish in order to receive state subsidies.

There was no real opposition to these new rules (Folketinget 1998). The language requirement in part mirrors an increased emphasis on the learning of Danish in the public school as a prerequisite for integration (Holm-Larsen 1999).

In late November 2001, shortly after the 9/11 terrorist attacks, the new Danish People's Party (DPP)-supported centre-right government came to power, having won the election on a strong, 'firm and fair' immigration and integration policy. With two consecutive bills in 2002 and 2005, the centre-right government reduced the ideological freedom of the schools, demanded more documentation for the value of alternative teaching programmes, and increased school monitoring.

As part of its 'integration policy package', the new government introduced a bill in 2002 demanding that schools prepare students 'to live in a society with freedom and democracy' (ME 2002). Reducing the ideological freedom of schools, the bill claimed that it had been a presupposition for schools receiving state subsidies that they respected human rights and fundamental freedoms. The bill took the European Convention of Human Rights (ECHR) as its value reference point. Arguably, the bill only demanded that students be given knowledge about the principles of freedom and democracy and not that they were to be equipped with a democratic ethos (thereby still preserving a relatively wide conception of freedom of conscience and belief). The bill also wanted to expand the monitoring of schools to include history/social sciences and the natural sciences. However, in order to create a broad political compromise, the intentions of the original bill were watered down. The explicit reference to the ECHR was removed, and monitoring was only expanded to ensure that the language of instruction was Danish.

In 2005, the government abandoned its previous ambition of reaching a broad political compromise. With the DPP and the SD, the it reintroduced expanded monitoring, increased documentation requirements for alternative educational approaches, and yet again reduced the

ideological freedom of schools receiving state subsidies. The legislative bill refers directly to the OECD PISA results and the ambition to ensure a high academic level in the primary and lower secondary school (ME 2005). The government claimed that the free schools were doing slightly worse than the public schools, and in particular that schools with many ethnic minority children were faring worse. If the schools choose not to follow the educational targets set in the ‘Common Goals’ for the public school they must define their own targets and teaching plans for all of the subjects taught in the public school so as to be able to demonstrate how the teaching they provide is equivalent to that of the public school. They must also demonstrate that their teaching leads to the well-rounded development of the individual student, including the ‘spiritual, intellectual, musical, physical, and social’ aspects, a demand reflecting the public school legislation requirement that schooling lead to the ‘general education’, or *Bildung*, of the individual (ibid.). The freedom and democracy clause was expanded to its current wording, with direct reference to the integration agenda and fear of political extremism:

According to their purpose and in all of their work, [the schools] shall prepare the students to live in a society like Denmark, with freedom and democracy, and develop and strengthen the students’ knowledge of and respect for fundamental freedoms and human rights, including equality between the sexes. (Law on Free Schools, article 1.2)

In addition to teaching *per se*, the clause now also covers all activities connected with the school and is made to ensure ‘that fundamentalist or extremist actions, which are justified on religious grounds, etc. but which contradict human rights and fundamental freedoms, including gender equality, cannot take place *at or from* a free primary school’ (ME 2005, emphasis added).

The legislative bill is not completely unequivocal in relation to the ideological freedom of schools, since it also allows schools ‘within the framework of the law’ to provide education in line ‘with the schools’ own convictions and organize the teaching in accordance with those convictions’ (ME 2005). This clause was introduced to give the fundamental freedom of the

schools appropriate weight when determining whether or not schools fulfil legal requirements. Nonetheless, the bill explicitly reduces freedom further in relation to the 2002 changes since it now directly prohibits schools that want to receive state subsidies from basing themselves on views which contradict gender equality, the principles of Danish democracy, and the freedom of religion ‘in Denmark or other countries’. Furthermore, schools must teach the theory of evolution, human biology, and sex education. Schools which persist with controversial views would arguably be able to do so under the rules of home schooling – and hence without state subsidies.

From the ministerial guidelines on how to establish whether a school lives up to the freedom and democracy clause, it is clear that schools not only have to provide students with knowledge but also establish a dialogical and democratic educational practice, which combined can ‘be traced in the actions and skills of the students’ (ME 2011, annex 3). Hence, it indicates that the inculcation of a democratic ethos in students is required and implies a significant reduction of the freedom of conscience and belief within education. The reduction applies in particular to students and to schools and their staff, but also touches upon the freedom of parents to educate their children according to their own worldviews.

