



# Fróðskaparrit

70. bók, nr. 2 · 2024

FØROYSKT VÍSINDATÍÐARRIT  
Faroese Scientific Journal

Human rights and the Faroe Islands

# Fróðskaparrit

70. bók, 2024, nr. 2

*Guest editors:*

Erika Anne Hayfield  
*and*  
Heini í Skorini



Tórshavn  
2024

Fróðskaparrit 70. bók 2024, nr. 2  
Human rights and the Faroe Islands

---

© FRÓÐSKAPUR – FAROE UNIVERSITY PRESS  
TÓRSHAVN 2024

**Høvuðsritstjórar** (*Editors-in-Chief*):

Malan Marnersdóttir, Dr.phil. & Lic.phil.,  
Professor emerita  
E-mail: [malanm@setur.fo](mailto:malanm@setur.fo)

Hans Andrias Sølvará, Ph.d., Professor  
E-mail: [hansas@setur.fo](mailto:hansas@setur.fo)

**Ritstjórn annars** (*Editorial Staff*):

Eyðfinn Magnussen, Associate Professor  
E-mail: [eydfinnm@setur.fo](mailto:eydfinnm@setur.fo)

Marin Strøm, Ph.d., Associate Professor  
E-mail: [marins@setur.fo](mailto:marins@setur.fo)

**Gestaritstjórar** (*Guest-editors*):

Erika Anne Hayfield, Ph.d., Associate Professor  
E-mail: [erikah@setur.fo](mailto:erikah@setur.fo)

Heini í Skorini, Ph.d., Associate Professor  
E-mail: [heinis@setur.fo](mailto:heinis@setur.fo)

**Samskiparar** (*Coordinators*):

Annika Sølvará, stjóri  
E-mail: [annikas@gransking.fo](mailto:annikas@gransking.fo)

Andras Mortensen, Ph.d., Associate Professor  
E-mail: [andrasm@setur.fo](mailto:andrasm@setur.fo)

**Útgevvari** (*Publisher*):

Fróðskapur – Faroe Univeresity Press  
Email: [frodskapur@setur.fo](mailto:frodskapur@setur.fo)  
[www.setur.fo/frodskapur](http://www.setur.fo/frodskapur)

ISSN 0365-6772

ISBN 978-99972-55-26-6

## Contents

### Innihald

<b>Editorial</b>	<b>5</b>
<i>Erika Anne Hayfield, Heini í Skorini</i>	
<b>Fororð</b>	<b>12</b>
<i>Erika Anne Hayfield, Heini í Skorini</i>	
<b>“The Faroe Islands handle this themselves”: The convergence of bodily and national autonomy in abortion rights discussions</b>	<b>19</b>
<i>“Føroyar taka sær av hesum sjálvar”: Samanfallið millum kroppsligt og tjóðskaparligt sjálvræði í viðgerðini av abortrættindum.</i>	
<i>Turið Nolsøe, Turið Hermannsdóttir</i>	
<b>An account of the conditions of Faroese individuals with a mental illness from the early 1800s to the late 1960s</b>	<b>42</b>
<i>Ein søga um støðuna hjá føroyskum sinnissjúkum frá tíðliga í 1800-talinum til seinast í 1960unum</i>	
<i>Elisabeth O.C. Hall, Jana Mortensen, Annemi Lund Joensen, Susanne Malchau Dietz</i>	
<b>Inclusive education as human rights for immigrant students in Faroese compulsory schools – a desktop study of Faroese policy documents and current Faroese research in the field</b>	<b>60</b>
<i>Inkluderandi útbúgving sum mannarættindi hjá tilflytaranæmingum í føroyska fólkháskúlanum – ein kanning grundað á føroysk útbúgvingarskjøl og føroyska gransking á økinum</i>	
<i>Kalpana Vijayavarathan-R.</i>	

**The emergence of gender equality legislation in the Faroe Islands: A discursive study** **90**

Hvussu javnstøðulóggáva varð til í Føroyum: Ein greining av diskursi

*Erika Anne Hayfield, Jórun Vágshegy*

**Mannarættindi: frá teksti til læru** **124**

Human Rights: going from text to doctrine

*Kristian Joensen, Jóhan J. Lamhauge*

**Pro-life, Pro-Choice and everything in between: A quantitative study of popular attitudes on abortion in the Faroe Islands** **151**

Ímillum Frítt Val og Pro Vita: Ein kvantitativ kanning um fólksligan hugburð til abort í Føroyum

*Heini í Skorini, Herit Albinus*

**Viðmerking: Mannarættindi og heimspekiligar avbjóðingar** **178**

Commentary essay: Human rights and philosophical challenges

*Jógvan D. Hansen*

## Editorial



Fróðskaparrit 70 (2024), nr. 2: 5-11  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

**Erika Anne Hayfield<sup>1</sup>, Heini í Skorini<sup>2</sup>**

### **Approaching human rights in a Faroese context**

It is the year of 1945. The Second World War is finally over. Nazi Germany has fallen, and Europe lies in ruins. Millions have lost their lives, and millions have fled their homes. In the spring of 1945, American and Soviet forces reach the first Nazi concentration camps. Shortly thereafter, journalists gain access to document a reality so horrific that few were willing to believe it.

On April 25<sup>th</sup> of the same year, 51 countries met in San Francisco, USA, to establish the United Nations (UN) with the slogan “Never again!” The military maritime activity at San Francisco harbour served as a reminder that the war against Japan was not yet over. At the same time, conflicts were raging in Palestine and between India and Pakistan. However, after five bloody years of fighting Adolf Hitler and Nazi Germany, the United States, Great Britain, and the Soviet Union glimpse a final victory. At the founding UN meeting in San Francisco, 51 states agree on the UN Charter, aimed at preventing wars between nations and regulating state behaviour so the world would “never again” descend into yet another devastating world war.

However, some visionary diplomats and politicians felt that something was missing. New international laws were indeed needed to prevent wars between nations. However, what could be done when national authorities turn their weapons against their own citizens? What is the value of peace between nations if there is no peace between citizens and the state within national borders? How

---

<sup>1</sup> PhD, Associate Professor, University of the Faroe Islands, Faculty of History and Social Sciences, Jónas Broncks gøta 25, FO 100 Tórshavn, Faroe Islands, [erikah@setur.fo](mailto:erikah@setur.fo), ORCID ID: 0000-0003-4890-2364.

<sup>2</sup> Associate Professor, Faculty of History and Social Sciences, University of the Faroe Islands Jónas Broncksgøta 25, FO 100 Tórshavn, Faroe Islands, [heinis@setur.fo](mailto:heinis@setur.fo), ORCID: 0000-0001-7982-8908.

do we build a new world where every individual has the right to protection against oppression, persecution, and discrimination? How can the international community pave the way for a future where every individual is treated with inherent dignity and rights, which governments are obliged to respect?

With these questions in mind, diplomats began to draft new international human rights law. Under the leadership of the first American UN ambassador, Eleanor Roosevelt, a committee was established to draft a UN declaration on universal rights. This Human Rights Commission included representatives from 18 countries, only five of which were from the Western world. It is thus incorrect to claim that international human rights laws were solely shaped by Western nations.

The first meeting of the new Human Rights Commission took place in an old factory on Long Island, New York, in January 1947. At this point in history, the world was on the brink of a new Cold War between East and West. Ideological differences between the new superpowers—the USA and the Soviet Union—were vast and fundamental, even though both had defeated Nazi Germany. Negotiations over a new universal declaration were marked by a clash between communist and liberal-democratic ideologies. Soviet diplomats emphasised collective rights and citizens' duties to the state, while American diplomats prioritised the individual over the state and sought to protect individuals from state interference and unnecessary regulation.

Disagreements also arose about the balance between economic rights (e.g., the right to food, clean water, clothing, and shelter) and civil and political rights (e.g., freedom of religion, freedom of speech, the right to vote, and freedom of assembly). Which rights are the most important? How comprehensive should the list of rights be? And what is the nature and number of welfare services that citizens are entitled to demand from the state?

Another fundamental disagreement concerned the philosophical foundation of rights. Does the individual have inherent worth and dignity? If so, where do these rights come from? Are they granted by God or a supernatural moral order? Or do they originate from ourselves? Are human rights bestowed by a higher metaphysical authority, or are they social conventions that humans agree upon without reference to any reality beyond humanity itself?

After lengthy negotiations and disagreements—an extraordinary story in its own right—the Universal Declaration of Human Rights was adopted on December 10, 1948. However, eight countries did not support the new declaration. Six communist countries voted against it, arguing that the declaration placed too much emphasis on individual rights over obligations to the state. The racist apartheid state of South Africa voted against because it could not accept the right of all individuals to move freely in a country divided into “whites only” and “blacks only” areas. Saudi Arabia also voted against because it could not accept gender equality within marriage.

The UN Declaration marked the beginning of international human rights law, later elaborated upon in various binding UN treaties. In addition to the European Convention on Human Rights, the Faroe Islands have today ratified the following treaties:

- [The International Covenant on Civil and Political Rights](#)
- [The International Covenant on Economic, Social, and Cultural Rights](#)
- [The Convention on the Elimination of All Forms of Discrimination Against Women](#)
- [The International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [The Convention on the Rights of the Child](#)
- [The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#)
- [The Convention on the Rights of Persons with Disabilities](#)

The question is what significance and role human rights play in our contemporary world. While states commit to international treaties, the principles and ideals enshrined in these treaties are violated daily. Pessimists argue that recognised human rights have no significance because, despite international laws and courts, there are no effective supranational authorities to punish states when fundamental rights are violated. Optimists, on the other hand, argue that without formal rights, there would be no normative standard for legitimate state behaviour. Without international human rights, there would be no ideals to strive for. Most state leaders seek normative recognition and wish to avoid moral condemnation whenever possible. According to this argument, human rights serve as the world's conscience, capable of influencing social and political behaviour, even if there is never complete agreement on how human rights should be interpreted and implemented in practice.

This interdisciplinary publication is an attempt to gather texts that shed light on human rights in a Faroese context. The special issue contains seven texts, six of which have been peer-reviewed, whilst the seventh is a commentary essay. All the texts focus on human rights, but their perspectives, topics, and disciplinary approaches vary. This means that there are many relevant subjects and areas not addressed in this collection, and we call for further research from more perspectives on human rights in a Faroese context.

### ***The articles in this special issue***

Human rights are commonly studied as legal constructs codified in international and national law. However, they are also understood as cultural, social, historical and political concepts, opening the field to fruitful insights from diverse disciplines. Such diversity is also reflected in this special issue, which



contains contributions from scholars in the fields of anthropology, sociology, law, philosophy, nursing history, educational studies, and political science.

As a mechanism for addressing inequalities, discrimination and violence, human rights afford significant shared concerns with citizenship studies. In this sense, human rights are key to understanding citizenship experiences, especially dignity, equalities, marginalisation, and inclusion/exclusion, several of which the authors in this special issue consider.

As basic norms, principles and standards, human rights can be understood as universal moral rights or wrongs, determining how people can or should be treated by the state, and by society. The Faroese Parliament has adopted all the above international human rights conventions implicating the state legally and morally. Whilst human rights as moral and legal responsibility might not always be evident in society, conventions provide a means to challenge the state or other parties who undermine human dignity.

Except one, all the papers in this special issue employ an empirical approach to analyse human rights in the Faroe Islands. Dealing with matters such as mental illness, abortion, gender, and immigration, the authors examine how rights are defined and practiced in the Faroese context. Some of the articles find that the local Faroese context not only impacts how human rights are understood and practiced, but also how being an island society is significant in framing human rights. In other words, human rights norms are shaped and performed in specific local contexts. Therefore, a context-specific approach analyses the local realities of human rights in the Faroe Islands and how human rights norms are continuously contested and redefined.

The first article, written by Turið Nolsøe and Turið Hermannsdóttir, concerns Faroese abortion legislation. The article is titled "'The Faroe Islands handle this themselves': The convergence of bodily and national autonomy in abortion rights", and it addresses international criticism concerning the limits to abortion rights in the Faroe Islands. Such criticism, the authors point out, has been voiced through CEDAW reports, in the Nordic Council and by Danish politicians, but has resulted in no further action being taken to coerce Faroese parliament to amend the legislation. The Danish debate concerning abortion rights in the Faroe Islands is examined through cases of Danish politicians publicly (in Danish national radio, newspapers, and the Danish parliament) voicing criticism of Faroese abortion legislation. Through the lens of bodily autonomy on the one hand and Faroese rights to self-government on the other, the article finds that Faroese self-governance surpasses the legitimacy of international criticism. The article provides important and interesting insight into how women's rights are negotiated locally and subsequently, contested in international arenas. In this case, it is found that the Danish government upholds Faroese' right to self-governance, in spite of international criticism from human rights organisations.

The second article, "An account of the conditions of Faroese individuals with a mental illness" is written by Elisabeth O.C. Hall, Jana Mortensen, Annemi Lund

Joensen, and Susanne Malchau Dietz. From a nursing history perspective, the authors examine the conditions of Faroese with mental illness spanning around 150 years, from the early 1800s, concluding their study in the late 1960s, when a psychiatric ward was established in the Faroe Islands. The authors base their analysis on historical documents, oral informants, articles and books in their discussion of the harsh conditions, treatment and set of views held of people with mental illness in the Faroe Islands at the time. Of particular importance in the article is the issue of patients being transferred from Faroese mental institutions to institutions in Denmark - and during WW2 to Scotland or England. Transfer journeys by sea were often harsh and long and had adverse effects on patients. Furthermore, being treated far from home, in a foreign country with a different language, without access to family, the article draws attention to two important points. Firstly, we are presented with historical understandings of the mentally ill. Secondly, the article sheds light on how the Faroe Islands, being a remote small island community, has significantly impacted conditions of the mentally ill in the form of a severe kind of displacement.

The third article by Kalpana Vijayavarathan is titled “Inclusive education as human rights for immigrant students in Faroese compulsory schools: A desktop study of Faroese policy documents and current Faroese research in the field”. This article deals with the important issue of education and language as fundamental aspects of human rights. The recent increase in immigration, the article points out, has created a much-needed focus on the inclusion of immigrant children in Faroese public schools. The article examines government policies and legislative documents to evaluate the foundations for immigrant children’s public-school education. The author argues that policy texts are a relevant unit of analysis as these are contextually situated, and therefore, reveal discourses of educational rights and how groups of children might be included/excluded from such rights. The article finds that Faroese policies do not adequately facilitate the inclusion of immigrant children and lean towards an assimilative stance with respect to learning Faroese as a second language. This is not least due to Faroese language and culture being the dominant ideology as a framework for the public school system.

The fourth article, “The emergence of gender equality legislation in the Faroe Islands: A discursive study” is authored by Erika Anne Hayfield and Jórún Vágshegy. The article is an examination of discourses concerning the law on gender equality and their underlying ideologies. The Gender Equality Act was adopted in 1994 after a much-heated debate, which had been ongoing for over a decade. Therefore, the authors take 1980 as their starting point to explore gender equality discourses in the public realm. Methodologically, the study employs a discourse-historical approach and examines newspaper articles, interviews, public documents, and parliamentary debates on the matter. The analysis reveals that while gender ideologies have evolved from 1980 to the present, they remain contested. Furthermore, being a small island community,

gender norms in the Faroe Islands are crucially influenced by their context, shaped by ongoing tensions between local traditions and external influences, particularly from the Nordic countries.

In the fifth article, “Human Rights: going from text to doctrine”, the authors Kristian Joensen and Jóhan Lamhauge address the question what human rights actually mean and how codified, yet abstract rights should be implemented in practice. In the political debate, new policy initiatives are often legitimised as a question of human rights and as something required by human rights standards. These invocations of human rights sometimes happen without reference to pronouncements by authoritative bodies. In this regard, the authors argue that elucidation of human rights instruments happens in a two-stage process of interpretation and construction to determine whether a policy aligns with human rights. Applying the recent case of *Føroya Reiðarafelag v. Fiskimálaráðið* as an example, the authors find that the distinction between interpretation and construction is given insufficient attention in the Faroese legal tradition.

The only quantitative study in this special issue is the seventh article by Heini í Skorini and Herit Albinus, which is titled “Pro-life, pro-choice and everything in between: A quantitative study of popular attitudes on abortion in the Faroe Islands”. The authors point out how in recent years, the issue of abortion has become a new point of contention in Faroese politics, which makes this study all the more relevant. In their study, the authors analyse respondent attitudes to abortion legislation, and whether abortion before the twelfth week of gestation should be legalised or not. Perhaps unsurprisingly, the authors find that the Faroese public is divided on this issue. People that support a liberalisation of abortion laws are generally less religious and more left-winged while geographical tensions between centre and periphery are also visible. Interestingly, respondents aged 30-44 were most likely to oppose legalising abortion on demand. However, unlike international studies, no significant differences were found between men and women, nor did education predict abortion attitudes.

The final article is a commentary essay, written by Jógvan Dalbø Hansen and is titled “Human Rights and Philosophical Challenges.” The article examines the metaphysical foundations of human rights and different philosophical approaches to the very idea of humans having certain rights. The author discusses the idea of natural rights and the distinction between moral realism and moral anti-realism. Furthermore, he explores the arguments for and against universalism vs. cultural relativism and what rights should count as “human rights”. In other words, how long should the list of rights be without causing human rights inflation? Presenting key thinkers of human rights from Thomas Aquinas and Thomas Hobbes to Jürgen Habermas and John Rawls, the author presents several different and sometimes conflictual philosophical understandings of human rights.

Our inspiration for this special issue relates to the significance of human rights as fundamental to justice, fairness, the wellbeing of citizens and the functioning of systems in Faroese society. In particular, the implication of studying human rights involves the protection of vulnerable groups in society. Our aim with this special issue is to analyse human rights and generate knowledge which can help promote awareness and education, justice, accountability and lead to necessary policies or legal reforms. However, all normative deliberations on human rights are contested and bound to trigger disagreement, because the struggle to realise human rights relates to fundamental ethical, cultural, and religious questions without universal agreement: What is a just society? What is a good life in dignity? What is the responsibility of the state vis-à-vis the individual? And what are the boundaries between human rights and human obligations?

This special issue is intended as a contribution to the academic debate concerning human rights in the context of the Faroe Islands. Human rights is a well-established research field cutting across diverse disciplines, several of which are represented in this special issue. However, we acknowledge that there remain important questions and lines of conflict within human rights which are not addressed.

Our hope is that this special issue can be a step in developing, inspiring, and triggering further research in this field.

## Fororð



Fróðskaparrit 70 (2024), nr. 2: 12-18  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

**Erika Anne Hayfield<sup>1</sup>, Heini í Skorini<sup>2</sup>**

### Menniskjarættindi í einum føroyskum samanhangi

Árið er 1945. Seinna heimskríggj er endiliga liðugt. Nazitýskland er fallið. Og Evropa er í knúsi. Milliðnir hava látið lív, og milliðnir eru flýdd frá húsi og heimi. Á vári í 1945 koma amerikanskar og sovjetskar herdeildir fram á tær fyrstu nazistisku týningarlegurnar. Og stutt eftir sleppa journalistar framat at dokumentera ein veruleika, sum er so ræðuligur, at fá vilja trúgva honum.

Tann 25. apríl sama ár hittast 51 lond í San Francisco í USA at seta á stovn Sameindu Tjóðir (ST) við slagorðinum “ongantíð aftur!” Herskipaferðslan í havnini í San Francisco er ein áminning um, at kríggið ímóti Japan ikki er liðugt. Samstundis er áleikandi kríggj bæði í Palestina og millum India og Pakistan. Men eftir fimm ára blóðugt stríð ímóti Adolf Hitler og Nazitýsklandi hóma USA, Bretland og Sovjetsamveldið endaligan sigur. Á stovnandi ST-fundinum í San Francisco samtykkja 51 statir stovnandi ST-sáttmálan, hvørs endamál er at fyrbyggja kríggi millum heimsins lond og reglura statsliga atferð, so heimurin “ongantíð aftur” skal tveitast út í nýggj heimskríggj.

Men summir framskygdir diplomatar og politikarar halda, at okkurt manglar. Tað er neyðugt at smíða nýggja altjóða lóg, sum kann fyrbyggja kríggi millum heimsins lond. Men hvat er at gera, tá ið innlendis myndugleikar venda vápnunum ímóti sínum egnu borgarum? Hvørja nyttu hevur friður millum lond, um friður ikki valdar millum borgarar og stat innan fyri landamørkini? Hvussu byggja vit ein nýggjan heim, har einstaka menniskjað hevur rætt til vernd ímóti kúgan, forfylging og mismuni? Hvussu kann altjóða samfelagið slóða fyri eini

---

<sup>1</sup> PhD, Associate Professor, University of the Faroe Islands, Faculty of History and Social Sciences, Jónas Broncks gøta 25, FO 100 Tórshavn, Faroe Islands, [erikah@setur.fo](mailto:erikah@setur.fo), ORCID ID: 0000-0003-4890-2364.

<sup>2</sup> Associate Professor, Faculty of History and Social Sciences, University of the Faroe Islands Jónas Broncksgøta 25, FO 100 Tórshavn, Faroe Islands, [heinis@setur.fo](mailto:heinis@setur.fo), ORCID: 0000-0001-7982-8908.

framtíð, har hvørt einstakt menniskjað hevur íbórið virði og íborin rættindi, sum statsligir myndugleikar hava skyldu til at virða?

Við hesum spurningum í huga fóru diplomatar eisini at smíða altjóða menniskjarættindalóg. Undir leiðslu av fyrsta amerikanska ST-ambassadørinum, Eleanor Roosevelt, varð ein nevnd sett á stovn, sum skuldi orða eina ST-yvirlýsing um universell rættindi. Henda menniskjarættindanevndin hevði umboð úr 18 londum, harav einans fimm umboð úr vesturheiminum. Tí er ósatt, tá ið sagt verður, at altjóða menniskjarættindalóg einans er myndað av vestanlondum.

Fyrsti fundurin í nýggju menniskjarættindanevndini varð hildin á eini gamlari verksmiðju á Long Island í New York í januar 1947. Heimurin stóð nú á gáttini til eitt nýtt kalt kríggj millum eystur og vestur. Hugsjónarligu ósemjurnar vóru stórar og grundleggjandi millum tey nýggju stórveldini USA og Sovjetsamveldið, sum á hvør sínum hermóti høvdu knógvað Nazitýsklandi. Samráðingarnar um eina nýggja heimsyvirlýsing vóru myndaðar av einum samanbresti millum kommunistiska og liberal-demokratiska hugsjón. Sovjetsku diplomatararnir lögdu dent á kollektiv rættindi og borgarans skyldur móttvegis statinum, og amerikanskir diplomatar lögdu hinvegin dent á, at einstaklingurin kemur fram um statin og skal verjast ímóti statsligari uppblending og óneyðugari regulering. Ósemjur vóru eisini um javnvágina millum fíggarlig rættindi (t.d. rættin til mat á borðið, reint vatn, klæðir á kroppin og tak yvir høvdið) og sivil og politisk rættindi (t.d. trúarfrælsið, framsøgufrælsið, atkvøðurætt og savningarfrælsið). Hvørji rættindi eru tey týðningarmestu? Hvussu drúgvur skal listin av rættindum vera? Og hvørji sløg av vælferðartænastum og hvussu nógvar vælferðartænastur kann borgarin krevja av statinum?

Ein onnur grundleggjandi ósemja snúði seg um, hvussu sjálv hugmyndin um rættindi yvirhøvur verður kjølfest heimspekiliga. Hevur einstaka menniskjað nakað virði í sjálvum sær? Um svarið er ja, hvaðani koma so hesi rættindi? Koma tey frá einum gudi ella yvirnatúrligari moralskari skipan? Ella koma tey frá okkum sjálvum? Eru menniskjarættindini givin av hægri metafysiskum myndugleika, ella eru tey ein sosial konventión, sum vit sjálv samtykkja uttan tilvísing til nakran veruleika uttan fyri menniskjað sjálvt?

Eftir drúgvar samráðingar og ósemjur, sum í sjálvum sær er ein bergtakandi søga, varð Heimsyvirlýsing Sameindu Tjóða samtykt tann 10. desember í 1948. Men átta lond tóku ikki undir við nýggju heimsyvirlýsingini. Seks kommunistisk lond atkvøddu ímóti, tí yvirlýsingin legði ov stóran dent á einstaklingarættindi fram um skyldur móttvegis statinum. Tann rasistiski apartheid-staturin Suðurafrika atkvøddi ímóti, tí landið ikki kundi góðtaka rættin hjá øllum til at flyta seg frítt í einum landi, sum var býtt upp í “whites only” og “blacks only”. Og Saudi Arabia atkvøddi ímóti, tí landið ikki kundi góðtaka javnstøðu millum kynini og javnstøðu í hjúnabandinum.

ST-yvirlýsingin var byrjanin til altjóða menniskjarættindalóg, sum seinni er útgreinað í alskyns bindandi ST-sáttmálum. Umframt Evropeiska Menniskjarættindasáttmálan hava Føroyar í dag samtykt hesar sáttmálar:

- [Altjóða semjan um borgarlig og politisk rættindi](#)
- [Altjóða semjan um búskaparlig, sosial og mentanarlig rættindi](#)
- [Sáttmálin um at basa øllum sløgum av mismuni móti kvinnum](#)
- [Altjóða semjan um at basa øllum sløgum av mismuni vegna rasu](#)
- [Sáttmálin um rættindini hjá børnum](#)
- [Sáttmálin móti píning og aðrari ræðuligari, ómenniskjansligari ella mannminskandi viðgerð ella revsing](#)
- [Sáttmálin um rættindi hjá einstaklingum, ið bera brek](#)

Stóri spurningurin er so, hvønn týdning og leiklut menniskjarættindini hava í okkara samtíð. Tí samstundis sum statir binda seg til altjóða sáttmálar, verða meginreglurnar og idealini í hesum somu sáttmálum brotin hvønn einasta dag. Pessimistarnir vilja vera við, at samtykt menniskjarættindi ongan týdning hava, tí hóast altjóða lóg og altjóða dómstólar finnast eingir effektivir yvirstatsligir myndugleikar, sum kunnu revsa heimsins lond, tá ið grundleggjandi rættindi verða brotin. Optimistarnir vísa hinvegin á, at uttan formlig rættindi var eingin normativur standardur fyri legitimari statsligari atferð. Uttan altjóða menniskjarættindi vóru eingi ideal at stremba eftir. Flestu statsleiðarar stremba eftir normativari viðurkenning, og flestu statsleiðarar vilja sleppa undan moralskari fordøming í tann mun, tað ber til. Sambært hesi grundgeving eru menniskjarættindini heimsins ringa samvitska, sum kann vera við til at mynda okkara sosialu og politisku atferð. Eisini hóast vit ongantíð gerast samd um, hvussu menniskjarættindini skulu tulkast og setast í verk í praksis.

Hetta tvørvísindaliga rit er ein fyrsta roynd at savna nakrar tekstir, sum varpa ljós á menniskjarættindi í føroyskum samanhangi. Fyrstu seks tekstirnir eru javnlíkamettir, og tann sjeypdi er ein viðmerkjandi grein. Allir tekstirnir snúgvá seg um menniskjarættindi, men perspektivini eru ymisk, evnini eru ymisk, og fakliga útgangsstøði fyri hvørja grein er eisini ymisk. Við øðrum orðum eru mong viðkomandi evni og øki, sum ikki verða viðgjørð í hesum umfari. Vónin er, at henda útgávan kann eggja til meiri gransking um menniskjarættindi við fleiri perspektivum.

### ***Greinarnar í hesum serriti***

Menniskjarættindi verða vanliga viðgjørð sum lögfrøðilig fyrbrigdi, sum eru niðurfest í altjóða og innlendis lógarverkum. Men tey verða eisini fatað sum mentanarlig, sosial, søgulig ella politisk fyrbrigdi, sum lata upp fyri fruktagóðum innliti úr ymsum fakøkjum. Hetta fjølbroytnið endurspeglar eisini í hesum serriti, sum inniheldur íkast frá vísindafólki í antropologi, samfelagsvísindum,

løgfrøði, heimspeki, sjúkrarøktarfrøðisøgu, útbúgvingar- og námsfrøði og stjórn málafrøði.

Sum eitt amboð til at viðgera ójavna, mismun og harðskap hava menniskjarættindi týðandi spurningar í felag við granskingar um borgaraskap. Í so máta eru menniskjarættindi lykil til at skilja mál um borgaraskap, serliga viðvíkjandi menniskjatign, javnstøðu og inklusiión/útiþýsing, sum eru fleiri av teimum evnum, sum høvundarnir í hesum serriti viðgera.

Sum grundleggjandi normar, reglur og mát kunnu menniskjarættindi verða fatað sum almennur moralur fyri tað, sum er rætt ella skeivt og sum avger, hvussu fólk kunnu ella skulu verða viðfarin av statinum og samfelagnum. Løgtingið hevur samtykt allar menniskjarættindasáttmálarnar omanfyri og tí bundið landið løgliga og moralskt. Hóast menniskjarættindi sum moralsk og lógfest ábyrgd ikki altíð eru sjónlig í samfelagnum, geva sáttmálarnir høvi til at mótmæla móti landinum ella øðrum, sum undirgrava menniskjatign.

Allar uttan ein grein í hesum serriti brúka empiriska tilgongd til at greina menniskjarættindi í Føroyum. Høvundarnir viðgera evni sum sálarsjúku, fosturtøku, kyn, tilflyting og ástøðiligar spurningar ísv. tulking av menniskjarættindaskjølum, og kanna eisini, hvussu rættindi verða allýst ella útint í føroyskum høpi. Summar av greinunum gera galdandi, at viðurskiftini í Føroyum ikki bara ávirka, hvussu ein skilur og fremur menniskjarættindi, men eisini at støðan sum oyggjasamfelag er týðandi, tá ið menniskjarættindi verða skipað. Við øðrum orðum verða menniskjarættindareglur tilevnaðar og framdar í serstøkum staðbundnum høpi. Av tí sama, tá tilgongdin at greina menniskjarættindi leggur dent á kontekst, kemur til sjóndar, hvussu menniskjarættindareglur alla tíðina eru umstríddar og verða ásettar av nýggjum.

Tann fyrsta greinin, sum Turið Nolsøe og Turið Hermannsdóttir hava skrivað, er um føroysku fosturtøkulógina. Greinin hevur heitið: “Føroyar taka sær av hesum sjálvar’: Samanfallið millum kroppsligt og tjóðskaparligt sjálvræði í viðgerðini av abortrættindum”. Greinin viðger atfinningar frá altjóðasamfelagnum viðvíkjandi teimum avmarkaðu forsturtøkurættindunum í Føroyum. Slíkar atfinningar eru komnar í CEDAW frágreiðingum, úr Norðurlandaráðnum og frá donskum politikarum, men eingi tiltøk hava verið sett í verk at noyða Løgtingið at broyta lógina. Tað danska kjakið viðvíkjandi fosturtøkurættindum í Føroyum verður kannað við dømunum úr almennum donskum kjaki (í donskum útvarpi, bløðum og Fólkatilgongdum), har funnist verður at føroysku fosturtøkulógini. Ført verður fram í greinini, at tá ið tað snýr seg um kroppsligt sjálvræði í mun til statsligt sjálvræði, verður tað statsliga sjálvræðið raðfest hægri, hóast altjóðasamfelagið finst at tí vantandi raðfestingini av kroppsligum sjálvræði. Greinin veitir týðningarmikið og áhugavert innlit í, hvussu samráðst verður um kvinnurættindi í Føroyum, sum síðani fáa móttøðu á altjóðapallum. Í hesum føri sæst, at danska stjórnin verjur rætt føroyinga til sjálvræði, hóast altjóða atfinningar frá menniskjarættindafelagsskapum.



Ta næstu greinina, “Ein søga um støðuna hjá føroyskum sinnissjúkum frá tíðliga í 1800-talinum til seinast í 1960unum”, hava Elisabeth O. C. Hall, Jana Mortensen, Annemi Lund Joensen, og Susanne Malchau Dietz skrivað. Høvundarnir kanna úr einum søguligum sjúkrarøktarfrøðiligum sjónarhorni viðurskifti hjá føroyingum við sálarsjúku í tíðarskeiði upp á uml. 150 ár. Kanningin fevnir um tíðina frá tíðliga í 1800-talinum til seint í 1960’unum, tá ið psykiatrisk deild varð sett á stovn í Føroyum. Greiningin hjá høvundunum byggir á søgulig skjøl, munnligar keldur, greinar og bækur, sum eru støði undir teirra greining av teimum hørðu viðurskiftinum, av viðgerðini av fólki, og av áskoðanum á fólk við sálarsjúku í Føroyum ta tíðina. Serstakliga týðningarmikil partur av greinini er málið um sjúklingar, sum vórðu fluttir úr føroyskum stovnum til stovnar í Danmark – og undir seinna heimsbardaga til Skotlands ella Onglands. Harafturat vísir greinin á tveir umráðandi spurningar, nú ið hesi fólkinu finga viðgerð langt heimanífrá, í fremmandum landi við øðrum máli, við ongum sambandi við familju. Í fyrsta lagi fæst innlit í søguliga fatan av teimum sálarsjúku. Í øðrum lagi sýnir greinin, hvussu Føroyar sum eitt lítið fjart oyggjasamfelag, í stóran mun hava neiliga ávirkað viðurskiftini hjá teimum sálarsjúku við harðari burturflyting.

Tann triðja greinin er eftir Kalpanu Vijayavarathan og hevur heitið “Inkluderandi útbúgving sum menniskjarættindi hjá tilflytaranæmingum í føroyska fólkaskúlanum – ein kanning grundað á føroysk útbúgvingarskjøl og føroyska gransking á økinum”. Henda greinin snýr seg um tað týðningarmikla evnið, *útbúgving og mál* sum grundleggjandi partar av menniskjarættindum. Vøksturin í tilflyting tey seinastu árinu, sigur greinin, hevur elvt til, at inkludering av tilflytarabørnum í fólkaskúlanum er sett í sera tiltrondan brennidepil. Henda greinin kannar landsins politikk og lógarskjøl til tess at meta um grundarlagið undir fólkaskúlaútbúgvingini hjá tilflytarabørnum. Tað verður ført fram, at niðurskrivaðir politikkir eru viðkomandi greiningarevni, tí at teir eru partur av kontekstinum og avdúka sostatt diskursir um útbúgvingarrættindi, og hvussu ymiskir hópar av børnum kunna vera inkulderað/útihýst frá slíkum rættindum. Greinin kemur fram til, at føroyskir politikkir ikki í nóg stóran mun arbeiða fyri at inkludera innflytarabørn og í størri mun hella til samlíking viðvíkjandi at læra føroyskt sum annaðmál. Hetta er ikki minst av teirri orsök, at føroyskt mál og mentan eru ráðandi hugmyndafrøðin sum ramma um almennu skúlaskipanina.

Tann fjórða greinin er “Hvussu javnstøðulóggáva varð til í Føroyum: Ein greining av diskursi”, og høvundar eru Erika Anne Hayfield og Jórún Vágsheg. Greinin er ein kanning av almennum kjaki viðvíkjandi javnstøðulógini og hennara undirliggjandi hugmyndafrøði. Javnstøðulógin varð samtykt í 1994 eftir hart kjak, sum hevði vart í meira enn tíggju ár. Sostatt taka høvundarnir 1980 sum sítt byrjanarár til kanningina um javnstøðudiskursir. Háttalagið í kanningini er diskurssøgulig tilgongd og er ein kanning av blaðgreinum, samrøðum, almennum skjølum og løgtingsorðaskifti um málið. Greiningin vísir, at hóast kynshugburður er broyttur frá 1980 til í dag, er hann framvegið umstríddur.

Harafturat eru kynsnormar í Føroyum, sum eru eitt lítið oyggjasamfelag, avgerandi ávirkaðar av umhvørvinum, evnaðar til av støðugum spenningi millum siðaarv í Føroyum og ávirkan uttanífrá, serstakliga úr Norðurlondum.

Í teirri fimtu greinini, "Menniskjarættindi: Frá teksti til læru" viðgera høvundarnir Kristian Joensen og Jóhan Lamhauge spurningin um, hvat menniskjarættindi veruliga merkir, og hvussu lógarfest, men abstrakt rættindi skulu verða framd í verki. Í politiska orðaskiftinum verða nýggj politisk tiltøk ofta lóggildað sum ein spurningur um menniskjarættindi og sum okkurt, sum krevst eftir menniskjarættindareglum. Henda ákallan av menniskjarættindum hendir stundum uttan tilvísing til úrskurð frá myndugleikastovni. Tí viðvíkjandi siga høvundarnir, at tann gjølliga lýsingin av menniskjarættindaamboðum hendir í tvíliðaðari tilgongd við tulkning og konstruktión fyri at gera av, um eitt politiskt átak samsvarar við menniskjarættindi. Við tí nýggja málinum millum Føroya Reiðarafelag og Fiskimálaráðið sum dømi føra høvundarnir fram, at ov lítil dentur verður lagdur á munin millum tulkning og konstruktión í føroyskari lóggávu.

Einasta kvantitativa kanningin í hesum serriti er sjeýnda greinin, sum Heini í Skorini og Herit Albinus hava skrivað. Hon kallast "Ímillum Frítt Val og Pro Vita: Ein kvantitativ kanning um fólksligan hugburð til abort í Føroyum." Høvundarnir vísa á, hvussu málið um fosturtøku tey seinnu árin er vorðið eitt nýtt stríðsevni í føroyskum politikki, og tað ger kanningin enn meira viðkomandi. Í sínari kanning greina høvundarnir hugburðin hjá teimum spurdu mótvegis fosturtøkulógini, og um fosturtøka áðrenn tólvtu viku eigur at vera loyvd. Tað kemur helst ikki óvæntað, at høvundarnir koma fram til, at føroyingar eru ósamdir um málið. Fólki, sum eru fyri at liberalisera fosturtøkulógina, eru sum heild minni religiøs og meiri vinstrahall, og landafrøðiligur spenningur millum miðstað og útjaðara sæst eisini. Tað er áhugavert, at størst sannlíkindi vóru, at tey 30–44 ára gomlu, sum vórðu spurð, vóru ímóti fríari fosturtøku. Tó var ikki – sum í altjóðakanningum – týðandi munur millum menn og kvinnur, ei heldur hevði útbúgving ávirkan á fosturtøkuhugburð.

Tann síðsta greinin er ein viðmerking hjá Jógvani Dalbø Hansen og hevur heitið "Menniskjarættindi og heimspekiligar avbjóðingar". Greinin viðger metafysiska grundarlagið undir menniskjarættindum og ymiskar heimspekiligar tilgongdir til sjálva hugmyndina um, at menniskju hava ávís rættindi. Høvundurin viðger hugmyndina um náttúrugivin rættindi og skilmarkingina millum moralska realismu og moralska antirealismu. Harafturat kannar hann grundgevingarnar fyri og ímóti universalismu mótvegis mentanarrelativismu, og hvørji rættindi skulu roknað upp í "menniskjarættindi". Við øðrum orðum: hvussu langur skal listin vera, áðrenn hann elvir til menniskjarættindainflatið? Við at vísa á høvuðsteinkjarar frá Thomas Aquinas og Thomas Hobbes til Jürgen Habermas og John Rawls, vísir hann eisini á fleiri ymiskar og stundum ósambæriligar heimspekiligar áskoðanir á menniskjarættindi.

Tað, sum kveikti tankan til hetta serritið, er tann týdningur, sum menniskjarættindi hava sum grundarlag undir rættvísi, rættlæti, trivnað hjá borgarum og hvussu skipanir virka í føroyska samfelagnum. Serstakliga hava kanningar av menniskjarættindum við sær verju av viðkvæmum bólum í samfelagnum. Okkara endamál við hesum serriti er at greina menniskjarættindi og útvega vitan, sum kann fremja tilvitsku og lærdóm, rættvísi og samfelagsábyrgd, og hava við sær neyðugan politikk ella lógarbrotyingar. Men allar hugsanir um menniskjarættindi, sum áseta reglur ella fyrimyndir, eru umstríddar og skapa av sonnum ósemju, tí royndin at verkseta menniskja-rættindi hevur við grundleggjandi etisk, mentanarlig og religiøs viðurskifti at gera, sum ikki almenn semja er um: Hvat er eitt rættvíst samfelag? Hvat er eitt tignarligt lív? Hvørja ábyrgd hevur staturin móttvegis tí einstaka? Og hvørji eru mörkini millum menniskjarættindi og skyldurnar hjá menniskjanum?

Hetta serritið er ætlað sum eitt íkast til vísindaligt kjak um menniskjarættindi í føroyskum høpi. Menniskjarættindi eru viðurkent granskingarøki, sum fevnir um fjølbroytt fakøki, og fleiri teirra eru umboðað í hesum serriti. Men vit ásanna, at týdningarmiklir spurningar og ósemjur viðvíkjandi menniskjarættindum ikki eru viðgjørdir.

Okkara vón er, at hetta serrit kann vera eitt stig til at menna, kveikja og seta gongd á meira gransking á hesum øki.

# **“The Faroe Islands handle this themselves”: The convergence of bodily and national autonomy in abortion rights discussions**



Fróðskaparrit 70 (2024), nr. 2: 19-41  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

**“Føroyar taka sær av hesum sjálvar”: Samanfallið millum kroppsligt og tjóðskaparligt sjálvræði í viðgerðini av abortrættindum.**

**Turið Nolsøe <sup>1</sup>, Turið Hermannsdóttir <sup>2</sup>**

## **Abstract**

Faroese abortion legislation is subject to CEDAW's (Convention on the Elimination of All Forms of Discrimination against Women) regular reports and has in the last two decades faced criticism for its failure to secure sufficient abortion rights. In this article we analyse international deliberation of the Faroese abortion legislation, where national autonomy as an ideal seemingly outweighs the right to bodily autonomy as a human right. Conducting a concept-oriented critique of how abortion rights are discussed in the convergence of these discourses of autonomy, we emphasise the limitations of arguing for bodily autonomy in relation to abortion rights as a human right. But we also argue that the rhetorical performance of statehood should be scrutinised when it reflects a problematic conception of the right to self-government where national statehood trumps reproductive citizenship. Rather than deliberating the circumstances under which reproductive rights are managed in the Faroe Islands, international attention to the Faroese case becomes an opportunity to underscore that “the Faroe Islands handle this themselves”. This article sheds light on both the foundation underpinning a human rights perspective on abortion rights and on the Faroese situation.

---

<sup>1</sup> PhD, Postdoc, Institut for Kultur- og Sprogvidenskaber, Det Humanistiske Fakultet (Department of Culture and Language, Faculty of Humanities), Campusvej 55, 5230 Odense, ORCID: 0000-0002-3637-0797

<sup>2</sup> PhD, Postdoc, Aarhus Universitet, School of Culture and Society, Department of Anthropology, Moesgård Allé 20, 8270 Højbjerg, Århus, Danmark, [turidh@cas.au.dk](mailto:turidh@cas.au.dk), ORCID: 0000-0001-9040-8031

### Úrtak

Viðkomandi føroysk viðurskipti vera viðgjørð í frágreiðingunum hjá CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) um danska kongaríkið og føroyska abortlóggávan hevur sostatt seinastu tvey áratíggjuni fingið ábreiðslu fyri ikki at tryggja abortrættindi í nøktandi mun. Í hesi grein greina vit altjóða viðgerðina av føroysku abortlóggávuni og hvussu tjóðskaparligt sjálvræði sum ideal verður sett hægri enn kropsligt sjálvræði sum menniskjarættindi. Gjøgnum eina hugtakslýsing av hvussu abort verður viðgjørt í hesi samanrenning av sjálvræðisdiskursum, leggja vit dent á hvørjar avmarkingar eru í samband við at grundgeva fyri nær abortrættindi eru menniskjarættindi. Men grundgivið verður eisini fyri hvussu retoriska framførslan av fullveldisstøðu Føroya vísir eina ivingarsama fatan av rættinum til sjálvstýri har tjóðskaparligt sjálvræði vinnur á reprodúktivum medborgaraskapi: heldur enn at viðgera hvussu reprodúktiv rættindi verða tryggjað í Føroyum, so verða altjóða ábreiðslur nýttar sum høvi at undirstrika at “Føroyar taka sær av hesum sjálvar”. Sostatt lýsir greinin bæði grundarlagið undir menniskjarættindaatlitum til abort umframt føroysku støðuna.

**Keywords:** Abortion rights, reproductive governance, postcolonial discourse, the right to life, the right to autonomy

**Leitorð:** Abortrættindi, reprodúktiv stýring, postkolonialur diskursur, rætturin til lív, rætturin til sjálvræði

### Introduction

As part of the Danish Kingdom, the Faroe Islands is subject to the United Nations' (UN) periodic reviews of compliance with the Convention on Eliminating All Forms of Violence against Women (CEDAW). Since the Faroese abortion law limits access to abortion and breaches of the abortion law can be criminally sanctioned, the latest two CEDAW reports include concerns about abortion rights in the Faroe Islands. The Faroe Islands has thus faced criticism from UN institutions for lack of compliance with human rights conventions. Despite this, international institutions, such as CEDAW, the Nordic Council and the Danish Government, have not found this criticism to legitimate further action nor deliberation of the Faroese abortion rights situation.

The Faroe Islands has always held an exceptional position in the Danish Kingdom, and by the Home Rule Act of 1948 gained status as a self-governing country (Sølvará, 2003). Originally inhabited by Norwegian settlers around 800 AD, the islands became part of the Danish-Norwegian Kingdom and remained part of the Danish Kingdom, along with Greenland, after Denmark seceded Norway to Sweden following the Napoleonic War. Unlike Greenland's colonial status, the Faroe Islands held the status of a Danish county from 1816, yet the complexity of what position the Faroe Islands has in the Danish Kingdom is one of the issues this article brings to the fore.

Today the Faroe Islands is inhabited by 54,000 people distributed on 18 islands spaced in an area of 1,399 square kilometres. The country is founded upon the principles of a social democratic welfare society, and the Faroese Government, the *Løgting*, rules most internal affairs. Military defence, foreign policy, monetary affairs, the judiciary and citizenship remain the remit of the Danish Parliament as matters of legislation, administration and financial responsibility, which cannot be transferred to Faroese jurisdiction without constitutional negotiations about the Faroe Islands' position in the Kingdom of Denmark (Overtagelsesloven, 2005, Statsministeriet, n.d.). Following the Home Rule Act of 1948 and the Takeover Act of 2005, all other juridical affairs can be transferred upon Faroese request, and in 2018 the Faroese Government took over family affairs, meaning that abortion legislation was now solely under Faroese rule.

The current Faroese abortion legislation dating from 1956 is an amendment, which repealed the Danish abortion legislation from 1937. The Danish state amended its abortion act again in 1959, before it was repealed in 1970 and replaced in 1973 with the so-called law on “*fri abort*”, referring to abortion on-demand<sup>3</sup>. Greenland, also a self-governing country in the Danish Kingdom, adopted the Danish State's changes to the abortion legislation, whereas the Faroese Government chose to retain the 1956 legislation. Even though abortion legislation was under Danish jurisdiction until 2018, Danish laws have not been implemented in the Faroe Islands without Faroese request and require separate registration, technically allowing the Faroese Government to legislate in all internal affairs (Sølvará, 2003). The takeover of legislation is therefore primarily administrative and removes the requirement for the Danish Government to legally prepare the formal implementation of Faroese legislation.

Nonetheless, the planned takeover in 2018 drew intense scrutiny of Faroese abortion legislation already in 2017. Local and international media, the public and politicians have had ongoing debates about Faroese abortion legislation and discussions are concerned with whether it is time for the Faroese Government to amend the abortion legislation — and if so, in what direction. The first step towards liberalising the law was taken, when the Minister for Justice, Bjarni Kárasen Petersen, in spring 2024 presented to Parliament a bill similar to the Danish law of 1973.

The Faroe Islands has been addressed as an *exception* among the Nordic countries (Í Skorini et al., 2022), where the lack of reproductive rights, such as abortion, highlights that the Faroe Islands diverge from Nordic norms in this area (Hermannsdóttir, 2023; Nolsøe, 2023). Scholars have referred to the Faroe

---

<sup>3</sup> Danish rhetoric on abortion is epitomised by the idiom *fri abort*, an abbreviation of the term *den frie abortret* (literally: the free abortion right). While on-demand abortion does not reflect the idiosyncratic and ideologic nature of the Danish term, we will refer to “*fri abort*” as abortion on-demand in this article.

Islands as in between tradition and modernity (Gaini, 2013; Hayfield, 2020) and in a transition (Gaini, 2011; Gaini & Nielsen, 2020). Nevertheless, when it comes to abortion, the global political situation points to factors at play beyond mere tension between modernity and tradition. Abortion legislation restrictions and anti-abortion rhetoric are currently seen even in areas of the global community where, until recently, they would not have been expected (Datta, 2021).

As changes in reproductive rights legislation reverberate globally, it is important to examine what limits the arguments and ability of international organisations to advocate for abortion rights as part of our human rights. As this special issue of Fróðskaparrit underscores, it is relevant to dissect the public debate concerning the implementation of human rights principles in national legislations and how this implementation is countered locally. Both in order to acknowledge the friction between international law and national concerns and how it is maintained or can be reduced. We argue that the convergence of bodily autonomy, in the form of abortion rights, and national autonomy, in the form of political sovereignty, is and will remain a contested issue. This requires constraints regarding argumentation about abortion as a human right to be clarified, however, it does not mean that international public discussions on abortion should be curtailed solely on the basis that it is a discussion pertaining solely to the Faroe Islands.

This article contributes to this theme by analysing and discussing the political conflict of Faroese abortion rights, and how international criticism is muted by references to national autonomy. This discussion further illustrates the contested nature of the concepts of autonomy in human rights discussions of sexual and reproductive rights. We examine how the notion of a Faroese right to national autonomy intersects with the central concept of bodily autonomy in human rights discussions in an attempt to answer the questions considered in this article: Why do arguments from international critics of the Faroese situation seem to fall short when addressing the right to bodily autonomy? How has international criticism been silenced and – to anticipate our argument – why are bodily versus national autonomy considered incompatible ideals?

The outline of the article is as follows: First we present our methodological approach of concept-oriented criticism focusing on the convergence of national and bodily autonomy discourses (Jasinski, 2001). We then elaborate on the conflict in this conceptual dyad and analyse four incidents where Faroese, Danish and international politicians or institutions engage in criticism of the Faroese abortion rights situation. Our discussion then expands on how the right to autonomy is a central site of conflict in international deliberation of abortion rights. We argue that the emphasis on national autonomy by Faroese representatives and expressions of respect for these, show how the discourse of respect for national autonomy outweighs bodily autonomy.

## **National autonomy versus bodily autonomy: concept-oriented criticism as a methodological framework**

As we emphasised in the introduction, the position of the Faroe Islands as a self-governing, but not autonomous, country is a central aspect of international consideration of the Faroese abortion rights situation. *National autonomy* is, as we will emphasise in our analysis, a governing discourse in Faroese politics, and one half of the conceptual dyad we focus on in this article. The other being *bodily autonomy* as a central concept in human rights and abortion rights discussions.

Our approach to the analysed material is that of *concept-oriented criticism* (Jasinski 2001), which is a central analytical strategy within rhetorical criticism (Roer, 2014). In this critical paradigm, our approach begins with an interest in how the concept of *the right to autonomy* is manifested discursively and is made meaningful throughout the fragments of discourse we analyse:

“What I want to refer to as conceptually oriented criticism ... proceeds...through a process of abduction which might be thought of as a back-and-forth tacking movement between text and the concept or concepts that are being investigated simultaneously” (Jasinski, 2001, p. 256).

We therefore move between different examples of discourses engaging the concept of autonomy as either national or bodily: between political debates, institutional documents and public comments from representatives, as well as the theories establishing what meaning and consequences these concepts have. This interaction between concept, case and theory is the central procedure in concept-oriented criticism, and it also bridges our, the authors, disciplinary foundations within rhetoric, anthropology and law. Jasinski emphasises the convergence between rhetorical and ethnographic principles of theoretical application through Clifford Geertz’ discussion of the function of theory in ethnographic anthropology; “‘theoretical precepts,’ he [Geertz] writes, ‘attain meaning only as they are vibrated against the particular case and are instantiated in an explanation of it’” (Jasinski, 2001, p. 257). We thereby move between theoretical precepts as they are discussed in academic literature and how they are presented in public discourse, to demonstrate how abortion as a human right can and is being contested in reference to national autonomy outweighing bodily autonomy.

The analysed discourse was selected based on several factors. The four incidents we focus on, which gave rise to the analysed artefacts, reflect four different situations in which the Faroese abortion situation was discussed:

- Political debates: In 2003, Danish MP Naser Khader engaged the Faroese abortion debate through political debate and newspaper comments, which resulted in a backlash from Faroese politicians and organisations.
- Radio discussions: In 2017-18 the impending Faroese takeover of the abortion act occasioned a series of radio broadcasts, where journalists



- interviewed Faroese and Danish politicians on what could be done about the current situation.
- The global human rights context: In 2015 and 2021, the UN's CEDAW Commission published its periodic reviews.
  - The Nordic welfare context: In 2021 the Nordic Council of Minister's Welfare Commission added the Faroese abortion situation to its agenda, but chose not to continue to focus on the issue.

These examples reflect different relationships and levels of debate: Danish politicians voicing critique, journalists voicing critique, human rights bodies voicing critique and Nordic forums for cooperation voicing critique. We have organised our analyses chronologically to demonstrate the progression of how notions of autonomy are discussed and include quotes, which illustrate the conflict between national and bodily autonomy most clearly.

### **Discursive conflicts**

In this section we will analyse the convergence of discourses of bodily and national autonomy in the selected examples of discourse. The scope of bodily autonomy is the question at hand, and how this central concept within discussions of reproductive rights is countered with arguments regarding national autonomy. To illustrate this discourse, we begin with a response to international criticism in the Faroe Islands.

#### ***Faroeese outrage: the impertinence of Danish criticism***

In 2003-4 Faroese abortion legislation reached the Danish political agenda and was discussed in Danish media for the first time. On the 20<sup>th</sup> of March 2004, Danish MP Naser Khader published an article titled "Fogh's feeling for fundamentalism" in the newspaper *Berlingske Tidende* where he criticises then Danish Prime Minister, Anders Fogh Rasmussen, for his so-called "hypocrisy" (Khader, 2004). According to Khader, Faroese politics expressed religious fundamentalism without facing Danish criticism, and he questioned if the lack of a Danish stance on the Faroese abortion legislation was "an expression of silent acceptance?" (Khader, 2004). Fogh Rasmussen had in his New Year's Address the previous year stated that in Denmark politics and religion do not mix, and women's and children's rights should not be set aside by reference to the Quran or Bible. Khader's charge of hypocrisy was based on an apparent double standard of only reacting when the fundamentalism in question was Islamic, and not Christian, which Khader considers abortion rights to be an example of. The alleged double standard could, in Khader's wording, be summed up as "When Muslims repress women, it is discrimination. When Christians do it, it calls for inclusivity" (Khader, 2004).

The article can be considered an elaborated version of an implicit critique Khader had posed in a series of § 20-questions<sup>4</sup> to the Danish Minister of Justice, Lene Espersen. This series of questions and replies is one of the few formal political debates on Faroese abortion rights in the Danish parliament, since the Faroe Islands retained the 1956 law instead of following Denmark's norm regarding abortion legislation (Khader, 2004). By asking what mandate the Danish Government has for interference in Faroese legislation, and what distinguishes this situation from any other where human rights are at stake, Khader drew attention to an apparent conflict between alleged Danish political power and the reluctance to use it.

After Khader's article in *Berlingske Tidende*, other Danish politicians broached the topic. Together with the women's rights organisation *Kvindeligt Selskab* (En. Female Society), the spokesperson for gender equality for *Socialistisk Folkeparti* (En. Green Left), Kamal Qureshi, organised a fundraising event to provide financial aid to Faroese women who travel to Denmark to seek abortion care (Johansen, 2004). Both Khader's and Qureshi's actions were criticised by Faroese politicians and organisations in subsequent interviews and articles. The chair of the *Kvinnufelagið í Havn* (En. The Women's Organisation of Tórshavn), Inga Ellingsgaard, said that "I don't like that outsiders interfere in this. It is a question we have to be able to handle ourselves...The possibility of an attitude change should have the Faroe Islands as its starting point, not Denmark" (Johansen, 2004). The then Faroese Minister for Health and Social Issues, Hans Pauli Strøm, called the initiative "impertinent, almost rude": "It is one thing to voice your opinion, it is something else to interfere actively. I don't like the principle that Kamal Qureshi is actively interfering in Faroese political matters" (Johansen, 2004). The response to Khader's questions and comments in the article was similar. Lisbeth L. Petersen from the Unionist Party repeats Ellingsgaard's point and adds that "It is unfortunate that Danish politicians interfere, but it is probably not wholly unavoidable" (Hansen, 2003). The leader of the Faroese Republican Party, Høgni Hoydal, argued that this was an occasion to transfer this particular political remit to Faroese jurisdiction (Hoydal, 2004).

The public debate resulted in a final § 20-question from Naser Khader to then prime minister, Anders Fogh Rasmussen, asking whether he was of the opinion that the Faroe Islands should amend its abortion legislation, "since it was old-fashioned and out of step with reality", and, if not, what the Government's stance on the matter was (Statsministeriet, 2004). Rasmussen's reply addressed the Danish Government's adherence to the current Danish abortion legislation, but underscored that the Danish Kingdom should have space for diverging policies "if these to a higher degree reflect the Faroese population's wishes and opinions" (Statsministeriet, 2004).

---

<sup>4</sup> A § 20-question is a written question posed by an MP to a minister regarding their opinion on a matter and requires a written reply.

Faroese national autonomy hence trumps any obligation to support legislative change in the Faroe Islands. On the other hand, Rasmussen also used the occasion to underscore that cross-national deliberation was to be encouraged, as he stated that “expressions of opinion and open dialogue with respect for other people’s opinion are, in my opinion, a natural part of a modern Danish Kingdom” (Statsministeriet, 2004).

### ***Danish silence: Politicians avoiding the conflict***

Rasmussen’s statement has nevertheless not occasioned many Danish politicians to address the Faroese abortion rights issue. In 2018, international events gave Danish media an opportunity to revisit the Faroese situation, as the Irish population voted in favour of repealing the Eighth Amendment, which conferred rights on fetuses equal to those of pregnant people. In an episode of the broadcaster Radio24syv’s programme *55 Minutter* (En. 55 Minutes), host and journalist Tinne Hjerning Knudsen interviewed the Danish Minister for Equality, Eva Kjer Hansen, and directly questioned why Danish politicians take no action regarding the Faroe Islands, despite their willingness to react to reproductive rights changes elsewhere (Knudsen, 2018). The Irish referendum and legalisation of abortion had been celebrated by several Danish politicians, and Knudsen asked Hansen:

None of these women [i.e., Hansen’s politician colleagues] have been very keen on criticising the Faroe Islands for not having liberal abortion, so my question to you is, whether you are willing to criticise Faroese politicians for not giving women access to liberal abortion?” (Knudsen, 2018)

The explicit focus of Knudsen’s questioning was the comparable aspect of Danish politicians voicing critique of countries that restrict abortion rights, and applauding those who liberalise them, while never commenting on the Faroese situation. Eva Kjer Hansen’s reply presents her central argument, that the Danish Government’s policy is clear and is a sufficient signal to the Faroese Government, which oversees Faroese legislation: “I do not think that prevents us from stating our opinion on abortion, but it is the Faroese themselves who have to make the decision” (Knudsen, 2018). In principle, Hansen makes a straw-man argument by refuting the argument that Danish politicians should and can legislate in the Faroe Islands, instead of responding to Knudsen’s actual question that focuses on critique. Knudsen then asks even more directly, which results in the following dialogue:

Knudsen: Hmm, but can’t you just criticise the Faroe Islands for not having liberal abortion?

Hansen: Well eh, just as I am a supporter of liberal abortion, and indeed a woman’s option to choose, I am happy to say that to those

from Malta, and those from Northern Ireland, and those from the Faroe Islands. But we cannot just go in and decide. It is the Faroe Islands that must make this decision, and I actually think that we are quite clear in saying that we think it is a right that women should have.

Knudsen: I do not think I have heard anyone from the government say that it is problematic, or in any way criticise the Faroe Islands for not having liberal abortion?

Hansen: Yeah well, I am not really sure what you are angling for, because, eh, because I think we are clearly saying what our opinions on abortion are, but at the same time that it is a decision you have to make in the Faroe Islands, and I think exactly that in comparison to Ireland and by commending the result they have got, and being happy about it, I am indirectly expressing that they should have that discussion in the Faroe Islands —

Knudsen: But why can't you do it directly then?

Hansen: Well, it does not change the fact that I cannot decide the rules, not in Poland, nor Malta, but I can appeal to the politicians to have the discussion, and see what rules are in effect and encourage the Faroese politicians to reevaluate whether or not they think it would be good for women to have that opportunity. (Knudsen, 2018)

Hansen here avoids Knudsen's argument by construing her motive as implying that Danish politicians should "go in and decide", and breach Faroese autonomy, even though the question is about why Hansen does not act rhetorically. Hansen thus frames her reluctance to criticise as an expression of respect for Faroese democracy, despite the absence of any immediate encouragement of anything else, and she and Knudsen technically agree that verbal criticism or advocacy is due. Knudsen then mentions a Faroese source, also interviewed in this episode of *55 Minutter*, who appeals to Danish politicians to "criticise the Faroese politicians because they, [the abortion rights movement Frítt Val], are seeking some support. Are you going to do that?" (Knudsen, 2018). Knudsen thus emphasises that the silence Danish politicians, such as Hansen, claim is appropriate, clashes with a call on the part of Faroese abortion activists for vocal support. Again, Hansen skews Knudsen's motive, and claims that:

What I think you are looking for is for me to go in directly and approach it — something that is an internal Faroese affair and where the Faroese are to make this decision, and you will not get me to do that, because I want to show respect for self-rule in the Faroe Islands. That does not affect the fact that my opinions on the right to abortion, they are pretty clear and that I am happy to encourage the

politicians to have that conversation, maybe even now in the light of the discussion in Ireland, and it ending with a very clear result. And I hope that there is a change around abortion in the Faroese set of rules, but it is they themselves who have to make that decision. (Knudsen, 2018b)

This example of an interview illustrates Hansen's evasive strategy and the lack of a clear stance on whether it is appropriate to comment on Faroese issues. Hansen acknowledges the timeliness of discussing the Faroese abortion legislation following the result of the Irish referendum but does not acknowledge that she and her fellow members of parliament do not publicly discuss the Faroese abortion law. In our discussion of the right to autonomy as a central site of conflict, we will focus on politicians who address the Faroese abortion rights situation to illustrate how some representatives manage to navigate the complex discourse of Faroese autonomy.

### ***International discussion of bodily autonomy: CEDAW's critique***

The CEDAW Commission's reports on the Danish Kingdom mention Faroese abortion legislation in both 2015 and 2021. In both reports, the abortion issue is listed under 'Health', with a section in bold issuing direct recommendations. In the 2015 report:

31. The Committee notes that the legislation on abortion in the Faroe Islands does not allow for the same access to abortion services by women there as is available to women in Greenland and mainland Denmark. The Committee is concerned that the geographic isolation of the Faroe Islands may lead to situations in which women or girls seeking a termination of pregnancy there may be subject to unnecessary risks or are disadvantaged compared with women and girls in mainland Denmark and Greenland.

32. [T]he Committee urges the State party to review its position on abortion in the Faroe Islands, with a view to ensuring that women and girls there have the same access to safe and legal abortion services as women and girls in mainland Denmark. (UN, 2015a, p. 8) (original emphasis and font)

When it comes to critiquing the abortion legislation in the Faroe Islands, the report from 2015 focuses on the islands' isolated geographical position. This geographical isolation is then linked to a question of discrimination against women and girls in the Faroe Islands in comparison to women and girls in Denmark and Greenland. The primary argument does not revolve around a right to autonomy/freedom based on the CEDAW provisions, but rather material/geographical constraints to exercising the same rights as other women and girls in the Kingdom of Denmark.

Urging the State party, in this case Denmark, to consider its role in ensuring that women and girls in the Faroe Islands enjoy the same access to safe and legal abortion care as women and girls do in Denmark invites questions about the means Denmark has for affecting the Faroese abortion rights situation. As we have presented above, Danish politicians claim no mandate to comment on the Faroese situation to any degree. An exercise in “consider(ing) its role” is what Danish political deliberation of Faroese abortion legislation has boiled down to since at least 2003, and a “role” seems to be something the State Party does not consider itself to have.

In its 2021 report, the CEDAW Commission comments that:

(d) The possibility of criminalisation of women in the Faroe Islands seeking abortion and not enjoying the same access to sexual and reproductive health services, including to safe abortion and post-abortion services, as women in Denmark and Greenland, causing some women in the Faroe Islands to travel to Denmark for an abortion or to purport to be severely mentally ill so as to be unable to care for a child.

(...)

(d) Remove punitive measures for women seeking abortion and consider amending the abortion law in the Faroe Islands, which dates back to 1956, and passing an abortion law that provides equal access to safe and legal abortion and post-abortion services for women in the Faroe Islands, as in Denmark and Greenland, especially in cases of complications resulting from unsafe abortions.  
(UN, 2015a, p. 12) (original emphasis and font)

Six years later, the 2021 report slightly alters focus and addresses the issue of punitive measures that women and girls (and also third parties) in the Faroe Islands could face, since abortion is criminally sanctioned in the Faroese penal code. The CEDAW Commission recommends a removal of punitive measure, and specifies in the report’s introduction that Denmark is the state party in question, but who should enact this? The Danish State, which the report is addressed to, or the Faroese Government, which controls legislation? In 2021, unlike in 2015, the situation was that the Faroese Government had taken over abortion legislation as now de jure under Faroese legislation and administration, but control over legislation was already de facto in Faroese hands, as clarified in our introduction. The response from Denmark included the previously quoted comment that “cultural differences” and “the subsequent fact that Danish laws such as the Law on Abortion did not reflect the Faroese society” are grounds for the Faroe Islands taking over legislative power on the matter (UN, 2020).

CEDAW’s concerns regarding abortion rights in the Faroe Islands are in the reports expressed in different arguments, which refer to inequality between

women and girls in the Kingdom of Denmark and the risk of punishment for receiving or administrating abortion care. Despite the validity of these concerns, the lack of clarity around how this call on the Danish State should affect the Faroe Islands complicates how this document can legitimate further influence on the Faroese situation. This we also see as a factor in how Nordic institutions react, which we turn to now.

***The limits of Nordic deliberation: The Nordic Council's critique and retreat***

One of the institutions that reacted to these comments was the Nordic Council's Welfare Committee. In April 2021, the Committee had discussed the Faroese abortion rights situation and declared that it would organise a meeting with invited institutions, experts and UN representatives to discuss further steps. Committee Chair Bente Stein Mathisen stated that:

We respect Faroese self-governance while urging the Faroe Islands to do something about the legislation so that it is in accord with the commitments made in relation to the UN Convention on the Rights of Women (Jensen, 2021)

At the subsequent meeting, a majority vote decided to not pursue the matter further. Not present at the meeting was the Faroese Minister for Social Affairs, who presides over abortion legislation. She declared to the Nordic Council that the Ministry did not acknowledge that the Faroe Islands was in breach of the CEDAW Convention. In a written document, the Minister for Social Affairs, moreover, referred to "the fact that the case is considered to be an internal matter of the Faroe Islands and thus not one for the official Nordic co-operation" (Jensen, 2021). Again, Bente Stein Mathisen commented and emphasised the Nordic Council's respect for Faroese national autonomy:

The Nordic Council has respect for the Faroe Islands' self-government and has listened to the wish of the committee's Faroese members that the Faroe Islands handle this themselves. I see our committee in the Nordic Council as a platform where cases that affect Nordic citizens can be addressed so that politicians can learn from and motivate one another across national borders. We are pleased that we can contribute to initiating a renewed dialogue on the abortion legislation, which we hope the Faroe Islands will continue internally. But it is a complex matter, and the majority has decided not to let the case proceed under our auspices (Jensen, 2021).

In both comments Bente Stein Mathisen underscores the Nordic Council's respect for Faroese self-government. Upon Faroese request, the legitimacy of urging the Faroese Government to amend the Faroese abortion legislation so that it complies with CEDAW is removed in acceptance of the claim that "the Faroe

Islands handle this themselves” (Jensen, 2021). As we have stated previously, the means of the Nordic Council to urge the Faroe Islands do not qualify as interventions in Faroese legislation. We would argue that “official Nordic co-operation” could in this case be seen as facilitating a forum for deliberating the norms of Faroese reproductive and sexual rights policy and law, but the Faroe Islands is able to reject this and continue without further commentary from global institutions.

International law and conventions are open to broad interpretation when it comes to abortion legislation, but in this case the Faroe Islands acts in breach of conventions such as The European Human Rights Convention, ICCPR and CEDAW (í Stórustovu & Østergaard, 2024, pp. 95–96). As Tóra í Stórustovu and Ragnhild Petursdóttir Østergaard state, the exceptional position of the Faroe Islands, exemplified by its sovereignty over abortion legislation without the status of the state party addressed in reports, causes “ineffective accountability which weakens the protection of human rights” (í Stórustovu & Østergaard, 2024, p. 110). Í Stórustovu and Østergaard also emphasise that:

The CEDAW Commission’s remarks on the Faroese abortion legislation have by no means been implemented and this lack of accountability cannot be excluded from the causes for why a law in breach of human rights has existed for so long (í Stórustovu & Østergaard, 2024, p. 111)

The Danish replies to the list of issues in the CEDAW Commission’s Ninth Periodic Reply implies the limit to what Danish officials can do:

Recognizing the cultural differences between Denmark and the Faroe Islands and the subsequent fact that Danish laws such as the Law on Abortion did not reflect the Faroese society, the Faroe Islands have assumed the legislative power over this matter (UN, 2020)

The reply evokes the apparent difference between Faroese and Danish society as explanation for the transfer of abortion legislation to Faroese jurisdiction.

Similar comments have been made in 2003 by Minister for Justice, Lene Espersen, in a reply to MP Naser Khader’s § 20-questions about whether the Danish Government was willing to secure abortion rights for Faroese women equal to the rights of Danish women. Espersen’s reply was that such decisions were made in cooperation with the Faroese Parliament, and that it was her view that “this is especially important in such *sensitive* and *culturally determined* matters as abortion” (Statsministeriet, 2003) (our emphasis). Abortion in a Danish context, despite its status as an issue that politicians are willing to define as a key national issue (Ingrisch & Jeppesen, 2017) and chastise other countries for their failure to secure (Tanholdt & Rosenkilde, 2022), is framed as a cultural



matter preventing Danish and international intervention of any kind. We claim that the human rights principle of *the right to freedom/autonomy* in this case becomes a central site of conflict, where concerns for national autonomy exceed bodily autonomy.

It is evident from these examples, as well as the continued status quo of limited international critique of the Faroese situation, that the nationalist strain of discourse emphasising the Faroese right to exert political autonomy dominates the abortion rights discussion. In the next section we will discuss the conceptual conflicts and links between bodily and national autonomy, reproductive rights discourses and their role in nation building.

### **The right to autonomy as a central site of conflict**

Despite the fact that the Faroe Islands' status as a former colony is contested (Pedersen et al., 2017), and not acknowledged by the UN, it is relevant to emphasise the prevalence of postcolonial discourse when addressing the intra-national critique of lacking abortion rights. Faroese nationalist discourses entail many themes. A central one is criticism of the Danish Faroese relationship. Political scientist Rebecca Adler-Nissen terms this a 'postcolonial discourse' in Faroese political debates: "the postcolonial references in the Faroese independence discourse address what is seen as a problematic silencing of the imperial legacy in Danish politics" (Adler-Nissen, 2014, p. 66). Adler-Nissen's interviews with Faroese political leaders show how the Danish Kingdom (and the notion of a realm) is more or less openly criticised, and as one Faroese party leader puts it: "the notion of Realm ... is created to mask a colonial relationship" (2014, p. 65).

Rebecca Adler-Nissen has analysed diplomatic relations between the Faroe Islands and Denmark, and points to what she calls the risk of postcolonial embarrassment as a reason for Danish hesitance to comment on or intervene in Faroese matters (Adler-Nissen, 2012, 2014). Based on interviews with Faroese politicians and participant-observation in the Danish Foreign Ministry, Adler-Nissen traces a dual discourse of framing the Faroe Islands as postcolonial and Denmark as postimperial. In this setting, Adler-Nissen frames the dialogue as a form of *strategic face-work*, in reference to Erving Goffman's use of dramaturgy, to explain how diplomacy involves all parties' adherence to decorum in order to avoid political embarrassment (Adler-Nissen, 2012, 2014; Goffmann, 1967). The risk of facing embarrassment from performing imperialism (discursively or politically) and the need for strategic face-work in diplomatic relations is, according to Adler-Nissen, a determining factor in how the Danish response to problematic Faroese practices and policies is formed today. To be called out as a colonial power is a risk the Danish Government avoids. Instead it takes a neutral or supportive stance towards the Faroese tradition of pilot whaling, even if

international conventions can be interpreted as an obligation on the global community to advocate for change (Adler-Nissen 2012; 2014).

We claim that the same can be said for abortion rights. This is supported by our analysis of how Danish politicians avoid questions from journalists, which illustrates the convergence of discourses on autonomy and the normative restriction of international consideration of Faroese issues such as abortion rights.

Departing from the turbulence in the reproductive political landscape in the Faroe Islands, we have drawn on the analysed incidents to explore the argumentative strategies of postcolonial discourses as halting the critique of Faroese abortion rights. By extension, we have pointed out how notions of national autonomy overrule bodily autonomy, even when there is no actual risk of breach of national autonomy. This distorted balance of autonomy is further enabled by the complexity of arguing for bodily autonomy as a human right.

### ***The (in)compatibility of human rights and abortion rights***

Abortion falls under the overarching category of reproductive and sexual rights. The first formulation of reproductive rights as a protected interest of its own was in the Proclamation of Teheran as the Final Act of the UN Conference on Human Rights (UN, 1968). The proclamation's wording was repeated in the Convention on Ending all forms of Discrimination Against Women and underscores the fundamental "right to decide freely and responsibly on the number and spacing of children" (CEDAW, 1979).

CEDAW is a central human rights convention, which explicitly mentions reproductive rights, and frames them as a venue for establishing equality between sexes and groups of women, while emphasising women's role in procreation as a risk of discrimination (UN, 1979)<sup>5</sup>. Further discussions and establishments of reproductive rights as human rights emphasised their status as already incorporated in universal and inalienable rights such as the right to life, the right to health, the right to respect for private and family life and the right to freedom/autonomy (Cook & Dickens, 2003; í Stórustovu & Østergaard, 2024; Roseman & Reichenbach, 2009). As abortion statistics globally underscore, preventable maternal morbidity and mortality are a continuing problem, which emphasises the argument for abortion care as necessary to secure the pregnant person's fundamental right to life and health (Grépin & Klugman, 2013).

Regarding the right to life, the UN Human Rights Committee decided in 2014 to author a new General Comment on Article 6 (where it is stated that every human being has the inherent right to life) of the International Covenant on Civil and Political Rights (ICCPR). This decision was based on reviews of member

---

<sup>5</sup> CEDAW has been ratified but not incorporated by Denmark and thereby the Faroe Islands, which means that it is binding, but cannot be enforced, leaving formal criticism as the only means of action.

states' compliance and recent legal developments regarding abortion rights (*K.L. vs Peru*, 2005; Zilli, 2019). An initial draft of the general comment included perspectives on the right to life for "the unborn" (UN, 2015b), which according to Livio Zilli, senior legal adviser & UN Representative at the International Commission of Jurists (ICJ), "surprised, disappointed and seriously concerned" the ICJ (Zilli, 2019, paragraph 5). Zilli's reflection on the cause of this inclusion is that "[i]t is possible that by mentioning the unborn, etc., the rapporteurs wanted to find some way to be seen to be taking into account the many interventions they had received from anti-abortion groups" (Zilli, 2019, paragraph 7). This was ultimately considered in conflict with the principle of human rights, which apply to those born, and the final comment relating to the ICCPR Article 6 on the right to life became:

- 1) safe legal and effective access to abortion is a human right protected under the ICCPR, including, in particular, under the right to life;
- 2) preventable maternal mortality and morbidity constitute violations of the right to life; and
- 3) the right to life under the ICCPR begins at birth. (Zilli, 2019, paragraph 21)

General Comment 36 to the ICCPR thereby makes the central argument that abortion rights are a human right and the right to life does not extend to fetuses.

The existence of legislation that restricts the right to abortion is not a violation of CEDAW or ICCPR per se (í Stórustovu & Østergaard, 2024). It should also be emphasised that the current Faroese legislation already secures the right to life by permitting abortion when there is a risk to the life or health of the pregnant person. On-demand abortion lies outside the scope of the human rights principle of the right to life. On-demand abortion reflects the principle to be secured by CEDAW referred to as "the right to decide freely and responsibly on the number and spacing of children" (CEDAW, Article 16 (e)), and this principle reflects the human rights principle of the right to freedom and autonomy. The Faroese situation illustrates how abortion legislation can secure the right to life, without securing the right to autonomy. And because of the Faroese geopolitical situation, where a primary discourse on autonomy refers to the national right to self-determination, these two notions of freedom coincide and present as incompatible.

### ***The limits on bodily autonomy***

Framing the issue of reproductive rights including abortion as a major human rights issue has nevertheless been pivotal to the current ability of the global community to question and examine problematic practices in contexts outside of their own.

The concept [of reproductive and sexual rights] emphasizes a comprehensive approach to reproduction, integrating the various fragmented healthcare needs relating to the reproductive process, and puts women at the centre of the process, recognizing, respecting and responding to the needs of women rather than only to those of mothers (Lebret & Rothmar Herrmann, 2020, p. 6).

Reframing reproductive and sexual rights as a question of healthcare, family life and privacy and the right to life is central. So is expanding whom it concerns to not only mothers, but also those who choose not to become parents, and these aims warrant contemporary efforts to improve access to abortion. However, as Laura Reichenbach and Mindy Jane Roseman point out, despite these reformulations and claims to rights, the world continues to be a place where “women do not exercise control over their bodies” (Roseman & Reichenbach, 2009, p. 3). Abortion as a human right is still a controversial and highly contested issue.

As current developments on abortion legislations underscore, national, religious and other cultural differences affect how abortion rights are interpreted and implemented in the individual countries, which have ratified UN conventions (Lebret & Hermann, 2020). And notably, politicians and reproductive policies in general play a fundamental role in defining and expressing the ideology of nations (Anthias & Yuval-Davis, 1989). As Rosalind Petchesky points out: “abortion is the fulcrum of a much broader ideological struggle in which the very meanings of the family, the state, motherhood, and young women’s sexuality are contested” (1986, vii).

Anthropological and rhetorical scholarship on the politics of reproduction has explored, in depth, the relationship between citizenship, politics, and reproduction (Ginsburg & Rapp, 1991; Stormer, 2015). Working from the concept of *reproductive governance*, scholars have illuminated this relationship through ethnographic insight (Morgan & Roberts, 2012). As an example, Rhoda Ann Kanaaneh has shown how Palestinians living in Israel have children as a national duty and a means to fight oppression of the Palestinian people by the Israeli Government (Kanaaneh, 2002). Nathan Stormer has, inversely, from an institutional perspective analysed how abortion rhetoric has become a site for deliberation of wider social issues facing the US-American nation state, which attests to how abortion can be a macro-political analytical prism for exploring national ideologies (2015). As such, reproduction and reproductive citizenship should be thought together with broad meanings of *nation-building* (Richardson & Turner, 2001; Turner, 2008). We therefore argue that reproductive politics in the Faroe Islands must be acknowledged as tied to a question of nation-building and, as we have demonstrated with the above artefacts, are interconnected with the contested issue of national autonomy in the Faroe Islands.

From a critical perspective, we argue that the identified intersection of discourses embedded in Faroese abortion rights and legislation are a central problem that needs addressing if international criticism is to be made salient for those in charge and those affected. We propose that a joint focus on how, on the one hand, reproductive citizenship (Richardson & Turner, 2001; Roseneil et al., 2013; Turner, 2008) is rhetorically performed and negotiated and how, on the other hand, the Faroese position and status as a country is discussed is necessary for understanding situations like these, where national statehood trumps social citizenship (Marshall, 1950).

### ***The rhetorical performance of reproductive citizenship in the Faroe Islands***

This leveraging of international versus national concerns is a contestable element in national and international discussions. This article has emphasised the rejections of human rights pertaining to abortion rights, amongst others, as driven by the nationalist strain of governance regarding reproductive and sexual rights.

What we argue is firstly, that the institutions engaging the Faroese abortion rights situation acknowledge that nationalist concerns historically have trumped the rights of individuals, and individual rights as freedoms have been a byproduct rather than a goal of reproductive regulation:

The regulatory history of reproductive rights is explained by some inherent tensions; reproductive regulation was originally imagined as a population control tool as opposed to an autonomy project of women. However, the tension between the two perspectives persists in current case-law and law making (Lebret & Hermann, 2020, p. 7)

Though reproductive rights historically and continuously are a result of reproductive governance rather than belief in universal and inalienable personal and human rights, the general encouragement to protect bodily autonomy will fall short when faced with the historically powerful discourse of national autonomy in the Faroe Islands.

Secondly, the apparent breach of national autonomy rests on a problematic sense of what self-government should be. The incidences we have presented in our analysis are not examples of violations of Faroese autonomy. As long as the Faroe Islands does not qualify as a UN member state, the only human rights critique in a UN context of the abortion legislation will be channelled through Denmark. Voicing critique across national borders is not the same as violating national autonomy; rather it is the opposite, where the means used express recognition that any legislative or direct political action is unavailable.

What we are left with is a rhetorical performance where the reproductive rights of the population are eclipsed by a problematic notion of statehood. We argue that the conflict at hand must be addressed by acknowledging that citizenship is much more than the right to define some form of national

community. It is most vitally a framework for understanding individual rights and obligations in a number of settings, and as reproductive governance continues to define what reproductive rights are and can be, reproductive citizenship must be addressed as a civil concern, which includes respect for our fundamental human rights. The right to bodily autonomy and to decide freely and responsibly on the number and spacing of children is a human right, and in order to secure it, the global community must consider competing notions of autonomy and how they interact and intersect.

### **Concluding remarks**

In this article we have analysed how international criticism of the Faroese abortion rights situation is muted or rejected by reference to Faroese national autonomy. We have conducted a concept-oriented criticism of how reproductive rights are rhetorically negotiated, in a convergence between discourses of bodily and national autonomy. We have used the current turbulent state of the global abortion landscape as a point of departure, and focused on how Faroese abortion legislation is engaged by international institutions and politicians. All this in order to demonstrate how discourses of autonomy are instrumentalised to refute international critique.

We have also pointed out that a human rights perspective on abortion rights is limited when concerning on-demand rights, if the focus is solely on the principle of the right to life, rather than the right to autonomy or freedom. But in either case, it leaves the argumentation vulnerable to competing notions of autonomy, which in the Faroese case is evident since national autonomy reflects a postcolonial political discourse.

The right to retain national reservations against international treaties is a valid argument and norm in local implementation of human rights perspective. However, as rhetorical performances of citizenship and statehood, Faroese discourses of autonomy demand further scrutiny since the forms of international critique, which we have emphasised, do not breach Faroese legislative sovereignty. While reproductive rights can be secured globally, we emphasise the necessity of acknowledging these as the byproduct of reproductive governance and its link to nation-building efforts. This in order to lessen the difficulty of securing personal rights for women and other reproductive citizens in the global contexts of national politics.

### **Acknowledgements**

We would like to extend our heartfelt and respectful thanks to Tóra í Stórustovu og Ragnhild Petursdóttir Østergaard for their generous and helpful contributions to a late draft of this article. We would like to share this publication with them and highly recommend reading their master's thesis, which grapples with the subject in great depth and with commendable perspicuity and is a major

contribution to research on Faroese abortion legislation from a human rights perspective.

## References

- Adler-Nissen, R. (2012). *Diplomacy as impression management: Strategic face-work and post-colonial embarrassment*. CIPSS Speakers Series on International Security and Economy, McGill University.
- Adler-Nissen, R. (2014). The Faroe Islands: Independence dreams, globalist separatism and the Europeanization of postcolonial home rule. *Cooperation and Conflict*, 49(1), 55–79.  
<https://doi.org/10.1177/0010836713514150>
- Anthias, F., & Yuval-Davis, N. (1989). *Woman-Nation-State*. Palgrave Macmillan UK.
- Cook, R. J., & Dickens, B. M. (2003). Human Rights Dynamics of Abortion Law Reform. *Human Rights Quarterly*, 25(1), 1–59.  
<https://doi.org/10.1353/hrq.2003.0003>
- Datta, N. (2021). *Tip of the Iceberg: Religious Extremist Funders against Human Rights for Sexuality and Reproductive Health in Europe 2009—2018*. European Parliamentary Forum.
- Gaini, F. (2011). Cultural rhapsody in shift: Faroese culture and identity in the age of globalization. In F. Gaini (ed.), *Among the Islanders of the North: An Anthropology of the Faroe Islands* (p. 32-162). Fróðskapur - Faroe University Press.
- Gaini, F. (2013). *Lessons of Islands*. Faroese University Press.
- Gaini, F., & Nielsen, H. P. (Eds.). (2020). *Gender and Island Communities*. Routledge. <https://doi.org/10.4324/9780429263705>
- Ginsburg, F. D., & Rapp, R. (1991). The Politics of Reproduction. *Annual Review of Anthropology*, 20, 311–343.
- Goffmann, E. (1967). *Interaction Ritual: Essays on Face-to-Face Behavior*. Doubleday Anchor Books.
- Grépin, K. A., & Klugman, J. (2013). *Closing the deadly gap between what we know and what we do. Investing in women's reproductive health*. The World Bank.
- Hansen, K. D. (2003, December 17). Færøske politikere fastholder abortmodstand. *Kristelig Dagblad*.
- Hayfield, E. A. (2020). Parenting and Islands. In Gaini, F. & H.P. Nielsen (Eds.), *Gender and Island Communities* (pp. 192–213). Routledge.