In continuation of the introduction of more tests and measurement in the public school, including making the final exams mandatory, the government changed the rules on examinations for free primary schools in 2006 so that they must now actively deselect all of the individual subject exams of the general public final exams rather than being able to pick and choose between exams in different subjects or simply refrain from conducting exams entirely (according to their individual value bases). Individual schools must also declare publicly whether or not they apply the final exams. Moreover, if students have not taken the public school final exams, they are now required to submit to an entrance examination if they want to continue with upper secondary education (*gymnasium*) (ME 2006).

Taken together, the 2002, 2005 and 2006 legislative changes deliberately sought to reduce the ideological freedom of the schools and aimed at increasing input control and (documentation) cost of running alternative teaching programmes and with it the costs of exercising pedagogical freedom. However, not all changes have been in the direction of increased state control and centralization. In 2010 on the non-governmental school sector's initiative, the monitoring system was revised. The individual schools now appoint a certified inspector or have the municipality appoint one or, alternatively, carry out a 'self-evaluation' according to an ME-approved model (ME 2009b). School associations are contributing to the development of self-evaluation models and the education of inspectors, both of which must be approved by the ME. The 2010 revision implied that the ME's monitoring of academic results should be more based on test results (outcome), and hence allow more flexibility with respect to teaching methods.

The ME's selection for inspections is now based on results (final exams and students' continued education) as well as inspectors' reports and criticism from parents and media. The inspections are generally carried out by examining the schools' curriculum and teaching practices. In addition to the normal inspection efforts, the ME has annual inspection plans with special foci. In 2009, the centre-right government for example issued an anti-radicalization plan and inspected 25 schools to see if they fulfilled the 'freedom and democracy' requirement and whether further legal changes were necessary (Danish Government 2009: 18). The ME also places individual schools on probation (special monitoring) if it believes they are not meeting legal requirements.

Rather than a rigid evaluation model, the ME applies an 'overall evaluation' (*helhedsvurdering*) of whether schools live up to the freedom and democracy clause based on the schools' educational goals, teaching plans and teaching practice, results, and overall culture (ME 2009a). The idea is that there are several ways in which the legal requirement can be met. The ME's experience is that problems primarily relate to the level of knowledge among the students – not the

inculcation of controversial attitudes – although controversial attitudes theoretically also lead to a negative evaluation (interview with A. Andersen 2011).

Taken together, the legislative changes over the last 15 years or so have had the effect of reducing the free primary schools' ideological freedom to espouse views which are in 'strong contradiction' of those of the majority if the latter are the basic principles of (Danish) liberal democracy, gender equality, and secular modern science. The legislation explicitly requires civic education and the inculcation of a democratic ethos among students. Similarly, it has transferred a personality ideal from the public school legislation about the 'well-rounded development' or *Bildung* of the individual. The legislative changes have also increased the input control of free primary schools in that the educational targets of the Danish state have been more clearly specified, and free schools which do not wish to follow the 'Common Goals' for the public school directly must document how their alternative teaching (at least) achieves the same targets. This arguably diminishes the ability for some schools to exercise their pedagogical freedom because of the documentation costs that this entails and because of the closer specification of the academic targets. Furthermore, the state has introduced structural pressure on the teaching in free primary schools by making the public school final exams the default position, including in relation to access to continued education. The introduction of the public school final exams as the default position also represents a type of increased 'output' control, since it is easier to establish whether non-governmental schools achieve results which are comparable to the public school.

The effort to increase the quality of monitoring, the throughput control, is now primarily carried out by either certified inspectors or based on self-evaluation models. The Danish state does not carry out regular inspections of all non-governmental schools, reacting instead to poor results and criticism from third parties, such as the school-appointed inspectors, parents, and the media. Schools can still recruit teachers and students according to their value base and still

receive considerable financial support from the state, although the 2014 public subsidies are aimed at reaching a new stable level of 71 per cent of the average cost of a public school student.

As the analysis demonstrates, the reduced associational freedoms of the free schools are based on concerns with academic quality (national competitiveness) and in particular concerns with integration and fears of political and religious extremism; and hence with the realization of collective goals. However, these concerns overlap with the rights and interests of children in education. The concern is that some children may not develop the competences to participate fully in societal life, as when the value bases of some schools ‘are so fundamentalist that they *disable the students to function*’ in Danish democratic society (ME 2002, emphasis added). Muslim schools were the absolutely overriding concern (interview with B. Haarder 2013). The introduction of the public school final exam as a default was also partly intended to ensure that some ‘immigrant schools did not contribute to the creation of ethnic proletariat suffering from a poisonous combination of ethnic isolation and social exclusion’ due to low academic achievement and some parents prioritizing religious doctrine over academic achievement (ibid.). Integration and concerns with academic quality were hence linked.