- Hermansdóttir, T. (2023). *Reproductive manoeuvring: An ethnographic study about women's abortion and other reproductive experiences in the Faroe Islands*. Department of People and Technology, Roskilde University.
- Hoydal, H. (2004, October 23). Replik: Færinger må selv tage debatten. *Berlingske Tidende*.
- Ingrisch, A., & Jeppesen, M. (Directors). (2017, February 9). *Reporterne*. [Radio roadcast]. Radio24syv.  
<https://podtail.com/fi/podcast/reporterne/reporterne-09-02-2017-1/>.
- Jasinski, J. (2001). The status of theory and method in rhetorical criticism. *Western Journal of Communication*, 65(3), 249–270.  
<https://doi.org/10.1080/10570310109374705>
- Jensen, L. K. (2021, June 30). *FN og Nordisk Råd i dialog om abortlovgivning på Færøerne*. Norden.org. <https://www.norden.org/da/nyhed/fn-og-nordisk-raad-i-dialog-om-abortlovgivning-paa-faeroeerne>
- Johansen, R. B. (2004, January 10). Færinger raser over dansk indsamling: Bland jer uden om vores aborter. *BT*.
- Kanaaneh, R. A. (2002). *Birthing the Nation: Strategies of Palestinian Women in Israel*. University of California Press.  
<http://www.jstor.org/stable/10.1525/j.ctt1pp498>
- Khader, N. (2004). Kronik: Foghs fornemmelse for fundamentalisme. *Berlingske Tidende*.
- K.L. vs Peru, CCPR/C/85/D/1153/2003 (Human Rights Committee November 22, 2005).
- Knudsen, T. H. (Director). (2018). *55 Minutter: Ikerne stemmer ja til Abort, hvad så med Færøerne? 28. Maj 2018* [Broadcast]. Radio24syv.
- Lebret, A., & Rothmar Herrmann, J. (2020). Reframing Reproductive Rights on a Transnational Scene. *SSRN Electronic Journal*.  
<https://doi.org/10.2139/ssrn.3779233>
- Marshall, T. H. (1950). *Citizenship and Social Class and Other Essays*. Cambridge University Press.
- Morgan, L. M., & Roberts, E. F. S. (2012). Reproductive governance in Latin America. *Anthropology & Medicine*, 19(2), 241–254.  
<https://doi.org/10.1080/13648470.2012.675046>
- Nolsøe, T. (2023). *Autonomy's double bind. The rhetorical intersection of biopolitics and geopolitics in Danish media coverage of Faroese abortion rights*. Københavns Universitet.
- Overtagelsesloven (2005) LOV nr. 578 af 24/06/2005 (2005).  
<https://www.retsinformation.dk/eli/lta/2005/578>



- Pedersen, M. V., Gulløv, H. C., Olsen, P. E., Hernæs, P. O., & Brimnes, N. (2017). *Danmark og kolonierne*. Gads Forlag.
- Richardson, E. H. & Turner, B. S. (2001). Sexual, Intimate or Reproductive Citizenship? *Citizenship Studies*, 5(3), 329–338.  
<https://doi.org/10.1080/13621020120085289>
- Roer, H. (2014). Begrebsorienteret retorisk kritik. In M. Lund & H. Roer (Eds.), *Retorikkens aktualitet: Grundbog i retorisk kritik* (3. udg, pp. 323–352). Hans Reitzel.
- Roseman, M. J. & Reichenbach, L. (2009). Global Reproductive Health and Rights: Reflecting on ICPD. In L. Reichenbach & M. J. Roseman (Eds.), *Reproductive Health and Human Rights* (pp. 3–20). University of Pennsylvania Press. <https://doi.org/10.9783/9780812206104.3>
- Roseneil, S. Crowhurst, I. Santos, A. C. & Stoilova, M. (2013). Reproduction and citizenship/reproducing citizens: Editorial introduction. *Citizenship Studies*, 17(8), 901–911. <https://doi.org/10.1080/13621025.2013.851067>
- Shany, Y. & N. Rodley (2015 April 1). *Draft General Comment No. 36: Article 6 (Right to Life)*. UN Doc. CCPR/C/GC/R. 36, UN International Covenant on Civil and Political Rights.  
<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCCPR%2FCCPR-C-GC-R-36.doc&wdOrigin=BROWSELINK>
- Skorini, H. í, Albinus, H. & Sølvará, H. A. (2022). Færøerne mellem religiøs vækkelse og sekularisering: En nordisk undtagelse bliver til. *Økonomi & Politik*, 2022(1), 88–110.
- Statsministeriet. (2003). Spørgsmål nr S1624 til justitsministeren 14/1 04 af Naser Khader (RV). *Folketingstidende*.
- Statsministeriet. (2004). Statsminister Anders Fogh Rasmussens svar på spørgsmål nr. S 447 stillet af Naser Khader (RV). *Folketingstidende*.
- Stormer, N. (2015). *Sign of Pathology*. Penn State University Press.
- Stórustovu, T. í & Østergaard, R. P. (2024). *Specialeafhandling: Færøernes abortlovgivning* [Master's thesis]. University of Copenhagen.
- Sølvará, H. A. (2003). Færøernes statsretlige stilling i historisk belysning – mellem selvstyre og selvbestemmelse. *Faroese Law Review*, 3(3), 145–181.
- Tanholdt, J. & Rosenkilde, J. (2022, June 28). Færøske kvinder kritiserer Mette Frederiksens opslag om abort: - Det klinger hult. *TV2*.
- Turner, B. S. (2008). Citizenship, reproduction and the state: International marriage and human rights. *Citizenship Studies*, 12(1), 45–54.  
<https://doi.org/10.1080/13621020701794166UN>

Convention on the Elimination of All Forms of Discrimination against Women. (2015, March 16). *Concluding observations on the eighth periodic report of Denmark*.

<https://documents.un.org/doc/undoc/gen/n21/061/72/pdf/n2106172.pdf>

UN Convention on the Elimination of All Forms of Discrimination against Women. (2020, March 24). *Replies of Denmark to the list of issues and questions in relation to its ninth periodic report (CEDAW/C/DNK/RQ/9)*.

<https://documents.un.org/doc/undoc/gen/n20/074/66/pdf/n2007466.pdf>

UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13,

<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

UN International Conference on Human Rights. (1968, May 22). *Proclamation of Teheran, U.N. Doc. A/CONF. 32/41 at 3 (1968)*.

<https://digitallibrary.un.org/record/701853?v=pdf>

Zilli, L. (2019, March 3). The UN Human Rights Committee's General Comment 36 on the Right to Life and the Right to Abortion. *Opinio Juris in In Association with the International Commission of Jurists*.

<https://opiniojuris.org/2019/03/06/the-un-human-rights-committees-general-comment-36-on-the-right-to-life-and-the-right-to-abortion/>

# An account of the conditions of Faroese individuals with a mental illness from the early 1800s to the late 1960s



Fróðskaparrit 70 (2024), nr. 2: 42-59  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

## Ein søga um støðuna hjá føroyskum sinnissjúkum frá tíðliga í 1800-talinum til seinast í 1960unum

Elisabeth O.C. Hall<sup>1</sup>, Jana Mortensen<sup>2</sup>, Annemi Lund Joensen<sup>3</sup>,  
Susanne Malchau Dietz<sup>4</sup>

### Abstract

This paper provides a historic narrative of conditions for Faroese individuals with a mental illness from the early 1800s to 1969. The year 1969 was a landmark, as the Faroe Islands, an archipelago in the North Atlantic Ocean, finally established its own psychiatric ward led by a psychiatrist in collaboration with nurses and other healthcare providers. The narrative presents accounts of life in the Faroe Islands, as well as transportation to and life in asylums abroad. It is contextualised within international conventions on human rights and discussed through the lenses of ethical, nursing and mental healthcare theories. The conclusion emphasises the importance of recognising the unique history of mental health care in the Faroe Islands underscoring the continued need to respect the human rights of individuals suffering from mental illnesses.

---

<sup>1</sup> RN, MScN, PhD, Dr Med, Professor Emeritus, Faculty of Health Sciences and Nursing, University of the Faroe Islands, Faroe Islands and Department of Public Health, Aarhus University, Denmark, ORCID 0000-0001-6691-2190, [eh@ph.au.dk](mailto:eh@ph.au.dk), telephone: 2064 2848 (Denmark).

<sup>2</sup> RN, MPO, MSSc, PhD Fellowship, Faculty of Health Sciences and Nursing, University of the Faroe Islands, Faroe Islands, ORCID 0000-0002-8202-6823.

<sup>3</sup> RN, M.S.Sc.polit., Senior Researcher (retired), Faculty of Health Sciences and Nursing, University of the Faroe Islands, Faroe Islands.

<sup>4</sup> RN, MScN, PhD, Nurse Historian, Associated Professor (retired), Denmark, ORCID 0000-0003-3654-1688.

### Úrtak

Hendan grein er ein søguliga frásøgn um støðuna hjá sinnisjúkum í Føroyum frá tíðliga í 1800-talinum og fram til 1969. Hetta árið var ein marknasteinur í Føroyum, tí tá bleiv fyrsta sinnissjúkrahúsið tikið í brúk undir leiðslu av einum psykiatara, og við sjúkrarøktarfrøðingum og øðrum heilsustarvsfólki í starvi. Frásøgnin lýsir støðuna hjá sinnisjúkum, meðan tey vóru í Føroyum, hvussu tey vórðu flutt av landinum, og lívið hjá teimum uttanlands. Teirra støða verður greinað við støði í altjóða menniskjarættindasáttmálum, ástøði um siðfrøði, líðing, sosial viðurskipti og sjúkrarøkt til sinnisjúk. Í niðurstøðuni verður áherðsla lögð á týðningin av at viðurkenna serligu søguna hjá sinnisjúkum í Føroyum. Dentur verður eisini lagdur á týðningin av áhaldandi virðing fyri menniskjarættindunum hjá teimum, sum hava sálarsjúku.

**Keywords:** Historical narrative, human rights, Faroe Islands, mental health, mental illness, nursing history, psychiatry, transfer.

**Leitorð:** Ævisøga, menniskjarættindi, Føroyar, sálærheilsa, sinnisjúk, sjúkrarøktarsøga, psykiatri, flutningur.

## 1. Introduction

The World Health Organization (WHO) World Mental Health Report from 2022 estimates that one billion people worldwide have a mental disorder (Cuijpers et al., 2023). As violations and discrimination against persons with a mental illness occur (Drew et al., 2011), WHO's current vision emphasises that there is no health without mental health, aiming for a world where people with mental disorders, in both poor and rich societies, are valued, promoted, and protected, free from prejudice, stigma, and discrimination. The declaration underscores the need for continuous attention to the conditions of individuals with a mental illness. This is also the case of people with a mental disorder in the Faroe Islands, a small island country in the middle of the North Atlantic, and the focus of this article.

Through history conditions for persons with mental illnesses were, in general, inhumane and miserable. In the past, individuals with mental disorders were far from valued, often stigmatised and always discriminated against. Ancient Nordic sagas mention symptoms of mental illnesses such as anxiety, timid brooding or sudden fits of rage, which were considered signs of madness and people were wary of them. Anyone considered mad was bound and beaten to expel the evil spirit from their body (Jónsson, 1912). During the Middle Ages, madness was regarded with fear as a manifestation of secret and incomprehensible powers, the work of spirits, possession by devils, or an expression of God's blessing through holy revelations (Bassoe, 1945; Crafoord, 2004; Rössler, 2016). Historical accounts depict people exhibiting insane behaviour in chains or imprisoned in cages under miserable conditions. There were no other ways for the family to manage them (Møllerhøj, 2021; Djurhuus

Magnussen, 2022). A telling example is provided by the Danish author and storyteller Hans Christian Andersen, who, in *The Fairy Tales of my Life*, recounts his fear as a young adult when he encountered a young woman confined in a small cell.

I dared, when the guards were present, to enter the house where the mad people were. A long narrow passage divided the cells. I lay there looking through a crack in the door. In the cell was a nude lady on a lot of straw, her hair flowed down her shoulders as she sang in a rather sweet voice. Suddenly, she jumped up shouting and rushing at the door I lay outside. The guards had left, and I was quite alone. She banged violently on the door, and right above me, the little hatch through which she received her meals opened. She looked down at me and tried to touch my arm. I screamed in horror and clung to the floor. I never forgot this. I felt her fingertips graze my arm. I was scared half to death by the time the guard returned. (Hansen, 1996, p. 46, translated from Danish).

The French Revolution of 1789 was a milestone for human rights in general and the mentally ill especially (Porter, 2000). Through declarations of human rights under the motto “liberty, equality and fraternity” (French: *liberté, égalité, fraternité*), France launched significant changes towards a more humane and understanding approach to mental illness which gradually emerged in European countries. Pioneering these changes were two French physicians, Philippe Pinel and Jean-Etienne Dominique Esquirol, who were proponents of “moral treatment”. This treatment aimed to help persons with a mental illness overcome their delusions through small, useful work in quiet surroundings far from their families (Porter, 2000).

In the light of human rights, the aim of this study is to shed light on the conditions faced by Faroese individuals with severe mental health conditions before the opening of a psychiatric hospital in Tórshavn in 1969. This event marked a milestone in the history of Faroese psychiatric care. For nearly a century prior, individuals with a mental illness were either cared for at home by their families, confined in prison-like cells in houses or the county hospital in Tórshavn or transferred to asylums in Denmark (Hansen, 1996; Jacobsen, 2004; Djurhuus Magnussen, 2022). This situation persisted until 1948 as the Faroe Islands was considered a Danish county. After 1948 the Faroe Islands became a self-governing jurisdiction within the kingdom of Denmark (West, 1974; Debes, 1995; Sølvará, 2020). The present study seeks to investigate these conditions further. How were these individuals cared for in the Faroe Islands? What were the conditions during their transfers to asylums abroad and during institutionalisations in Danish asylums?

## 2. Method

The study is a historical narrative, methodologically inspired by Polkinghorne's (1988) exposition of Ricoeur's characteristics of a historical inquiry: data justification, group history and memories, and the expectations and circumspections of individual agents. Agents referred to include psychiatrists, nurses, journalists, historians, and others who have documented or elaborated on the history of psychiatry and the conditions of individuals with a mental illness in the Faroe Islands. One agent is Faroese-born Beinta Eriksen, who worked as nurse and ward sister at the Oringe psychiatric hospital in Denmark from 1982 to 2017. In a telephone interview on 14<sup>th</sup> August 2023, Beinta Eriksen recalled the Faroese patients' life and conditions at Oringe. This article prioritises primary sources, while drawing on secondary sources from articles and books to provide the historic narrative and context (Kjeldstadli, 2005).

To promote a coherent narrative (Gill et al., 2018), we present the account of conditions in three separate sections:

- Conditions in the Faroe Islands. This section covers the period until 1884 when the care of individuals with a mental illness shifted from local responsibility to a statutory obligation of the Danish state (Vestergaard, 2018).
- Conditions during transfers to foreign asylums. This section addresses the conditions experienced by individuals during their transfers to asylums abroad.
- Conditions during institutionalisation in Danish asylums. This section discusses the conditions endured by Faroese individuals while institutionalised in Danish asylums.

The second and third sections cover the period up to 1969. At that time a newly built Faroese psychiatric hospital, led by a psychiatrist educated in Denmark and in collaboration with nurses and other healthcare providers, had the capacity to admit a total of 80 Faroese patients.

To enhance the reliability of our accounts, we discuss the evolving societal conditions for individuals with mental disorders referencing the WHO World Mental Health Report (2022), as well as relevant theories from nursing, and social and mental health care. We acknowledge that the study is influenced by our professional backgrounds as nurses (Gill et al., 2018). One of us is a nurse historian, and the others have experience in psychiatric hospital nursing or degrees in nursing gained in Denmark or the Faroe Islands.

## 3. Conditions in the Faroe Islands

This section addresses the social and existential conditions of Faroese individuals with a mental illness when cared for by their families or detained in cells. We present several accounts and elaborate on issues related to suffering,

space, seclusion and human rights. These factors have historically affected and continue to affect the conditions individuals with a mental illness face.

As early as 1241 the Law of Jutland, and later the Danish Code in 1683, stipulated that families were responsible for their members with a mental illness (Hansen, 1996). For centuries families cared for relatives with a mental illness, whether they were children, siblings, spouses, or other family members. It was also compulsory to inform the local community about any individuals with a mental illness and any potential limitations in their behaviour.

During the Middle Ages and up to the Reformation, Argja Hospital, situated on the outskirts of the capital Tórshavn, is believed to have served as a place of confinement for those thought to be mad or possessed by evil spirits. Subsequently, the hospital became a sanatorium for individuals with leprosy, who were isolated owing to the contagious nature of their disease (Sigvardsen, 1978 cited in Hansen, 1996). In 1826 the hospital was sold and, some years later, the Faroe County Hospital opened in the same location. This hospital, which operated for a century, initially had capacity for nine inpatients. After a reconstruction in the 1860s, it could accommodate twenty patients. Most patients were admitted with somatic disorders, such as broken legs, while only a few were mentally ill. Patients with a mental illness often had to share beds. Because of their noisy behaviour, which disturbed other patients, they were soon transferred to a small purpose-built house in 1867. This building was aptly nicknamed *The Cell* (Jacobsen, 2004).

The Cell was a minute dark house with thick walls and small windows. It had four rooms for patients, an office, and an outdoor latrine. In the beginning of the 1900s, the conditions of The Cell were criticised as not fit for patients with an incurable mental illness (Jacobsen, 2004). Still, The Cell remained in use until 1924 when Queen Alexandrine's Hospital opened. At this new hospital two rooms, referred to as cells for lunatics, were designated for the mentally ill. These rooms had "... bolted doors, peepholes in the doors, no decorations, and windows with impenetrable glass. It is no surprise that staying in these rooms had a significant impact on the patients" (Vaag, 1967, p. 1128).

In agreement with Burnton (2011), we would argue that being detained in such conditions was, and still is, effectively a form of imprisonment, offering no therapeutic benefit to the patients. Consequently, they continued to shout and scream, inadvertently reinforcing prevalent perceptions of insanity. It is, of course, important to recognise that this occurred in a different historical and cultural context. However, it is reasonable to assume that people during this period had existential needs just the same as individuals today. The shouting and screaming were likely a result of the suffering associated with hearing voices or experiencing hallucinations. Additionally, these behaviours could have stemmed from profound feelings of loneliness, misunderstanding, and abandonment, essentially feeling entirely isolated in the world (Lindström, 1995 and 1997). Hence, while the detention of severely mentally ill individuals was reasoned and

well-intentioned, society did not, and still does not always, view people with a mental illness as sick and suffering human beings. Instead, they might be seen as outlandish people who behave differently and thereby threaten the societal order (Foucault, 2021). Faroese children living with a severe mentally ill parent are documented as carrying a heavy social burden and feeling less worthy than their friends (Dam et al. 2018)

In her book *The Suffering Human Being*, Finnish nurse theorist Katie Eriksson has argued that to suffer is to be tormented as well as to struggle and endure; and she describes the phenomenon of human suffering in three dimensions: suffering related to illness, to life, and to care (Eriksson 2006). Suffering related to illness refers to physical symptoms and psychological distress caused by health and illness conditions. Suffering related to life grows out of existential struggles that are impacting on a human being's mental health and sense of identity. Suffering related to care stems from distress felt when fundamental care is lacking. Eriksson therefore underscores the need for empathy and compassion, in "providing dignity, observance, and respect of the suffering human being" (Karnick, 2007, p. 291). The detained individuals with a mental illness most likely experienced all three dimensions of suffering. They were secluded with minimal care and endured poor mental conditions. The Cell was frightening, dark, cold, and unpleasant (Petersen, 1998).

Generally, dark and cold seclusion causes people to lose their self-worth and dignity because the room or institutional space in which one lives holds existential value (Van Manen, 1990; Martinsen, 2001; Hall et al., 2012). As the psychiatric nurses Goren and Orion (1994, p. 237) stated:

The space within an institution is more than the setting in which events occur. It is a dimension that shapes the behaviour of both inmates and staff. Confinement immediately terminates usual social obligations and prerogatives and creates a new relationship for the inmate and his environment.

Prior to serious illness, Faroese persons with a mental illness would have actively participated in daily family life, recognising that this collective living was the lifeblood that sustained them. Being together was crucial for survival. The family home served as an extremely important social space, where family members of both sexes and all generations gathered in what was called a smokeroom (*roykstova*). In this space, they carded, spun, knitted, talked, sang, and ate together (Gravesen, 1941). The mental illness caused this supportive lifestyle to be replaced by suffering and loneliness, and detention in The Cell most likely exacerbated this suffering and isolation.

Seclusion is still practiced worldwide. Referring to the European Convention on Human Rights' legislation concerning conditions of detention, Burnton stated (2011, p. 120-121):



The objections to seclusion are well-known. If the patient is kept in a room devoid of entertainment or diversion, he may suffer sensory deprivation. Detention in a small and featureless room is oppressive for anyone but is liable to be more objectionable and more damaging in the case of a person whose mental health is at best vulnerable. It may lead to feelings of increased despair and isolation, anger and worsening of delusions and hallucinations... Its effects may be aggravated by uncertainty as to whether or when the seclusion will come to an end. Seclusion may bring about the violent behaviour that it is intended to prevent. If there are no washing or toilet facilities in the room, conditions may become at best unpleasant and at worst difficult and completely unbearable.

Lord Burnton precisely identified the serious adverse events, such as despair, anger, and violence, that seclusion can cause. We argue that detention in closed cells constituted relentless hardship for Faroese individuals with a mental illness, leading to constant suffering.

#### **4. Conditions During the Transfers to Foreign Asylums**

From 1884 to 1969 Faroese individuals with severe mental illnesses who needed medical treatment were sent to foreign asylums. In total, about 300 were sent to Danish asylums, and during World War II a few were transferred to a Scottish asylum (Djurhuus Magnussen, 2022). These voyages were quite demanding. In this section, we present accounts of the transfer conditions and contextualise them with notions of other extreme events and psychiatric understandings of the construct sense-making.

Transfers to asylums abroad were long voyages, involving a week or more of sailing, followed by journeys by train and car before reaching the destination. These voyages were arduous for people with a mental illness. The rough and crowded travel conditions deteriorated their physical and mental states, as Faroese medical doctors repeatedly highlighted during decades of political discussions about establishing a psychiatric hospital in the Faroe Islands (Kristiansen, 1952; Vaag, 1967; Wang, 1981).

One of the nurses who accompanied patients on these transfers was Tomasía Arnason. When interviewed in her old age, she recalled several rough journeys from these assignments in the early 1900s (Petersen, 1998; Hall et al., 2023). On one occasion, the weather was so bad that the passengers did not receive any food during the entire voyage. The ship was crowded, and a female patient had to lie on the floor on a mattress along with other women.

During another transfer, a patient managed to disappear, causing great concern. Tomasía Arnason recounted:

Once, I sailed to Denmark with a woman who was a danger to herself and others. When we boarded the ship, I decided she did not need to

be in a restraint belt and allowed her to move freely. I planned to sleep lightly, believing I would wake up if she left her bed. However, I fell asleep briefly, and when I woke up, she was gone. I searched for her on deck but could not find her anywhere. Panic set in, but I persisted in my search. On my third round of the deck, she suddenly appeared and said, "I did not have the courage to throw myself overboard" (Petersen, 1998, p. 82, translated from Faroese).

The long transfers were a significant strain on the patients. They would often arrive at the asylum at night, exhausted and difficult to manage or examine. Danish psychiatrist Aksel Bertelsen recalled from his time as a medical student substituting for the psychiatrist on duty during night shifts at an asylum, that he frequently experienced dramatic night shifts and was particularly apprehensive about admitting patients from the Faroe Islands. After several days at sea, the patients would arrive on a ship stretcher, often quite ill and potentially violent (Nielsen, 2018).

During World War II, 1939–1945, Germany occupied Denmark and Norway. Shortly after the German occupation of the Nordic countries, Britain occupied the Faroe Islands to prevent it from becoming a German base. This British occupation halted all ship traffic between Denmark and the Faroe Islands. For Faroese individuals with mental illnesses, this meant remaining on the islands without professional help. Due to the danger of mines at sea, they could only be transferred to professional psychiatric care in England or Scotland in the later years of the war (Petersen, 1998).

In the summer of 1943, two Faroese nurses accompanied the first nine individuals with a mental illness to a Scottish psychiatric hospital. One of these nurses was Anna Joensen, who talked about her life as a nurse a few years before she died. Here, she included her experiences transferring patients with a mental illness from the Faroese town of Klaksvík to Scotland (Petersen, 1998).

In August 1943, another nurse and I escorted nine mentally ill patients to Scotland. We travelled on a British military ship. A porter, the two of us, and the patients all shared the same cabin on the ship. We sailed so fast from Klaksvík that I had to hold on to a water-tap for the first part of the journey to Tórshavn. Here the patients were admitted to the hospital in Tórshavn until we departed on a British troop ship around midnight. One British physician and two British nursing aides joined us on board. The ship had two barrage balloons attached, and during the voyage, we heard a shot. When we inquired about it, we were told it was from an exercise. However, upon disembarking, I noticed only one balloon remained, an indication that the Germans had been involved.

We arrived in Invergordon, where we received a cup of tea and some bread before taking a train to Edinburgh. We reached the hospital

the following day. Unfortunately, by now we only had eight patients to admit as one died during the transfer. None of the patients understood the language. I stayed for a fortnight, while Jofrid, the other nurse, was to remain for a year or until they could return (Petersen, 1998, p. 102, translated from Faroese).

These transfer accounts reveal miserable conditions and surprising incidents. The long voyages in crowded cabins were intense, tiresome, and harmful for the patients. As mentioned above, one patient died during a transfer, and another considered jumping overboard. The journey to an unfamiliar, foreign place demanded immense resilience from these already vulnerable patients with a mental illness. After a long and exhausting voyage, they arrived at an asylum set in a country and culture entirely foreign to them.

To illustrate the above-mentioned cases, we turn to Hayfield's (2023) study of extreme events and De Haan's (2017; 2020) studies of sense-making in psychiatry. Hayfield categorises events such as flooding, police interventions, earthquakes, and disastrous explosions as extreme events, arguing that even healthy individuals require significant resilience and sense-making skills to adapt to such violent and incomprehensible incidents. The transfer as an extreme event could explain why one patient wanted to throw herself overboard and another probably did, as he was missing on arrival in Scotland.

The idea of sense-making is a modern understanding of how mind and environment inter-relate, involving biological, social, medical, and affective matters in a holistic – also termed enactive - unity (De Haan, 2017; 2020). The transfer (environment) and emotions such as fear, anxiety or loneliness, and others such as seasickness and homesickness, might make life unbearable. The individual would come to the sense that death is a relief, or as in the other case, that jumping overboard was more frightening than living life. It is uncertain whether the vulnerable individuals with a mental illness could find meaning in their transfer despite the poor conditions, and whether they had the strength and resilience to adapt and regain some health afterward.

## **5. Conditions During Institutionalisation at Danish Asylums**

From 1884, when Danish law mandated institutionalisation at state asylums, to 1969, when the psychiatric hospital in Tórshavn opened, Faroese individuals with a severe mental illness were treated at Danish asylums. Many of these patients stayed for decades in Denmark for psychiatric care and never returned home. They passed away and were buried in the hospital cemetery. During this period, significant psychiatric research and interventions took place leading to new treatments, changing attitudes, and a transformed daily life within the asylums. This section presents accounts of the conditions during this period discussing key issues such as language barriers, homesickness, ethics, and human rights.

Upon arrival at a Danish asylum, Faroese patients, already uneasy and anxious from the long and demanding transfer, were often treated with waterbeds to help them calm down. This meant a long stay in a 28 degrees Celsius warm bathtub for days, or even weeks or months. Here the patient would read, eat and sleep (though not at night) in the warm water. The treatment was introduced by the Danish psychiatrist August Wimmer in 1912. He argued that waterbeds calmed patients and diminished their violent urges; they reduced patients' tendencies toward self-harm (Vestergaard, 2018).

Treatment decisions for patients were primarily made by the Danish chief psychiatrist. His perspectives on mental illness and beliefs about effective mental health care significantly influenced the conditions imposed on both patients and staff. Treatment approaches were shaped by the prevailing theories of the time. During the early 20th century, one notable chief psychiatrist, Hjalmar Helweg, appeared to be influenced by the ideas of the French physicians Philippe Pinel and Jean-Étienne Dominique Esquirol. Helweg advocated that patient care should be shielded from outside impressions, be regular and provide suitable employment in quiet surroundings. This way a slumbering personality would thrive and grow (Helweg, 1958; Nielsen, 2018).

However, regardless of good intentions, the experience was markedly different for the Faroese patients. On arrival at a Danish asylum, these patients encountered a new culture, including unfamiliar language and diet. They faced significant communication barriers, as they did not speak Danish, and the staff did not understand any Faroese. Furthermore, the staff were unfamiliar with the distinctive and remote culture of the Faroe Islands. Consequently, language, cultural and dietary differences posed substantial challenges for the already strained Faroese patients. These barriers exacerbated their difficulties, making their adjustment to the asylum environment particularly challenging and adding layers of complexity to their treatment and care.

Language barriers likewise contributed to homesickness. Medical historian Jesper V. Kragh (2010b) noted frequent instances of “crying of homesickness” in the records of Faroese patients. Evidently, Faroese patients suffered from homesickness more than other patients. They longed to be home and received no visitors in contrast to Danish patients. The absence of family support and the familiar surroundings of their homeland intensified their sense of isolation. The Faroese patients missed their families, places, and customs, exacerbating their emotional and psychological distress during their time in the asylum.

According to Baier and Welch (1992), homesickness is an under-identified but pervasive feeling of sadness that can manifest as physical symptoms such as colds, headaches, and general malaise. While the exact methods used by psychiatrists to manage homesick patients are not documented, the frequent mention of homesickness in patient records indicates that this issue did not go unnoticed. It appears that the patients were able to support each other in dealing with homesickness. An account from Beinta Eriksen recalled two Faroese

women at an asylum who were each other's best friend and gave each other mutual support and companionship:

When the women were up, they were always together, speaking only Faroese so that nobody understood them. They were truly each other's best friend. One was more severely ill than the other and could become angry and agitated. As a result, she was often transferred to the closed ward. Each time this happened, we noticed that the other woman would whisper something to her. Shortly after, the other woman would also be transferred to the closed ward. We discovered that what she was whispering was, "I'll come soon". They were so close that they had to stay together, no matter the cost (Beinta Eriksen in Djurhuus Magnusen, 2022, p. 51-52, translated from Faroese).

These two Faroese women seemed to manage because they had each other. They relied on one another for support. Other Faroese patients found different ways to cope. Sussie Nielsen, an acting pastor at the asylum, recollected that an elderly male Faroese patient was a faithful churchgoer in the asylum chapel. Often, at the Sunday service, he was the only one present (Nielsen, 2018). It is likely that his Faroese origin and upbringing rooted in Christianity provided him with a sense of familiarity and comfort in an otherwise foreign environment. Another male Faroese patient lived by himself without speaking and, like many other patients, he was force-fed year after year (Nielsen, 2018).

In the late 1930s and throughout the 1940s, under the leadership of various chief psychiatrists, the medical staff began experimenting with treatments such as shock through insulin and the heart stimulant cardiazol. These treatments were administered up to six times a week and could last for months. Danish psychiatrists at the time considered these methods revolutionary. However, research documented only short-term positive results and minor improvements, alongside a significant number of patient deaths. Despite the rigorous and often harsh treatment conditions, many patients remained in a state of status quo (Kragh, 2010a; 2010b).

Another treatment employed during this period was lobotomy, a surgical procedure on the brain aimed at curing patients of psychoses and hallucinations. Indications for lobotomy could be severe aggressiveness and violent behaviour (Kragh, 2010a). In 1952 there were 26 Faroese patients at the asylum Oringe, and at least ten of them were referred for lobotomy (Kragh, 2010a). Of these ten, only two were subsequently healthy enough to be discharged to their families, and one was not discharged until many years later. The patient, a woman, was admitted in 1927 and discharged to her family in Denmark in 1965.

The other lobotomised Faroese patient who returned home was a young man who had been admitted to the Danish asylum in 1933. As a young adult he underwent various shock treatments all of which proved ineffective. Despite

these treatments, he continued to experience periods of bizarre and violent behaviour, leading to his referral for lobotomy. In retrieving patient records, Kragh (2010a) discovered copies of some of this patient's private letters to his family in the Faroe Islands. In one letter, dated 1947, the patient wrote the following about his operation:

In the winter I was sick and in bed at one of the most terrible wards... So, one day in the beginning of May, I went by car with a caretaker to the Military Hospital in Copenhagen for an operation. We were there about three days. The operation went well... When I came back, I was admitted to ward E1, and I was in bed for about eight days after the operation. That was about three weeks ago. My mood is not so good, and I am not strong either, but we must hope it will get better as time goes by. They say this operation usually helps better and longer than any other treatments we get here at the hospital. We must hope for the best (Kragh, 2010a, p. 185, translated from Danish).

Some months later this patient returned to the Faroe Islands. During the waiting period, he suffered severe homesickness and expressed doubt about his ability to return home. Nevertheless, he managed to make the journey back, and his story ends there. No further information was found in his Oringe patient record. The remaining Faroese patients who underwent lobotomy did not share his fate. They died at the asylum after being admitted for an average of 34.3 years. They were all buried at Oringe cemetery (Kragh, 2010a).

The copied letter found in the patient record gives rise to questions about ethics and human rights. Was the patient aware of this copy? Was he informed or in any way involved? Was checking private correspondence a rule? Was paternalistic behaviour common in mental health care? In a review focused on identifying mental health nurses' experiences of human rights, Ventura and colleagues (2021) found that paternalism was an everyday practice, something the patient's letter above indicated. Often paternalism had a negative connotation. However, it was also explained as positive, serving the patients' best interests (Ventura et. al., 2021). Today, copying a patient's private letter is considered unethical. The paternalistic approach, which was likely accepted in the past, is undoubtedly unethical by contemporary standards.

Officially, the practice of lobotomy stopped in 1954 with the emergence of psychopharmaceutical remedies, marking the beginning of a new treatment era that alleviated much of the suffering of patients with a mental illness. This shift also made life easier for asylum caretakers. A Danish psychiatrist described the psychopharmacological developments that took place between the 1950s and 1970s as a significant transition. He stated:

The essential was that you could reach anxiety-dampening and calming effect without inducing general sedation. ... the therapeutic

milieu changed radically... now you got an opportunity for specific actions instead of protecting patients and their surroundings against the illness-conditioned behaviour (Rosenberg, 2008, p. 265-266, translated from Danish).

In the telephone interview, Beinta Eriksen stated that conditions improved significantly for the patients. While they did not recover from their illnesses, they were able to lead regular, quiet lives with suitable responsibilities. Everyday life became more social and humane. Patients dressed up, sought to get out, held small jobs and attended parties. Additionally, patients were offered and enjoyed participating in various activities such as picnics, summer vacations, and holiday celebrations, in the homes of staff. Some patients stayed with caretakers' families outside the asylum, while others worked in farming, gardening, in the kitchen, doing laundry, or engaged in knitting or repairing clothes. Relationships that crossed the patient-professional boundary became commonplace. Beinta Eriksen emphasised that the staff aimed to provide the patients with a family-like environment. She said, "We were like one big family".

## 6. Conclusion

Considering human rights conventions, this article provides a glimpse into the conditions faced by individuals with a mental illness from the Faroe Islands before the establishment of a psychiatric hospital in their country. It highlights their seclusion, strenuous transfers and life in asylums far from home immersed in foreign cultures with different languages.

Understanding how conditions vary and develop in different cultures is indispensable for comprehending and teaching about mental health, its practices and history of ideas. This article contributes to the body of knowledge about the history of individuals with a mental illness from a small and remote multi-islands nation with its own culture and language, situated far out in the North Atlantic Sea.

The study also presents examples of human rights violations and touches on ethical issues. While it has limitations and much remains to be explored, the study holds local, Nordic, and global significance in the discourse on promoting human rights for all individuals with a mental illness. This is relevant in interdisciplinary clinical practices, education, and administration.

Our study focuses on the period leading up to the establishment of the Faroe Islands' psychiatric hospital in 1969. During the study process, questions arose about developments in the latter half of the 20th century and the present. We agree with Nordic and European nurse researchers (Cutcliffe et al., 2015; Gabrielsson et al., 2020; Wiklund Gustin, 2021) that mental health nursing can be a transformative force in promoting humanisation and helping individuals with a mental illness and their families to find meaning in life. As Hurley and colleagues (2022) suggest, it is crucial to move away from the asylum mentality

that still lingers in some places. We recommend that policymakers and managers fully utilise the technical and non-technical capabilities of specially trained psychiatric nurses and social workers. This can be achieved through both dependent and independent care of patients with mental illnesses.

Furthermore, we suggest future historical studies concerning conditions during recent decades, such as how Faroese patients with a mental illness were received upon returning to their homeland, how patients and society adjusted, and how modern psychiatry and community home care collaborate for health, well-being and recovery. Such studies would add to the knowledge about mental conditions that Dam initiated in her dissertation about the experience of children of parents with a mental illness in the Faroe Islands (Dam, 2018; Dam et al., 2016; Dam & Hall, 2020). As Butterworth (2020) pointed out in his commentary on Dam and Hall's (2020) study, research on the unique effects of living in small-scale communities are crucial. One unique effect is that immigrants may feel strange in a small-scale community. Hayfield and Schug (2019) have documented that immigrants in the Faroe Islands find it hard to socialise with Faroese people because they are closely related, and all know each other so well.

Further research on mental health conditions in the Faroe Islands and other small communities is therefore crucial in enlightening the efforts of family and mental healthcare providers' impacting on psychiatric and mental health literacy. Additionally, it would contribute to the call by Drew and colleagues (2011) for broad cooperative participation to educate societies, media, professionals, the persons with a mental illness themselves, and their families about human rights in mental health care. Such studies would also be in line with the WHO recommendations in the World Mental Health Report (2022) on transforming mental health for all.

## 7. References

- Baier, M. & Welch, M. (1992) An analysis of the concept of homesickness. *Archives of Psychiatric Nursing*, VI (1), 54-60.
- Bassoe, P. (1945). Spain as the cradle of psychiatry. *American Journal of Psychiatry*, 101, 731-738.
- Burnton, S. (2011). Doctors, patients and the Human Rights Act. *Medical-Legal Journal*, 79(4), 115-128. doi:10.1258/mlj.2011.011031
- Butterworth, A. (2020). Commentary: Childhood experiences pursue adulthood for better and worse: a qualitative study of adults' experiences after growing up with a severely mentally ill parent in a small-scale society. *Journal of Research in Nursing*, 25(6-7), 592-593. Doi:10.1177/1744987120946275 journals.sagepub.com/home/jrn
- Crafoord, C. (2004). *Udviklende fortrolighed. Tanker om kontaktpersonfunktionen*. Hans Reitzels Forlag, København.



- Cuijpers, P., Javed, A. & Bhui, K. (2023). The WHO World Mental Health Report: a call for action. *British Journal of Psychiatry*, 222, 227-229. doi:1192bjp.20023.9
- Cutcliffe, J.R., Hummelvoll, J.K., Granerud, A. & Eriksson, B.G. (2015). Mental health nurses responding to suffering in the 21st century occidental world: Accompanying people in their search for meaning. *Archives in Psychiatric Nursing*, 29, 19-25. <http://dx.doi.org/10.1016/j.apnu.2014.09.008> 0883-9417
- Dam, K., Joensen, D. & Hall, E.O.C. (2016). Experiences of adults who as children lived with a parent experiencing mental illness in a small-scale society: a qualitative study. *Journal of Mental Health Nursing*, 25, 76-87. doi:10.1111/jpm.12446
- Dam, K. (2018). *At navigere i en paradoks tilværelse*. En kvalitativ undersøgelse af barndommen og voksenlivet hos voksne børn, der er vokset op på Færøerne, sammen men en forælder ramt af svær psykisk sygdom. *PhD-thesis*, Fróðskaparsetur Føroya.
- Dam, K. & Hall, E.O.C. (2020). Childhood experiences pursue adulthood for better and worse. A qualitative study of adults' experiences after growing up with a severely mentally ill parent in a small-scale society. *Journal of Research in Nursing*, 25(6-7), 579-591. doi: 10.1177/1744987120942272
- Debes, H.J. (1995). The formation of a nation: The Faroe Islands. In S. Tägil, (Ed.). *Ethnicity and nation building in the Nordic world* (pp. 63-84). Hurst & Company, London.
- De Haan, S. (2017). The existential dimension in psychiatry: An enactive framework. *Mental health, Religion & Culture*, 20(6), 528-535. <https://doi.org/10.1080/13674676.2017.1378326>
- De Haan, S. (2020). An enactive approach to psychiatry. *Philosophy, Psychiatry & Psychology*, 27(1), 3-25. <https://muse.jhu.edu/article/751748>
- Djurhuus Magnussen, G. (2022). *Sálareygja. Sinnisbati 40 ár*. Sprotin.
- Drew, N., Funk, M., Tang, S., Lamichhane, J., Chavéz, E., Katontoka, S., Pathare, S., Lewis, O., Gostin, L. & Saraceno, B. (2011). Human rights violations of people with mental and psychosocial disabilities: an unresolved global crisis. *Lancet*, 378, 1664-1675. doi:10.1016/S0140-6736(11)61458-X
- Eriksson, K. (2006). *The Suffering Human Being*. Nordic Studies Press, Chicago, IL.
- Foucault, M. (2021). *Galskabens historie i den klassiske periode*. 4th Edition, Det Lille Forlag, Frederiksberg, Denmark.
- Gabrielsson, S., Tuvevsson, H., Wiklund Gustin, L. & Jormfeldt, H. (2020). Positioning psychiatric and mental health nursing as a transformative force

- in health care. *Issues in Mental Health Nursing*, 41(11), 976-984. doi: 10.1080/01612840.2020.1756009
- Gill, M.J., Gill, D.J. & Roulet, T.J. (2018). Constructing trustworthy historical narratives: criteria, principles and techniques. *British Journal of Management*, 18(29), 191-205. doi: 10.1111/1467-8551.12262
- Goren, S. & Orion, R. (1994). Space and sanity. *Archives of Psychiatric Nursing*, VIII(4), 237-244.
- Gravesen, G. (1941). *Lægekone på Færøerne i fem aar*. København, Gyldendalske Boghandel, Nordisk Forlag.
- Hall, E.O.C., Harder, I., Haahr, A. & Martinsen, B. (2012). Menneskelige grundtræk i sygeplejen. *Klinisk Sygepleje*, 26(4), 15-25.
- Hall, E.O.C., Joensen, A.L. & Malchau Dietz, S. (2023). Historiographic and biographic accounts of Faroese nurses' training and health-promoting work from 1910 to the end of the 1930s. *International Journal of Circumpolar Health*, 82, 2233151, <https://doi.org/10.1080/22423982.2023.2233151>
- Hansen, D. (1996). *Søgan um hini 1895-1981*. Torshavn, Føroya Skúlabókagrunnur.
- Hayfield, E.A. (2024). Resilience processes during lockdown: a diary study from the Faroe Islands. *Scottish Geographic Journal*, 140(1-2), 12-28. doi:10.1080/14702541.2023.2224292
- Hayfield, E.A. & Schug, M. (2019). 'It's like they have a cognitive map of relations': Feeling strange in a small island community. *Journal of Intercultural Studies*, 40(4), 383-398. <https://doi.org/10.1080/07256868.2019.1628719>
- Helweg, H. (1958). Oringe i 100 år. *Medicinsk Forum*, 11(2), 33-45.
- Hurley, J., Lakeman, R., Linsley, P., Ramsay, M. & McKenna-Lawson, S. (2022). Utilizing the mental health nursing workforce: A scoping review of mental health nursing clinical roles and identities. *International Journal of Mental Health Nursing*, 31, 796-822. doi:10.1111/inm.12983
- Jacobsen, E.S. (2004). *Slóðir í heilsuverkssøguni*. Føroya Fróðskaparfelag.
- Jónsson, F. (1912). Lægekunsten i den nordiske oldtid. *Medicinsk-historiske småskrifter* 1.
- Karnick, P.M. (2007). The suffering human being by Katie Eriksson. *Nursing Science Quarterly*, 20(3), 290-291.
- Kjeldstadli, K. (2005). *Fortiden er ikke hvad den har været*. Roskilde Universitetsforlag, Denmark.

- Kragh, J.V. (2010a). *Det hvide snit. Psykokirurgi og dansk psykiatri 1922-1983*. Syddansk Universitetsforlag, Odense, Denmark.
- Kragh, J.V. (2010b). Shock therapy in Danish psychiatry. *Medical History*, 54, 341-364.
- Kristiansen, E. S. (1952). Om hospitalisering af psykiatriske patienter på Færøerne. *Ugeskrift for Læger*, 114(29), 986-988.
- Lindström, U.Å. (1995). *Ensamhetskänslan sviker ikke. En kvalitativ studie rörande patienters upplevelser av vårdkultur och vårdrelation på psykiatriskt sjukhus*. Rapport 6/1995. Vårdforskning, Åbo Akademi, Finland.
- Lindström U.Å. (1997). Patientens oplevelse af vårdkultur og vårdrelation – modsatsernas dialektik. In J.K. Hummelvoll & U.Å. Lindström (Eds), *Nordiske perspektiv på psykiatrisk omvårdnad* (pp. 73-94). Studentlitteratur, Lund, Sweden.
- Manen, M. van (1990). *Researching lived experience*. New York State University Press, New York.
- Martinsen, K. (2001). Huset sangen, gråten og skammen. Rom og arkitektur som ivaretaker av menneskets verdighet, In T. Wyller (Ed.) *Skam. Perspektiver på skam og skamløshet i det moderne* (pp. 167-190). Fagbokforlaget, Bergen, Norway.
- Møllerhøj, J. (2021). Fra bindegal til uanbringelig. Forståelser og reguleringer af psykiatrisk tvang i et historisk perspektiv. *Tidsskrift for Forskning i Sygdom og Samfund*, (34), 23-45.
- Nielsen, J.-E. (2018). *Mennesker på sindsygehospitaler. En krønike om Sct. Hans, Risskov, Oringe, Viborg, Middelfart, Nykøbing S., Vedsted og Augustenborg*. Bogforlaget Her & Nu, Denmark.
- Petersen, W. (1998). *Frá diakonissuni til sjúkrarøktarfrøðingin*. Felagið Føroyskir Sjúkrarøktarfrøðingar.
- Polkinghorne, D.E. (1988). *Narrative knowing and the human sciences*. State University of New York Press, Albany.
- Porter, R. (2000). *Ve og vel – medicinens historie fra oldtid til nutid*. Rosinante Forlag, København.
- Rosenberg, R. (2008). Den psykofarmakologiske udvikling 1950-1970. In J.V. Kragh (Ed.), *Psykiatriens historie i Danmark* (pp. 263-291). Hans Reitzels Forlag, Denmark.
- Rössler, W. (2016). The stigma of mental disorders. *EMBO Reports*, 17(9), 1250-1253. doi.10.15252/embr.2015433041
- Sigvardsen, H.J. (1978). *Argir*.

- Sølvará, H. A. (2020). *Færøerne efter freden*, Aarhus Universitetsforlag, Aarhus, Denmark.
- Vaag, U.H. (1967). Færøske psykiatriske patienters forhold. *Ugeskrift for Læger*, 129, 1125-1130.
- Ventura, C.A., Austin, W., Carrara, B.S. & Seicenti de Brito, E. (2021). Nursing care in mental health. Human rights and ethical issues. *Nursing Ethics*, 28(4), 463-480. doi: 10.1177/0969733020952102
- Vestergaard, P. (2018). *Den moderne psykiatris historie. En essay om sindslidende i velfærdsstaten*. Aarhus Universitetsforlag, Aarhus, Denmark.
- Wang, A.G. (1981). Establishment of a local psychiatric service. *Acta Psychiatrica Scandinavia*, 64, 150-157.
- West, J.F. (1974). *Færøerne. En nation og dens historie*. Gyldendal, Nordisk Forlag, Copenhagen.
- Wiklund Gustin, L. (2021). "Being mutually involved in recovery". A hermeneutic exploration of nurses' experiences of patient participation in psychiatric care. *International Journal of Qualitative Studies on Health and Well-Being*, 16, 2001893.  
<https://doi.org/10.1080/17482631.2021.2001893>
- World Health Organization (2022). *World Mental Health Report. Transforming mental health for all*. Geneva: World Health Organization; Licence: CC BY-NC-SA 3.0 IGO. Downloaded 14th April 2023.

# **Inclusive education as human rights for immigrant students in Faroese compulsory schools – a desktop study of Faroese policy documents and current Faroese research in the field**



Fróðskaparrit 70 (2024), nr. 2: 60-89  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication  
must be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

## **Inkluderandi útbúgving sum mannarættindi hjá tilflytaranæmingum í føroyska fólkaskúlanum – ein kanning grundað á føroysk útbúgvingarskjøl og føroyska gransking á økinum**

**Kalpana Vijayarathan-R.<sup>1</sup>**

### **Abstract**

The desktop article studies the status quo regarding the inclusion of immigrant children in Faroese compulsory schools as a human rights issue through analysis of policy documents, relevant official documents and Faroese research in the field of inclusive education for the target demographic. Using content analysis, an attempt is made to study whether the policies are socially just, equitable and fall within the human rights of immigrant children and their right to equitable access to education. The policies are evaluated using the language orientation framework (Ruiz, 1984) to elicit the stance of policy towards immigrant children.

Existing research on Faroese educational policies for inclusion in education is used to determine if fit-for-purpose educational measures exist for immigrant

---

<sup>1</sup> Ph.D., Associate Professor, University of the Faroe Islands, Faculty of Education, Frælsið 20, FO100 Tórshavn, Faroe Islands, [kalpanav@setur.fo](mailto:kalpanav@setur.fo), ORCID ID: 0000-0002-6715-9732.

children to learn Faroese, fulfil learning outcomes in school and integrate into the society while retaining their own first language and culture. It appears that language-as-problem dominates policy stance, and its implementation without consideration for the human rights of these children has potential implications for their integration, education and their becoming meaningful, full-fledged members of Faroese society.

### Úrtak

Í greinini verður inklusjón sum mannarættindi hjá tilflytarabørnum í føroyska fólkaskúlanum kannað. Kanningin umfatar greining av útbúgvingar-politiksskjølum, viðkomandi almennum skjølum og føroyskari gransking um inkluderandi útbúgving fyri hesar tilflytaranæmingar. Við støði í innihalds-greiningum verður roynt at kanna, hvørt politikkurin er sosialt grundaður, rættvísur og lýkur mannarættindakravinum hjá tilflytarabørnum um rættvísa atgongd til útbúgving. Politikkurin er eftirmettur við støði í karminum um málstøðu (language orientation) (Ruiz, 1984) til tess at fáa støðuna hjá tilflytarabørnum fram í ljósmála.

Gransking, sum fevnir um føroyskan útbúgvingarpolitikk og inklusjón í útbúgving, er nýtt til at gera av, hvørt hóskandi útbúgvingarmál eru til taks hjá tilflytarabørnum at læra føroyskt, lúka læruúrtøkur og fella inn í samfelagið, samstundis sum tey varðveita sítt egna móðurmál og mentanina í upprunalandinum. Úrslitini benda á, at sjónarmiðið mál-sum-trupulleiki (language-as-problem), er ráðandi, og útinningarstigið ikki hevur fyrilit fyri, at manna-rættindastøðan hjá børnunum hevur møguligar avleiðingar fyri integrasjónina og teirra útbúgving í føroyska samfelagið og møguleikar at gerast týðandi, fullbúnir limir í føroyska samfelagnum.

**Keywords:** Educational policy, education as human rights, immigrant children, social justice, inclusion.

**Leitorð:** Útbúgvingarpolitikkur, útbúgving sum mannarættindi, tilflytarabørn, sosialt rættvísi, inklusjón.

### Introduction

Globally, students with immigrant backgrounds face immense challenges during schooling ([OECD, 2015b](#), p. 1) and have less chance of success than native students ([OECD, 2019](#)). It is crucial to acknowledge that they have the potential to perform well, provided that they are afforded equitable access to education. Therefore, the Faroese Government and education systems as policymakers have a key duty and responsibility to ensure that Faroese immigrant students are given the opportunity to develop skills and competences through education ([OECD, 2015a](#), p. 2) that will enable them to claim a place and voice in Faroese society.

## The Faroese context

The Faroe Islands, a part of the Danish Kingdom, has about 54,000 inhabitants (Statistics Faroe Islands, 2023) of whom roughly 10% are immigrants from 104 countries, which means there are speakers of 89 languages in the country (Ibid). In 2022-23 the total number of compulsory school students in the age group 7-16 was 7,285, with the two largest schools accounting for some 1,568 students, i.e., 21.5%. This distribution appears to have contributed to the teaching of Faroese as a second language (FSL) receiving greater priority in some areas of the country than others.

The need to teach Faroese as a Second Language (FSL) becomes considerable and vital for the education of immigrant students and for integration in the context of increasing immigration (Rasmussen & Vijayarathan-R, 2024). Immigration has resulted in an increase in first- and second-generation child immigrants, and the latest numbers available (which are from 2019), indicate the following demographic breakdown (Elambo, 2022, p, 44):

Table 1. Classification of immigrant pupil by citizenship of parents in the Faroe Islands	
Classification of immigrant students	No.
One non-Faroese parent and not a Danish citizen	878 (760 born in the Faroes)
Non-Faroese parents and not Danish citizens	115 (75 born in the Faroes)
Faroese born children with one parent of either Faroese or Danish origin	796 (born in the Faroes)
<b>2019 Total</b>	<b>1,789 (about 24% of total school population)</b>
<i>313 immigrant students benefitted from Faroese teaching for immigrants i.e., 17.4% of immigrant students, who make up 24% of Faroese compulsory school students</i>	

Figures available from the Faroese Board of Education (available only for 2021), show that 313 immigrant compulsory school students in the age group 7-16 successfully applied for and were admitted to extra classes in Faroese. It is important to note that this may not provide the complete picture of what is being done to help immigrant students. It cannot be assumed that all immigrant

children applied for FSL or that all who applied were admitted, as local schools decide which child is given access to additional/remedial classes in Faroese.

Additionally, there is no clear or defined approach to equip teachers with FSL qualifications. A one-time, first of its kind, part-time course on teaching FSL (master's diploma) was introduced at the University of the Faroe Islands on an experimental basis for compulsory and secondary school teachers for the period 2021 - 2024. At present (2024), this recent FSL course for compulsory and upper secondary school teachers is operating without any formalised policy i.e., there is no relevant executive directive for the course. As for the compulsory and upper secondary schools, a new curriculum for Faroese as a second language has been formulated and came into effect from August 2023.

So, it stands to reason that a majority of the teachers who are teaching this target group of FSA students may have no knowledge of second language acquisition (SLA) principles or how to teach a foreign language. They express a feeling of pedagogical helplessness with regard to teaching immigrant students as no clear infrastructure is provided as a foundation (Rasmussen & Vijayavarathan-R, 2024; Elambo, 2022; Lognberg & Atlason, 2022).

This conceptual or desktop article highlights two primary areas to be explored: the suitability of Faroese education policy to ensure education inclusion for immigrant children, and a critical evaluation of how the Faroese school system is geared to meet the needs of these children within the ethos of human rights demands on education. The intention is to “develop logical and complete arguments about these associations rather than testing them empirically” (Gilson & Goldberg 2015 in Jaakkola, 2020, p. 20) given that the article uses policy documents as its point of departure and no field research is involved.

The objective is to examine what might be learnt from previous Faroese research within the framework of inclusive education in the context of immigrant children. The knowledge gleaned would serve as a basis to evaluate if policy and practice engender opportunities and create a foundation for education as a human right for these children in the Faroese compulsory school system. Currently, inclusion in education is still very much at the nascent policy stage with sporadic implementation and enactment based on uninformed policy making in the islands (Vijayavarathan-R & Óskarsdóttir, 2023). The sections below offer relevant theories to build a platform for the focus of this article.

## **Theoretical underpinnings**

The theoretical framework for the article is anchored in the ethos of education as a human right contextualised in Sustainable Developmental Goal (SDG) 4 and education policy for foreign language teaching for immigrant children in the compulsory school system in the Faroe Islands. Policy texts as contextually situated artefacts within the macrocosm of various societal



discourses reveal the attitudinal focus of policymakers. Their interpretation is significant as it impacts on how policy is implemented and enacted.

This article proposes to use Richard Ruíz's (1984) language orientations framework to analyse the current Faroese education policy regarding mother tongue (MT) and Faroese as a second language (FSL) for inclusion of immigrant students in Faroese compulsory schools based on the principle of education as a human right. The framework posited by Ruíz (1984) provides valuable parameters to assess the various orientations at play in the complexity of how language planning is negotiated. It also serves to analyse the influence of language ideologies on language policy.

### **Education as a human right**

Education is a fundamental human right as touted in several international and national legal documents and regulatory frameworks (UNESCO, 1960, 1974, 2015b; United Nations, 1948, 1979, 1990a, b). Its significance cannot be overstated as it is an incontrovertible criterion for fostering inclusive societies.

For all children and youth to benefit from education equally, education policies must ensure their right to education (namely equal access to education); their right in education (fair treatment in the learning process), and their right through education (equitable outcomes and access to opportunities in all spheres of life) (Chavatzia, Engel & Hastedt, 2016, p. 4).

SDG 4 identifies the importance of

... inclusive and equitable education and lifelong learning for all... Migrant children are often excluded from education due to language or socio-economic barriers (SDGs 4.1 and 4.5) ... focusing on socio-emotional learning, human rights and citizenship education in school curricula (SDG 4.7) can foster the inclusion of migrant children and enhance intercultural understanding among host-country children (Nicolai, Walses & Aiazzi, 2017, p. 5).

SDG 4 creates powerful arguments, both economic and social, for focusing on the education of immigrant students and establishes its significance for their integration from a holistic perspective of the student as person and learner.

Furthermore, the 4As defined as follows and endorsed by the Committee on Economic, Social and Cultural Rights (CESCR) state that the essential features of education are: available (free education, fit-for-purpose infrastructure and qualified and trained teachers); accessible (non-discriminatory, accessible to everyone and proactive approach to include the most marginalised); acceptable (relevant, non-discriminatory education with relevant, non-discriminatory, culturally suitable, and quality education content and safe schools with professional teachers) and adaptable (fit-for-purpose education that adapts in

accordance with societal needs, appropriate for local needs and contexts) (adapted, RTE, Tomaševski, 2001).

On examining the issues highlighted above, it becomes clear that education is a meaningful and powerful conduit for inclusion. It has the unique quality of engendering a blend of social, cultural and economic factors that directly link to what makes for successful immigrant integration. The complexity of language learning and its role in social inclusion stems from several factors including attitude of the host society, the infrastructure for language learning and access to target language learning materials (Hoffman & Holm, 2022). Inclusive education is pivotal in fostering equity to facilitate the academic success of immigrant students, and it rests on the fulcrum of the ideologies of social justice, democracy, human rights, and full participation of all (Florian, 2009; Black-Hawkins, 2017). Its absence may threaten the very social fabric of a small-scale society and may increase the vulnerability of immigrant students to exclusion and alienation. The chasm that could come into being through lack of integration has socio-economic implications for Faroese society.

### **Nordic Language Policy**

All language policy is coloured by language beliefs, ideologies and a plethora of non-linguistic factors influence attitudinal positions that are embedded in policy (Kiramba et al, 2023). Language policy design may be dictated using legislation, regulations and education institution (Emilsson, 2023). Language policies in education are often coloured by national ideologies, the increasing predominance of the global power of English and linguistic rights of the dominant population in society (Spolsky, 2005). If one focuses on language policy in the Nordic context, it is clear that multilingualism perspectives are given credence. The Nordic Council of Ministers in the first Declaration on a Nordic Language Policy drafted in 2006 (NCM, 2007) described the policy as “a democratic language policy for the multilingual Nordic community” (NCM, 2007, p. 92). It acknowledges the linguistic rights of all residents in the Nordic countries and their right to mother tongue language learning and preserving their own languages (Alisaari, et al., 2023).

Significantly, there is a difference in the role of teaching mother tongue or heritage languages and a second language. As Emilsson et al. (2023) indicate, the way that teaching is organised locally impacts both teaching of the second language and the mother tongue. Studying policy texts and comprehending what they convey (or not) allows some understanding of the factors that shape policymaking, implementation and enactment for Faroese as a second language for immigrant students.

## **Policy texts and interpretation**

Any discourse on policy is complex, therefore, studying policy texts requires acknowledging that they are neither necessarily clear nor complete. They are often a compromise reached by various relevant stakeholders and reflect attitudinal perspectives (Ball, 1993).

### ***Policy analysis – policy as Discourse***

In analysing policy, Adams (2011) highlights the impact of a nation's "social, cultural and political milieu" that serve as a framework for studying policy in context (p. 15). He clarifies that the text is not policy per se, but a physical clarification of it and focuses on the textual form as but one focus of analysis. He underlines that "discursive processes" (p. 16), which involve interpretation and understanding of policy-texts "give form" (Ibid) to policy. Adams (2016) contends that policy as Discourse offers perspectives and dialectical positions moving away from the reduction of policy texts to precise portrayals of objectives to implement.

It is the language of the policy text that delineates policy as arising from a perception of it as either rules to be followed or as open to agentic interpretation. Therefore, an acknowledgement of the role of agency of the actors in the education field, i.e. school leaders and teachers who implement and enact at grassroots level, becomes relevant. Student agency is incontrovertibly significant to learning a language but is not relevant to the premise of this article, which centres on policy evaluation.

### ***Discourse and discourse and its implications for analysing policy***

Gee (2011) posits that discourse can be perceived as discourse or Discourse, the small 'd' being language in use and the latter "the role of doing and being in language" (p. 12). This has ties to one's identity, which is dynamic and influenced by the various contexts of our daily being. He highlights the fluidity of identity as "The kind of person one is recognized as being at a given time and place" (p. 99). One builds "identities and activities not just through language" (Ibid, p. 28), but through adopting and adapting roles that are determined by communicative contexts. The perception of the immigrant student can oscillate between various roles - language learner, insider-outsider negotiating roles chosen or allocated by society.

In social interaction, identities are negotiated in comparison to others and in positioning oneself. "Language-within-Discourses is always coloured by values and is "political" in the broad sense of "political", where it means involving human relationships where power and social goods are at stake" (Gee, 1996, p. 150). Discourse is "ways of being people like us" (Ibid, 1996, p. viii), so, competing Discourses arise from the conflict between them, which accounts for

the Discourse on labelling some students “other”. This “other” is meted different treatment (Gee, 2012), and Faroese immigrant students have an inescapable membership of this othering Discourse in the education system and society in the Faroe Islands.

### **Language ideologies and their influence on policy-making**

Language ideologies are “beliefs, feelings, and conceptions about language structure and use, which often index the political economic interests of individual speakers, ethnic and other interest groups, and nation states” (Kroskrity, 2000, p. 192). Consequently, they have a marked impact on the stance of language policies, which offer insight into how they impact the way languages are used in a society (Farr and Song, 2011). Defining language orientation as “a complex of dispositions toward language and its role, and toward languages and their role in society”, Ruíz (1984, p. 16), illustrates three distinct orientations to language: language-as-problem, language-as-right, and language-as-resource. Language-as-problem is underpinned by a monolingual and assimilationist stance and views linguistic diversity as a problem to be resolved (Hult & Hornberger, 2016; Ruíz, 1984). Linguistic uniformity is managed through policy to prevent linguistic diversity from threatening national unity and facilitate linguistic homogenising of society (Hult & Hornberger, 2016). Education provides the pathway to achieving linguistic unity for policymakers (Ruíz, 1984).

Language-as-right sees structural elements in individual or population identity and culture (Ruíz, 1984). So, individuals and linguistic minority communities are awarded certain rights acknowledging the role language has for the individual and the population. It addresses linguistic inequalities through the rule of law.

Language-as-resource posits the view that language is a “resource to be managed, developed and conserved” (Ruíz, 1984, p. 28). Linguistic minority communities are “important sources of expertise” (Ruíz, 1984, p. 28). Both intrinsic and extrinsic value of language are acknowledged (Ruíz, 1984, p. 27; 2010, p. 164). In education, this results in underscoring the importance of language teaching for linguistic majorities and minorities to develop linguistic skills in their societal spheres.

Hult and Hornberger (2016) have suggested that these orientations can provide a basis for analysing and making sense of “messy policy debate and negotiation” (p. 42). It is worthwhile noting that the orientations are “competing, but not incompatible approaches” (Ruíz, 1984, p. 18) as the contextual environment may prove conducive to one orientation rather than another. In the article, an attempt is made to classify Faroese language policy through analysing the policy documents using the orientations of language framework.

## Methodology

The methodology used is conceptual or desktop research within the qualitative research ethos, wherein the decision-making and the analytical approach of the researcher (Holloway, 2005) are made clear in yoking together what research has revealed about policy on inclusive compulsory school education for immigrant students in the Faroe Islands. This approach is used to identify relevant arguments within what is a very little researched area in the islands and to synthesise existing research to frame lines of thought and argue for the importance of human rights in education. Knowledge is dialogic and contextually situated in research (Wegerif, 2013), and this study serves to identify what can be gleaned from this dialogic space. It seeks to cast light on and discover emerging patterns that provide a basis to explore another area of significance, i.e., attention given to the human rights of immigrant children in education policy in the Faroe Islands. The current political and policy debates in Faroese society afford relevance to this research topic.

Attitudinal perspectives and language ideologies in policies and other official documents on language offer one way of synthesising the various Faroese articles/studies available to elicit their findings and frame them within contexts. After analysing the various research articles/theses available with the specific focus of inclusion in education of immigrant children in the Faroe Islands, an overarching framework is identified to provide context and perspective from a critical viewpoint to arrive at the aims of the article.

Purposeful sampling was used to arrive at a research synthesis of existing Faroese research with a specific focus on education policy for inclusion and specifically for inclusion of immigrant children (Poulsen, 2023; Vijayavarathan-R, 2023; Vijayavarathan-R, & Óskarsdóttir, 2023; Elambo, 2022; Lognberg & Atlason, 2022; Hoffmann & Holm, 2022; Holm, O'Rourke, & Danson, 2020). The PhD thesis (Poulsen, 2023) focuses on inclusion in terms of special needs children while looking for policy evidence in education for inclusion in its essence.

The significance of using data from the bachelor theses of Elambo (2022); Lognberg & Atlason, (2022) and í Grund and Láadal (2020) lies in them serving as action-research, as these students observed the issues discussed in the theses through their practicum as part of the four-year Teacher Education course. They also followed up on their observations with further research for their theses. Given the scarce research on FSL for immigrant students in compulsory schooling, this data generated by trainee teachers is valid and their experiential and theoretical analyses carry intrinsic value.

The new knowledge sought herein is to decipher the language orientations that underpin Faroese policy design as evidenced in policy texts. A direct approach was used for content analysis built on a theoretical and conceptual framework. It provides the advantage of enabling a clearer understanding of

diffuse ideas and terms used in policy documents (Armstrong, 2021). Therefore, studies with a focus on inclusion in Faroese education policy were collected using a targeted sampling approach for language and inclusion. A deductive approach facilitated a critical analysis of the relevant policy documents and existing Faroese research in the field of education, in order to map the inclusion of the target demographic as fundamental to ensuring their human rights. In the next section, the documents and their relevance are outlined.

## **Faroese policy documents on inclusion in education in Faroese schools**

The relevant policy documents for this context comprise the Faroese Public School Act (Løgtingslóg nr. 125 um fólkaskúlan, 1997), The National Curriculum (Námsætlanir fyri fólkaskúlan, 2011) and the Executive Order on Teaching Faroese as a Second Language and Heritage Language teaching (Kunngerð nr. 144, 2020). Another document that is included is The Curriculum for FSL (Námsætlan fyri Føroyskt sum annaðmál, August 2023). While it is not a policy document, it reflects current policy and is based on the aforementioned executive order on Teaching Faroese as a Second Language and Heritage Language Teaching (2020) and could provide further insights for consideration. Holm et al. (2020, p. 398) sum up the Faroese language policy as a top-down language policy, with an “interventionist approach (Cooper 1989; Fishman 1991), predominantly based on prescriptivist, monolingual ideologies of purism (Thomas 1991), has both created milestones and tensions in policies and practices on the ground (Knudsen 2010)).”

The table below identifies the relevant policy documents and official document that would be expected to consider inclusion in education as a human right and an enabler for equity and social justice for immigrant children in the islands. These documents could be tabulated as follows to reveal the perspectives they posit:

Table 2. Significance of the chosen Faroese policy documents	
Policy document	Perspectives on inclusion in education as embedded in documents
1. Faroese Public School Act (1997)	Overall foundation within which FSL can be contextualised can be deduced as lack of inclusion and the dominant positioning of Faroese culture and language.
2. The National Curriculum (2011)	Lack of inclusion deduced together with Christian values to be inculcated in education and the dominant positioning of the role of Faroese culture and language.

---

3. Teaching Faroese as a Second Language and Heritage Language Teaching (2020)	Acknowledgement of FSL, acceptance of importance of L1 for immigrant identity, within an assimilative attitude positioning Faroese language and culture as highest in the language and culture hierarchy.
4. Curriculum for FSL (2023)	Result of policy document 2 above.

---

In the following section, the findings based on an analysis of the policy documents highlights interpretation of Faroese policy documents as being entrenched in Discourse that indicates an “othering” stance. It results in identifying perceptions of a dominant in-group (“Us,” the Self) and out-groups (“Them,” the Other) with potential for differences becoming the basis not acknowledging the identity of the “other” and paves the way for discrimination (Staszak, 2009). In its implementation and enactment, it appears to echo the societal and political Discourse on immigrants from a deficit perspective in general in the islands.

## Findings

The findings reveal that policy is not created in a vacuum as national governments’ intentions and attitudes towards immigration colour policy design and impact language policy. The analysis of Faroese policies reveals the absence of the term inclusion and the heavy influence of non-linguistic factors. The exclusive focus on Faroese language and culture as the most significant factors for immigrant students is repeatedly emphasised. The policies adopt an assimilative stance towards FSL learning, failing to account for education as a human right and show a distinct orientation towards Discourse of viewing language-as-a-problem.

## Lack of the term *inclusion* in Faroese policies and lack of multicultural perspectives

The Faroese national education policy understood to be implicit in the Faroese Public School Act of 1997 (revised in 2005 and 2019) does not use the word inclusion, and neither is it to be found in the National Curriculum (Poulsen, 2023). If any commitment to inclusion is to be identified, it is peripheral and would have to be surmised from the aims of the Public School Act (ibid) paragraph 2 (1) which states: “The task of the public school is to ensure attention to the individual pupil and in cooperation with the parent that the pupil is taught skills, working methods, and language skills, which contribute to the individual student’s personal development” (Poulsen, 2023, p. 97).

Significantly, the silence on inclusion in both these key documents means that at policy level, an acknowledgement of the socio-personal and linguistic needs of immigrant children in the Faroe Islands appears to be overlooked.

Immigrant children's educational needs are perceived as identical to students with Faroese as L1. "As seen both in the Public School Act and the national curriculum, the purpose of school is still anchored in the maintenance of the Faroese language and culture and the preservation of Christianity" (Poulsen, 2023, p. 99) as focus is on promoting mastery of Faroese and Faroese culture. Any discourse in the education system is based on a monolingual, monocultural perspective and does not explore the intrinsic advantages of multilingualism and multiculturalism (Vijayarathan-R & Óskarsdóttir, 2023).

Poulsen (2023) contends that the Faroese authorities do not view the Faroese school as un-egalitarian, and therefore have not sought the inclusion paradigm as a possible basis for policymaking, implementation or enactment. Any reference to inclusion is only with respect to special needs, which implies that inclusion is concerned with the special educational needs field. She further acknowledges that Faroese policy documents:

...do not provide an explicit definition of how inclusion should be understood, nor do they elaborate on how inclusion should be practised. Hence, the documents give no help to the practice field to understand and practice inclusion. Instead, by their silence, they invite each school and professional to interpret their understanding of inclusive education and whether to strive to practice and develop inclusive education (p. 104).

The final policy document is the Executive Order on Teaching Faroese as a Second Language and Heritage Language Teaching (Kunngerð nr. 144, 2020). It reinforces the importance of immigrant children being taught Faroese language and culture, which indicates an assimilative stance:

§ 1. The aim is that students in the compulsory education age group who do not have Faroese as mother tongue should acquire the skills to speak, read and write Faroese. 1.2. In the subject Faroese as a second language students must learn to use Faroese as a medium of work and communication, so they become bilingual with the objective of enabling them to use both written and spoken Faroese. ... Culture and society should be part of teaching Faroese and Faroese as a second language (Kunngerð nr. 144, 2020, p. 1. Translated by author, 2023).

The Executive Order allows a quota of 20 hours of FSL/annum to be shared among students, and in big schools, this could lead to even fewer hours per student as it must be shared by proportionately more students. Teachers point out that in some instances as little as 30 minutes per week/annum is available to their students. The Board of Education does state that it is always possible to apply for additional hours, and that these hours are allocated based on need as evinced by the schools (Vijayarathan-R, 2023). Given that it takes anywhere



between 5 and 8 years to learn a language (Ortega, 2008), it is safe to conclude that the few hours available of formal learning of Faroese are woefully, and arguably, inadequate.

This Executive Order also states the rights of the immigrant children to be taught their own heritage language (L1) (first language/mother tongue) in one sentence. “Mother-tongue teaching will be organised geographically in areas where students share the same mother tongue” (Kunnngerð nr. 144, 2020, p. 1. Translated by author, 2023). It can be viewed as an attempt to acknowledge the significance of ethnic cultural identity and heritage language to students’ personal development and integration. It does, in terms of possible intention, venture into language-as-right as it recognises the fact that the L1 has a key role to play in the lives of immigrant children. It does not detail, however, why this right has been given or explore its crucial role in the identity of the children. Nevertheless, in its primary focus on Faroese language and culture, it can also be categorised as pertaining to the language-as-a-problem orientation, as the emphasis on these students acquiring Faroese is given overweening importance. First language (L1) competency is important and child-family interaction in L1, continued formal instruction in it, and enabling parental attitudes to keep L1 active in the family are significant factors in a child’s development (Ball, 2011; McBrien, 2011). There is no policy based on this Executive Order, and in terms of implementation, this order is yet to be implemented or enacted in any form since its inception in 2020. The failure to proactively implement and enact this policy serves to further underline the assimilative approach that appears to overshadow the FSL environment and integration through education.

The curriculum for the FSL course titled *Føroyskt sum annaðmál* (2023) was designed for basic teaching in Faroese language, culture and society. It is divided into three levels and focuses on three core aspects of language teaching: spoken language, written language and culture and society. The main aim is two-fold: immigrant students should learn FSL based on the language skills they already possess to be able to understand, speak, read and write Faroese, and to strengthen Faroese language skills, so that the students can participate in the regular school system and complete their education as part of the mainstream. The curriculum outlines that teaching should support recognition and inclusion in school, society and community life. The document can be initially seen as foraying into language-as-resource in referring to the immigrant children’s L1 and existing language repertoire and cultural heritage.

On closer scrutiny, it becomes apparent that it is firmly entrenched in language-as-problem, given its singular focus on linguistic and cultural uniformity in the Faroese schools without taking into consideration the immigrant students’ language or culture. Significantly, the core component on culture and society states that:

...students should learn the Faroese language in various contexts. Teaching should enable students to participate in the Faroese community and society. Relevant social and cultural issues should be a part of teaching in order for students to learn about and understand Faroese society and culture. Students should learn about their rights and obligations in society, and what it means to be part of Faroese democracy with influence and responsibility (The Curriculum for FSL, 2023, p. 1 Translated by author, 2023).

Current research in the Faroese context has highlighted the challenges of uninformed policymaking and enactment as impacting the teaching of FSL (Vijayarathan-R & Óskarsdóttir, 2023). The indications are that language-as-problem is the approach that dominates policymaking. The overarching policy overtly and covertly prioritises the preservation of Faroese language and culture, and its insular approach fails to consider the human right to language and identity for immigrant children. The implicit decision criteria, which lies in the pronounced interest and recognition given to Faroese language, culture and society, is narrow in its focus on preserving all that is Faroese. In its unnuanced attitudinal stance, it cannot lay convincing claims to being conducive to integration in today's multilingual, multicultural and multiethnic Faroese society.

Immigration does affect education systems, especially if the host country lacks infrastructure and resources – both people and funding – to meet the needs of this demographic, and there are indications that this foundation is lacking in the Faroe Islands (Vijayarathan-R, 2023). Insufficient human and monetary resources can limit inclusion in schools and impact the quality of education. Schools could experience a reduction in education quality with a diverse student population leading to a complexity in linguistic repertoire, demands on teacher and teaching competences and challenges to the status quo of social norms in the host society (Vijayarathan-R & Óskarsdóttir, 2023).

This does not imply that education policy or institutions can ignore the challenges and difficulties involved. Instead, there must be a concerted effort towards establishing inclusive education with a well-developed platform to facilitate the sustainability of a society. This should include fair educational policies, appropriate teacher education, training and appropriate curriculum, and, not least, school-home cooperation and engagement in the wellbeing of the child (Shutaleva et al., 2023). The implementation and enactment of policy also requires knowledge of the field, in order to form policy through engaging with it to the benefit of a particular student or school. All these factors build and support the ethos of education as a human right.

The issues illustrated below focus on the status quo in the Faroe Islands within the context of theoretical underpinnings that are incontrovertibly important for inclusion in education.

### **Education of immigrant children as a human right**

For immigrant children, culture and language are significant contributors to identity (Costigan et al., 2010; Dahan, 2011; Phinney, 2002). Often this is presented in opposition to the dominant culture, language and socio-political attitudes, leading to ‘othering’, which may affect their sense of belonging. Othering is defined as “discursive processes by which powerful groups, ... define subordinate groups into existence in a reductionist way which ascribe problematic and/or inferior characteristics to these subordinate groups” (Jensen, 2011, p. 65). The resultant binary grouping juxtaposes the self with the other – a discourse that is apparent in the us and them (Gingrich, 2004) that define the norm and deviations from it (Borrero et al., 2012) with the potential consequence of one group taking the position of superiority for granted and engendering othering.

The United Nations in Article 29 of the Convention on the Rights of the Child (1989) definitively outlines the obligations of nations to afford immigrant children quality education in its declaration:

... education of the child shall be directed to: (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own....

Faroese policy seems to fail to take into account Article 29 and implicit respect for the immigrant identity. The bias is towards the child learning Faroese and becoming cognisant about the Faroe Islands and its culture with very little focus on commitment to knowledge of the child’s cultural background or development of L1.

Access to education is indisputably an instrument for the facilitation of successful integration of children in both school and societal environments (Çelik & İçDuygu, 2018; Hamilton & Moore, 2003). There is no evidence of any strategic plan (Poulsen, 2023) or infrastructure for creating inclusion in education in the Faroe Islands (Vijayarathan-R, 2023), which undermines the chances for providing equitable access to education. The emphasis on education is necessary as it offers access to individual development, social and structural instrumentals that enable access to the essential labour and education opportunities needed to become contributing members of a society (Cebotari, 2015; Çelik & İçDuygu, 2018; Mansur, 2019).

Schools provide the initial contact for immigrant children with the new country they have entered, and therefore play a very significant role in their integration. (Anderson, 2003; European Education and Culture Executive Agency and Eurydice, 2019). “Given the education challenges that children encounter at destination, it is important to conceptualize the social, learning and emotional needs of immigrant children as they access the school system of the host country” (Arnot & Pinson, 2005 in Desmée & Cebotari, 2023, p.1465). Schools should lead from the front when it comes to inclusion, but if education policy adopts an assimilative stance, as it appears to in policy documents, then the role of schools becomes restrictive and limited as implementers and enactors of policy. The education infrastructure needs to be solid, supportive and inclusive to bridge the gap between immigrant students and Faroese society. Polemic Discourse, which sees the purpose of education of immigrant students as solely preserving Faroese language and culture, cannot fulfil the demands made on education to prepare students for 21st century challenges.

Research is unequivocal in recommending a multicultural stance in education for immigrant students (Anderson, 2003; Çelik & İçDuygu, 2018). Immigrant children have three paramount needs – social, learning and emotional, and these are described as significant contributory factors in their education. Cerna (2019) explicates these three needs: Social need refers to wanting to feel a sense of belonging, of being able to communicate and have a self-identity. Learning needs comprise language learning, keeping pace with school work and adapting to a new and different education system, and the emotional needs of wanting security and coping with the multiple challenges faced by these students given the complexities of their lives. Learning a new language, adapting to a new system of education in a foreign culture and becoming a part of the social milieu through interacting with peers and forming friendships all decidedly impact their performance (Dusi et al., 2014; Jørgensen, 2016, Loewen, 2003). The three needs must be incorporated in any approach to inclusive education for this target group (Arnot & Pinson, 2005).

These needs could enable focus on the wellbeing of the child; lay the foundation for a holistic approach to education for immigrant children; highlight the complexity of the task involved in ensuring a human rights approach to the education of immigrant children and its long-term contribution to the host nation. This entails designing curricula that reject othering and deficit thinking (Desmée & Cebotari, 2023). “Put simply, deficit approaches blame individuals for not meeting certain academic and social standards, not the systemic barriers in place” (Reyes & Duran, 202, p. 9). In its marked leaning towards assimilation, Faroese policy disregards these three needs of immigrant children, while seemingly embracing the othering approach towards immigrant children in its description of the demands on immigrant children from a deficit viewpoint.

Immigrant children must have the time and opportunity to come to terms with the new culture and customs and make sense of how they could intertwine elements of the culture of their country of origin into the adopted one (Frater-Mathieson, 2003). Learning can take place only when they are socially and psychologically equipped to accept the values and norms of the language to be learnt (Çelik & İçDuygu, 2018; Loewen, 2003). Furthermore, they must have a sense of belonging to the host society so that they can create “a positive self-concept of identity” and avoid negative impact on their well-being (Over, 2016, p. 1). Student wellbeing finds no mention in Faroese policy documents on FSL. The focus is primarily on the immigrant students learning Faroese and Faroese culture and is presented as the only key to belonging in Faroese society.

### **Teacher readiness significant for inclusive education**

Research indicates that schools and teachers are not necessarily equipped to cope with the education needs of immigrant children (Essomba, 2017; Katsigianni & Kaila, 2019; Koehler & Schneider, 2019). Studies identify that teachers lack know-how and the capacity to provide an inclusive environment for culturally and linguistically diverse immigrant children; they often have insufficient knowledge and competences to provide equity in education that promotes inclusion (Harju-Autti & Sinkkonen, 2020; Iversen, 2020; Kimanen et al., 2019; Rodriguez-Izquierdo et al., 2020; Tarnanen & Palviainen, 2018).

Teachers also create policies through their teaching approaches in classrooms (Hornberger & Johnson, 2007). Their policies are shaped by language ideologies and gain importance as their actions in the microcosm of the classroom impact students' language use, learning opportunities and outcomes (Godley, Reaser, & Moore, 2015). Teachers who value linguistic and cultural diversity are in a position to offer immigrant students informed pedagogical practice. “When teachers do not understand or value students' home languages, differences can be mistaken for deficits, and students whose linguistic repertoires differ from their teachers' can “suffer negative consequences” (Bernstein, Anderson, Close & Rodriguez Martinez, 2023, p. 191).

Crucially, teacher training to afford insight into cultural diversity and teaching linguistically diverse immigrant students carries the potential to help pre- and -in service teachers reflect on and gain awareness of their language ideologies (Fitzsimmons-Doolan, Palmer, & Henderson, 2017). This is the first step in helping them mould their beliefs to better serve the multilingual needs of immigrant students (García & Guerra, 2004).

A possible route to building teacher and teaching competences lies within the tenets of culturally responsive pedagogy (CRP) (Gay, 2002; Villegas & Lucas, 2002) and intercultural competence (Deardorff, 2004; Fantini, 2009). Gay (2010) defines CRP as “using the cultural knowledge, prior experiences, frames of reference and performance styles of ethnically diverse students to make

learning encounters more relevant to and effective for them” (p. 31). Deardoff (2006) defines intercultural competence as the “ability to communicate effectively and appropriately in intercultural situations based on one's intercultural knowledge, skills, and attitudes” (p. 247). To provide education equity, focus must be on preparing teachers to meet diverse students (Florian, 2009) and encourage teachers to explore and be open towards acquiring knowledge of their students’ culture and interest in them (Howard, 2003).

Teachers and other professionals should be trained to support the specific needs of immigrant children. They may need to be trained in intercultural competence (Barrett et al., 2013) to understand and fulfil the needs of this vulnerable target population (Miller et al., 2005). Teaching praxis must be grounded in principles of open discussion and critical thinking from a variety of perspectives and teacher awareness of their cognitions about immigrant children and teaching them. As Nehr (2001) points out, immigrant children need their L1 for a sense of self and identity, as also functional proficiency in the majority language to access learning processes to be able to interact with teachers and peers and find a sense of belonging within the community.

Teacher competences to teach immigrants in classroom requires preparedness to facilitate SLA (Bunar et al., 2017), which Cerna (2019) argues involves three focus areas: 1. teaching with a knowledge of legal and policy frameworks, understanding cultural diversity and approaches to it. 2. To inculcate an open-minded approach in teacher-student and teacher-parent communications that engenders respect within the school, empowers student engagement and manages conflict to counteract marginalisation. 3. In both management and teaching, factors to be taken into consideration comprise understanding of socio-cultural diversity in classrooms, creating an inclusive classroom so students can feel safe and secure to be able to learn, student-centred teaching and using culturally responsive teaching.

In the Faroese context, teacher preparation for FSL does not appear to take priority, despite the Executive Order (2020) which states that teachers must be qualified to teach FSL. Pre-service teacher graduate theses used here as internal secondary data (Elambo, 2022; Lognberg & Atlason, 2022) highlight the challenges faced in dealing with diverse students in the Faroese compulsory education system. The findings established by Elambo (2022) include: the need for pre and in-service teachers to be taught intercultural competence, the lack of government policy on interculturalism that makes “it difficult for educational administrators to properly determine necessary guidelines and instructions for development of intercultural education. Policies are crucial if changes should be implemented and followed” (p. 49); the lack of student-centred teaching to reach diverse students in the classroom to ensure inclusive education; and Elambo also recommends that Intercultural Education be included in the university curriculum for pre-service teachers.

Crucially, she adds that teachers acknowledge the challenges of immigrant students, but do not pursue training courses to acquire knowledge and competence in the field. She acknowledges that it would be difficult for teachers to teach in a culturally responsive manner if they have not been taught how to do so.

Lognberg & Atlason (2022) tackle how culturally responsive teaching (CRT) can help pre-service teachers; the prerequisites for helping teachers to be culturally responsive; and how teachers in the Faroe Islands are supported by school leadership to serve FSL learners. They quote representatives of compulsory school principals and of teacher qualification courses who agree that “there is no doubt that multiculturalism, multilingualism and multiculturalism are the greatest pedagogical challenges in the Nordic compulsory school system” (Lognberg & Atlason, 2022, pp. 23-24. Translated by author).

Lognberg & Atlason (2022) in their findings from the two biggest schools clearly indicate that in the two biggest compulsory schools, which represent a majority of immigrant children in the Faroe Islands, teachers do not receive the necessary support to understand or include multicultural and multilingual students in their teaching in an appropriate manner (Ibid). They conclude that the focus of the education system is on “Only student ability (in Faroese) and assimilating them and moving them into Faroese culture” (Lognberg & Atlason 2022, p. 33. Translated by author). They identify that deficit thinking (Hammond, 2015) and assimilation colour the cognitions of pre-service teachers. It appears that the language orientations of both pre-service teachers and school leaders point to language-as-problem.

## Discussion

The current status of education for immigrant children in the Faroe Islands does not appear to fulfil the tenets of human rights in its inequitable access to learning FSL. Policy silence in the form of lack of interest and drive to promote immigrant children’s heritage languages cannot engender the necessary and desirable outcomes in an economically advanced nation. A dearth of resources in terms of FSL trained teachers and teaching materials to facilitate the inclusion of immigrant children together with assimilative attitudinal perspectives are cause for concern.

Policy measures must go beyond looking at language-as-problem and focus intensively on language-as-right and language-as-resource, if they are to serve the needs of this demographic in human rights terms and ethos. The multicultural, multilingual and multi-ethnic nature of Faroese society today necessitates perspectives that foster a discussion on how education can create awareness of the significance and importance of inclusion.