Evaluation of the policy changes

Legislative changes aimed to circumscribe the associational freedom of free primary schools, in particular along its ideological dimension. The freedom of belief and consciousness was reduced in terms of the ability to espouse views ‘in strong opposition’ to those of the majority for schools receiving state subsidies. And the (documentation) costs of running alternative teaching programmes including the non-application of the public school final exam were also increased hence arguably delimiting the pedagogical freedom. There is therefore textual basis in the legislative bills for concluding that the Danish free school tradition has been changed at a fundamental level. However, there is a sense in which the nature of a tradition can only be

adequately judged by those who practice it and in which freedom is relative to the ends that you (think you) should be able to pursue. So in order to gauge whether those who practice the tradition have found their freedom reduced or changed, all the chairmen of the Danish school associations (except a minor one representing only 14 German minority schools out of a total of 537 schools, please refer to Annex 1) were interviewed along with the chairman of 10,000 free primary school teachers. The chairmen were interviewed in their capacity of chairmen, i.e. as formally representing the members of their organisations in political matters. Their responses reflected their representative functions, but also the experiences and complaints of individual members (schools and teachers) as well as their own experiences, in the majority of cases, as school directors. The interviews were semi-structured and open-ended and concerned the main legislative changes analysed above in particular those relating to the freedom and democracy clause, the requirement to document teaching programs, the introduction of public school final exams as default, the latest revisions of the monitoring system as well as the general health of the free school tradition. The interviews also led to the identification of additional things perceived to affect the freedom and diversity of schools, notably the demands of parents. Of course, the interviews do not have the kind of statistical representativeness that a survey of the individual schools would yield, but they still give us a good indication of how the recent years' legislative are interpreted by the sector in relation to their associational freedom and the tradition.

From the interviews it is not clear that all school associations see school freedom as reduced. This very much depends on whether they find legislation on civic education unnecessary state regulation and/or that parents should be fully trusted to take the interests of their own children seriously – and more so than the state. In general, the less ideologically charged associations do not see the civic education requirement and more comprehensively defined academic standards as an encroachment on their members' freedom. The freedom and democracy clause does not introduce

uncertainty in the legislation nor does it represent an illegitimate distrust of schools/parents on the part of the state, but is only a fair requirement considering the amount of money the state gives to non-governmental schools (Ernst, Danish Private School Association (DPSA) and Jensen, Association of Catholic Schools in Denmark (ACSD)). Moreover, the introduction of exams and close description of the educational targets in relation to the public school 'Common Goals' does not generally represent a problem for these schools, since they have traditionally applied the public school final exam and followed the public school curriculum. Nor do they constitute an undue expense on schools with alternative programmes in terms of documentation work. For each of these associations, the responsibility of what they see as a possible tendency towards reduced diversity among schools primarily lies with the unwillingness and lack of courage of schools to utilize the actual degrees of freedom in the law. In their eyes, the 'Danish Free School Tradition' is generally intact.

Common to all organizations is that they are generally satisfied with the recent revisions to the monitoring system. They think that certified inspectors increase the quality of inspections and reports, and that the self-evaluation models carry great potential for self-improvement. Some of them point out that a monitoring system based more on 'output' than 'throughput', which might give even more flexibility regarding teaching methods, could create perverse incentives for schools to deselect students with limited academic potential.

However, the Free School Teachers' Union (FSTU), the Free School Association (FSA), the Small School Association (SSA), and Association of Christian Free Schools (ACFS) are slightly more critical of the legislative developments. Some of them recognize the freedom and democracy clause as reducing the freedom of the schools as compared with the relatively high trust of the past in parents as the guardians of their children's rights and tolerance towards, for example, revolutionary and conservative Christian views (Pedersen, FSTU, Lilliendal, FSA, Larsen, SSA).