The challenges that face the Faroese education system are considerable and have consequences for teaching-learning and society at large, if human rights cannot be guaranteed. Faroese policy documents that ought to have a “governing effect on the actors mediating, regulating, and authorizing and co-ordinating people’s activities” (Smith, 2001, p. 160) are disregarded, leaving decision-making to individual schools, heads and teachers to struggle and adopt undefined, unstructured ad hoc measures to practise inclusion in some form (Poulsen, 2023). The Discourse promoting the lack of knowledge of Faroese language and culture as a problem impacts decision-making in policy implementation at school leadership level.

The very designation as immigrants has a strong impact on immigrant students. “[Newly arrived] migrant children’s anxieties as to be accustomed to a new language, academic rules, routines, buildings, and groups of people to function within their school environment... how individuals respond to such significant life events is dependent on inner strengths or vulnerabilities” (Hamilton, 2013, p. 174). Spratt (2016) defines the relationship between student and teacher – the “pedagogical relationship” – as one where teachers are cognisant of student needs and help them achieve learning outcomes. This relationship contributes to student wellbeing and offers a caring and secure environment through which such relationships create the basis for a safe and caring environment for students (Norozi, 2019, 2020). This implies that teachers need specific training for optimal teaching of immigrant students.

Lack of teacher preparation and readiness challenges the competence of teachers to deal with immigrant children and may contribute to teacher stress. When teachers are stressed the teacher-student relationship is also threatened (Wentzel, 2010), as is the ability of teachers to support their students. “If they perceive that they are unable to help the immigrant students, then emotional exhaustion, cynicism (depersonalization), and low levels of self-efficacy (Maslach, Schaufeli, & Leiter, 2001). ... Inefficacy comes from excessive demands and not enough resources to meet those demands; it is defined by self-perceived ineffectiveness...” (Herman et al., 2018, p. 91).

Teachers who teach immigrant children FSL do share their sense of helplessness and lack of self-efficacy. They are aware of the structural weaknesses and lack of commitment from several directions, which makes them feel that they are not doing their best (í Grund & Láadal, 2020). Ereş (2016) draws attention to the main difficulties reported by teachers and school leaders with regard to the education of immigrant children. He identifies the circumstances created by both the absence of a national policy and a structured framework for the education of immigrant children together with lack of teacher preparation. This status quo affects the ability to enact policy for quality teaching in the Faroese context and bears out this complexity.



## **Conclusion and implications**

Faroese policy does not decisively underpin education as a fundamental human right that can facilitate inclusion of the immigrant student population. The infrastructure for inclusion, which could support and sustain education, is yet to be established. This means that school leaders and teachers, who otherwise play a significant role in education, have no clear direction or plan to adopt for policy implementation or enactment. All indications based on policy analysis appear to demonstrate that Faroese schools have not been equipped with the tools necessary to include immigrant children. In this melee of uncertainty, immigrant children appear to be stranded, and as evidenced in the article, these circumstances cannot amount to providing education as a human right.

Multicultural diversity is in the Faroe Islands to stay, and it demands that a transformative and inclusive policy be designed by policymakers, implemented by school leaders and enacted by teachers in the Faroese school system to secure a fundamental human right for immigrant children – education. It is critical to acknowledge that school leaders and teachers do need support and help if human rights are to be attained through inclusive education. Culturally responsive teaching (CRT) can support and work with immigrant students' sense of self-worth, acceptance of their culture and individual skills – the different ethnicities are accepted and valued (Gay, 2010). CRT might allow teachers to develop teacher and teaching competencies for immigrant students and enable teachers to feel that they have self-efficacy in teaching. Diversity can provide a platform to include and empower these students as resources to give the best of themselves by emphasising their worth and contribution (Garcia et al., 2010 in Acosta & Sanczyk, 2019).

Inclusive education for immigrant children is complex, and it is crucial to acknowledge that all levels of school as an organisation have to be equipped to create best practices for this target group. Governments carry a tremendous responsibility in the creation of a dynamic education system, where inclusion is actively sought and underpinned by enabling policy, as well as educating teachers and school leaders to prepare them for the challenges arising from diversity in schools. The high level of uncertainty around how to optimally serve this target group creates an urgency, which must be addressed as a first and pivotal step to ensuring human rights, equity and social justice in education for immigrant children in the Faroe Islands. It must be concluded that there is some way to go in shaping Faroese education policy, before it is in a position to claim that inclusive education as a human right is being facilitated and prioritised in the education strategy for first and second-generation immigrant children in the Faroe Islands.

### Further research

The article affords little voice to the perspectives of teachers or school leaders as the focus is on policy. The rationale is that while policy cannot and does not fully dictate action, it does serve to create accountability among education authorities. In the Faroe Islands, education is governed top down with multiple demands on schools and little room for negotiation. In the absence of policy, bottom-up coping mechanisms develop, and these may generate less than ideal ad hoc practices for teaching immigrant students, which appears to be the situation in the Faroe Islands. It would therefore be relevant to study how principals and teachers implement and enact policy to achieve inclusion of Faroese immigrant children.

No conflict of interest has been identified in preparing this conceptual or desktop study. No funding was sought or received for this article.

### References

- Acosta, J. & Sanczyk, A. (2019). Language or cognition? Using culturally responsive teaching with English language learners. *Urban Education Research and Policy Annuals*, 6(2), 45-61.
- Adams, P. (2011) (Dis)continuity and the coalition: primary pedagogy as craft and primary pedagogy as performance. *Educational Review*, 63(4), 467-483
- Adams, P. (2016) Education policy: explaining, framing and forming. *Journal of Education Policy*, 31(3), 290-307.  
<https://10.1080/02680939.2015.1084387>
- Alisaari, J., Møller Daugaard, L., Dewilde, J., Harju-Autti, R., Heikkola, L. M., Iversen, J. Y., Kekki, N., Pesonen, S., Reath Warren, A., Straszer, B., & Yli-Jokipii, M. (2023). Mother tongue education in four Nordic countries: Problem, right or resource? *Apples: Journal of Applied Language Studies*, 17(2), 52-72. <https://doi.org/10.47862/apples.113671>
- Anderson, A. (2003). Issues of migration. In R. Hamilton & D. Moore (Eds.), *Educational interventions for refugee children: Theoretical perspectives and implementing best practice* (pp. 64–82). Routledge.
- Armstrong, C. (2021). *Key methods used in qualitative document analysis*. SSRN. <http://dx.doi.org/10.2139/ssrn.3996213>
- Arnot, M. & Pinson, H. (2005). *The education of asylum-seeker and refugee children: A study of LEA and school values, policies and practices*. Faculty of

- Education, University of Cambridge.  
<https://www.educ.cam.ac.uk/people/staff/arnot/AsylumReportFinal.pdf>
- Ball, J. (1993). What is policy? Texts, trajectories and toolboxes. *Discourse: Studies in the Cultural Politics of Education*, 13(2), 10-17.  
<https://doi.org/10.1080/0159630930130203>
- Ball, J. (2011). *Enhancing learning of children from diverse language backgrounds: mother tongue-based bilingual or multilingual education in the early years*. UNESCO.  
<https://unesdoc.unesco.org/ark:/48223/pf00000212270>
- Barrett, M., Byram, M., Lázár, I., Mompont-Gaillard, P. & Philippou, S. (2013). *Developing intercultural competence through education*. Council of Europe.
- Bernstein, K. A., Anderson, K. T., Close, K., & Rodriguez Martinez, S. (2023). Teacher beliefs about multilingual learners: how language ideologies shape teachers' hypothetical policymaking. *International Multilingual Research Journal*, 17(3), 191-219.  
<https://doi.org/10.1080/19313152.2023.2182094>
- Black-Hawkins, K. (2017). Understanding inclusive pedagogy. In V. Plows, B. Whitburn (Eds), *Inclusive education. Innovations and controversies: Interrogating educational change* (pp. 13-28). Sense Publishers.  
[https://doi.org/10.1007/978-94-6300-866-2\\_2](https://doi.org/10.1007/978-94-6300-866-2_2)
- Borrero, N. E., Yeh, C. J., Cruz, C. I., & Suda, J. F. (2012). School as a context for "othering": Youth and promoting cultural assets. *Teachers College Record*, 114(2), 1-37. <https://doi.org/10.1177/016146811211400207>
- Bunar, N. (2017). *Newcomers: Hope in a cold climate*. Education International.
- Cebotari, V. (2015). The determinants of national pride of ethnic and immigrant minorities in Europe. *Nationalism and Ethnic Politics*, 21(3), 269-288.  
<https://doi.org/10.1080/13537113.2015.1063911>
- Çelik, E., & İçduygu, A. (2018). Schools and refugee children: The case of Syrians in Turkey. *International Migration*, 57(2), 253-267.
- Cerna, L. (2019). Refugee education: Integration models and practices in OECD countries. *OECD Education Working Papers*, 203. OECD Publishing.  
<https://doi.org/10.1787/a3251a00-en>
- Chavatzia, T., Engel, L. & Hastedt, D. (2016). Where are the immigrant girls? *Policy Brief*, 12. IEA.
- Convention on the rights of the child (1989) Treaty no. 27531. United Nations Treaty Series, 1577. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Costigan, C. L., Koryzma, C. M., Hua, J. M., & Chance, L. J. (2010). Ethnic identity, achievement, and psychological adjustment: Examining risk and resilience

- among youth from immigrant Chinese families in Canada. *Cultural Diversity and Ethnic Minority Psychology*, 16(2), 264–273.  
<https://doi.org/10.1037/a0017275>
- Daha, M. (2011). Contextual factors contributing to ethnic identity development of second-generation Iranian American adolescents. *Journal of Adolescent Research*, 26(5), 543 – 569.
- Deardorff, D. K. (2004). Internationalization: In search of intercultural competence. *International Educator*, 8(2), 13-15.
- Desmée, L. & Cebotari, V. (2023). School integration of immigrant children in Belgium. *Children & Society*, 37(5), 1462-1483.  
<https://doi.org/10.1111/chso.12764>
- dewildeDusi, P., Steinbach, M. & Falcon, I. G. (2014). Integration in Italian primary schools: Immigrant children's voices. *The European Journal of Social & Behavioural Sciences*, 9(2), 1393–1402.  
<https://doi.org/10.15405/ejsbs.123>
- Elambo, K. J. G. (2022). *Intercultural competence: Its significance in the teaching profession in Faroese compulsory school* [Bachelor's dissertation, University of the Faroe Islands]. University of the Faroe Islands.
- Emilsson Pesková, R., Lindholm, A., Ahlholm, M., Thue Volde, E., Gunnþórsdóttir, H., Slotte, A. & Esmann Busch, S. (2023). Second language and mother tongue education for immigrant children in Nordic educational policies: Search for a common Nordic dimension. *Nordic Studies in Education*, 43(2), 128–144. <https://doi.org/10.23865/nse.v43.3982>
- Eres, F. (2016). Problems of the immigrant student teachers: Are they ready to teach? *International Education Studies*, 9(7), 64–71.
- Essomba, M. N. (2017). The right to education of children and youngsters from refugee families in Europe. *Intercultural Education*, 28(2), 206–218.
- European Commission/EACEA/Eurydice. (2019). *Integrating students from migrant backgrounds into schools in Europe: National policies and measures*. Eurydice report. Publications Office of the European Union.  
<https://eurydice.eacea.ec.europa.eu/publications/integrating-students-migrant-backgrounds-schools-europe-national-policies-and-measures>
- Fantini, A. (2009). Assessing intercultural competence: Issues and tools. In D. K. Deardorff (Ed.). *The SAGE handbook of intercultural competence* (pp. 456-476). SAGE.
- Farr, M & Song, J. (2011). Language Ideologies and Policies: Multilingualism and Education. *Language and Linguistics Compass*, 5(9), 650-665.  
10.1111/j.1749-818X.2011.00298.x

- Florian, L. (2009). Preparing teachers to work in 'schools for all'. *Teaching and Teacher Education*, 25(4), 553–554.  
<https://doi.org/10.1016/j.tate.2009.02.004>
- Fitzsimmons-Doolan, S., Palmer, D., & Henderson, K. (2017). Educator language ideologies and a top-down dual language program. *International Journal of Bilingual Education and Bilingualism*, 20(6), pp. 704–721.  
doi:10.1080/13670050.2015.1071776
- Fólkaskúlalógin. (1997). *Løgtingslóg nr. 125 frá 20. juni 1997 um fólkaskúlan, sum seinast broytt við løgtingslóg nr. 85 frá 16. mai 2022*.  
<https://www.logir.fo/Logtingslog/125-fra-20-06-1997-um-folkaskulan-sum-seinast-broytt-vid-logtingslog-nr-34-fra-28>
- Frater-Mathieson, K. (2003). Refugee trauma, loss and grief: Implications for intervention. In R. Hamilton & D. Moore (Eds.), *Educational interventions for refugee children: Theoretical perspectives and implementing best practice* (pp. 26–48). Routledge.
- García, S., & Guerra, P. (2004). Deconstructing deficit thinking: Working with educators to create more equitable learning environments. *Education and Urban Society*, 36(2), 150–168. doi:10.1177/0013124503261322
- Gay, G. (2002). Preparing for culturally responsive teaching. *Journal of Teacher Education*, 53(2), 106–116.
- Gay, G. (2010). *Culturally responsive teaching: Theory, research, and practice*. Teachers College Press.
- Gee, J. P. (1996). *Social linguistics and literacies: Ideology in discourses*. Falmer Press.
- Gee, J. P. (2011). *How to do discourse analysis: A toolkit*. Routledge.
- Gee, J. P. (2012). *Social linguistics and literacies: Ideology in discourses* (4th ed.). Routledge.
- Gilson, Lucy & Goldberg, Caren. (2015). Editors' Comment: So, What Is a Conceptual Paper? *Group & Organization Management*. 40. 127–130.  
10.1177/1059601115576425.
- Godley, A. J., Reaser, J., & Moore, K. G. (2015). Pre-service English Language Arts teachers' development of Critical Language Awareness for teaching. *Linguistics and Education*, 32, 41–54.  
<https://doi.org/10.1016/j.linged.2015.03.015>
- Goodwin, A. L. (2002). Teacher preparation and the education of immigrant children. *Education and Urban Society*, 34(2), 156–172.  
<https://doi.org/10.1177/0013124502034002003>
- Grund, S. í & Láadal, R. (2020). *Teacher self-efficacy*. [Bachelor's dissertation, University of the Faroe Islands]. University of the Faroe Islands.

- Hamilton, R., & Moore, D. (2003). *Educational interventions for refugee children: Theoretical perspectives and implementing best practice*. Routledge.
- Hamilton, P. L. (2013). It's not all about academic achievement: Supporting the social and emotional needs of migrant worker children. *Pastoral Care in Education*, 31(173–190). <https://doi.org/10.1080/02643944.2012.747555>
- Hammond, Z. (2015). *Culturally responsive teaching and the brain: Promoting authentic engagement and rigor among culturally and linguistically diverse students*. Corwin.
- Harju-Autti, R. & Sinkkonen, A-M. (2020). Supporting Finnish language learners in basic education: Teachers' views. *International Journal of Multicultural Education*, 22(1), 53-75. <https://doi.org/10.18251/ijme.v22i1.2077>
- Herman, K. C., Hickmon-Rosa, J. & Reinke, W. M. (2018). Empirically derived profiles of teacher stress, burnout, self-efficacy, and coping and associated student outcomes. *Journal of Positive Behavior Interventions*, 20(2), 90–100. <https://doi.org/10.1177/1098300717732066>
- Hoffmann, L. and Holm, A. E. (2022). Learning insular Nordic languages: Comparative perspectives on migrants' experiences learning Faroese and Icelandic. *Nordic Journal of Migration Research*, 12(3), 259–275. DOI: 10.33134/njmr.474
- Holloway, I. (2005). *Qualitative Research in Health Care*. Open University Press.
- Holm, AE., O'Rourke, B. & Danson, M. (2020). "Employers could use us, but they don't": voices from blue-collar workplaces in a northern periphery. *Lang Policy* 19, 389–416. <https://doi.org/10.1007/s10993-019-09513-4>
- Hornberger, N. H., & Johnson, D. C. (2007). Slicing The Onion ethnographically: Layers and spaces in multilingual language education policy and practice. *TESOL Quarterly*, 41(3), 509–532. doi:10.1002/j.1545-7249.2007.tb00083.x
- Howard, T. (2003). Culturally relevant pedagogy: Ingredients for critical teacher reflection. *Theory Into Practice*, 42(3), 195–202. [https://doi.org/10.1207/s15430421tip4203\\_5](https://doi.org/10.1207/s15430421tip4203_5)
- Hult, F. M. & Hornberger, N. H. (2016). Revisiting orientations in language planning: Problem, right, and resource as an analytical heuristic. *The Bilingual Review*, 33(3), 30–49. <https://bilingualreview.utsa.edu/index.php/br/article/view/118>
- Iversen, J. Y. (2020). Pre-service teachers' translanguaging during field placement in multilingual, mainstream classrooms in Norway. *Language and Education*, 34(1), 51-65. <https://doi.org/10.1080/09500782.2019.1682599>

- Jensen, S. Q. (2011). Othering, identity formation and agency. *Qualitative Studies*, 2(2), 63-78. <https://doi.org/10.7146/qs.v2i2.5510>
- Jørgensen, C. H. R. (2016). Peer social capital and networks of migrants and minority ethnic youth in England and Spain. *British Journal of Sociology of Education*, 38(4), 566-580.  
<https://doi.org/10.1080/01425692.2015.1131144>
- Katsigianni, V. & Kaila, M. (2019). Refugee education in Greece: A case study in primary school. *International E-Journal of Advances in Education*, 5(15), 352-360.
- Kimanen, A., Alisaari, J. & Kallioniemi, A. (2019). In-service and pre-service teachers' orientations to linguistic, cultural and worldview diversity. *Journal of Teacher Education and Educators*, 8(1), 35-54.  
<https://dergipark.org.tr/en/pub/jtee/issue/44909/542205>
- Kiramba, L.K., Deng, Q., Gu, X., Alexa Yunes-Koch, A. & Viesca, K. (2023). Community language ideologies: Implications for language policy and practice. *Linguistics and Education*, 78, 1-11.  
<https://doi.org/10.1016/j.linged.2023.101251>
- Koehler, C., Schneider, J. (2019). Young refugees in education: the particular challenges of school systems in Europe. *Comparative Migration Studies*, 7(28). <https://doi.org/10.1186/s40878-019-0129-3>
- Kroskrity, P. V. (2000). Regimenting languages: Language ideological perspectives. In P. V. Kroskrity (Ed.), *Regimes of language: Ideologies, politics, and identities* (pp. 1-34). School of American Research Press.
- Kunngerð nr. 144. (2020). *Kunngerð nr. 144 frá 6. oktober 2020 um undirvísing í føroyskum sum annaðmál og móðurmálsundirvísing*.  
<https://logir.fo/Kunngerð/144-fra-06-10-2020-um-undirvising-i-foroyskum-sum-annadmal-og-modurmalsundirvising>
- Loewen, S. (2003). Second language concerns for refugee children. In R. Hamilton & D. Moore (Eds.), *Educational interventions for refugee children: Theoretical perspectives and implementing best practice* (pp. 49-66). Routledge.
- Lognberg, A & Atlason, T. (2022). *Culturally Responsive Teaching – An approach to ensure social justice in the Faroese compulsory school*. (Bachelor's dissertation, University of the Faroe Islands). University of the Faroe Islands.
- Mansur, E. (2019). *Education as an instrument of integration for refugee millennials in the European Union*. ECRE Working Papers 3. European Council on Refugees and Exiles.
- Maslach, C., Schaufeli, W. B., & Leiter, M. P. (2001). Job burnout. *Annual Review of Psychology*, 52, 397-422. <https://doi.org/10.1146/annurev.psych.52.1.397>



- McBrien, J. (2011), The importance of context: Vietnamese, Somali, and Iranian refugee mothers discuss their resettled lives and involvement in their children's schools. *Compare: Journal of Comparative International Education*, 41, 75-90.
- Miller, J., J. Mitchell and J. Brown (2005), African refugees with interrupted schooling in the high school mainstream: Dilemmas for teachers and students. *Prospect Journal: An Australian Journal of TESOL*, 20(2), 19-33.
- NÁM. (2023). *Føroyskt sum annaðmál*. NÁM  
<https://namsaetlanir.fo/foroykskt-sum-annadmal/foroykskt-sum-annadmal-1-3-stig>
- Nordic Council of Ministers (2007). *Declaration on a Nordic Language Policy*.  
<http://norden.diva-portal.org/smash/get/diva2:700895/FULLTEXT01.pdf>
- Nehr, M. (2001). Multilingualism in Educational Institutions. *European Education*, 33, 74-84. <https://doi.org/10.2753/EUE1056-4934330374>
- Norozi, S. A. (2019). Going beyond academic support: mental well-being of newly arrived migrant pupils in the Norwegian elementary reception class. *Pastoral Care in Education*, 37, 108–125.  
<https://doi.org/10.1080/02643944.2019.1618378>
- Norozi, S. A. (2020). *Happy start or happy ending? Exploring educational provisions in Norwegian elementary reception classes* [PhD dissertation, NTNU]. NTNU Grafisk Senter.
- Nicolai, S., Wales, J. & Aiazzi, E. (2017.) Education, migration and the 2030 Agenda for Sustainable Development. Overseas Development Institute.  
<https://inee.org/sites/default/files/resources/Education%20migration%20and%20the%202030%20Sustainable%20Development.pdf>
- OECD. (2015a). Can schools help to integrate immigrants? *PISA in Focus*, 11(57), 1-4.
- OECD. (2015b). Can the performance gap between immigrant and non-immigrant students be closed? *PISA in Focus*, 7(53), 1-4.
- OECD. (2018). *The Resilience of students with an immigrant background: Factors that shape well-being*. OECD Publishing.  
<https://doi.org/10.1787/9789264292093-en>.
- OECD. (2019). *PISA 2018 Results (Volume I): What students know and can do*. OECD Publishing. [https://www.oecd-ilibrary.org/education/pisa-2018-results-volume-i\\_5f07c754-en](https://www.oecd-ilibrary.org/education/pisa-2018-results-volume-i_5f07c754-en)
- Over H. (2016). The origins of belonging: Social motivation in infants and young children. *Philosophical Transactions of the Royal Society B*; 371, 1–8.  
<https://doi.org/10.1098/rstb.2015.0072>



- Phinney, J. S. (2002). Ethnic identity and acculturation. In K. M. Chu, P. B. Organista & G. Marín (Eds.), *Acculturation: Advances in theory, measurement, and applied research* (pp. 63–81). American Psychological Association.
- Poulsen, F. (2023). *Inclusion in the Faroese public school: From political vision to practice in tension between general education and special needs education* [PhD dissertation, Århus University and University of the Faroe Islands]. Århus University.
- Rasmussen, S., Vijayarathan-R, K. (2024). The significance of the policy on teaching Faroese as a second language for integration in the Faroe Islands. *Education in the North*, 31(1), 133-143. <https://doi.org/10.26203/nrx5-7b91>
- Reyes, H. L. & Duran, A. (2021). Higher education scholars challenging deficit thinking: An analysis of research informed by community cultural wealth. *Journal of Critical Scholarship on Higher Education and Student Affairs*, 6(1), 7-20.
- Rodriguez-Izquierdo, R. M., Falcon, I. G. & Goenechea, C. (2020). Teacher beliefs and approaches to linguistic diversity: Spanish as a second language in the inclusion of immigrant students. *Teaching and Teacher Education*, 90, 1-10. <https://doi.org/10.1016/j.tate.2020.103035>
- Ruíz, R. (1984). Orientations in language planning. *NABE Journal*, 8(2), 15–34.
- Shutaleva, A., Martyushev, N., Nikonova, Z., Savchenko, I., Kukartsev, V., Tynchenko, V. & Tynchenko, Y. (2023). Sustainability of inclusive education in schools and higher education: Teachers and students with special educational needs. *Sustainability*, 15(4), 3011. <http://dx.doi.org/10.3390/su15043011>
- Smith, D. E. (2001). Texts and the ontology of organizations and institutions. *Studies in cultures, organizations and societies*, 7(2), 159-198. <https://doi.org/10.1080/10245280108523557>
- Spratt, J. (2016). Childhood wellbeing: what role for education? *British Educational Research Journal*, 42(2), 223–239. <https://doi.org/10.1002/berj.3211>
- Statistics Faroe Islands. (2023). Fólkatal. <https://hagstova.fo/fo/folk/folkatal/folkatal>
- Tarnanen, M. & Palviainen, Å. (2018). Finnish teachers as policy agents in a changing society. *Language and Education*, 32(5), 428-443. <https://doi.org/10.1080/09500782.2018.1490747>
- Tomaševski, K. (2001). *Primer No. 3: Human Rights Obligations: Making Education Available, Accessible, Acceptable and Adaptable*. Right to Education. <https://www.right-to-education.org/resource/primer-no-3->

[human-rights-obligations-making-education-available-accessible-acceptable-and](#)

- UNESCO. (1960). *Recommendation against Discrimination in Education*. UNESCO. <https://www.unesco.org/en/legal-affairs/recommendation-against-discrimination-education>
- UNESCO. (1974). *Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms*. UNESCO. <https://www.unesco.org/en/legal-affairs/recommendation-concerning-education-international-understanding-co-operation-and-peace-and-education>
- UNESCO. (2011). *From Access to Equality: Empowering Adolescent Girls and Women through Literacy and Secondary Education*. UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000218450>
- UNESCO. (2015) *Revised Recommendation concerning Technical and Vocational Education*. UNESCO. [http://portal.unesco.org/en/ev.phpURL\\_ID=49355&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201](http://portal.unesco.org/en/ev.phpURL_ID=49355&URL_DO=DO_TOPIC&URL_SECTION=201). Html
- United Nations General Assembly. (1989). *Convention on the Rights of the Child*. A/RES/44/25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Vijayarathan, R-K. (2023). Policy equity contexts in inclusive education for immigrant children in the Faroe Islands education. In Hirshberg, D. B., Beaton, M.C., Maxwell, G., Turunen, T. & Peltokorpi, J. (Eds.), *Education, equity and inclusion: Teaching and learning for a sustainable North* (pp. 79-96). Springer.
- Vijayarathan, R-K and Óskarsdóttir, E. (2023). Analysis of policies supporting teachers to tackle linguistic and cultural diversity and facilitate inclusion from the perspectives of Iceland and The Faroe Islands. In Hirshberg, D. B., Beaton, M.C., Maxwell, G., Turunen, T. & Peltokorpi, J. (Eds.), *Education, equity and inclusion: Teaching and learning for a sustainable North* (pp. 179-196). Springer.
- Villegas, A. & Lucas, T. (2002). Preparing culturally responsive teachers: Rethinking the curriculum. *Journal of Teacher Education*, 53, 20-32. <http://doi.org/10.1177/0022487102053001003>
- Wegerif, R. (2013). *Dialogic: Education for the internet age*. Routledge. <http://www.rupertwegerif.name/uploads/4/3/2/7/43271253/deiaproofs24thoct12.pdf>

# The emergence of gender equality legislation in the Faroe Islands: A discursive study



Fróðskaparrit 70 (2024), nr. 2: 90-123  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

## Hvussu javnstøðulógáva varð til í Føroyum: Ein greining av diskursi

Erika Anne Hayfield<sup>1</sup>, Jórún Vágshegy<sup>2</sup>

### Abstract

This article concerns the emergence of gender equality legislation and public discourse on gender equality in the Faroe Islands. The article examines which gender equality discourses and underlying gender ideologies are evident in the Faroe Islands. We commence our study in 1980, when public debate on gender equality legislation intensified. Methodologically, we apply critical discourse analysis in our analysis of newspaper articles, interviews, public documents, and parliamentary debates. Taking an island perspective, we examine tensions between being an island context, on the one hand, and being Nordic on the other. Three discourses emerged from our inductive analysis, which relate to certain time-periods: 1) *navigating the concept of gender equality in a religious small-island society*, 2) *gender equality in the context of (Faroese) identity* and 3) *the (ir)relevance of gender equality in the Faroe Islands*. In the discussion, we argue that gender equality ideologies have evolved and transformed over time in constant interaction with Faroese identity, islandness, and the outside world. We identify gender equality ideologies of *traditionalism*, *religious essentialism*, and *egalitarianism* in our early time period. Subsequently, more recent ideologies of *liberal egalitarianism*, *feminist egalitarianism*, *neotraditionalism* and *flexible egalitarianism* are identified.

---

<sup>1</sup> PhD, Associate Professor, University of the Faroe Islands, Faculty of History and Social Sciences, Jónas Broncks gøta 25, FO 100 Tórshavn, Faroe Islands, [erikah@setur.fo](mailto:erikah@setur.fo), ORCID ID: 0000-0003-4890-2364.

<sup>2</sup> M.S.Sc., Research Assistant, University of the Faroe Islands, Faculty of History and Social Sciences, Jónas Broncks gøta 25, FO 100 Tórshavn, Faroe Islands, [jorunvagshegy@gmail.com](mailto:jorunvagshegy@gmail.com).

### Úrtak

Greinin snýr seg um, hvussu javnstøðulógina varð til, og um almenna diskursin um kynjajavnstøðu í Føroyum. Greinin viðger hvørjir kynjajavnstøðudiskursar og undirliggjandi kynjahugsjónir eru sjónligar í Føroyum. Viðgerðin strekkir seg frá 1980, tá ið almenni diskursurin viðvíkjandi javnstøðulóggávu øktist. Vit nýta kritiska diskursanalsu til at greina tíðindablaðgreinar, samrøður, almenn skjøl og kjak á tingi. Frá einum oyggjasjónarmiði greina vit spenningin millum oyggjakontekstin øðrumegin og tann norðurlenska kontekstin hinumegin. Í tí induktivu viðgerðini eyðmerkkja vit trýggjar diskursar, ið hvør sær knýta seg at ávísum tíðarskeiðum: 1) *navigering av kynjajavnstøðuhugtakinum í einum átrúnaðarligum smáoyggjasamfelag*, 2) *kynjajavnstøða úr einum (føroyskum) samleikakonteksti*, og 3) *týðningurin av kynjajavnstøðu í Føroyum*. Í kjakinum vísa vit á, at kynjajavnstøðuhugsjónir eru mentar og broyttar yvir tíð í áhaldandi ávirkan millum føroyska samleikan, oyggjakontekstin og tann ytra heimin. Í tí fyrra tíðarskeiðnum eyðmerkja vit hugsjónirnar *traditionalismu*, *átrúnaðarliga essentialismu* og *egalitarianismu*. Í tí seinna tíðarskeiðnum eyðmerkja vit hugsjónirnar *liberala egalitarianismu*, *feministiska egalitarianismu*, *neotraditionalismu* og *fleksibla egalitarianismu*.

**Keywords:** Gender equality, gender ideologies, critical discourse analysis, politicising gender, island studies, islandness, Nordic.

**Leitorð:** Kynjajavnstøða, kynjaideologiir, kritisk diskurs greining, politisering av kyni, oyggjagransking, islandness, norðurlendskur.

## 1. Introduction

For several decades, women's rights and representation in society has been a key concern in the Nordic countries<sup>3</sup>, and integrating women into politics and the labour market has been a state-led project (Borchorst & Siim, 2008). In this sense, gender equality has become highly politicised. For a long time, the Nordic countries have collaborated on equality policies, even branding these globally (Larsen, 2021). The small island community of the Faroe Islands, however, has been labelled the “exception” within the Nordics as it is more traditional and more religious, despite the impact of secularisation in Faroese society and politics (Skorini et al., 2022; van Kersbergen & Lindberg, 2015).

Importantly though, gender equality is not a monolithic concept, it is ascribed diverse meanings and conceived variously within different political contexts (Verloo & Lombardo, 2007), also the Faroe Islands. Consequently, discourses of gender equality remain contested and a site of ongoing discursive struggle. From such struggles emerge diverse political visions, debates and policies pertaining to gender equality, which must be understood historically, geographically, and politically. In this paper, we examine the construction of gender equality as a

---

<sup>3</sup> The Nordic countries are Sweden, Denmark, Iceland, Norway, and Finland, along with the autonomous areas of Faroe Islands, Greenland and Åland.

politicised field in the small island context of the Faroe Islands. We centre our discussion on the emergence of a public debate calling for gender anti-discrimination legislation. The Gender Equality Act was adopted in 1994 (Gender Equality Act, 1994), it was, however, preceded by a lengthy and intense struggle driven primarily by the Faroese women's movement and three women MPs (the remaining 30 MPs were all men).

In 2018, some 25 years on, Minister Eyðgunn Samuelsen presented Parliament with a gender equality action plan for general debate to gauge parliamentary opinion on such an initiative. During the parliamentary debate one MP commented:

Because in reality there is gender equality in the Faroe Islands. And a lot of this is blown out of proportion. It is an ideology of a few people, who are trying to force some things on to all other Faroese people. And they don't want all this at all. That is the truth. And this [gender equality] will come by itself (Føroya løgting, 2018).

This comment represents a discursive strategy to position gender equality as a threat to Faroese society, as an ideology of the few. The gender equality action plan was not voted on, but merely tabled for general debate to gauge the sentiment in Parliament. Throughout the debate, a sentiment akin to the quote above was uttered in different versions by several other MPs, whilst those (predominantly women) favouring the policy document welcomed the action plan. Although the comment above is not representative of *all* Faroe Islanders, it nevertheless illuminates that gender equality remains contested in Faroese society.

We argue that to understand women's rights in the Faroe Islands today, it is necessary to analyse the conflicts and resistance surrounding gender equality historically. Specifically, we are interested in what ideologies underly discourses of gender equality as a politicised phenomenon. In this sense, gender ideologies involve the construction of meaning and cultural norms of women and men's roles and responsibilities in various spheres of society (Grunow et al., 2018). In this paper, we will take a historical-discursive approach to examining discourses of gender equality over time in the Faroe Islands. In other words, we will examine the climate in which women's rights emerged. Concretely, therefore, we ask: *In processes of gender equality legislation and policy in the Faroe Islands, what discourses and underlying ideologies are evident and how have these transformed over time?* To do so, we conduct a critical discourse analysis of newspaper articles spanning the time periods 1980-1999 and 2012-2022. The first period covers the period before, during and immediately after the Gender Equality Act (hereafter GEA) was passed (1980-1999) and a Gender Equality Committee established. The latter period is the most recent ten-year period (2012-22), which we used to gauge change. We, furthermore, draw on interview data,

parliamentary documents (bills and parliamentary committee reports), reports from the Gender Equality Committee, and parliamentary debates.

In what follows, we commence with a literature review, and then turn to our critical discourse analysis approach. We subsequently present our analysis, which starts with the historical context of gender equality legislation in the Faroe Islands. Our critical discourse analysis of newspaper articles is presented according to three discourses, which emerged from our analysis. This is followed by our discussion of underlying gender equality ideologies, and conclusion of the paper.

## **2. Literature Review**

Our review of the literature commences with a discussion of gender equality legislation and egalitarianism. We subsequently discuss gender equality in the Nordic countries and the politicisation of parenthood, especially through the implementation of the Nordic model of welfare. Finally, and to provide a perspective of changing discourses, we briefly examine discourses of postfeminism and choice.

### ***2.1. Gender equality: Towards egalitarianism***

From a human rights perspective, the starting point for promoting gender equality norms is through anti-discrimination legislation, requiring men and women to be treated comparably in similar circumstances, unless there is a justification otherwise (Szczërba-Zawada & Burek, 2019). Supranational organisations have also played an important role, most notably by means of CEDAW (UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979) and European Union (EU) central policies and directives. Nevertheless, our situated approach takes the perspective that global/international norms of gender equality are not appropriated at national or local levels unless they are locally inflected (Zwingel, 2012). Therefore, norms do not spread in a linear fashion. Rather, when actors in diverse contexts engage with global/international gender equality norms, these are translated, (re)defined and reproduced (Fejerskov et al., 2019).

Underpinning gender equality is an ideology of egalitarianism (Knight & Brinton, 2017), that is, a belief in the equality of human beings. Previously, gender ideologies have been conceptualised on a spectrum from traditionalism to egalitarianism, and it was assumed that movement along the spectrum would follow over time. From this perspective, cohort replacement, i.e. the replacement of older people in a population with younger people, is a significant driver of changes in ideology (van Damme & Pavlopoulos, 2022). However, more recently, cross-national studies have challenged the cohort replacement assumption. In these studies, it is argued that the unidimensional spectrum of traditional to egalitarian gender ideologies is too simplistic. This has led scholars to create

multidimensional gender ideology configurations (e.g. Dernberger & Pepin, 2020; Grunow et al., 2018; Knight & Brinton, 2017; van Damme & Pavlopoulos, 2022), including research, which has examined how gender ideologies have changed over time (Scarborough et al., 2019).

Advances in gender equality over recent decades have given rise to intense debates concerning the shaping and implementation of labour market and welfare policies generally, and family policies specifically. These include wider discussions of the division of care labour, of fathering, mothering, and labour market participation (Brandth & Kvande, 2020). The Nordic countries have sought to distinguish themselves in this respect (Magnusson et al., 2008), most especially with respect to labour market and welfare policies, which we turn to now.

## **2.2. Gender equality policies in the Nordic countries**

In the 1960s and 70s gender equality became a key political objective in the Nordic countries (Borchorst, 2006). Since then the Nordics, with their core values of egalitarianism, have promoted a particular kind of welfare; the Nordic model (Pedersen & Kuhnle, 2017). Underpinning this model are so called *women-friendly* policies and gender-inclusive citizenship, which in turn has defined Nordic feminism (Anttonen & Sipilä, 2014; Borchorst & Siim, 2008; Teigen & Skjeie, 2017).

In politicising parenthood, the Nordic states have drawn up policies to encourage the father's role in caregiving in a bid to foster a dual earner/dual carer model (Ellingsæter & Leira, 2006; Eydal & Rostgaard, 2011). This has been especially evident in maternity/paternity leave schemes, which include non-transferable paid leave for fathers (Ellingsæter, 2014). Such parental leave policies are equality-promoting in that they redistribute care within the family, and they further what Brighouse and Wright (2008) term *strong gender egalitarianism*. Despite variations within the Nordic countries, gender equality policies have emphasised equality of outcome, rather than merely equality of opportunity (Eydal & Rostgaard, 2011).

The welfare system in the Faroe Islands is part of the Nordic model of welfare (Jákupsstovu, 2007; Sundström, 2006), which is perhaps not surprising given close Faroese ties to Denmark. Legislation is expressed in gender neutral language, as in the other Nordic countries (Lister, 2009). Furthermore, generous family policies and the state as a key provider of welfare services characterises the welfare landscape. Therefore, in the shaping of legislation and policies concerning gender equality in the Faroe Islands, being Nordic matters (Hayfield, 2020).

The Faroese labour market is characterised by high gender segregation by sector, in part-time work and high-ranking positions, which is similar to the other Nordic countries (Ellingsæter, 2013; Lanninger & Sundström, 2014; Wennemo & Sundström, 2014), albeit much more pronounced (Hayfield et al.,

2016). In terms of national politics, women's representation has reached 30 percent, whilst the Nordic countries range from 44 to 48 percent, except for Denmark at 41 percent (Løgtingið, 2023; Nordic Co-operation, 2022).

It has been argued that underlying gender segregation are confluences of egalitarianism, tradition, and gender essentialism (Hayfield, 2020; Hovgaard, 2015), which is the belief that gender differences are intrinsic, fixed, of a spiritual nature, and closely associated with physical/physiological differences (Crompton & Lyonette, 2005; Ellingsæter, 2013). Such perspectives hold that women and men naturally have different interests and preferences, and therefore make different choices (Hakim, 2006). Whilst feminism may always have embraced women's freedom to make choices; in more recent years, the entanglement of neoliberal and neoconservative values has led to a different understanding of choice – that of *choice feminism* (McRobbie, 2009).

### **2.3. Postfeminism and choice**

In popular culture, responses to feminism and the so-called *stalled revolution*, have resulted in the association of gender equality with women's individually-driven solutions (Friedman, 2015). Gender equality has increasingly become depoliticised, and it is up to women themselves to be political individuals, if they so wish, unrestrained from structural or cultural barriers.

This shift to an internalised individualistic logic is often attributed to neoliberalism. From this perspective, feminism is shifting from a social movement to the responsibility of individuals – rather than governments (Colley & White, 2019). This has drawn criticism from feminists of a perception of the individual as free to make her own choices (Thwaites, 2017). More specifically, the critique questions and calls for a debate of the notion that women make choices, (relatively) free of structural constraints, not least because, when “...we allow every choice to be equal, there is no capacity to argue against one form of action and decision-making over another” (Thwaites, 2017, p. 57). This discourse of choice effectively stifles debate and equality sensibilities.

Conservative feminism, also termed *choice feminism* (Thwaites, 2017), resembles neoliberal feminism. It fosters the empowerment and agency of women, but disregards “the role of power, institutions, and resources, and the context in which choices are created and must be implemented” (Ylöstalo, 2022, p. 1340). From this perspective, women are encouraged and supported in making choices to inhabit and strengthen traditional gender roles.

Despite the centrality of gender equality in the Nordics, the discursive politics of individualised choice appear to be changing the context of public debate. Socio-democratic state interventions in the form of gender equality legislation and policy initiatives may therefore be viewed as less legitimate, and even meet with a backlash from anti-gender movements (Nygren et al., 2018), which have gained strength, e.g. in Poland and Italy. Such anti-gender movements pursue political and knowledge power arguing that gender equality policies and feminist



movements are a threat to the traditional family and call for the reconfiguration of gender knowledges (Korolczuk, 2020).

Notwithstanding ideological shifts, feminisms as a wide set of perspectives emerge and transform variously in diverse contexts. For the Faroese context, and our study, this entails a feminism, which is coloured by its setting in an island community. Islands require studying on their own terms (Baldacchino, 2008). Integral to this position is the concept of *islandness*, meaning that islands “do not merely reproduce on a manageable scale the dynamics and processes that exist elsewhere [rather] islandness becomes an intervening variable that does not determine, but contours and conditions physical and social events in distinct, and distinctly relevant, ways” (Baldacchino, 2004, p. 278). Island feminism, according to Karides (2017), therefore applies islandness as a theoretical orientation to understand how feminism might be articulated differently on islands.

The origins of gender-unequal roles have been linked to historical capital advantages for men in production (e.g. physical strength) (Alesina et al., 2013). Although gender roles emerge in historical situations, studies have shown that they have a tendency to persist, or “stick” even after the situation has changed (Alesina et al., 2013; Giuliano, 2017). The argument put forward by Alesina et al. (2013) of male capital advantage can be applied to the historical situation of the Faroe Islands. In an archipelago the sea became the means of production. This did not fit well with women’s caring responsibilities, rendering them less mobile, bound to the home, and dependent on male production. The historical gender division of labour in the Faroe Islands was also further intensified by gender geographical segregation, as men worked long-distance for lengthy periods of time - months and even years. Hence, the intersection of history, situated identities, and geographical positioning determine island feminism. Our approach is, therefore, one which is island situated, in which we consider historical power relations, as well as current international gender equality norms (especially in Denmark and the Nordic countries).

### 3. Methodology

Our methodological approach is based on a critical discourse analysis (CDA) of public discourse on gender equality in Faroese newspaper articles. The study centres on legislative context and formation of public policy and specifically, *what discourses and underlying ideologies are evident and how have these transformed over time?* Using the passing of the GEA of 1994 as our point of reference, we focus our attention on articles published in the surrounding time periods, specifically 1980-1999, and the more recent period of 2012-2022 for comparison. We consider the most recent decade to catch sight of any potential discursive change.

We commence with a brief description of our discourse-theoretical point of departure since CDA has been characterised by its “considerable semantic fuzziness” (Wodak et al., 2009, p. 7). In CDA, discourse is closely associated with power and one of its main objectives is uncovering how discourse plays into the power-structures of society, i.e., how societal inequalities based on gender, class, race etc., are constructed, re-constructed and maintained discursively (van Dijk, 2008). However, CDA does not provide the researcher with one specific theory or specific method of inquiry. Rather it provides a critical perspective and a set of principles for analysis (Meyer, 2001; Wodak & Meyer, 2016).

Our CDA framework builds on a discourse-historical approach (DHA) (see Reisigl & Wodak, 2017; Wodak et al., 2009; Wodak & Meyer, 2016), which emphasises the importance of examining discourse in its sociopolitical and historical context. DHA aims to demystify the hegemonic power of dominant discourses and their underlying ideologies, which Wodak and Reisigl (2017, p. 88) describe as “...an (often) one-sided perspective or world view composed of related mental representations, convictions, opinions, attitudes and evaluations, which is shared by members of a specific social group”. Ideology serves as an important discursive tool for achieving hegemony, for instance by gate-keeping access to forming specific discourses in specific public spheres or by establishing hegemony through (often historical) identity narratives (Reisigl & Wodak, 2017).

To illustrate the underlying ideologies, we focus our attention on *what* is being put across (contents) and *how* it is being conveyed (discursive strategies) (Wodak et al., 2009). As for discursive strategy, we follow the definition provided by (Reisigl & Wodak, 2017) as a “...more or less intentional plan of practices [...] adopted to achieve a particular social, political, psychological or linguistic goal” (p. 94). In this step, we examined which rhetorical and argumentative tools were used to gain an understanding of the overall strategies. The strategies reflect the resisting nature of the discourse; resistance towards existing power-structures on one hand and resistance towards change on the other.

We initially systematised our data by general characterisation (date, title, sender), political localisation of the newspaper, as well as assigning each article a theme and a set of keywords. By doing so we produced a schematic overview of the articles, which proved practical to identify recurring discursive themes. After the initial structuring, we conducted a more context and language-oriented *fine analysis*, involving a detailed analysis of a sample of articles, which are as typical as possible of the recurring discursive themes (Jäger, 2001). This step constitutes the foundation on which we primarily base our extended analysis in section five.

Early in structuring the data, it was clear that most of the articles could be grouped into a dichotomy of being *against* the GEA or *for* the GEA, which we argue represents a dominant-discourse and a counter-discourse, respectively (Foucault & Deleuze, 1977; Moussa & Scapp, 1996). A counter-discourse is the

resisting response to oppression, or as Moussa and Scapp (1996) argue, that which arises when those who are normally spoken for and spoken about begin to speak for themselves – in our case women. This categorisation of for-and-against mirrors the polarisation on the subject. The remaining articles, around one third of the dataset, could not be explicitly categorised as being either for or against. These were generally informative pieces and news articles. We do not focus our analytical efforts on these articles, because we are interested in the discursive struggle for hegemony. We do, however, mention these here, as they indicate that there was interest in the subject among the general public, and the subject was regarded as worth reporting.

Furthermore, we have grouped our analysis into time-periods relating to the adoption of the GEA in 1994. The time-periods emerged inductively as we structured our data by theme and intensity of the public discourse on gender equality. As will be further elaborated in section five, the time periods were indicative of the discursive landscape, mirroring the intensity marked by their immediacy to the passing of the GEA.

The analysis and findings of the study are based on 193 newspaper-articles of various types, ranging from editorials, profile articles, political campaign articles, as well as letters to the editor. Our reasoning for selecting newspaper articles is to capture the history of gender equality discourses. In the Faroe Islands, media is important for democratic debate, and is considered integral to protecting Faroese language and culture, a stance similar to those of the larger Nordic countries (Ravn-Højgaard et al., 2021). Traditionally, newspapers have played an important role in public debate in the Faroe Islands, however, with the rise of digital media, circulation has decreased substantially. Furthermore, the newspaper landscape is dominated by non-dailies (1-3 times per week) peaking in 1990 (8 non-dailies), then falling to 3 non-dailies between 2000 and 2018 (Ravn-Højgaard et al., 2021).

The newspapers used in this study were collected using three digital archives (Tiddarrit (a database of print media up to 1999), Sosialurin and Dimmalætting) of Faroese newspapers and searching for the keywords *kvinnurættindi* (women's rights), *javnstøða* (gender equality), *javnstøðunevnd* (gender equality committee) and *javnstøðulóg* (GEA). Before turning to our analysis of newspaper articles, we provide the historical context in which the GEA was debated and politicised. Besides newspaper articles, we examined the legislative process of the GEA, including official documents e.g., the annual reports of the Gender Equality Committee (GEC), parliamentary committees documents, bills tabled in Parliament, and audio files of the 2018 gender equality action plan debate in parliament. In addition, we conducted and transcribed nine background interviews with informants, including current and former MPs and ministers responsible for gender equality, as well as past chairs of the GEC.

We acknowledge that by limiting ourselves to print medium for our CDA (section five), we omit the electronic mediums of radio, television, and social media. From our observations, we have found a significant rise in debates on social media concerning gender equality ideologies. However, there is ample evidence that social media tends to lead to more fragmented and polarised debates, as information is funnelled to certain groups and promotes “dysfunctional group dynamics” (Iandoli et al., 2021, p. 9). Furthermore, Iandoli et al. point out that social media platforms tend to be poorly regulated and are consequently less credible information sources. Therefore, whilst important, we argue that social media may represent a different form of debate. Moreover, including social media would require a different methodological approach in terms of data selection, extraction, and potential biases which is beyond the scope of this paper.

#### **4. Historical context of Gender Equality Legislation**

This section is based mainly on parliamentary debates, legislative documents, reports from the Gender Equality Committee (GEC), and interview data. Below we present in brief the sociopolitical, geographical and historical context as it preceded, evolved and transformed before, during and after the passing of the GEA of 1994.

Although geographically remote from Denmark, the Faroe Islands was until 1948 a Danish county, after which it became a self-governing entity within the Danish Kingdom. The continuous navigation of postcolonial relations with Denmark, and identification with other Nordics, we argue, are pivotal to grasp gender equality discourses and policies in the Faroe Islands.

Post 1948 authority over legislative and administrative fields was gradually transferred to the Faroese Parliament. Yet, Danish influence remains clearly evident in Faroese legislation, public institutions and public policy (Larsen, 2022). The Nordics generally, and Denmark especially, are highly present in the historical and present realities of the Faroe Islands. Notwithstanding the Nordic influence, the Faroe Islands’ political discursive context is highly dominated by being an island community, reliant upon the sea for fishing and mobility (Hayfield, 2020). In discourse fishers and skippers are hailed as epic heroes, who, through their bravery and self-sacrifice, are the foundation of society (Absalonsen, 2012). Historically, most men were long-distance workers (and many still are), consequently, there was a clear-cut gendered division of labour with absent men, and women as caretakers and homemakers.

##### ***4.1. Faroese women in political life***

Faroese women gained voting rights in 1916, however, it was not until 1964 that the first woman took a seat in Parliament, deputising for the first-elected member (Tingakrossur, 1964). Much later, in 1978, two women were directly

elected into Parliament (Klettskarð, 2002), in addition to another who deputised for a period. These three women became instrumental in pushing for gender equality legislation. A brief overview of the development of women's rights and representation in the Faroe Islands is presented below. These events will be referred to throughout the remainder of section four.

Table 1: Milestones in the history of women's rights and GEA

Year	Legislation/key events	Comments
1916	Women gained political voting rights	Following Danish constitutional change in 1915 granting women voting rights, the Danish Parliament presented Faroese Parliament with a bill for women's political voting rights.
1964	First woman in Parliament	Malla Samuelson, deputy for first-elected
1978	Two women directly elected to Parliament	Jona Henriksen and Karin Kjølbro. Additionally, Ingrid Sondum deputised during this electoral period.
1981	Gender Equality Committee (GEC) established	GEC had no powers, only advisory function.
1988	Gender equality bill presented to Parliament	Not passed
1993	GEA passed by Parliament	Came into force in 1994, also conferring powers on GEC.
1996	Bill to restrict remit of GEA	Not passed
2018	Gender Equality Policy and Action Plan presented to Parliament for general debate	Not voted on in Parliament, the general debate (similar to white paper) has the function of gauging the political stance on certain issues.

The work of women in Parliament at the time was strongly associated with the Faroese women's movement. In the 1970s Faroese women living in Copenhagen, heavily inspired by the Danish feminist movement, started organising and forming groups (Johannesen, 2011). These women subsequently brought back to the Faroe Islands a different gender equality awareness. Amongst these was Karin Kjølbrø, MP, who had become concerned with gender equality whilst living in Denmark, and later put gender equality on the parliamentary agenda. Looking back on this period Karin Kjølbro states:

And women's rights had also been addressed in the UN. In all parliaments they had got a gender equality act or a gender equity act, in the whole of Scandinavia. It was only we who did not have one. So, I was very interested in us getting one and in proposing such a bill. (Interview, Karin Kjølbro, Sept. 2022).

In 1979 a Proposal for Parliamentary Resolution was tabled in Parliament by three women, Ingrid Sondum, Jona Henriksen, and Karin Kjølbro, for the establishment of a GEC (*Uppskot Til Samtyktar Um Setan Av Javnstøðunevnd*, 1979). The aim of such a committee was to advise authorities on necessary initiatives to promote gender equality in the labour market and society in general. This was passed with 26 (of 32 MPs in Parliament) votes in favour, however, the GEC was not established until 1981.

#### **4.2. Gender equality legislation**

In 1987 the Danish High Commissioner in the Faroe Islands requested that the Faroese Government present to Parliament a resolution on the UN convention, CEDAW, an example of how the Danish position on gender equality influenced Faroese politics. The Parliamentary Rules Committee argued in a short written proposal to Parliament, which was passed (19 of 31 MPs voted for the resolution), that "... gender equality between the sexes is an obvious aspect of all democratic politics" (*Uppskot Til Samtyktar Um at Lýsa ST-Sáttmálan (CEDAW) Frá 18. Desember 1979*). CEDAW and later the Optional Protocol were voted through Parliament with 19 (of 32) votes in favour (*Uppskot Til Samtyktar Um Ískoyttissáttmála Sameindu Tjóða*, 2000).

In 1988 a gender equality bill was put before Parliament by Minister Vilhelm Johannesen of the Social Democratic Party (*Uppskot Til Løgtingslóg Um Javnstøðu Millum Kvinnur Og Menn*, 1988). In its comments on the bill, the Parliamentary Rules Committee stated that:

The committee minority (Jógvan Sundstein [People's Party]) argues that Faroese society, by law and through custom, has both equal rights and equality between men and women. In the parliamentary discussion it has been argued that we have equal rights, but not equality. This is, according to the committee minority incorrect, because equality is a consequence of equal rights to the extent that women **use** [our emphasis] their right, from which follows that they have equality and vice versa. (p. 389)

The committee minority statement appears to argue that women themselves were responsible for gender inequality in practices in Faroese society. Ultimately, and despite a (rules) committee majority *for* the bill, when it was returned to Parliament, the bill did not pass (a minority of 15 of 31 MPs voted in favour). Gender equality continued to cause political tension, to the extent that it

was a major factor in the dissolution of Parliament later in 1988. The *Christian's People's Party* left the collation, strongly opposing both the gender equality bill and a bill to criminalise discrimination based on sexual orientation (Sosialurin, 2021).

In 1993 the gender equality bill was again brought before Parliament, and this time it passed with 18 of 32 MPs in favour (Gender Equality Act, 1994). The bill's comments section contains extensive reference to gender equality elsewhere, including CEDAW, the EU, Denmark, Norway, Iceland, which is a clear indication of the importance of developments in the outside world in arguing for the Act. One argument refers to CEDAW, and the comments on the bill state that: "Based on a legal perspective, the UN Convention of 1979 [CEDAW] has not been met, or in any way adhered to, by ascertaining formal equal rights between the sexes" (*Uppskot Til Løgtingslóg Um Javnstøðu Millum Kvinnur Og Menn*, 1993, p. 678). In other words, despite passing a resolution on CEDAW in 1987, no action had been taken in the intervening years.

The GEA mainly refers to the labour market, the gender composition of public committees and councils, as well as ensuring that education material corresponds to gender equality ideals. Furthermore, the GEA stipulates that a GEC be established. In contrast to the earlier GEC of the 1980s, the GEC was assigned responsibilities and the authority of institutional monitoring. In working within the provisions of the GEA, the GEC promotes gender equality, monitors adherence to the GEA and provides recommendations to society at large (§ 9). The GEC is elected for a four-year period and has a limited budget. Furthermore, the GEC is not authorised to issue fines or penalties but can refer cases to court.

#### **4.3. The politics of gender equality post-1994**

In 1996 a bill was proposed to restrict the remit of the GEA concerning teaching materials. In the comments, Jenis av Rana (the religious *Centre Party*) states that few agree that gender discrimination takes place in the Faroe Islands. He further adds that although he believes in abolishing the GEA, the aim of the bill was "...to remove or amend unsuitable and outright harmful paragraphs, and in other cases completely remove, in our opinion, completely unnecessary sections of the Act" (*Uppskot Til Løgtingslóg Um Broyting í Løgtingslóg Um Javnstøðu Millum Kvinnur Og Menn*, 1996, p. 374). The bill did not pass with only seven (of 32) votes in favour.

Since 1994 there have been eight GECs and, correspondingly, eight chairs. The GEC produces an annual report highlighting focus areas, GEC activities, and cases considered during the year. From our interviews and some GEC annual reports, we found that the GEC enjoys limited political support, although this varies with the political ideology of the reigning coalition. It was also clear from our interviews and annual reports, that Nordic cooperation is an immensely important part of the GEC work. The Nordic context provides knowledge and a

policy context with inspiration and important tools for influencing policymaking in the Faroe Islands.

Family policies akin to the Nordic welfare model have been promoted in the Faroe Islands. In 2000 a paid parental leave system was established to enable women's labour market participation. Other family policy instruments include widely available and publicly funded childcare and eldercare. However, the parental leave system was always intended to be a women-oriented policy, despite the GEC persistently advocating for ear-marked paternity leave (Hayfield, 2020). Later bills to increase ear-marked leave for fathers were met with resistance in Parliament and did not pass. Thus, the dual-earner/dual-carer labour market model has not been promoted in Faroese society. Parliamentary discourses have centred on women as natural carers, upholding the primacy of men's work. The emphasis was on women/family choices regarding division of care-labour, without state interference. Furthermore, debates have continuously highlighted the centrality of family in the Faroe Islands (Hayfield, 2020).

The first (and so far only) gender equality action plan of 2018 encompassed a range of initiatives, including awareness of gender equality, gender equality on the labour market, and men and gender equality (Almannamálaráðið, 2018). In the extract below, the then Minister for Gender Equality reflected on the parliamentary debate:

ES: I tried to make this [action plan] as much of a compromise as I possibly could... and if it was up to me, it would have contained even more impactful initiatives. So, I got quite a shock when I was in Parliament [for the debate] because it [action plan] was slammed down.

Interviewer: Had you not expected that?

ES: Well, I knew they [most male MPs in 2018] were very conservative... But I expected to get more criticism from those that were very leftwing in the coalition – for the policy plan not going far enough... But the debate centred on this being an attempt to overturn traditional society. They also pushed this point because the plan included references to changing traditional society. [They argued that] this was a sneaky and manipulative method of going in and changing patriarchal structures. But it was precisely not that. It was a lot about awareness, and about men, and that one should introduce various initiatives already in childcare institutions. (Interview, Eyðgunn Samuelsen, Sept. 2022)

The extract above highlights how discourses of resistance become explicit when concrete policies are presented in Parliament. We therefore conclude, thus far, that gender equality in the Faroe Islands must be understood in its historical context and remains contested. This we attribute, at least in part, to Faroese-ness



as situated in tension – of identifying as a traditional island fisheries-based society, and at the same time identifying with the egalitarian-oriented Nordic context. Normative boundaries cannot be placed around the Faroe Islands as gender equality norms are constantly being constructed through Faroese interrelations within the Nordic family. Furthermore, the strong gender equality norms of the Nordic countries have acquired regional and global legitimacy, which Faroese politicians have either found unwilling or difficult to ignore. Therefore, as the Faroese engage with international/regional gender equality norms, these are shaped locally through a multi-level process of interaction. Such interaction includes identity relations, geography, time (history), and the Faroese normative environment, which new norms are being moulded into (Fejerskov et al., 2019).

## **5. Critical discourse analysis of newspaper articles**

Our CDA commences with the 1980-89 period, during which a gender equality committee was established (1981), CEDAW was passed, and a gender equality bill fell in Parliament. The second period, 1990-1999, comprises the years prior to and after the passing of the GEA of 1994, and as the new GEC started operating. The third period, 2012-2022, brings us to the present time, twenty-five years after the GEA was passed.

The concrete GEA proposals of 1988 and 1994 have likely compelled people to take a position. Faced with change, people positioned themselves either for or against. The public discourse on gender equality in Faroese written media can therefore be described as an ongoing, dynamic hegemonic struggle between two contrasting discourses. On one side, we identified a dominant discourse of unnecessary of the GEA and resistance to change, and on the other side, a counter-discourse of necessity of the GEA and demand for change.

In the context of the Faroese small island community, the debate culture and its social repercussions can make it difficult to voice one's position, especially if that position stands in opposition to the dominant discourse (Hayfield, 2022). We argue that the dominant discourse, largely rooted in religion and traditionalism, holds historical hegemony. This owes to the status of Christianity, with more than 90% of the population identifying as Christian (Statistics Faroe Islands, 2014), as well as the historical gender-divide in the private and public sphere. This is consistent with a recent study, which found that the importance of religion in people's lives correlates with traditional views on gender equality and negatively correlates with support for active gender equality policies (Hayfield et al., 2023).

### **5.1. Navigating the concept of gender equality in a religious small island-society (1980-1989)**

In the 1980-1989 pre-GEA period, the dominant discourse was largely characterised by a notion of fear of disrupting existing structures. This fear was highlighted by a potential GEA being portrayed as a threat towards religious, family, education, and even democratic institutions. A key characteristic of the dominant discourse was its reliance on religious argumentation and use of biblical referencing, a powerful discursive strategy in a society characterised by high levels of religiosity.

However, the explicit use of biblical interpretation presents a challenge of definition for public discourse on gender equality, i.e., there are signs of conflicting understandings of gender equality between the dominant discourse and the counter discourse. Gender equality as such, according to the dominant discourse, is not necessarily something to strive for. On the contrary, the 1988 bill proposing a GEA is regarded as incompatible with the Bible. Several articles highlight how a GEA would directly contradict the Education Act, which states that schools should provide pupils with a Christian upbringing. One article, for instance, argues that since the bill stipulates that all education material should prevent gender discrimination, *the Bible would not pass as suitable education material since the Bible states that the 'Man is head of the woman'* (Anonymous, letter to the Editor, April 12<sup>th</sup>, 1988: 9).

As for the GEA's alleged incompatibility with the Bible, another article problematises that the GEA would be woven into children's minds from kindergarten and all the way up, affecting children so much that they will not know how to value the principles of the Bible (á Lakjuni, letter to the Editor, August 31<sup>st</sup>, 1988, p. 20). In this way, the potential damage of a GEA towards existing social institutions is used as a scare-tactic deeply rooted in a Christian worldview.

The dominant discourse principally uses a rhetoric of idealised norms, referring to imagined scenarios of *what if*, as well as building narratives of moral decline. By using the education system and the traditional family as examples, the GEA is portrayed as anti-Christian and disrupting of traditional values. The following excerpt illustrates this direct biblical deduction:

That the Creator made the man the head of the woman, just like he made Christ the head of the congregation, that is not something we can change even if we try to object with every thinkable and unthinkable conversive finesse (Anonymous, letter to the Editor, 1992, p. 13).

In the Faroese context, the use of the Bible has been discursively powerful. Since counter-speech could easily be interpreted as anti-Christian, it is conceivable that some have remained silent in fear of the social repercussions e.g., exclusion from social or religious communities.

The discourse of threat to existing structures is disputed by the counter-discourse, which emphasises the need for change to achieve gender equality. The counter-discourse relies on comparison to other Nordic countries, as well as actual examples of gender discrimination in the contemporary Faroese context. E.g., the case of a woman vicar denied access to preach on account of her gender, and the case of a woman applicant rejected for a leadership-position because the position *demande authority* (Henriksen, 1987, p. 23), resulting in a male applicant securing the position.

At this time, the counter-discourse of gender equality was in its initial stages of definition and positioning in the collective Faroese consciousness. Yet the fundamental discrepancy in understanding between the dominant and the counter-discourse, led to it becoming more about *protecting* gender equality from being labelled blasphemous and anti-Christian, which is illustrated by the following excerpt from a letter to the editor by the Chair of the (pre-GEA) GEC:

Just the word “equality” seems to throw people off, as if it is something threatening and dangerous, something unchristian. As if it were to become reality, it would cause an avalanche in society. Equality simply means that all people should have equal rights and equal opportunities to work, for development and for culture. Everything else is a distortion of reality [...] To be against gender equality is to be against democracy (Joensen, 1988, p. 16).

This response indicates frustration in its attempt at counter-speech against the dominant discourse of threat and disruption. The counter-discourse subsequently drew more actively on arguments outlining how gender equality is compatible with biblical compassion and love. It is important to bear in mind that this debate was taking place in a society in which, historically, a majority of the male population were fishers. The condition of living in a remote island community with rough seas, severe weather and harsh working conditions where tragic losses at sea were not uncommon has, historically, demanded existential comfort, which for many came in the form of a “radical” Christianity (Skorini et al., 2022, pp. 104–105). These losses and discourses of fishers as heroes (Absalonsen, 2012), remain evident in the dominant discourse, which argues for respect for this way of life. The discourse demands that histories of Faroese men risking their lives to provide for families must not be marginalised, highlighting the difference between the fate of the genders.

## **5.2. Gender equality in the context of (Faroese) identity (1990-1999):**

In the period around the passing of the GEA, the debate on both sides intensified, indicated by expressions of anger and frustration. The incongruity in differing meanings ascribed to gender equality became more pronounced. It proved especially evident in the context of traditional Faroese identity and gender roles, a recurring theme during the period. This topic is largely

constructed around the historical narrative of men risking life at sea to provide for their families, while women were at home caretaking and housekeeping. Interestingly, this is most evident in letters to the editor written by women. These writings often implicitly shame other women for demanding equality. This is done either by emphasising how men have worked harder and, therefore, are more deserving of a higher salary, or by pointing out how women of the past faced greater hardship, suggesting that today's women are ungrateful or even pathetic, as one article states:

It is pathetic of women if the GEA should be the only way to make women competent for a job [...] If you, as a woman, use the GEA to promote yourself as a woman, then the debate on gender equality has run off-track (Quote from interview by journalist Turið Kjølbro, 1998, p. 16).

This shaming perspective is especially evident shortly after the GEA passed, sometimes with a hint of mockery. Such positions of mockery include allusions to the satisfied, strong women of the past, who got by without help from a GEA, others portray negative images of dissatisfied and demanding *Redstockings* (Danish left-wing feminists). One article declares that women of the past *...did not need any GEA or women's rights movement to get by! No, they rallied in stillness, rolled up their sleeves and did a man's work both in the infield and the outfield* (Olsen, 1994, p. 20).

Discourses of the island context are highly present in the articles, through historical narratives, cultural ideals, Christianity, the seafaring nation, and traditional gender roles – illustrating the centrality of sociocultural history and geography in discourse. This indicates that national (island) identity is significant in the normative ideal of gendered segregation, rooted in a traditional understanding of Faroese-ness, and more specifically, what it means to be a man and a woman in the Faroese context.

Another recurring theme in this period is that of equality of opportunity. By challenging the perspective of unnecessary, the counter-discourse highlighted aspects of society in which there *is* a need for policy to ensure equality for women. This discursive dimension clearly emerges from frustrations over the apparent unwillingness to regard the struggle for gender equality as a *real* problem, and is especially evident in responses to biblical and religious argumentation. One example is a response from the Chair of the GEC to two Christian parties (*Christian People's Party and Centre Party*) in Parliament, which demand that *either* the GEA be abolished, *or* the abortion legislation be rolled back to its more restrictive form (women would need to have abortions abroad). In response to this ultimatum, the GEC Chair in a letter to the editor writes: *I am sick and tired of these people with the Bible in their hand pretending to know what is best for humanity* (Hentze, letter to the Editor, 1994, p. 19).

At this point resistance in both discourses is more concentrated and centres on the GEA itself. It is evident that having a concrete proposal as a reference point provides common ground for the public discourse. However, though both discourses refer to the same proposal, they are still each rooted in their own ideological standpoint, which leads to the intensification of the discursive struggle.

The dominant discourse still relies on tradition and religion as essential argumentation against the GEA. This can be interpreted as a strategy of reproduction, or resistance to the change movement's focus on transforming hegemonic social structures. The counter-discourse, on the other hand, leans more towards the constructionist, transformative strategy. The focus is on challenging existing power-structures and re-defining societal structures, normative gender roles and built-in inequalities.

In Faroese society, the discursive struggle to define gender equality either as something dangerous and unnecessary, or as something desirable and necessary, should be understood through the lenses of islandness and historical gender-divisions (Hayfield, 2020; Hovgaard, 2015). This labour and geographical gender segregation may be instrumental in the dominant discourse promoting gender equality as a non-issue, since men and women have had different and important roles to fulfil. The emphasis on the historical context and traditional gender roles could also explain the discursive resistance in the form of mockery and unnecessary, which is evident in the strategy of undermining the counter-discourse of necessity.

### ***5.3. Discourse of (ir)relevance of gender equality in the Faroe Islands (2012-2022)***

In the more recent articles, it appears that the contested nature of gender equality in public debate has died down and/or is not being addressed. Furthermore, the digitalisation of media, restructuring, and financial crisis in print media have led to fewer newspapers on the Faroese market. Therefore, some debate may have moved to other platforms. Notwithstanding the new media reality, there is a general silence on the issue of gender equality. Also, what has become the *former* dominant discourse mainly emerges in the public realm of parliamentary debate. We refer to it as former, partly because the discourse is less powerful, and because it has undergone change. Its utterances are now grounded in different arguments, are rarely explicitly biblical, but centre mainly on traditional family values. In other words, some of the same arguments have now emerged in a more secularised fashion.

News articles addressing gender equality are generally longer pieces. These tend to either summarise election results, pointing out the underrepresentation of women, or are profile articles focusing on individual women, and how they make sense of gender equality. Since the year 2012, thirteen profile articles

about women, in which gender equality is mentioned, emerged in the dataset for this study, and, in comparison, zero articles about men on this topic.

Two profile articles from 2015 provide an example of the contemporary state of the discourse on gender equality in newspapers. At the time of publication, one of the women profiled was CEO of the Faroese airline, Atlantic Airways, and the other, Director of the Faroese Employer's Association. Both articles initially focus on career and backstory, before they eventually steer onto the theme of work-life balance and the subject of being women. As stated in the article about the CEO of Atlantic Airways, she *is not eager to talk about gender equality in the workplace* (Hansen, 2015b, p. 35), after which the interviewer asks if she has ever considered working part-time. In the other article, the Director of the Faroese Employer's Association is asked explicitly: *Don't you find it especially difficult to hold a position with such responsibilities whilst having a household and children?* (Hansen, 2015a, p. 26). There is a clear tendency in these examples, and in the articles generally, to treat gender equality as a concern for women to speak out on, rather than as a societal issue relevant to both men and women.

The push *for* gender equality, on the other hand, comes mainly from GEC press releases, reports on GEC activities, as well as news editorial, including by the editor of the newspaper *Sosialurin*, who has several leaders on the subject. Furthermore, gender equality in newspaper editorial has become somewhat time-specific, i.e., 8<sup>th</sup> March (International Women's Day) content. Compared to previous periods, however, the lack of explicit contestation of gender equality is evident, and writings are mostly one-sided calls for equality from the counter-discourse.

It would appear that gender equality is no longer contested outright, and it is no longer legitimate to argue against gender equality in itself, implying that the counter-discourse has become a legitimate discourse. Importantly though, the debate on gender equality is evident during this period, but without much explicit use of the term gender equality. As we have previously pointed out (section four), the former dominant discourse emerges, sometimes passionately, in parliamentary debates concerning the politicisation of family roles. These debates concern the division of care labour, e.g. ear-marked leave for fathers, stay-at-home care allowances, and the gender equality action plan debate. In these debates the arguments against politicising parenthood centre around individual and family choice, promote discourses of women as natural carers, and the primacy of men's work (Hayfield, 2020).

In terms of hegemonic power to shape discourse and define gender equality, there are indications that a recent shift has occurred since the establishment of the GEC. The struggle is still evident, but it is mostly one-sided calls for equality and conflicting ideas on how to achieve it. The lack of perspectives reflecting the former dominant discourse indicate a reluctance to speak explicitly *against* gender equality today, just as the general public was reluctant to speak *for* gender equality between 1980 and 1999. One could argue that the perspective

of gender equality as something necessary in a modern society has reached discursive hegemony, in the sense that it is not regarded as appropriate to speak against gender equality. It might therefore be a discursive strategy of avoidance. In other words, the debate for the former dominant discourse no longer contests gender equality in itself. Rather, the focus is on how it is concretely shaped, e.g., in the work and family context. The discourse on gender equality in the Faroese newspaper context can therefore be described as having reached a point of legitimacy in which there are neither explicit signs of progress, nor regression.

## **6. Discussion**

Referring back to our research question, we set out to examine what discourses and underlying ideologies were evident in processes of gender equality legislation and policy in the Faroe Islands. To answer this, we commence our discussion by bringing together key findings and how discourses have changed over time. We subsequently discuss underlying ideologies before concluding the paper.

### ***6.1. Discourses of 1980-1999***

Our analyses of the historical context and newspaper articles illustrates that discourses of gender equality remain contested today, though they have undergone transformations and evolved over time. In the 1980s and early 1990s, the focus was on defining gender equality in a Faroese context. Prior to this, gender equality was a non-issue and, therefore, not politicised. The dominant discourse constructed gender equality as incompatible with Faroese religious values. Consequently, much struggle centred on gender equality being at odds with the Bible. At the same time, the counter-discourse emphasised, also using the Bible, that gender equality *is* compatible with biblical compassion and neighbourly love, as well as being about basic human rights. The injection of the secular-religious schism into political debate, including contestation over biblical interpretation, resonates with findings by van Kersbergen and Lindberg (2015) in their analysis of morality in policies concerning LGBT issues in the Faroe Islands. In other words, both the dominant discourse and counter-discourse use the Bible as part of their argument.

In the late 1980s and early 1990s, the GEA edged ever closer to becoming a reality with the bills tabled in Parliament (1988 and 1994). As a result, the debate intensified and revolved around Faroese identity. On the one hand the GEA was positioned as a threat to Christianity and the traditional fisheries-based society, and by implication gender roles. The argument being that women and men are separate and already enjoy mutual respect and equality. On the other hand, the counter-discourse highlighted prevailing gender inequalities, emphasising that progress and Faroese-ness are about egalitarianism, essential characteristics of belonging to the Nordics.

## 6.2. *Discourses of 2012-2022*

In the later, and more current, 2012-2022 articles, one important underlying discourse is that gender equality means equality of opportunity by law. There are deemed to be no legal barriers for women or men to make choices as they see fit, in all realms of society. Therefore, further political intervention is positioned as unnecessary and undesirable. This discourse is located in a current reality in which women are highly active on the labour market (Statistics Faroe Islands, 2022), which has brought about a change in gender norms.

Although gender equality appears to be less contested in the 2012-2022 articles, it is regularly advocated for, often by the GEC, and through news articles on women's representation. Contestations of gender equality, and men's participation in domestic care, however, become evident mostly in parliamentary debates. Yet, in print media the former dominant discourse appears non-respondent to the counter-discourse.

Notwithstanding these shifts, it is evident that the former dominant discourse has undergone change. Gender equality is no longer denied legitimacy per se. However, its meaning and direction is contested. Discourses no longer position gender equality as being explicitly unbiblical but are performed in a secularised manner. Furthermore, the idea of egalitarian relations between men and women is not directly contested, although there are clear signs that parliamentary debates are rooted in tradition and the Bible (van Kersbergen & Lindberg, 2015). Rather, a changed former dominant discourse has emerged. This discourse positions gender equality as that which is accomplished, albeit with the understanding that gender roles should be practiced in a nuclear family context. Women's labour market participation is welcome, valued and even necessary, but the predominance of men's work endures (Hayfield, 2020). As the welfare sector has grown, the labour market has been feminised and work-life balance is for many families practiced through women's part-time work (Hayfield et al., 2016). This, we suggest, represents a revised version of the former dominant discourse, having become less dominant, and which we now label the *opposing discourse*.

In the 2012-22 articles, the former *counter-discourse* pursues gender equality along a similar trajectory as in earlier times. It maintains a language of progress and rights and pushes for gender-consciousness. However, the emphasis has intensified on a range of issues pertaining to equality of outcome. These include women's (under)representation in politics, other leading positions, and the segregated labour market. Another pertinent issue emphasised by the former counter-discourse is that of care labour, which entails increasing men's and fathers' involvement in caring roles, e.g., through paternity leave. Furthermore, gender equality is also increasingly positioned as an issue for men (e.g., through



the gender equality action plan), and as a societal issue in general. However, the discourse *for* gender equality arguably remains a form of counter-discourse, in the sense that it positions itself as addressing inequalities and pushing for change. This is evident in its ongoing struggle for changing societal gender norms. Furthermore, the focus of the former counter-discourse is on equality of outcome (representation) rather than limited to equality of opportunity by law, a characteristic of the opposing discourse. However, owing to the legitimacy the former counter-discourse has gained in this later period, we now refer to it as the *established counter-discourse*.

### 6.3. Gender ideologies in Faroese public discourse

As we have demonstrated, gender equality discourses are shaped in sites of tension. The context for such tension, on the one hand, emerges from a strong island identity reliant on the sea, and from traditional (Christian) gender roles. On the other hand, the sense of belonging to the Nordics, and especially the strength of (postcolonial) ties to Denmark, have heavily influenced institutional structuring (Larsen, 2022). This brings us to the issue of gender ideologies, which we identified in our data. Our gender ideologies (see figure 1 below) derive in part from previous literature, with some meanings partially adjusted, taking account of the Faroese context. In other cases, we have coined ideological profiles based on how these emerged from our analysis.

Figure 1: Gender ideologies

	Dominant discourse	Counter-discourse
1980 – 1999	Traditionalism	Egalitarianism
	Religious essentialism	
	Opposing discourse	Established counter-discourse
2012 – 2022	Neotraditionalism	Liberal egalitarianism
	Flexible egalitarianism	Feminist egalitarianism

#### 6.3.1. Gender ideologies 1980-1999

Our analysis indicates that in the early discourses (1980-1999) we found three underlying ideologies, two versions of the dominant discourse and one of the counter-discourse. The first is *traditionalism*, which we define as gender attitudes rooted in tradition and resisting changes in gender roles. In the Faroese context we find this to be associated with an essentialist view of women and men. Essentialism in this first version implies different, yet, as some of the arguments

go, complimentary gender roles. These gender roles emerge from histories of practiced gender segregation, at work and within the household.

The second ideology, underlying the dominant discourse, we coin *religious essentialism*. This gender ideology differs in some respects from that of traditionalism, because the essentialist nature of gender derives from interpretations of a religious essence of women and men. From this perspective, women and men are not portrayed as equals, and opposition to the GEA emerges primarily from its perceived incompatibility with the Bible. Therefore, discourses with an underlying religious essentialism, we argue, tend to promote restrictive gender norms. Others have also demonstrated a relationship between religiosity and gender (in)equality. E.g. Schnabel (2016) found that the least equal countries have the most religious people, also when taking account of forms of religion and country developmental level. Importantly though, despite our presenting two versions of the dominant discourse, these often conflate.

The third ideology, that of *egalitarianism*, represents the counter-discourse. Being as it was in its early stage of development, gender equality ideology is promoted as important in its own right. We have not found distinguishable versions of egalitarianism in our data in these early years – as we did in the later period. This might also be attributed to the few advocates of egalitarianism in Faroese newspapers during the 1980-1999 period, who were generally woman politicians or belonged to the women’s movement. This is consistent with other literature, which highlights that social movement domains tend to expand over time, as inequalities are highlighted and become documented (Jenness, 1995). In other words, in these early years, the domain of inequality was mostly limited to promoting gender equality legislation. Whilst there may be more complex gender ideologies at play, they were not voiced, at least not in our data. Hence, egalitarianism in this earlier period was put across through a language of rights, of progress and equal value.

As we have previously pointed out, historical gender relations originate in specific historical situations. For the Faroe Islands, being (remote) islands and historically dependent on fishing as subsistence and economy, has led to a strong spatial and labour-related gender segregation. From such segregation emerge cultural norms, which position the sphere of women as naturally connected to the home. At the same time, the historical danger associated with working at sea positions men’s work as more valuable and legitimate (Absalonsen, 2012; Hayfield, 2020). The origins of gender roles are, as Alesina et al. (2013) argue, extremely “sticky” and persist over time, even after societal conditions change.

### 6.3.2. Gender ideologies 2012-2022

Turning our attention to gender ideologies of the latter period, our analysis suggests that the GEA has reached a state of legitimacy, even though some

opposing voices are still discernible. We argue that egalitarianism, despite being present in several versions, is widespread in Faroese society today. It is therefore not a monolithic concept, having undergone change from our earlier periods. In some respects, the concept of gender (in)equality has undergone *creep* (Haslam et al., 2020), i.e. it has been expanded upon and/or adopted by new actors as we shall see below. We identified four ideological versions of egalitarianism in this latter time period, which represent quite different understandings of what egalitarianism might be. We find the concept to apply to a wider spectrum of perspectives, which also portrays the multidimensionality of gender equality (Grunow et al., 2018). These versions, we acknowledge, are a simplification of a complex reality. However, for analytic purposes, we present these below.

In comparison to our earlier period, we now identify two ideologies, which we broadly associate with the established counter-discourse. The first type, *liberal egalitarianism* (Knight & Brinton, 2017), strongly supports egalitarian gender roles. From this discourse standpoint, the underrepresentation of women in public life is considered problematic and these discourses disassociate with essentialist attitudes. However, this liberal version of the counter-discourse focuses on identifying and eradicating (most especially through law, policies, and systems) structural barriers for women. This means ensuring that women and men have actual equal opportunities to make their best choices.

*Feminist egalitarianism*, which we coined the second established counter-discourse, rejects essentialist views of women and men. Focusing mainly on equality of outcome means that equal opportunities are not enough, even when they address structural constraints. Rather, this discourse signals grave concern that women are underrepresented in positions of influence throughout society, that they bear a heavier burden at home, and that men are underrepresented in caring roles, which has also been confirmed in a recent study (Hayfield et al., 2023). Importantly, in liberal egalitarianism and feminist egalitarianism, gender equality is considered a *political* matter, and the state, therefore, has a key responsibility in promoting gender equality. However, in the case of feminist egalitarianism, there is a stronger emphasis on the state in promoting/legislating parity in representation on the labour market and in the home.

The third gender ideology is associated with the opposing discourse. It remains rooted in tradition but has evolved and emerged as *neotraditionalism* (Damaske et al., 2014). In this version, women's labour market participation is valued and even expected, however, their primary identity as carers endures and the norm of part-time work is widely practiced. Their primary identities, therefore, are expected to be with the family and the primacy of men's work remains highly dominant. This is similar to the findings of others, who argue that traditional beliefs are reconfigured rather than replaced (Scarborough et al., 2019). In this sense, the ideology is essentialist and familialist and might even lean towards serving as a guise for patriarchy. Furthermore, egalitarianism is discernible on issues such as women's labour market participation, whilst

traditional and Christian views have a greater effect on gender roles in the private sphere, as is also identifiable elsewhere in Europe (Begall et al., 2023; Voicu, 2009).

The fourth and final ideology, also connected to the opposing discourse, is that of *flexible egalitarianism* (Knight & Brinton, 2017). From this perspective, minimal political interference is key, and women should be free to make their own choices. Discourses within this ideology have adopted discursive strategies of early feminists, which advocated for women's choice. Hence, the very foundations of the gender equality movement have expanded into the domain of the gender equality opposing discourse. In other words, motivated concept creep has expanded the domain of gender equality with the adoption of a choice rhetoric (Haslam et al., 2020) as an argument against the established counter-discourse.

Egalitarianism in this understanding is flexible, i.e. if women want to pursue careers, be in positions of power, and men be primary carers, such pursuits are tolerated. Discourse can in this sense veer to liberalism. However, this ideology sits more comfortably with traditional gender roles, as women and men are considered fundamentally different. Therefore, gender differences are natural, should be respected and even facilitated, e.g., through stay-at-home choices for mothers. Van Damme and Pavlopoulos (2022, p. 865) point out that those subscribing to this ideology emphasise free choice, in which they are referring to women's free choice. Given the emphasis on choice and minimal state interference, flexible egalitarianism sits well with individualism in a neoliberal rationality. However, in the Faroe Islands the family-based individualism, which Gaini (2013) refers to, implies that discourses of choice may not be about women's choices, but equally about family-based choices.

As we inspect the four overarching ideologies of the more present time, our analysis highlights that for liberal egalitarianism and feminist egalitarianism, gender equality is politicised, and the state has an important role to play in promoting gender equality. However, for neotraditionalism and flexible egalitarianism, there is a general resistance towards politicising gender and parenthood. Rather a discourse of depoliticisation prevails.

## 7. Conclusion

Our paper has analysed public debate concerning the GEA, the GEC, and gender norms in the small island community of the Faroe Islands. Overall, our analysis demonstrates that whilst gender ideologies have changed and been reconfigured from 1980 till the present, they remain contested. Through our discourse-historical approach, we examined gender equality by bringing together history, geography and politics to make sense of changing discourses. We have demonstrated that being an island community significantly impacts how gender norms emerge, are maintained, and contested. Importantly though,

these norms are constructed in continuous tension between the outside world (in the case of the Faroe Islands, the Nordics, and especially Denmark) and the island context.

Whilst we hope our study provides a contribution to the study of gender norms in the Faroe Islands, there is much still to be addressed. There are ample connected topics, which conflate with gender equality, e.g., care labour, LGBTQ+ rights, ethnicity, hours of work and gender quotas – and studies taking an intersectional approach would be especially valuable. Studying these topics would no doubt also shed light on matters of gender equality and underlying ideologies. Furthermore, explorations of social movements such as the anti-gender debates in the Faroese context, have yet to be undertaken and would be of value. Anti-gender debates are likely especially present on social media platforms, which is beyond the scope of our paper. We therefore call for further research on these topics, including the use of a broader range of media, most notably electronic media. This, we suggest, could help piece together the multidimensional nature of gender equality in the Faroe Islands, over time and in the present.

## 8. References

- Absalonsen, R. (2012). *Politics gone fishing* [Copenhagen Business School].  
[http://samfelagid.fo/media/1095/politics\\_gone\\_fishing.pdf](http://samfelagid.fo/media/1095/politics_gone_fishing.pdf)
- Alesina, A., Giuliano, P., & Nunn, N. (2013). On the origins of gender roles: Women and the plough. *The Quarterly Journal of Economics*, 128(2), 469–530.
- Almannamálaráðið. (2018). *Javnstøðupolitikkur - tí tað loysur seg: Virkisætlan*.  
[https://landsstyri.cdn.fo/savn/10592/39583\\_amr\\_virkisætlan\\_faldari\\_a4-47-si-ður.pdf?t=58825803&s=cW3iG\\_c4a\\_gisHQcCg4z00Fs6qM](https://landsstyri.cdn.fo/savn/10592/39583_amr_virkisætlan_faldari_a4-47-si-ður.pdf?t=58825803&s=cW3iG_c4a_gisHQcCg4z00Fs6qM)
- Anonymous. (1988). Javnstøða: Myta ella veruleiki (aftursvar). *Dimmalætting*, 12th April: 9.
- Anonymous. (1992). Um javnstøðu. *Dimmalætting*, 14th November: 13.
- Anttonen, A., & Sipilä, J. (2014). Varieties of universalism. *Draft Paper Prepared for the UNRISD Conference, New Directions in Social Policy: Alternatives from and for the Global South*, Geneva, 7–8.
- Baldacchino, G. (2004). The coming of age of island studies. *Tijdschrift Voor Economische En Sociale Geografie*, 95(3), 272–283.
- Baldacchino, G. (2008). *Studying islands: on whose terms?: Some epistemological and methodological challenges to the pursuit of island studies*.
- Begall, K., Grunow, D., & Buchler, S. (2023). Multidimensional gender ideologies across Europe: Evidence from 36 countries. *Gender & Society*, 37(2), 177–207.