Some of the SSA members and smaller FSA schools endure increased costs in the documentation of how alternative programmes are equivalent to the public school's Common Goals, which has led to a pragmatically induced reduction in the diversity of the schools and their teaching programmes (Larsen, SSA, Lilliendal, FSA). Together with Bjerregaard, ACFS, whose members all follow the public school's Common Goals, see the aggregated effect of individual legislative initiatives as reducing the schools' associational freedom. However, not everyone sees the impetus towards less diversity solely coming from the legal requirements. Along with the DPSA and ACSD, they see a lot of the pressure coming from parents who demand teaching programmes and subject definitions similar to the public school - and not least the application of the public school final exam. Most interviews clearly reveal the perception of a split between parents and schools despite the fact that many school board members are often elected parents. As one interviewee put it, schools and parents are no longer conceptually understood together as a 'congregation', but rather as two separate entities (Larsen, SSA). This is partly due to the manner in which the ME holds school boards accountable and partly due to the fact that parents are currently more preoccupied with academic achievements than the transmission of particular religious, philosophical, or political convictions.

Pedersen (FSTU) alone sees the civic education requirement as a lack of trust in free schools and parents' guardian rights as such. And everyone agrees that respecting the constitution, the law, and freedom and democracy is a presupposition for running a free school in Denmark, but many of them think that the administration of the law in terms of ME inspections of Muslim schools, as in connection with the 2009 anti-radicalization plan, evinced a high and generally completely unjustified distrust in Muslim schools, which has left the schools uncertain about how to come across as democratic and freedom-respecting (Lilliendal, FSA, Larsen, SSA, Bjerregaard, ACFS, and in part Ernst, DPSA).

Muslim schools, main targets for several of the legislative changes, are members of the FSA and the DPSA and do not have their own association and formal representation. However, the experience of distrust was partly confirmed by two interviews carried out in 2009 with two directors of Muslim schools who revealed a high level of uncertainty and felt that Muslim schools and their students were almost deliberately placed under a general suspicion of being potential radicals and terrorists (Kjærgaard and Larsen 2010, 68–75). In a later interview from 2013 with a certified inspector working at an Muslim school in Copenhagen and inspecting others, this impression is only partly confirmed, although schools are clearly very conscious about signalling that they live up to the civic education requirement and take very few ‘risks’ in terms of alternative teaching programmes that might stick out and call for inspection (P. Jensen, DIA Private School). Moreover, P. Jensen explains how the freedom and democracy requirement is not necessarily perceived as an externally imposed ideological restriction on the religious freedom of schools. At the DIA Private School it thus guides the cooperation between school and parents, since the school has a diversity of Muslims represented who disagree internally about doctrine and its practical consequences. Interviews with persons working at three different schools do not yield representativeness in the strict statistical sense but can provide an indication of how policy changes have been received by Muslim schools.

The FSTU, the SSA, FSA, and the ACFS are less sanguine about the intactness of the Danish free school tradition. A. Pedersen (FSTU) claims that there is not much free-mindedness left, but also questions whether there ever was a lot it; S. Larsen (SSA) complains that the new generation of politicians has no deep understanding of the free school tradition and the principles of education in the Danish constitution. T. Bjerregaard (ACFS) finds that the tradition is a little ‘worn around the edges’, and overall that ‘one forgets that it is healthy that we live in the fatherland of Grundtvig, where we can experiment with things and where freedom is allowed to flourish’.

Conclusion

The article has demonstrated a reduction through legislative changes of the associational freedoms of the free primary schools in Denmark to espouse views which are in ‘strong opposition’ to those of the majority, defined as the principles of Danish liberal democracy, gender equality, and modern science, and that it has increased the documentation costs for schools wanting to run alternative teaching programmes that they are equivalent to public school education. The changes have been motivated by concerns about integration, radicalism, in particular among Muslim immigrants, and a general concern, in light of national competitiveness, with the quality of Danish education, including ‘non-governmental sector education’. The development largely mirrors the development in public school policy.

The legislative bills give textual basis for concluding that the Danish free school tradition developing from the 1930s and founded on a notion of free-mindedness has been fundamentally changed since schools based on views contradicting basic principles of the Danish state can no longer receive public subsidies. The state demands loyalty and a democratic ethos in return for money and has consequently limited the freedom of conscience and belief. The ideological freedom of the schools has been reduced and the costs of exercising pedagogical freedom in terms of running alternative teaching programmes have increased. However, not all changes have been in the direction less freedom. While input control through documentation and to some extent output control through more focus on outcome has been increased, the monitoring structure has been decentralised with the introduction of certified inspectors and not least self-evaluation models.