- Borchorst, A. (2006). Woman-friendly policy paradoxes?! Child Care policies and gender equality visions in Scandinavia. In M. Melby Ravn, Anna-Birte, Carlsson Wetterberg, Christina (Ed.), *Limits of Political Ambition? Gender Equality and Welfare Policies in Scandinavia* (pp. 27–43). Polity Press.
- Borchorst, A., & Siim, B. (2008). Woman-friendly policies and state feminism: Theorizing Scandinavian gender equality. *Feminist Theory*, 9(2), 207–224. <https://doi.org/10.1177/1464700108090411>
- Brandth, B., & Kvande, E. (2020). *Designing parental leave policy: The Norway model and the changing face of fatherhood*. Policy Press.
- Brighouse, H., & Olin Wright, E. (2008). Strong gender egalitarianism. *Politics & Society*, 36(3), 360–372.
- Colley, L., & White, C. (2019). Neoliberal feminism: The neoliberal rhetoric on feminism by Australian political actors. *Gender, Work & Organization*, 26(8), 1083–1099.
- Crompton, R., & Lyonette, C. (2005). The new gender essentialism – domestic and family ‘choices’ and their relation to attitudes<sup>1</sup>. *The British Journal of Sociology*, 56(4), 601–620. <https://doi.org/10.1111/j.1468-4446.2005.00085.x>
- Damaske, S., Ecklund, E. H., Lincoln, A. E., & White, V. J. (2014). Male scientists’ competing devotions to work and family: Changing norms in a male-dominated profession. *Work and Occupations*, 41(4), 477–507.
- Dernberger, B. N., & Pepin, J. R. (2020). Gender flexibility, but not equality: Young adults’ division of labor preferences. *Sociological Science*, 7, 36–56.
- Ellingsæter, A. L. (2013). Scandinavian welfare states and gender (de) segregation: Recent trends and processes. *Economic and Industrial Democracy*, 34(3), 501–518. <https://doi.org/10.1177/0143831X13491616>
- Ellingsæter, A. L. (2014). Nordic earner–carer models–why stability and instability? *Journal of Social Policy*, 43(3), 555–574.
- Ellingsæter, A. L., & Leira, A. (2006). Introduction: politicising parenthood in Scandinavia. *Politicising Parenthood in Scandinavia. Gender Relations in Welfare States*, 1–24.
- Eydal, G. B., & Rostgaard, T. (2011). Gender Equality Revisited – Changes in Nordic Childcare Policies in the 2000s. *Social Policy & Administration*, 45(2), 161–179. <https://doi.org/10.1111/j.1467-9515.2010.00762.x>
- Gender Equality Act, (1994). <https://logir.fo/Logtingslog/52-fra-03-05-1994-um-javnstodu-millum-kvinnur-og-menn--om-ligestilling-mellem-kvinder>
- Fejerskov, A., Engberg-Pedersen, L., & Cold-Ravnkilde, S. M. (2019). Rethinking the study of global gender equality norms: Towards a situated approach. In L. Engberg-Pedersen, A. Fejerskov, & S. M. Cold-Ravnkilde (Eds.),

*Rethinking gender equality in global governance: The delusion of norm diffusion* (pp. 1–39). Springer.

Føroya lögting. (2018). *Debate: FG-005/2017*.

<https://www.logting.fo/mal/mal/?id=8844>

Foucault, M., & Deleuze, G. (1977). Intellectuals and power. In D. F. Bouchard (Ed.), *Language, counter-memory, practice: Selected essays and interviews* (pp. 205–217). Cornell University Press.

Friedman, S. (2015). Still a “stalled revolution”? Work/family experiences, hegemonic masculinity, and moving toward gender equality. *Sociology Compass*, 9(2), 140–155.

Gaini, F. (2013). *Lessons of islands : place and identity in the Faroe Islands*. Fróðskapur.

Giuliano, P. (2017). *Gender: An historical perspective*.

Grunow, D., Begall, K., & Buchler, S. (2018). Gender ideologies in Europe: A multidimensional framework. *Journal of Marriage and Family*, 80(1), 42–60.

Hakim, C. (2006). Women, careers, and work-life preferences. *British Journal of Guidance & Counselling*, 34(3), 279–294.

<https://doi.org/10.1080/03069880600769118>

Hansen, D. (2015a). At arbeiða ella ikki at arbeiða. *Dimmalætting*, 10th July: 26.

Hansen, D. (2015b). Hetta ber bara til saman við øðrum. *Dimmalætting*, 5th June: 35.

Haslam, N., Dakin, B. C., Fabiano, F., McGrath, M. J., Rhee, J., Vylomova, E., Weaving, M., & Wheeler, M. A. (2020). Harm inflation: Making sense of concept creep. *European Review of Social Psychology*, 31(1), 254–286.

Hayfield, E. A. (2020). Parenting and islands: Constructing gender and work in the Faroe Islands. In F. Gaini & H. Pristed Nielsen (Eds.), *Gender and Island Communities* (pp. 100–118). Routledge.

Hayfield, E. A. (2022). Ethics in small island research: Reflexively navigating multiple relations. *Shima*, 16(2).

Hayfield, E. A., Skorini, H. í, & Albinus, H. (2023). *Kyn, javnstøða og javnrættindi: Hvat halda føroyingar?*

Hayfield, Olavson, & Patursson. (2016). *Part-time work in the Nordic region III : an introductory study of the Faroe Islands, Greenland and Åland Islands*. Copenhagen : Nordic Council of Ministers.

Henriksen, J. (1987). Javnstøðunevndin farin til verka. *Sosialurin*1, 8th September: 23.

- Hentze, T. D. (1994). Abortlóggáva og javnstøðulóg. *Sosialurin*, 15th September: 19.
- Hovgaard, G. (2015). Being Away; Being at Home; Being Both – The Case of Faroese Maritime Workers. In S. T. Faber & H. P. Nielsen (Eds.), *Remapping Gender, Place and Mobility* (pp. 175–189). Ashgate.
- Iandoli, L., Primario, S., & Zollo, G. (2021). The impact of group polarization on the quality of online debate in social media: A systematic literature review. *Technological Forecasting and Social Change*, 170, 120924. <https://doi.org/https://doi.org/10.1016/j.techfore.2021.120924>
- Jäger, S. (2001). Discourse and Knowledge: Theoretical and methodological aspects of a critical discourse and dispositive analysis. In R. Wodak & M. Meyer (Eds.), *Methods of critical discourse analysis* (pp. 32–62). SAGE Publications.
- Jákupsstovu, B. í. (2007). Velferd på Færøyerne: Ny velferdsmodell i støpeskjeen. In G. L. Rafnsdóttir (Ed.), *Arbejde Helse og Velfærd i Vestnorden* (pp. 27–40). Háskólaútgáfan, Rannsóknastofa í Vinnuvernd.
- Jenness, V. (1995). Social Movement Growth, Domain Expansion, and Framing Processes: The Gay/Lesbian Movement and Violence Against Gays and Lesbians as a Social Problem \*. *Social Problems*, 42(1), 145–170. <https://doi.org/10.2307/3097009>
- Joensen, H. (1988). Javnstøða: Myta ella veruleiki. *Fjúrtandi*, 16.
- Johannesen, P. H. (2011). *Tey sóu reytt*. Sprotin.
- Uppskot til løgtingslóg um javnstøðu millum kvinnur og menn*, 372 (1988) (testimony of Vilhelm Johannesen).
- Uppskot til samtyktar um ískoytissáttmála Sameindu Tjóða*, Item 98/1999 (2000) (testimony of Annfinn Kallsberg).
- Karides, M. (2017). Why island feminism? *Shima*, 11(1).
- Kjølbro, T. (1998). Forðingin fyri javnstøðu liggur hjá kvinnuni sjálvari. *Sosialurin*, 19th December: 16.
- Klettskarð, Ó. (2002). Konufólk á tingi. In F. Ísakson, S. Danielsen, J. Thorsteinsson, D. Hentze, & P. á Kletti (Eds.), *Løgtingið 150, Bind 2* (pp. 166–193). Føroya løgting.
- Knight, C. R., & Brinton, M. C. (2017). One egalitarianism or several? Two decades of gender-role attitude change in Europe. *American Journal of Sociology*, 122(5), 1485–1532.
- Korolczuk, E. (2020). Counteracting challenges to gender equality in the era of anti-gender campaigns: Competing gender knowledges and affective solidarity. *Social Politics: International Studies in Gender, State & Society*, 27(4), 694–717.



- Lakjuni, M. á (1988). Álop á skúla, heim og arbeiðspláss. *Dagblaðið*, 31st August: 20.
- Lanninger, A. W., & Sundström, M. (2014). *Part-time work in the Nordic Region, part-time work, gender and economic distribution in the Nordic countries* (1. oplag). Nordisk Ministerråd : Nordisk Råd.
- Larsen, B. (2022). Problemet med den ubekymrede retlige transplantation. *Juristen*, 104(6), 251–263.
- Larsen, E. (2021). ‘The gender-progressive Nordics’: A matter of history. In E. Larsen, S. M. Moss, & I. Skjelsbæk (Eds.), *Gender equality and nation branding in the Nordic region* (pp. 13–38). Routledge.
- Lister, R. (2009). A Nordic Nirvana? Gender, Citizenship, and Social Justice in the Nordic Welfare States\*. *Social Politics: International Studies in Gender, State & Society*, 16(2), 242–278. <https://doi.org/10.1093/sp/jxp007>
- Løgtingið. (2023). *Tingfólk*. <https://www.logting.fo/tingfolk-og-nevndir/tingfolk-1/tingfolk-i-dag/>
- Magnusson, E., Rönnblom, M., & Silius, H. (2008). Introduction: Critical studies of gender equalities: Nordic dislocations, dilemmas and contradictions. In E. Magnusson, M. Rönnblom, & H. Silius (Eds.), *Critical studies of gender equalities: Nordic dislocations, dilemmas and contradictions* (pp. 7–23). Makadam Förlag.
- McRobbie, A. (2009). *The aftermath of feminism: Gender, culture and social change*. Sage.
- Meyer, M. (2001). Between theory, method, and politics: positioning of the approaches to CDA. In R. Wodak & M. Meyer (Eds.), *Methods of critical discourse analysis* (pp. 14–31). SAGE Publications.
- Moussa, M., & Scapp, R. (1996). The practical theorizing of Michel Foucault: Politics and counter-discourse. *Cultural Critique*, 33, 87–112.
- Nordic Co-operation. (2022). *Influence and power*. <https://www.norden.org/en/statistics/influence-and-power>
- Nygren, K. G., Martinsson, L., & Mulinari, D. (2018). Gender equality and beyond: At the crossroads of neoliberalism, anti-gender movements, “European” values, and normative reiterations in the Nordic model. *Social Inclusion*, 6(4), 1–7.
- Olsen, P. (1994). Onnur misunna okkum stóra ríkiððømið í vakra landinum. *Dagblaðið*, 1st July: 20.
- Pedersen, A. W., & Kuhnle, S. (2017). The Nordic welfare state model. In O. Knutsen (Ed.), *The Nordic models in political science. Challenged, but still viable?* (pp. 219–238). Fagbokforlaget.

- Uppskot til lögtingslóg um broyting í lögtingslóg um javnstøðu millum kvinnur og menn*, 373 (1996) (testimony of Jenis av Rana).  
<https://logting.elektron.fo/lgt/FrameYvirlit.asp?ar=1995>
- Ravn-Højgaard, S., Jóhannsdóttir, V., Karlsson, R., Olavson, R., & í Skorini, H. (2021). Particularities of media systems in the West Nordic countries. *Nordicom Review*, 42(s2), 102–123.
- Reisigl, M., & Wodak, R. (2017). The discourse-historical approach. In J. Flowerdew & J. E. Richardson (Eds.), *The Routledge handbook of critical discourse studies*. Routledge.
- Uppskot til samtyktar um at at lýsa ST-sáttmálan (CEDAW) frá 18. desember 1979 um avtøku av øllum háttum av mismuni ímóti kvinnum at galda í Føroyum*, (1987) (testimony of Rules Committee).
- Scarborough, W. J., Sin, R., & Risman, B. (2019). Attitudes and the stalled gender revolution: Egalitarianism, traditionalism, and ambivalence from 1977 through 2016. *Gender & Society*, 33(2), 173–200.
- Schnabel, L. (2016). Religion and gender equality worldwide: A country-level analysis. *Social Indicators Research*, 129, 893–907.
- Skorini, H. í, Albinus, H., & Sølvará, H. A. (2022). Færøerne mellem religiøs vækkelse og sekularisering: En nordisk undtagelse bliver til. *Økonomi & Politik*, 95(1), 88–110.
- Uppskot til samtyktar um setan av javnstøðunevnd*, (1979) (testimony of Ingrid Sondum, Jona Henriksen, & Karin Kjølbro).
- Sosialurin. (2021). 13 ferðir eru samgongur slitnaðar. *Sosialurin*, 30th December: 8-9.
- Statistics Faroe Islands. (2014). *Átrúnaður*.  
<https://hagstova.fo/fo/folk/manntal-2011/atrunadur>
- Statistics Faroe Islands. (2022). *Føroyingar byrja fyrr og gevast seinni at arbeiða*. <https://hagstova.fo/fo/tidindi/foroyingar-byrja-fyrr-og-gevast-seinni-arbeida>
- Sundström, E. (2006). Välfärdspolitiska förhållanden i Västnorden : Färöarna, Grönland och Island. In *TemaNord NV - 2006:520*. Nordisk ministerråd.  
<https://doi.org/10.6027/TN2006-520>
- Szczerba-Zawada, A., & Burek, W. (2019). Gender equality in the universal and regional Human Rights systems: prohibition of discrimination and beyond. In W. Leal Filho, A. M. Azul, L. Brandli, P. Özuyar, & T. Wall (Eds.), *Gender Equality. Encyclopedia of the UN Sustainable Development Goals*. Cham: Springer.

- Teigen, M., & Skjeie, H. (2017). The Nordic gender equality model. In O. Knutsen (Ed.), *The Nordic models in political science: Challenged but still viable* (pp. 125–148). Fagbokforlaget.
- Thwaites, R. (2017). Making a choice or taking a stand? Choice feminism, political engagement and the contemporary feminist movement. *Feminist Theory*, 18(1), 55–68.
- Tingakrossur. (1964). Fyrsta kvinna á Føroya lögtingi. *Tingakrossur*, 19th March, 11.
- UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 13 (1979).  
<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- Uppskot til løgtingslóg um javnstøðu millum kvinnur og menn, Løgtingstíðindi 1992 670 (1993).
- van Damme, M., & Pavlopoulos, D. (2022). Gender ideology in Europe: Plotting normative types in a multidimensional space. *Social Indicators Research*, 164(2), 861–891.
- van Dijk, T. A. (2008). *Discourse and power*. Palgrave Macmillan.
- van Kersbergen, K., & Lindberg, E. L. (2015). Political Contestation, Secularization, and Religious Supply: Why is Morality Policy so Restrictive in the Faroe Islands? *Politics and Religion*, 8(4), 772–796.
- Verloo, M., & Lombardo, E. (2007). Contested gender equality and policy variety in Europe: Introducing a critical frame analysis approach. In M. Verloo (Ed.), *Multiple meanings of gender equality: A critical frame analysis of gender policies in Europe* (pp. 21–46). CEU Press.
- Voicu, M. (2009). Religion and gender across Europe. *Social Compass*, 56(2), 144–162.
- Wennemo, A. L., & Sundström, M. (2014). *Part-Time Work in the Nordic Region: Part-Time Work, Gender and Economic Distribution in the Nordic Countries*. Nordic Council of Ministers.
- Wodak, R., de Cillia, R., Reisigl, M., & Liebhart, K. (2009). *Discursive construction of national identity* (A. Hirsch, R. Mitten, & J. W. Unger (eds.)). Edinburgh University Press.
- Wodak, R., & Meyer, M. (2016). Critical discourse studies: History, agenda, theory, and methodology. In R. Wodak & M. Meyer (Eds.), *Methods of critical discourse studies* (pp. 1–22). SAGE Publications.
- Ylöstalo, H. (2022). Feminism at the Crossroads of Neoliberalism and Neoconservatism: Restructuring Women's Labor in the Context of Family Leave Reform in Finland. *Social Politics: International Studies in Gender, State & Society*, 29(4), 1336–1359.

Zwingel, S. (2012). How do norms travel? Theorizing international women's rights in transnational perspective. *International Studies Quarterly*, 56(1), 115–129.

# Mannarættindi: frá teksti til læru



Fróðskaparrit 70 (2024), nr. 2: 124-150  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

## Human Rights: going from text to doctrine

Kristian Joensen<sup>1</sup>, Jóhan J. Lamhauge<sup>2</sup>

### Abstract

In political discussions, it is often argued that a certain policy proposal needs to be implemented because human rights demand it. But what does that mean? In most cases attention is not paid to the fact that normally there is no central authority to interpret human rights instruments, as the interpretive authority is dispersed among all the treaty parties according to the principle of sovereign equality. Exceptions to this state of affairs is if, as in the case of the European Convention on Human Rights, the parties have consented to give a court authority to adjudicate conflicts between citizens and the respective state parties. In any case, a legal text needs to be elucidated to decide if some potential policy proposal is in accord with “human rights” or not. The question then becomes, how do you decide concrete cases under these texts? This process of going from authoritative legal texts to practice can be divided into two stages: *interpretation* and *construction*. Interpretation is a process that uncovers the linguistic or semantic meaning of a legal text, whereas construction is the process that uncovers the legal meaning or effect of a text. Construction is, thus, very essential for explaining the process of going from an authoritative text to a judicial decision. Unfortunately, the interpretation-construction distinction is given little notice in our legal tradition. Analysis of concrete court cases suffers from this. The article illustrates some of the points regarding this distinction with the recent Faroese case *Føroya Reiðarafelag v. Fiskimálaráðið* as an example.

---

<sup>1</sup> Námslektari, Fróðskaparsetur Føroya, Sögu- og samfelagsdeildin, Jónas Broncks gøta 25, FO 100 Tórshavn, [kristianj@setur.fo](mailto:kristianj@setur.fo).

<sup>2</sup> Námslektari, Fróðskaparsetur Føroya, Sögu- og samfelagsdeildin, Jónas Broncks gøta 25, FO 100 Tórshavn, [johanl@setur.fo](mailto:johanl@setur.fo).

### Úrtak

Í politiskum orðaskiftum verður javnan ført fram, at eitt ávíst politiskt uppskot má verða sett í gildi, tí at mannaættindi krevja tað. Men hvat merkir tað? Í flestu førum geva vit okkum ikki far um, at eingin sentralur myndugleiki er at tulka mannaættindaskjøl, tí tulkingarmyndugleikin er spjaddur millum allar sáttmálapartarnar sambært meginregluni um javnstøðu millum luttakandi statirnar. Frávikid frá hesum er, um partarnir, sum í førunum við evropeiska mannaættindasáttmálanum, hava samtykt at geva einum dómstóli heimild at døma í ósemjum millum borgarar og statin sum sáttmálapart. Í øllum førum má ein lógartekstur greinast neyvari fyri at avgera, um møguligt politiskt uppskot er í samsvari við "mannaættindi" ella ikki. Spurningurin verður síðani, hvussu ítøkilig mál verða avgjørd undir hesum tekstum? Hendan tilgongdin við at fara frá autoritativum lógartekstum til praksis kann býast í tvey stig: tulking og konstruktión. Tulking er ein tilgongd, sum avdúkar málsliga ella semantiska týðningin av einum lógarteksti, meðan konstruktión er tilgongdin, sum avdúkar lögfrøðiliga týðningin ella avleiðingina av einum teksti. Konstruktión er tí alneyðug fyri at greiða frá tilgongdini har farið verður frá einum autoritativum teksti til eina rættarlaga avgerð. Tíverri verður lítil áherðsla lögð á skilnaðin millum tulking og konstruktión í okkara rættartradión. Greining av ítøkiligum rættarmálum er í ov stóran mun merkt av hesum. Greinin lýsir týðningarmestu partarnar í hesum skilnaðinum, har feska føroyska rættarmálið Føroya Reiðarafelag móti Fiskimálaráðnum verður nýtt sum dømi.

**Keywords:** Human rights, ECHR, ECtHR, interpretation, construction, legal methodology.

**Leitorð:** Mannaættindi, EMRS, EMRD, tulking, konstruktión, lögfrøðiligt háttalag.

## 1. Inngangur og grundarlag

Í samfelagsligum kjaki verður til tíðir víst til mannaættindi sum grundgeving fyri at fremja eitthvørt politiskt átak ella politiskar broytingar. Við at vísa til mannaættindi, ber til at rættvísgera politisk uppskot á ein hátt, ið ger, at tey gerast til ein spurning um at halda altjóðarættarligar skyldur, sum Føroyar hava bundið seg til, samstundis sum mannaættindi kunnu brúkast sum grundarlag til at legitimera ávís politisk ella samfelagslig sjónarmið.

Tað kann blíva trupult at kjakast um politiskt innihald, um sjónarmið einans eru grundgivin við at vísa til mannaættindi. Hetta er m.a. tí, at ættindi hava lyndi til at vera absolutt og at virka sum ein trumfur. Tað er jú sjálvsagt, at tað, sum er mannaættur, skal virðast. Mannaættindi kunnu tískil føra eitt kjak av sporinum líka so skjótt sum ein tilvísing til átrúnaðarlígan autoritet. Mannaættindi eru egnað at snara politiskum sjónarmiðum frá tí treytaða veruleikanum til ein neyðugan veruleika, sum ikki kann kjakast um.

Av m.a. hesi orsök er umráðandi at hava eina skynsama (rationella) tilgongd til greining av mannaættindaligari argumentatión. Týðandi atlit til bæði lögfrøðiliga og politiska argumentatión eru upp á spæl.

Til ber at síggja mannarættindi úr fleiri sjónarhornum, t.d. søguligum, heimspekiligum, etiskum ella samfelagsligum sjónarhornum, og hesi kunnu geva ymsar fatanir av mannarættindum sum fyribrigdi. Ein lögfrøðilig tilgongd til mannarættindi snýr seg um eina greining við denti á galdandi rætt, so sum hvat innihaldið í mannarættindaásetingunum er, og hvørjar støður eru fevndar av verjuni, ið mannarættindaásetingar skulu geva.

Um ógreitt er, hvat meinast við, tá tosað verður um mannarættindi og hvussu funnið verður fram til, hvat galdandi mannarættindi eru, so kann hetta viðføra, at bæði borgarar og myndugleikar fáa eina skeiva fatan av, hvør rættarstøðan er. Borgararnir halda seg hava rættindi, sum teir ikki hava, ella har hetta er sera ivasamt, og myndugleikar halda seg kunnu styrkja sín politikk við mannarættindum, har tað ikki er møguligt ella sera ivasamt.

Ein orsök til, at mannarættindi verða ákallað uttan neyðugan neyvleika er, hvussu mannarættindasáttmálar og onnur mannarættindaskjøl eru orðað. Slík skjøl eru ofta orðað í breiðum, almennum, og veikum orðingum. Hetta hevur við sær, at tað ikki altíð er gjørligt at koma til eina ítøkiliga rættarstøðu einans út frá einfaldari lesing av teksti. Sum oftast krevst meira enn beinleiðis lesnaður av mannarættindaásetingum fyri at kunna skapa rættarnormar, sum avgerðir kunnu grundast á. Tørvur er við øðrum orðum á at hava neyðugar millumrokningar við.

Ástøðiliga grundarlagið undir greinini er tann skilnaður, sum í lögfrøðiligu bókmentunum, serliga fremmandum, verður gjørdur ímillum hugtøkini *tulking* og *konstruktión*. Í hesi greinini hava vit valt at brúka orðið konstruktión, bæði tí at hetta verður nýtt í viðkomandi útlendsku lögfrøðiligu bókmentunum, men eisini tí, at orðið konstruktión gevur greiða tilsiping til tað, at skapa eithvørt, sum ikki finst frammanundan<sup>3</sup>. Tulking snýr seg hinvegin meira um at fáa greiðu á tí sum longu liggur í teksti ella konteksti. Konstruktión minnir um danska hugtakið "udfyldning", men útfylling hevur lyndi til at vera brúkt meira fleirtáttað og nakað meira tilvildarlaga um mangar ymiskar støður, sum snúgva seg um, at dómari ella annar avgerðartakari má leggja atlit inn í lógina ella tulka lógina upp ímóti øðrum rættarnormum. Eisini er viðkomandi, at dansk ástøði hevur onga væl menta læru um, hvussu komast kann frá autoritativum teksti til rætt í praksis. Norskur rættur kemur hesum nærri við bókini *Rettslige Standarder* frá 1939 eftir Ragnar Knoph. Knoph hevði ætlanir um enn eina bók um, hvussu rættur blívur til í praksis, men hann doyði í ótíð, og tí bleiv hetta av ongum. Í danskari læru er tað serliga Bent Christensen, sum hevur gjørt nakað við útfylling í sakliga partinum av fyrisitingarrættinum. Kortini tykist tað sum, at dansk rættarástøði hevur lyndi til at fata útfylling sum nakað serstakt fyri

---

<sup>3</sup> Vit hava í hesi greinini tilvitað valt at brúka føroyska orðið konstruktión sum eina beinleiðis týðing av enska lögfrøðiliga hugtakinum *construction*. Sostatt brúka vit her orðið konstruktión øðrvísi enn í føroyskum gerandismáli.

fyrisingarrætt, og tí hevur hetta ikki fingið stórvegis av uppmærksemi á øðrum rættarøkjum.

Tá serliga amerikanska siðvenjan harumframt er betri útbygd enn tann danska og norðurlenska á hesum økinum, taka vit íblástur haðani. Høvundurin, ið verður brúktur mest í greinini, er amerikanski rættarteoretikarin Lawrence B. Solum.

## 2. Háttalagsfrøðiligar fortreytir

Løgfrøðilig háttalagsfrøði er ikki neyv vísindi. Løgfrøðilig tulkning er, sum orðið leggur upp til, tulkandi (interpretivistiskt) virksemi. Háttalagið er pragmatiskt og ikki skorið í neyvar kategoriir, og ongin náttúruvísindaligur ella støddfrøðiligur sannleiki er hvørki um háttaløg sum heild ella einstakar tulkingsarspurningar<sup>4</sup>.

Sum dømi brúka lögfrøðingar, tá konflikt er millum reglur, grundregluna frá rómverjarætti, at yngri lóg vinnur á eldri lóg (lex posterior). Hetta kann mangan avgreiða spurningin. Hinvegin er eisini grundregla frá rómverjarætti, at meira serstøk lóg vinnur á meira almennari lóg (lex specialis). Um eldra lógin er meira serstøk og yngra lógin meira almenn, er ongin lættur vegur burtur úr tulkingsartrupulleikanum.

Háttalagsfrøði í lögfrøði er tískil lítið meira enn ein roynd at nærkast eini skipaðari tilgongd til eitt virksemi, sum grundleggjandi ikki kann vera annað enn pragmatiskt og interpretivistiskt. Terminologiin er ikki høgd í stein, og ein eigur ikki at hava ov stóra tiltrúgv til, hvat einstøk hugtøk kunnu gera av nyttu.

Í framhaldi av hesum kann kjakast um, hvørt enska hugtakið “construction”, sum vit hava valt at leggja serligan dent á, er neyvt tað sama, sum tað, sum í donskum ástøði verður rópað *udfyldning* ella á føroyskum *útfylling* (Larsen & á Rógvi, 2012, s. 43-46). Tá vit hava valt at brúka hugtakið *konstruktión* gjøgnumgangandi gjøgnum greinina, so er tað tí, at hetta hugtak í ensktmæltum ástøði er væl meira ment við eini drúgvari søgu og nógvum bókmentum, meðan hugtakið *udfyldning* ikki er nógv viðgjørt og greinað í donskum ástøði, eins og tað heldur ikki eru nógvar danskar bókmentir, sum seta hetta hugtak í miðdepilin.

Hugtøkini *udfyldning* og *construction* líkjast, men mangan verður *udfyldning* í danskari læru nýtt um eina røð av tulkingsarsnildum, ið eru neyðugar fyri at gera eina áseting virkna í praksis. Øvugt hevur *construction* á enskum lyndi til meira eintýtt at verða nýtt um ta støðu, sum vit meta serliga týðandi fyri mannarættindatulkning, nevniliga at tulkarin stendur yvirfyri veikari ella kámar áseting, hvørs týðningur fyri ítøkilig mál er ivasamur, og ikki kann grundast á tulkning av ásetingini sjálvari uttan at leggja onnur (ytri) atlit afturat.

At vit hava valt at leggja serligan dent á verkið hjá amerikanska lögfrøðinginum Lawrence B. Solum, kemst av, at hann er leiðandi ástøðingur um

---

<sup>4</sup> Týðandi nýggjari verk um hesi evni í norðurlenskum høpi er Blandhol, 2005.



tulking og konstruktión, og at hann seinastu árinu man hava givið virðismiklari íkast enn nakar annar til, hvussu vit eiga at skilja sambandið millum tulking og konstruktión.

Eitt annað hugtak, ið er serliga viðkomandi, tá ið talan er um mannarættindatulking, er *dynamisk tulking*. Rættarpraksis hjá Evropeiska Mannarættindadómstólinum er eitt nú nógv merkt av dynamiskari tulking. Dynamisk tulking er, tá ið lógartekstir verða tulkaðir í ljósinum av samstíðini hjá tulkaranum heldur enn samstíðini hjá tekstinum. Hetta er ofta grundgivið við samfelagsbroytingum, serliga broyttum virðum. Henda tulkangartilgongd elvir síðani til, at tulkningin av einstøkum ásetingum broytist yvir tíð. Men skilnaðurin millum *dynamiska tulking* meira *statiska tulking* er ein annar enn skilnaðurin millum tulking og konstruktión, og er hetta ikki í sær sjálvum evni fyri hesa grein<sup>5</sup>.

## **2.1. Fyribrigdi at ákalla mannarættindi í samfelagsliga og politiska kjakinum**

Niðanfyri eru nøkur útvald dømi um, at felagsskapir og myndugleikar ákalla mannarættindi sum ein part av argumentatiónini til at stuðla undir boðskap, ið verður borin fram í almenna rúminum.

Soleiðis sást á heimasíðuni hjá Føroya Provita fylgjandi yvirskrift í mars 2024: “Fosturtøka ger seg inn á grundleggjandi mannarættindi” (Føroya Provita, 2024) og í yvirlýsing frá aðalfundinum hjá MFS frá juli 2022 stóð at lesa, at

Atgongd til tryggja abort er ein mannarættur. MFS góðtekur ikki, at allar kvinnur í Føroyum ikki hava lógartryggjaðan rætt til tryggja abort. Hetta er brot á mannarættindi. MFS arbeidir fyri, at øll lesandi eru fevnd av mannarættindum, og vit vilja tí virka fyri fríari abort... (Meginfelag Føroyskra Studenta, 2022)

Eisini áhugafelagsskapir, ið royna at fáa limum sínum betri borgararættindi í samfelagnum, ákalla mannarættindi í sínum samskipti. Felagsskapurin MEGD hevði í august 2021 ein tíðindastubba undir yvirskriftini “Samskipti er eina mannarættur.” (MEGD, 2021), og á Facebook-vanganum hjá Amnesty International Føroya Deild stóð at lesa í februar 2019: “Tað er ein mannarættur at liva, sum tann, tú ert. Og elska tann, tú elskar.” (Amnesty International Føroyar, 2019).

Á Facebook-síðuni hjá Sosialistiskum Ungum, stóð hetta brot 1. juli 2017: “Við at viðurkenna føroyskt teknmál sum tjóðarmál í Føroyum, tryggja vit deyvum og tunghoyrdum nøkur grundleggjandi menniskjarættindi við lóg.” (Sosialistisk Ung, 2017).

---

<sup>5</sup> Eitt dømi um danskan høvund, ið hevur greinað dynamiska tulking, er Henrik Zahle. Sí Zahle, 1997.

Almennir myndugleika nýta stundum eisini hugtakið mannarættindi í sínum samskipti. Í tíðindastubba á heimasíðuni hjá (táverandi) Mentamálaráðnum stóð í mars 2012 soljóðandi yvirskrift: "Fráboðanarskylda er ein mannarættur hjá barninum" (Olsen, 2012).<sup>6</sup>

Í hesi greinini verður ikki tikin støða til, hvørt grundarlag er fyri - sæð frá einum lögfrøðiligum sjónarhorni - teimum einstøku ákallingunum sum síggjast í dømunum, t.v.s. um talan veruliga er um galdandi mannarættindi ella ikki. Dømini kunnu tí umboða bæði galdandi mannarættindi, og mannarættindi sum ikki (enn ella nakrantíð) eru staðfest sum galdandi.

### 3. Um altjóða mannarættindi sum lögfrøðiligt fyrbrigdi

Heimspekiligi spurningurin um, hvaðani altjóða mannarættindi koma, og hvør teirra náttúra er, er ein torførur og umstríddur spurningur, sum vit ikki skulu gera nógv við her. Víst verður til greinina hjá Jógvan D. Hansen í hesi somu serútgávu av Fróðskaparriti.

Vit seta sjóneykuna á tann meira ítøkiliga spurningin um, hvat altjóða mannarættindi eru sum eitt *lögfrøðiligt* fyrbrigdi. Sæð frá lögfrøðiligum sjónarmiði eru altjóða mannarættindi rættindi hjá einstøkum, sum statir hava bundið seg til at verja gjøgnum ymiskar altjóðarættarlígar sáttmálar. Hesi skjølini taka ofta útgangsstøði í mannarættindayvirlýsingini hjá ST frá 1948<sup>7</sup>, men tað er týðandi at hava í huga, at mannarættindayvirlýsingin er ein yvirlýsing hjá ST-aðalfundinum og yvirlýsingar eru ikki, í sjálvum sær, bindandi fyri limalondini. Tó kunnu aðalfundarsamtyktir byggja á bindandi altjóða siðvenjurætt ella seinni føra til menningina av slíkum. Henda grein tekur tó ikki støðu til, um hetta er galdandi fyri mannarættindayvirlýsingina.

### 4. Um brúk av fremmandum rættarástøði

Ein stórur partur av ástøðiliga grundarlagnum undir hesari greinini kemur frá bókmentum úr øðrum londum enn Danmark ella Føroyum. Spurningurin er, í hvønn mun slíkar bókmentir kunnu brúkast her? Er lögfrøði ikki júst eitt fakøki, ið er nær tongt at tí einstaka landinum við stórum munum millum lond?

Fyri at svara hesum spurningunum, er neyðugt at skilja í millum rættardogmatikk og rættarástøði. Rættardogmatikkur snýr seg um galdandi rætt á tí einstaka rættarøkinum í tí einstaka landinum (Dalberg-Larsen, 2002, s. 9). Her kann vera talan um reglurnar í avtalurættinum um gerð av avtalu, reglurnar í revsirættinum um tilætlan, reglurnar í kapitalvinningsskattalógini um, hvussu arvir og gávur av virðisbrøvum skulu viðgerast skattliga o.m.a. Her

---

<sup>6</sup> Viðkomandi heimasíðurnar provita.fo, mfs.fo, megd.fo, amnesty.fo, facebook.com og ammr.fo eru seinast vitjaðar 11.09.2024.

<sup>7</sup> Á enskum: The Universal Declaration of Human Rights. Fyri áhugaverdar bókur um yvirlýsingina, sí Glendon, 2002 og Morsink, 1999.

kunnu munirnir millum einstøk lond til tíðir vera sera stórir, tó so at eisini á hesum økinum eru tað ofta líkskapir millum lond. Tað eru ymiskar orsøkir til tað. Millum annað kunnu lond hava ein felags lögfrøðiligan arv. Hetta er eitt nú galdandi fyri nógv europeisk lond, sum í ein stóran mun søguliga sæð hava verið nógv ávirkað av rómverjarættinum (Tamm, 2005, s. 44). Eitt annað dømi um hetta eru, tey sokallaðu “*common law*” londini<sup>8</sup>, ið á líknandi hátt hava felags rættartradión.

Ein onnur kelda til líkskap, tá ið talan er um galdandi rætt, er altjóða samstarv av ymsum slagi. Eitt nú hava limalondini í ES eina rúgvu av lóggávu í felag. Altjóða mannaættindi eru júst eitt dømi um eina skipan, ið mong lond eru felags um.

Men tá ið talan er um ástøðiligar spurningar, eru munir millum lond minni viðkomandi. Abstraktiónstigið og generalitetsstigið á ástøði er væl hægri, enn tá ið talan er um spurningar viðvíkjandi galdandi rætti.

Sum eitt dømi kann nevast, at summir rættarteoretikarar fáast við spurningar um ymisk málslig fyrbrigdi, og hesi fyrbrigdi eru í stóran mun leys, bæði av einstøkum rættarskipanum, men eisini av einstøkum tungumálum. Vit kunnu taka veikar orðingar sum dømi. Grein 36 í avtalulógini er soljóðandi:

En aftale kan tilsidesættes helt eller delvis, hvis det vil være urimeligt eller i strid med redelig handlemåde at gøre den gældende. Det samme gælder andre retshandler.

Stk. 2. Ved afgørelsen efter stk. 1 tages hensyn til forholdene ved aftalens indgåelse, aftalens indhold og senere indtrufne omstændigheder.

Hetta er ein sokallaður rættarligur standardur, tí at orðini “urimeligt eller i strid med redelig handlemåde” eru sera veik. Tann eginleikin er óheftur av, at talan er um føroysku avtalulógina ella at ásetingin er orðað á donskum. Um talan heldur var um skotska avtalulóggávu og orðingin var “if it would be unreasonable or contrary to fair dealing to apply it” vildi hetta als ikki broytt eginleikarnir hjá ásetingini. Vit skulu koma nærri inn á rættarligar standardar seinni í greinini, men fyri fyrst er nóg mikið at staðfesta, at teir gera tað trupult at lesa eina rættarstöðu burtur úr lógini og gera, at tørvur gerst á at menna rættarstöðuna í praksis.

Hesir eginleikarnar við rættarligum standardum eru ikki tongdir at ella treytaðir av landamørkum. Tí kunnu vit í Føroyum fáa góða nyttu burtur úr útlendskum ástøði um rættarligar standardar. Eisini viðvíkjandi spurninginum um skilnaðin millum tulkning og konstruktión, sum henda greinin snýr seg um, er fremmant rættarástøði hent. Ein orsøk til tað er, at hesin spurningurin er minni teoretiseraður í Danmark enn í eitt nú USA og Noregi. Tá ið so evnið, vit viðgera

---

<sup>8</sup> Common law er heiti fyri rættartradión í Englandi, USA og fyrrverandi hjálandum, ið serliga er eyðkend av at rætturin er skaptur av dómurum og dómstólum.

í hesi greinini, snýr seg um altjóða mannarættindi, er tað enn minni problematiskt at brúka ástøði úr øðrum londum.

## 5. Um tulkning og konstruktión

Hvussu kemur ein frá einum teksti í einum altjóða mannarættindaskjali til eina konkreta rættarstöðu? Svarið kann tykjast greitt: tulkning. Tulkning er eitt virksemini, ið ikki er avmarkað til lögfrøði. Tað finnast nógv ymisk sløg av tulkning, harímillum bíbliutulkning, bókmentatulkning, umframt sjálvsagt eisini lógartulkning. Tað, ið hesi øll hava í felag er, at talan er um virksemini, ið hevur til endamáls at finna týdningin av einum ávísnum teksti. Tulkning hoyrir til so grundleggjandi menniskjaliga sannkenning, at tað er ringt at allýsa fyrbrigdið, men sum við allari tekstatulkning byrjar hon við at nærlesa ein tekst við atliti at setningsbygnaði, mállæregrundum, allýsing av orðum og øðrum málsligum fyrbrigdum.

Kortini er tulkning av lögfrøðiligum tekstum ikki nóg mikið til at taka avgerðir eftir teimum. Orsøkin til hetta er, at slíkir tekstir ofta eru orðaðir á ein hátt, sum ger, at tað ikki er gjørligt at lesa eina rættarstöðu í einum ítøkiligum máli burtur úr tekstinum. Tað eru ymisk málslig fyrbrigdi, sum gera tað ógjørligt altíð at vita útfrá lógarteksti, hvør galdandi rættur er. Tvey av hesum fyrbrigdum eru ávikavist *fleirtýdni* og *veikleiki*. Vit skulu venda aftur til hesi hugtøkini seinni í greinini.

Í einari grein í tíðarritinum *Constitutional Commentary* viðger áðurnevndi Lawrence B. Solum skilnaðin millum tað, sum hann kallar “interpretation” (tulkning) og “construction” (konstruktión). Hetta er ein kendur skilnaður í enskumæltum ástøði. Í greinini førir Solum fram, at hesin skilnaðurin er grundleggjandi fyri rættarástøði. Sambært Solum er munurin millum hesi bæði hugtøkini, at tulkning snýr seg um at finna málfrøðiliga ella málsliga innihaldið, meðan konstruktión snýr seg um at finna lögfrøðiliga innihaldið á einum teksti (Solum, 2010, ss. 95-96).

Fyri at skilja munin millum tulkning og konstruktión er tað, sambært Solum, fyrst neyðugt at skilja munin millum fleirtýdni og veikleika.

### 5.1. Fleirtýdni og veikleiki

Fleirtýdni sipar til, at eitt orð hevur fleiri ymiskar týdningar (Kolflaath, 2004, s. 465 og Solum, 2010, s. 97). Eitt dømi er orðið “mál”. Í summum samanhøgum kann tað millum annað brúkast um “eitt mál” í einum fót bólt dysti. Í øðrum høpi kann tað eisini merkja eitt nú tað at “seta sær mál”. Og upp aftur kann tað merkja tað sama sum “language” á enskum. Á fakmáli verður hetta nevnt “leksikalskt fleirtýdni” (Kolflaath, 2004, s. 468).

Solum nevnr enska orðið “cool” sum eitt klassiskt dømi um leksikalskt fleirtýdni. Orðið kann vísa til hita, tað at okkurt er kalt, men orðið kann eisini vísa til, at persónur er “kulur”.

Men eisini setningar kunnu verða fleirtýddir. Tá er talan um sokallað “syntaktiskt fleirtýdni” (Kolflaath, 2004, s. 468) Ein kelda til fleirtýdni á setningsstigi er setningsbygnaðurin. Vit kenna øll dømi, har ymisk kommaseting kann elva til rættiliga ymiskan týdning. Onkuntíð kann kontekstur loysa ivamál um týdningin í slíkum førum. Í grein í tíðarritinum “Lov og Rett” hevur omanfyri endurgivni norsk málfrøðingurin Eivind Kolflaath áhugaverda lýsing av hesum við dømi. Hann sigur soleiðis:

Omkringliggende tekst er således en kontekst, og det samme gjelder forhold knyttet til avsenderens og mottagerens situasjon. Men jeg inkluderer også kunnskaper om verden. For eksempel er det våre kunnskaper om verden som gjør at de fleste av oss ikke oppfatter den flertydige setningen «A ble dømt for drapet i lagmannsretten» på den måten som rent språklig er mest nærliggende. I tillegg til omkringliggende tekst, språkbrukerens situasjon og leserens kunnskaper om verden, kan vi også inkludere kulturelle og samfunnsmessige kontekster (Kolflaath, 2004, s. 466).