That said, the conclusion regarding the reduction in ideological freedom is moderated somewhat by the interviews with school sector representatives who all agree that a self-evident

presupposition for running a school in Denmark is that it respects the law, the constitution, and freedom and democracy. Those who are most critical of the legislative changes do not so much argue against the civic education requirement in itself, but are more concerned with the aggregate effect of a series of legislative and administrative changes which – along with parents as critical customers threatening to vote with their feet – pressure schools into becoming more similar to the public school. Hence, their criticism is more directed against the state regulation of the educational sphere than against the ‘ideological limitation’ set by the freedom and democracy clause. They fear that the education principles in the Danish constitution have been forgotten.

They also read the changes as induced by concerns with academic quality (in light of globalization) and in particular what they see as a political overreaction against Muslim schools. Additionally, they see changes as driven by administrative and political control logic according to which similar requirements issued to similar entities (i.e. schools) are much easier to administer and track from the state level.

The analysis also demonstrates that Danish free primary schools retain comparatively large degrees of associational freedom despite increased ‘value’ and input control. Formally, schools can still define and run alternative teaching programmes, deselect the public school final exam, recruit students and teachers according to their value base, and the (throughput) control is still primarily based on a decentralized system of parent-appointed inspectors or, indeed, self-evaluation models. Interviewees are generally very satisfied with the latest revision of the monitoring system, and although there could be concerns with the arbitrary selection for ministerial inspection, school sector representatives do not appear to find that the legal requirements entail a level of legal uncertainty that in itself leads to the underutilization of the schools’ freedom.

Notes

1. The free schools were not the only non-governmental schools. In Copenhagen people had been free to choose between public schools and home schooling controlled by authorities. In the provincial towns and on the countryside the authorities could before 1855 *grant permission* that the school duty was met in alternative ways, e.g. by way of private schools and homeschooling (Ross 1966, 766). From the middle of the 19th century, both public and private ‘real schools’ were established which taught practical subjects, modern languages, geography, math, and natural sciences to the sons (and daughters) of the bourgeois estate who had to enter public service and commercial life and therefore did not need ‘classical education’. These schools focused on academic achievement and the passing of publicly defined exams and less on (ideological) freedom from state and church (Larsen 2010).
2. After 1933, the priest could be from a ‘free congregation’ within the People’s Church aligned with the school’s own understanding of the Evangelical-Lutheran faith.

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Annex 1 Overview of School Sector Organizations and Interviewees

Organization	Background	No. of Members	Interviewee
The Free School Association (FSA)	The heir of the free school movement based on the thoughts of Grundtvig and Kold	275 schools (32,000 students)	Chairman Ebbe Lilliendal (23.06.2011)
Denmark's Private School Association (DPSA)	Organizing traditional private schools, many former private 'real schools' (see note 1)	153 schools (50,000 students)	Chairman Kurt Ernst (18.11.2013)
Small School Association (SSA)	Based on progressive pedagogy ('reform pedagogy')	61 schools (8,800 students)	Chairman Søren Larsen (13.12.2013)
Association of Christian Free Schools (ACFS)	Typically associated with conservative Evangelical movements and congregations	35 schools (6,000 students)	Chairman Thorkild Bjerregaard (14.11.2013)
Association of Catholic Schools in Denmark (ACSD)	Closely connected to the Catholic Church in Denmark	21 schools (8,600 students)	Chairman Dan Jensen (18.11.2013).
Association of German minority schools in Denmark	Schools teaching German minority in German	14 schools (1,400 students)	Not interviewed
Free School Teachers' Union (FSTU)	Representing teachers in all free primary schools in Denmark	10,184 teachers	Now former chairman Arne Pedersen (22.06.2011)
<p>Note: Numbers are derived from organization homepages. Officially, there are a total of 537 free schools with a total of 104,740 students compared to 1,318 public schools with 561,553 students (2012). Another 26,433 students (predominantly 9th and 10th graders) are at private, publicly subsidized boarding schools (<i>efterskoler</i>), and the remaining 12,843 are placed in schools and programmes for children with special needs. There are a total of 708,569 students in grades 0–10. Source: ME 2014</p>			

Additional interviews

Anders Andersen, Former consultant in ME, responsible for inspection, 21 June 2011.

Bertel Haarder, former Minister of Education (2005–2010, 1982–1993), and Integration (2001–2005), 15 November 2013.

Peter Jensen, Certified inspector working at the Islamic DIA Private School in Copenhagen, 25 November 2013.