Í hesum førinum stendur ivin um, hvar morðið varð framt, men her er tað altso okkara vitan um norsku rættarskipanina – at lagmannsretten er ein dómstólur – sum hjálpir okkum at gera týdningin greiðari, enn hann annars vildi verið.

Solum hevur eitt líknandi dømi, sum er hugtakið hædd. Summir persónar eru heilt greitt høgir, eitt nú um teir eru hægri enn 2 metrar. Aðrir eru greitt lágir, eitt nú um teir eru lægri enn 1,5 metur (Solum, 2010, s. 98). Men flestu okkara eru í onkustaðni har ímillum. Hesi dømini eru í ætt við eitt paradoks, sum á enskum heimspekimáli hevur verið rópt “the paradox of sorites”. Hetta paradoksið uppstendur, tá ið tú spyrst, nær ein sandrúgva heldur uppat við at vera ein sandrúgva, um tú tekur eitt og eitt sandkorn burtur (Hyde & Raffman, 2018).

## **5.2. Málsligt innihald og lögfrøðiligt innihald**

Ein annar týðandi skilnaður sum Solum viðger, er skilnaðurin millum málsligt innihald og lögfrøðiligt innihald. Solum brúkar fyrsta ískoytið til amerikonsku samveldisgrundlógina sum dømi um hetta. Teksturin hevur eitt málsligt innihald ella eina “meining”. Orðini hava ein ávísan týdning eftir enskum mállærureglum. Men kring hetta er ment eitt lögfrøðiligt innihald, ein “doktrin” ella *læra* sum tekur støðu til eina røð av viðurskiftum, sum teksturin ikki sigur eitt orð um (Solum, 2010, s. 98-99).

Eitt nú hevur amerikanski hægstirættur staðfest at:

1. Flaggbrenning er eitt grundlógarvart slag av mótmæli (Texas v. Johnson, 1989; United States v. Eichman, 1990).

2. At tað er í stríð við grundlógina at hava lógarkravt 18 ára aldursmark á telduspølum, ið eru fylt við harðskapi (Brown v. Entertainment Merchants Association, 2011).
3. At forboðið í vørumerkjalógini ímóti vørumerkjum, ið seta niður á fólk, er í stríð við grundlógina (Matal v. Tam, 2017).
4. At eitt forboð ímóti klæðum við politiskum boðskapum á valstøðum er í stríð við grundlógina (Minnesota Voters Alliance v. Mansky, 2018).

Hetta er nakað av lögfrøðiliga innihaldinum, ið ásetingin hevur fingið við tíðini. Men teksturin í grundlógini sigur einki um nakað av hesum. Hendan doktrinin má lesast inn í grundlógina heldur enn úr henni. Hetta merkir, at neyðugt hevur verið at valt ímillum ymiskar møguligar rættarstøður. Allir omanfyri nevndu dómarar hava havt dissensar; tað vil siga, at í hvørjum føri vóru tað ein ella fleiri dómarar, sum ikki vóru samdir við avgerðini, ið meirilutin tók.

Hesir førdu í øllum førunum argument fram um, hví avgerðin hjá meirilutanum, sambært teimum, var skeiv. Tað vil siga, at tað er gjørligt at ímynda sær at úrslitið kundi verið tað øvuta í øllum av hesum málunum, um bara samansetingin av dómstólinum var ein onnur. Men hetta er ikki einans galdandi fyri talufrælsi ella amerikonsku grundlógina. Hetta ger seg galdandi á so nógvum rættarøkjum og um allan heim. Orsøkin til tað er, at hetta er eitt úrslit av náttúruni í mannamáli.

Tað liggur í tí, at summi hugtøk eru veik, at tað er ikki gjørligt at taka støðu til øll mál framman undan, hypotetisk ella verulig. Bert tá ið ein dómstólur ella annar, ið tekur avgerð, hevur eitt ítøkiligt mál framman fyri sær, er gjørligt at taka støðu til, um málið fellur innanfyri ella uttanfyri ásetingina. Men millumrokningar mugu til. Tað er ikki nóg mikið bara at vísa til tekstin sjálvan.

### **5.3. Danska læran um framsøgufrælsi**

Eisini tá talan er um dansku grundlógina, er ein ávís frástøða millum tekst og galdandi rætt. Dømi er ásetingin um framsøgufrælsi í dansku grundlógini § 77, ið er soljóðandi:

**§ 77.** Enhver er berettiget til på tryk, i skrift og tale at offentliggøre sine tanker, dog under ansvar for domstolene. Censur og andre forebyggende forholdsregler kan ingensinde påny indføres.

Tá ið leikfólk lesa hesa ásetingina, so halda tey náttúrliga (Zahle, 2009, s. 55), at talan er um eitt sterkt útgangsstøði um framsøgufrælsi. Men veruleikin er, at í Danmark er ment ein læra, sum ger skilnað millum sokallað formligt og innihaldsligt (materielt) framsøgufrælsi, har ið ásetingin er søgd bert at verja tað formliga framsøgufrælsið. Hetta merkir, at í veruleikanum sær danskt rættarástøði, og øllum førum partvís eisini rættarpraksis, ásetingina bert sum

eitt sensurforboð. Eftir hesi fatanini kunnu myndugleikarnir ikki biðja um at fáa útgávur og annað til góðkenningar frammanundan, men lóggávuvaldið kann velja at smíða lóggávu, har ein og hvør útsøgn kann revsast eftirfylgjandi, og harvið avmarka innihaldsliga framsøgufrælsið (Germer, 2012, s. 369).

Henda læran skal eittast at kunna útleiðast logiskt frá tekstinum, nevnliga frá tekstabrotinum “*dog under ansvar for domstolene*”. Men tað liggur ongin natúrlig meining í hesum orðum, sum samsvarar tí týðningi, sum danska læran hevur givið hesum orðum. Týðningurin er lisin inn í orðini. Tað er helst lítil ivi um, at ráðandi danska lögfrøðiliga fatanin er, at henda læran er lisin úr tekstinum, men tað er munur á diskursi og veruleika.

Tað hevði verið gjørligt at sameint eina aðra læru við orðingina “*dog under ansvar for domstolene*”. Til dømis er ein møguligur týðningur, sum kann lesast inn í hetta tekstabrotið, at tað er gjørligt hjá lóggávuvaldinum at innføra ávísar rímiligar avmarkingar í framsøgufrælsið, men ikki einhvørja avmarking. Tað er í øllum førum einki í hesum orðunum, sum tilskilar ein so skarpan skilnað millum formligt og innihaldsligt framsøgufrælsi ella eitt óavmarkað vald hjá lóggávuvaldinum til at innføra alskyns avmarkingar av framsøgufrælsinum.

Núverandi danska læran ger tað neyðugt at lesa eina rúgvu inn í orðini “*dog under ansvar for domstolene*” soleiðis at hesin parturin av ásetingini svølgir restini av ásetingini. Sostatt er tað, sum um at fyrri parturin, ið byrjar við brotinum “*Enhver er berettiget til*”, verður skrivaður út úr ásetingini. Hóast tað ikki er í samsvari við ráðandi fatanina, so ber tað hinvegin eins væl til at lesa nógv inn í fyrri helvtina av ásetingini, og harvið argumentera fyri, at framsøgufrælsi er eitt sterkt útgangsstøði, og at bert rímiligar avmarkingar kunnu gerast.

Talan er við øðrum orðum um ymiskar *konstruktiónir* av § 77 í grundlógini og ikki um eina einfalda og mekaniska lesing av ásetingini. Orðini í § 77 eru bert ein byrjan til at skapa eina praksis, sum kann vera meira ella minni restriktiv ella ekspansiv.

#### 5.4. Munurin á donsku og amerikonsku læruni um framsøgufrælsi

Ásetingin um framsøgufrælsi í amerikonsku grundlógini er at finna í fyrsta ískoytinum (First Amendment), ið er soljóðandi (okkara framhevingj):

**Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech, or of the press**; or the right of the people peaceably to assemble, **and to petition the Government for a redress of grievances**.

Her er munur á tekstinum, samanborið við grein 77 í donsku grundlógini, men tað er ikki hetta, ið er avgerandi fyri týðandi munin, ið er á rættarstøðuni. Vit kundu ímyndað okkum ymiskar tekstir, men kortini líknandi rættarstøðu. Tað eru eisini dømi um rættarskipanir sum, hóast líknandi ásetingar, hava ymiska rættarpraksis (Williams, 2005). Somuleiðis er gjørligt at ímynda sær eina

rættarpraksis sum líkist, hóast undirliggjandi teksturin er ymiskur. Eitt nú kundu amerikonsku dómstólarnir lisið minni inn í orðini "*Freedom of speech*" og/ella dansku dómstólarnir kundu lisið minni inn í orðini "*Dog under ansvar for domstolene*".

Báðir tekstirnir eru veikir og fyrihalda seg ikki til allar teir mongu spurningarnar, sum koma fyrri í praksis. Tá ið tað er sagt, merkir hetta ikki, at rættarpraksis er, ella má vera, púra leys av tekstinum. Ein orðing sum "*dog under ansvar for domstolene*" er ikki púra tóm, hon merkir okkurt. Men hon leggur eina rættiliga lítla avmarking á, hvønn veg rættarpraksis kann mennast. Orðingin leggur ikki upp til nógva annað, enn at onkrar avmarkingar kunnu gerast, men hvørjar tær eru, sigur teksturin einki um. Tað merkir tó ikki neyðturviliga, sum ráðandi doktrinir annars førir fram, at allar avmarkingar kunnu góðtakast. Í báðum rættarskipanunum er møguligt at leggja antin eina restriktiva ella eina ekspansiva linju. Hetta er eitt val og kann ikki grundast einans á tekstin<sup>9</sup>.

### **5.5. Skilnaðurin millum tulating og konstruktión**

Hvør er so munurin á tulating og konstruktión? Tann spurningin fara vit at viðgera í hesum partinum av greinini. Vit byrja við at greiða frá tulating, og eftir tað greiða vit frá konstruktión.

#### **5.5.1. Tulating**

Tulating er tað virksema, sum finnur fram til málsliga týðningin av einum lögfrøðiligum teksti. Talan kann vera um eitt hvørt slag av lögfrøðiligum tekstum, ikki bert tekstum í grundlógum ella vanligum lógum, men eisini eitt nú tekstum í avtalum (Solum, 2010, ss. 100-101).

Meðan tað ikki er so vanligt um okkara leiðir, at dómarrar og aðrir lögfrøðingar siga seg ganga inn fyrri ávísu skúlum ella rákum av tulating, so er tað vanligt í USA at skilja í millum slíkar skúlar. Serliga eru tað ymisk sløg av originalismu, sum kappast bæði innanhýsis og við ymisk sløg av "living constitutionalism". Men tað, sum ósemjan vanliga snýr seg um, er ymiskar tilgongdir til grundlógartulating. Í øllum førum er talan um at finna fram til málsliga týðningin á grundlógini (Solum, 2010, s. 101). Solum førir fram, at hesi ástøðini øll reka aftur á nakrar afturvendandi trupulleikar, so sum arkaiskt mál, og hetta, at málfrøðilig viðurskifti ganga aftur til tíðina, tá ið grundlógin varð skrivað (Solum, 2010, s. 102 og Solum, 2017, s. 272).

Í okkara skipan vildi hetta svarað til at vísa til kjakið á grundlógargevandi ríkisdegnum sum íblástrarkeldu, tá ið vit skulu tulka grundlógina. Men Solum

---

<sup>9</sup> Tað er væl kent, at Danmark hevur eina afturhaldandi tradítión fyrri dómstólaroynd av lóggávu. Sí t.d. Germer, 2012, s. 224. Men teksturin í grundlógini er sambæriligur bæði við meira afturhaldandi og minni afturhaldandi tilgongdir.



sigur, at øll ástøði um tulking, originalistiskar ella ikki, vísa til ymisk málslig fyrbrigdi, tí at tað er tað, sum tulking snýr seg um (Solum, 2010, s. 101).

*Fleirtýdni* er eitt týðandi málsligt fyrbrigdi, sum tulking má fyrhalda seg til. Sambært Solum kann fleirtýdni *vanliga* avklárast gjøgnum tulking við at lesa ásetingar í teirra konteksti. Men hetta er ikki galdandi í tveimum serligum umstøðum:

There may be cases where the available evidence about the context of an utterance is insufficient to resolve an ambiguity. Or there may be cases where an ambiguity in a legal text can be recognized as intentional based on the publically-available context of the utterance, and there is no fact of the matter as to which of the multiple senses was the true or correct sense of the utterance. If there are such cases of what we can call “irreducible ambiguity,” then interpretation cannot resolve them (Solum, 2010, s. 102).

Hetta samsvarar væl við tað, sum Kolflaath sigur í síni grein, nevniliga at í lógarmáli er neyðugt at taka prinsippavgerðir fyri at greiða fleirtýdni (Kolflaath, 2004).

Hetta má metast at galda øll sløg av fleirtýdni, eisini tað sum Solum kallar, “irreducible ambiguity”. Munurin er bert, at í tí førinum flyta vit okkum, fyri at brúka terminologiina hjá Solum, til konstruktión og burtur frá tulking. Førini við “irreducible ambiguity” fara útum markið fyri tulking, tí at málslig amboð eru ikki nøktandi til at loysa tey, hetta ger seg serliga galdandi um fleirtýdni er tilætlað<sup>10</sup>.

### 5.5.2. Konstruktión

Tá markið fyri tulking er nátt, gerst konstruktión viðkomandi. Solum skilir í millum støður, tá ið konstruktión mest sum fellir saman við tulking, og tá ið ein lögfrøðiligur tekstur verður konstrueraður til at hava eitt lögfrøðiligt innihald, sum beinleiðis gongur ímóti málsliga innihaldinum (Solum, 2010, s. 103).

Tað er í seinna førinum, at tað er mest eyðsæð, at ikki bara tulking, men eisini konstruktión, fer fram. Í okkara rættarskipan kundi eitt dømi um hetta verið, tá ið dómstólarnir meta um, hvørt ein avtala er (ó-) rímlig í ljósinum av § 36 í avtalulógini, og geva avtaluni ein lögfrøðiligan virknað, sum er øðrvísi enn málsliga innihaldið í avtaluni leggur upp til.

Eitt annað eyðkenni, ið skilir tulking frá konstruktión er, at tulking er eitt meira objektivt virksema, meðan konstruktión neyðturviliga er eitt meira subjektivt, kanska enntá, í breiðari merking, politiskt virksema (Whittington, 1999, s. 5). Konstruktión má grundast á onkra normativa fatan, sum fer útum málslig *fakta* (Solum, 2010, s. 104).

---

<sup>10</sup> Sí eisini diskussiónina í Solum, 2017, s. 287-288 har hann brúkar fylgjandi orðing úr amerikonsku grundlógini sum (møguligt) dømi: “Person held to Service or Labour”.

Tað er helst hesin eginleikin sum, mest av øllum, ger konstruktión til eitt potentielt umstrítt virksemin. Í Danmark sæst týðningurin av hesum skilnaði í kjakinum um, í hvønn mun dómstólarnir eiga at tulka europeiska mannarættindasáttmálan (hereftir stytt EMRS) sjálvstøðugt ella ikki. Í grundini manglar hetta kjakið skilnaðin millum tulkning og konstruktión. "Sjálvstøðug" tulkning, móttsett tulkning, sum stólar uppá fordømi frá europeiska mannarættindadómstólinum (hereftir stytt EMRD), sum er mest vanligt í danskari dómspraksis, er í veruleikanum ein spurningur um, hvørt danskir dómstólar skulu konstruera EMRS ella lata hetta virksemin til EMRD og til Fólkatíngið<sup>11</sup>.

Sambært Solum er konstruktión mest sjónlig í málum, tá ið ásetingar, ið eru avgerandi fyri málið, eru veikar. Tá kann tulkning ikki hjálpa okkum (Solum, 2010, s. 106-107). Aftur her kunnu vit taka standardin í avtalulógini § 36 sum dømi. Ein tulkning av ásetingini sigur okkum, at tað ikki er gjørligt at gera órímiligar avtalur galdandi móttvegis øðrum, men tað hjálpir okkum ikki at taka avgerðir í ítøkiligum førum, nær ein avtala er at meta sum órímilig.

Fyrst má staðfestast, hvørjar avtalur eru órímiligar. Hetta er konstruktión. Tað vil eisini siga, at í málum eftir § 36, spælir tulkning millum lítlan og ongan leiklut. Hetta er tí, at tað er ongin ivi í tekstinum um, at § 36 ger órímiligar avtalur óvirknar. Sostatt er ikki talan um málsliga spurning, men heldur ein lögfrøðiligan spurning. Vit vilja hava at vita, hvat galdandi rættur er viðvíkjandi júst tí slagnum av avtalum, vit hava til viðgerðar. At lesa tekstin hjálpir okkum ikki at svara spurninginum. Heldur mugu vit brúka rættarpraksis og aðrar rættarkeldur til at fáa greiðu á spurninginum.

Tað eru eisini støður, har konstruktión er eitt minni sjónligt virksemin, tí at tað er fult samanfall millum málsligt og lögfrøðiligt innihald. Solum vísir á fylgjandi áseting í amerikonsku grundlógini sum dømi: "The Senate of the United States shall be composed of two Senators from each State" (Solum, 2010, ss. 106-108). Vit kunnu eisini vísa á § 2 og § 6, stk. 1, í føroysku stýrisskipanarlógini sum dømi:

**§ 2.** Løgtingið er ting við í mesta lagi 33 tingmonnum.

**§ 6.** Løgtingsmenn verða valdir fyri fyra ár í senn.

Í hesum føri er harmoni millum lógarmál og læru (galdandi rætt). Í slíkum førum er ikki neyðugt at gera annað enn bert at lesa lógina. Solum vil tó vera við, at eisini tá ið talan er um slík mál, fer konstruktión fram. Munurin er bert tann, at í tí førinum ger konstruktiónin mest sum einki arbeiði. Tað er bara ein spurningur um at "umseta" málsliga innihaldið á ásetingum beinleiðis til eitt lögfrøðiligt innihald ella virknað, sum svarar beint til málsliga innihaldið. Men hetta er framvegis eitt stig, sum má takast (Solum, 2010, s. 107).

---

<sup>11</sup> Um hesi viðurskipti, tó uttan at nýta hesa terminologi, sí Larsen, 2015.

Frástøðan millum lógartekst og galdandi rætt er ymisk á ymiskum rættarøkjum. Ein orsök til hetta er, at tað er ymiskt, hvørji sløg av rættarnormum eru mest vanlig á ymiskum rættarøkjum. Til endamálið við hesi viðgerð kunnu atferðarregulerandi rættarnormar í høvuðsheitum býttast í trýggjar bólkar: *reglur, standardar og prinsipp*.

Tað eru ymiskar definitiúnir av lögfrøðiligum standardum. Men tær hava allar tað í felag, at tað, sum eyðkennir munin millum reglur og standardar, er, at reglur eru meira neyvar enn standardar (Schauer, 2004-2005, s. 803). Reglur fyriskriva atburð frammanundan, og tískil er ofta lítil, ella minni, rúmd fyri konstruktión. Tískil er áðurnevnda frástøða millum tulkning og konstruktión minst tá vit tosa um reglur (Knoph, 1939, s. 4). At taka avgerð undir einari reglu, er tískil vanliga einfaldari, enn tá ið talan er um hini bæði sløgini av rættarnormum. Dømi um reglur, ið eru lutfalsliga lættar at umsita kunnu vera hámarksreglurnar fyri ferð ella hámark í promillu í sambandi við rúsdrekkakoyring.

Standardar eru hinvegin eitt slag av veikari áseting, ofta við onkrum moralskum mátistokki ella líknandi subjektivum mátistokki (Knoph 1939, s. 1-2). Ein standardur kann fatast sum ein delegatiún til dómaran at avgera mál innanfyri ávísar veikt defineraðar karmar. Standardar fyriskriva ikki eins nógv frammanundan, og lógarteksturin gevur einans eitt sindur av vegleiðing. Dømi um standard kundi verið ásetingin í § 7 í fyrisitingarlógini um at “Ein fyrisitingarmyndugleiki skal í *tørvandi mun* veita vegleiðing og hjálp”.

Avbjóðingin er at minka subjektivitetin og veikleikan eitt sindur, so standardurin gerst meira rættartryggur uttan tó at broyta standardin til eina reglu. Ragnar Knoph nevndi hetta at rationalisera standardar. Við hesum meinti hann við, at áðrenn standardar kunnu brúkast í praksis, er neyðugt at menna kriteriu sum hjálp til at taka avgerðir eftir teimum. Hetta kann gerast millum annað við at brúka rættarpraksis á økinum og møguliga heinta vegleiðing frá lógum sum liggja tætt upp at viðkomandi rættarøki sum grundarlag at fylla standardin út við meira objektivum og sakligum atlitum, so meira av strukturi kann koma yvir avgerðarprosessina (Knoph, 1939, s. 30).

Vit skulu ikki gera meira við prinsipp her, annað enn bert at staðfesta, at prinsipp hava tað í felag við standardar, at tey eru veik, og nógv er treytað av konteksti, og konstruktión er umfatandi. Mótsett standardum eru prinsipp vanliga ikki tann normurin, sum stendur í miðdeplinum fyri eina rættarlíga avgerð, men liggur heldur aftanfyri sum ein veikur bakgrundsnormur, ið upplýsir og vegleiðir brúk av øðrum normum (Krunke, 2020, s. 335). Dømi um eitt vanligt prinsipp sum vit øll kenna og nýta intuitivt í gerandisdegnum, og sum í stóran mun eisini er viðkomandi í lögfrøði, er prinsippið um proportionalitet – t.d. um (rætt) lutfall millum brot og fylgju/revsing.

## 6. Rættarmál millum Føroya Reiðarafelag og Føroya Landsstýri sum dømi

Vit hava valt eitt nýtt og týðandi føroyskt mál at lýsa skilnaðin millum tulating og konstruktión. Málið snýr seg um møguligt brot á europeiska mannarættindasáttmálan. Ósemja var millum Føroya Reiðarafelag og landsstýrið (umboðað av Fiskimálaráðnum) um, hvørt løgtingið gjørdi seg inn á felagsfrælsið, ið er vart av grein 11 í EMRS, tá løgtingið samtykti lóg, sum tók støðu til viðurskifti, sum frammanundan vóru regulerað í sáttmála hjá Reiðarafelagnum.

Tann 6. apríl 2016 samtykti løgtingið tað, sum bleiv løgtingslóg nr. 30 frá 12. apríl 2016 um serstakar treytir fyri fiskiskapi eftir makreli, norðhavssild og svartkjafti og botnfiski í Barentshavinum í 2016 (nevnd uppboðssølulógin). Sambært lógini skuldu nakrar kvotur hetta árið seljast á uppboðssølu. Tað mest áhugaverda fyri hesa viðgerðina er § 7, stk. 2, ið var so ljóðandi:

Stk. 2. Gjaldið fyri kvotur, keyptar á uppboðssølu, kann ikki dragast frá søluvirðinum av veiðuni, tá hýrur verða gjørdar upp og goldnar manningini.

Føroya Reiðarafelag hevði longu undir løgtingsviðgerðini ført fram, at henda áseting í lógini var eitt inntriv í mannarættindi og í stríð við § 11 í Europeiska mannarættindasáttmálanum – EMRS.

Tað er grein 11, ið vit fara at fokusera á her, og ikki ásetingar í ILO sáttmála nr. 98 ella ískoytisprotokoll nr. 1 til EMRS um ognartøku, sum eisini vóru partur av málinum.

Í stuttum kann sigast, at § 11 í europeiska mannarættindasáttmálanum verjir felags- og sávarningarfrælsið, herundir frælsið at skipa seg í felagsskap við tí endamáli at røkja áhugamálini hjá hesum felagsskapi.

Í rættarmálinum um hesa ósemjuna millum Føroya Reiðarafelagið og Fiskimálaráðið, BS-51480/2018-FAR, segði Føroya rættur dóm tann 14. januar 2021. Kravið hjá saksøkjaranum, Føroya Reiðarafelag var, at ásetingin í § 7, stk. 2, skuldi ógildast. Saksøkti, Fiskimálaráðið, kravdi fríðøming.

Tá lógin fekk gildi tann 15. apríl 2016, var í gildi sáttmáli millum Reiðarafelagið og 3 manningarfeløg, har áseting var í § 17, stk. 3 í sáttmálanum, sum segði, at gjøld fyri veiðirættindi skulu fara av óbýttum, sum merkir, at gjald fyri kvotur verður trekt frá upphæddini, áðrenn virðið av veiðuni verður býtt millum reiðarí og manning.

Tað framgekk av viðgerðini í løgtinginum, at løgtingið var kunnugt við sjónarmiðini hjá Reiðarafelagnum um, at lógarásetingin í § 17 stk. 3, sum ásetti, at gjald fyri kvotur, keyptar á uppboði, ikki kann dragast frá søluvirðinum av veiðuni, var inntriv í gjørdum sáttmálan og tí (møguliga) í stríð við ERMS.

Reiðarafelagið gjørdi eisini galdandi, at ásetingin í § 7, stk. 2, var í stríð við ILO-konventión nr. 98 um rættin at organisera seg og at føra tingingar, umframt at ásetingin var eitt ognartøkuinntriv sambært § 73 í grundlógini og sambært §

1 í fyrstu ískoytisprotokoll til EMRS. Hesi sjónarmið verða ikki viðgjørð í hesi greinini, tí tey eru ikki viðkomandi fyri evnið í greinini.

Føroya rættur segði í grundgevingunum fyri síni niðurstøðu m.a., at endamálið við § 7, stk. 2, eftir orðaljóði og forarbeiðum, má skiljast soleiðis at hava verið at forða limum saksøkjarans at gera nýtslu av rættindum sínum sambært § 17, stk. 3 í sáttmálanum til at draga útreiðslur frá til keyp av fiskirættindum á uppboðssølu, áðrenn avroknast skuldi til manningina, og Føroya rættur tók tí undir við, at við lógini var gjørt eitt beinleiðis inntriv í ítøkilig viðurskifti, ið vóru regulerað í sáttmála, sum var galdandi.

Síðani fór rætturin í grundgevingini til at viðgera spurningin um brot á EMRS, og brúkti rætturin serliga ein dóm frá EMRD frá 12. november 2008 – Demir og Baykara móti Turkalandi sum grundarlag fyri at skilja mannarættindasáttmálan. Hetta málið snúði seg um tveir turkiskar borgarar, sum ikki kundu stovna eitt fakfelag og síðani vórðu forðaðir at nýta rættin til at samráðast um kollektivar sáttmálar (Case of Demir and Baykara v. Turkey, 2008).

Føroya rættur sigur víðari í grundgevingini, at rætturin er av teirri fatan, at trupulleikarnir í rættarmálinum, sum er til viðgerðar, á mest viðkomandi økjum við atlit til rættinum at samráðast, úrslitið av samráðingunum og inntriv í hesi, kunnu samanberast við støðuna, sum EMRD hevur viðgjørt í málinum Demir og Baykara móti Turkalandi. Føroya rættur er somuleiðis av teirri fatan, at útgangsstøðið hjá EMRD, um at § 11 í mannarættindasáttmálanum verjir rættin hjá pørtum á arbeiðsmarknaðinum at skipa síni viðurskifti ígjøgnum kollektivar sáttmálar, eisini er galdandi í hesum rættarmáli, soleiðis at § 7, stk. 2 í uppboðssølu lógini, má metast at vera í stríð við § 11, stk. 1, um ikki § 11 stk. 2 í EMRS leiðir til annað úrslit.

Rætturin sigur, at sambært § 11, stk. 2, kunnu ikki gerast aðrar avmarkingar av rættindum, sum eru vard eftir stk. 1, enn slíkar sum er gjørðar við lóg og eru neyðugar í einum fólkaræði fyri at verja rættindi og frælsi hjá øðrum.

Eftir eini ítøkiligari meting kom Føroya rættur til ta niðurstøðu, at saksøkti ikki hevði ført prógv fyri, at inntrivið sum varð gjørt við § 7 stk. 2, var neyðugt í einum fólkaræði sambært § 11 stk. 2.

Føroya rættur segði tí dóm um, at lógarásetingin skuldi ógildast, tí hon var í stríð við § 11 í EMRS.

### **6.1. Dómurin í Eystara landsrætti**

Eystari landsrættur segði dóm 13. september 2022 í sama máli. Dómurin er endurgivin í (UfR 2022.4709 Føroya Reiðarafelag mod Fiskimálaráðið) og vísa vit her generelt til hann sum keldu.

Landsrætturin segði í síni grundgeving, at “Det er åbenbart og ubestridt, at denne bestemmelse er i strid med den ovennævnte overenskomst § 17 stk. 3.” Landsrætturin vísti, eins og Føroya rættur á, at rætturin til at skipa seg í fakligar felagsskapir og at gera kollektivar sáttmálar, er fevndur av verjuni í § 11 í EMRS.

Landsrætturin vísti í hesum sambandi eisini til dómin frá mannaættindadómstólinum, Demir og Baykara móti Turkalandi.

Landsrætturin legði til grund at, soleiðis sum málið var lagt fyri rættin, var ongin rættarpraksis um spurningin, sum rættarmálið snúði seg um, og tá so var, var neyðugt at gera eina ítøkiliga meting av, um § 7, stk. 2, í lógini var stríð við § 11 í mannaættindasáttmálanum.

Landsrætturin segði í grundgevingini, at tá metast skuldi um hendan spurning, skuldi dentur leggjast á sakligheit og proportionalitet við (lógar-) inntrivinum, og skuldi ein munandi víska (betydelig sikkerhed) til, um ein lógaráseting, sum ger inntriv í eitt avtalupunkt í einum sáttmála, skal setast til síðis, tí inntrivið er í stríð við § 11 í EMRS.

Landsrætturin kom til ta niðurstøðu, at ásetingin hevði eitt sakliga grundað endamál, at lóggevarin hevði umfordeiling sum mál við at tryggja, at manningin ikki skuldi lata part av síni hýru til landskassan.

Landsrætturin metti heldur ikki, at tað var óproportionelt at gera eitt inntriv í sambandi við eina roynd við uppboðssølu av fiskirættindum, sum í fyrsta umfari var avmarkað til 1 ár.

Niðurstøðan hjá landsrættinum var tí, at § 7, stk. 2, í uppboðssølulógini frá 2016 ikki var eitt slíkt inntriv í felagsfrælsið, at hetta var brot á § 11 í mannaættindasáttmálanum.

Hægstirættur kom til somu niðurstøðu sum landsrætturin, men grundgevingarnar vóru aðrar. Hetta verður viðgjørt nærri undir punkt 7.3.

## **7. Tulkning og konstruktión í málinum Føroya Reiðarafelag móti Fiskimálaráðnum**

### **7.1. Dómurin í Føroya rætti**

Orsøkin til at Reiðarafelagið helt upp á, at hetta skuldi føra til, at lógin er ógildig, er § 55 í stýrisskipanarlógini og § 5 í heimastýrislógini, ið eru soljóðandi:

**§ 55.** Løgtingslóg, ella partur av løgtingslóg, hevur ikki gildi, um

- a) hon gongur ímóti millumtjóðasáttmála, heimastýrið hevur gjørt við onnur lond,
- b) hon gongur ímóti millumtjóðasáttmála, Danmørk hevur gjørt við onnur lond, og sum eisini fevnir um Føroyar.

**§ 5.** Føroyska heimaræðið er avmarkað av teimum til einahvørja tíð verandi sáttmálagu og øðrum internationalum rættindum og skyldum.

Ríkisvaldið hevur avgerðarrættin í spurningum, sum viðvíkja ríkisins viðurskiftum við útheimin.

Vanliga útgangsstøðið í donskum rætti er annars, at altjóða rættur kann ikki ákallast í donsku rættarskipanini, uttan at viðkomandi sáttmáli er inkorporeraður í innlendis rætt (Spiermann, 2006, s. 153). Tað er líkt til, serliga aftaná stýrisskipanarlógina frá 1995, at føroyska rættarstøðan er øðrvísi enn tann danska á hesum øki. Meðan Fiskimálaráðið var ósamt við Reiðarafelagið um henda áhugaverda spurningin, so brúkti Fiskimálaráðið kortini ikki nógva orku upp á spurningin, og liggur hann tískil uttan fyri evnið í hesi grein. Vit fara tískil at viðgera hetta málið út frá tí fortreyt, at § 55 í stýrisskipanarlógini og § 5 í heimastýrslógini kann hava við sær, at lógin skal ógildast, um hon stríðir móti altjóða rætti.

Spurningurin er so, um ivamálið um, hvørt mannarættindasáttmálin er avgerandi fyri málið, kann svarast einans við tulkning av orðaljóðinum, ella um konstruktión eisini er neyðug, fyri at koma til eina niðurstøðu.

Fyri at viðgera tann spurningin, mugu vit greina § 11. Ásetingin ljóðar so:

#### ARTICLE 11 Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Ein tulkning av hesi ásetingini vil føra til, at hugt verður eftir týðninginum av hesum orðunum. Møguliga kann ein tulkning heinta hjálp frá orðabókum, mállærubókum og øðrum málsligum tilfari, sum kann kasta ljós á týðningin. Men hetta sigur okkum einki um uppboðssølugjöld ella sáttmálar á føroyska arbeiðsmarknaðinum. Her er konstruktión viðkomandi. Vit mugu aftur um tekstin fyri at kunnu skapa eina læru (eina doktrin ella rætt í breiðari merking), sum kann hjálpa okkum at svara hesum spurningi.

EMRS er ein sáttmáli, sum er nógv merktur av rættarligum standardum og veikum orðingum. Tað vil við øðrum orðum siga, at tulkning røkkur ikki langt, tá ið ítøkiligar avgerðir skulu takast eftir sáttmálanum. Tí gevur sáttmálin stóra rúmd fyri konstruktión. Hetta sæst tó ikki so væl aftur í viðgerðini hjá Føroya rætti í hesum máli. Føroya rættur staðfestur bert í breiðum vendingum, at ásetingin í lógini er í stríð við viðkomandi ásetingar, serliga í EMRS. Tað skal tó sigast, at rætturin vísir til nakrar dómar hjá EMRD (Føroya Reiðarafelag mod Føroya Landstýri Fiskimálaráðið, 2021, s. 15).

Rætturin ger ikki nógv burturúr at lýsa hesar dómar og at greina, hvørji viðurskifti í málinum hjá Reiðarafelagnum líkjast ella ikki líkjast málunum frá EMRD. Hetta er neyðugt, fyri at kunna brúka fordømi sum rættarkeldu.

Eitt fordømi kann bert brúkast, um umstøðurnar og fakta í málunum báðum líkjast so mikið nógv, at fordømi kann geva neyðugu vegleiðingina fyri málið, ið er til viðgerðar (á Rógvi, 2001). Um dómstólurin brúkar eitt fordømi, men ikki kemur til sama úrslit sum fordømið, og grundgevvur fyri hvat er øðrvísi, sum viðførur eina øðrvísi niðurstøðu, tá kallast hetta at distingvera. Føroya rættur greiður bert í stuttum frá dómunum, sum hann ákallar sær sum grundgeving fyri at geva Reiðarafelagnum viðhald.

Eitt av málunum sum Reiðarafelagið ákallaði og sum rætturin brúkti, er áðurnevnda málið Demir og Baykara móti Turkalandi.

Í turkiska málinum var talan um at seta úr gildi allan sáttmálan við grundgevingini, at borgararnir ikki høvdu rætt at gera sáttmálan. Í føroyska málinum var ivamálið, um ein kollektivur sáttmáli, sum longu var gjørdur, kundi setast partvíst til viks sum ein fylgja av vinnuligari regulering.

Sjálvur rætturin hjá limunum í Reiðarafelagnum til at skipa seg í felag, var á ongan hátt skerdur. Heldur ikki var samráðingarrætturin tikin frá teimum, men eitt ávíst inntriv varð gjørt í úrslitið av samráðingunum. Av hesi orsök kann tykjast trupult at síggja, hvussu turkiska málið kann fatast sum beinleiðis viðkomandi fyri føroyska málið.

Føroya Rættur vísir til premiss 159 í dóminum frá EMRD. Sáttmálin bleiv ógildaður ex-tunc (ógildaður afturvirkandi). Av hesi premiss framgongur, at tá ið turkiski dómstólurin ógildaði sáttmálan, mátti hetta metast at vera í stríð við EMRS, uttan so at undantakið í stk. 2 í § 11 í EMRS var viðkomandi. Útsøgnin í premiss 159 má síggjast í ljósinum av, at turkiski dómstólurin hevði ógildað sáttmálan í síni heild og hevði gjørt so, vísandi til, at almenn embætisfólk, sambært dómstólinum, ikki høvdu rætt til at stovna fakfeløg og at innganga í kollektivur sáttmálar yvirhvørur.

Turkiska málið snúði seg sostatt ikki um inntriv í sáttmálar sum so, men heldur um sjálvan rættin at skipa seg í fakfelag og innanfyri teir karmarnar at hava sáttmálasamráðingar. Hetta er munandi øðrvísi enn støðan í føroyska málinum. Uppboðssølulógin frá 2016 setti ikki forboð ímóti fakfeløgum ella kollektivum sáttmálum innan fiskivinnuna. Í staðin var talan um eina regulering, sum einans hevði ávirkan á hesa einstøku ásetingina í sáttmálanum hjá Reiðarafelagnum. Rætturin hjá Reiðarafelagnum at samráðast um sáttmálar varð ikki avtikin sum heild, heldur ikki var Reiðarafelagið avtikið við dómi ella nakað líknandi.

Føroya rættur fyriheldur seg ikki til tað málsliga í mannarættinda-sáttmálanum. Viðgerðin hjá Føroya rætti av rættarpraksis eftir mannarættinda-sáttmálanum má tískil skiljast sum konstruktión og ikki tulking av sáttmálanum. Trupulleikin við viðgerðini hjá Føroya rætti er sum longu framhevjað, at hon ikki fyriheldur seg nóg nágreiniliga til teir neyðugu smálutirnar í fordømunum og



tekur ikki støðu til, júst hvussu turkiska málið er viðkomandi sum fordømi til málið hjá Reiðarafelagnum. Í staðin gongur Føroya rættur bert út frá, at málini kunnu brúkast sum fordømi.

Hinvegin, tá ið Føroya rættur viðgerð spurningin, um uppboðssølulógin kann rúmast innanfyri undantakið í EMRS, er tað meira eitt málsligt øvilsí, og harvið er talan um tulkning. Men í hesum partinum vísir Føroya rættur hvussu stutt á leið kemst bert við tulkning. Føroya rættur er rættiliga staðfestandi og summariskur. Var Føroya rættur meira tilvitaður um skilnaðin millum tulkning og konstruktión, hevði rætturin heilt natúrliga betri kunnað lagt sáttmálatekst og galdandi læru (doktrin) undir neyvari analysu og lisið tekstin í ljósinum av fordømunum. Hetta kann vera analytiski fyrimunurin við at gera skilnað millum tulkning og konstruktión, hóast mangir dugnaligir lögfrøðingar og dómamarar sjálvsagt mestsum ótilvitað duga at fara frá autoritativt settum rætti til rætt í praksis (Schauer, 2021).

## **7.2. Viðgerð av dóminum í landsrættinum**

Landsrætturin broytti dómin hjá Føroya rætti við dómi frá 13. september 2022. Tað tykist ikki heilt greitt, júst hví so var. Landsrætturin brúkar bert turkiska dómin í EMRD sum eitt dømi um, at rætturin til stovna yrkisfeløg er varður. Hetta røkkur einans til eina innleiðandi staðfesting. Restin av niðurstøðuni hjá landsrættinum má metast at vera konstruktión. Undir “landsrettens begrundelse og resultat” verður sagt:

Efter det, som er kommet frem for landsretten, må det lægges til grund, at der ikke findes retspraksis for, at indgreb af den omhandlede karakter er omfattet af beskyttelsen i artikel 11. Landsretten bemærker således navnlig, at EMD ikke ses at have taget stilling til spørgsmålet om, hvorvidt en lovgivers indgreb i eller tilsidesættelse af et aftalepunkt i en overenskomst vil være omfattet af beskyttelsen i artikel 11.

Da der ikke foreligger retspraksis om det spørgsmål, som foreligger i denne sag, må det bero på en konkret vurdering, om § 7, stk. 2, i loven er i strid med artikel 11 i EMRK. Ved denne skønsmæssige vurdering, hvori må indgå navnlig en vurdering af saglighed og proportionalitet, må der kræves en betydelig sikkerhed, hvis en lovbestemmelse, hvorved der gribes ind i et aftalepunkt i en overenskomst, skal tilsidesættes som værende i strid med artikel 11 i EMRK.

Seinni grundgevir landsrætturin fyri, at lógarinntrivið ikki kundi gera seg inn á saklig atlit og heldur ikki var óproportionelt.

Landsrætturin fyríheldur seg ikki til tekstin í ásetingini ella einstakar orðingar. Harumframt er tað áhugavert, at landsrætturin krevur eina serliga

vissu fyri, at uppboðssølulógin er í stríð við § 11 í EMRS. Í hesum liggur í eini tilvísing til eina danska læru (doktrin), sum hoyrir saman við tí afturhaldandi traditiónini fyri dómstólaroynd av lóggávu í Danmark (á Rógvi, 2013, s. 187-232). Grundgevingin má eisini síggjast í tí ljósi, at danskir dómstólar ikki “tulka” EMRS sjálvstøðugt, men grunda sína tulking á tey fordømi, sum eru skapað av EMRD. At danskir dómstólar mestsum lata alla tulking (í breiðari merking sum eisini umfatar konstruktión) av EMRS upp í hendur á EMRD, kann fyrast aftur til viðmerkingarnar til lógina, sum inkorporeraði EMRS í danskan rætt í 1992<sup>12</sup>. Í veruleikanum kundu viðmerkingarnar til inkorporatiónslógina havt tosað um, at danskir dómstólar ikki vilja konstruera EMRS, men lata tað henda í EMRD- og fólkatingshøpi.

Tá so lítið er at heinta í tulking og næstan alt í konstruktión viðvíkjandi eini áseting sum § 11 í EMRS, sum er ein veikur standardur, er kanska ikki so lægið, at landsrætturin kom til, at tað høgga stigið av vissu (sikkerhed), sum skal til fyri at inntrivið ger seg inn á atlit til sakligheit og proportionalitet, ikki var til staðar. Við øðrum orðum bíðar § 11 eftir, at meira útfylling ella meira konstruktión verður framd og mett. Í mun til slíkan veruleika tykist hendan “testin”, at inntrivið við vissu (ella næstan vissu) skal vera í stríði við § 11, lítla meining at geva. Í danskari lögfrøði verður hendan tilgongdin stundum nevnd “Sikkerhedsdoktrinin”<sup>13</sup>. Hendan doktrin tykist hvíla á formalistiskum fortreytum, sum ikki gera skilnaðin millum tulking og konstruktión ella ikki tykist tilvitað um, hvussu trupul yvirgongdin frá tulking til konstruktión er.

### 7.3. Viðgerð av dóminum í Hægstarætti

Hægstirættur staðfesti landsrættardómin tann 6. mars 2024. Viðvíkjandi tí týðandi § 11 í EMRS segði Hægstirættur:

Der ses ikke at være domme fra Menneskerettighedsdomstolen, der giver grundlag for at fastslå, at beskyttelsen i henhold til artikel 11 omfatter et tilfælde som det foreliggende, hvor der foretages et begrænset indgreb i en enkelt bestemmelse i en overenskomst.

---

<sup>12</sup> Sí kritiskt um hetta Larsen, 2015.

<sup>13</sup> Henrik Palmer Olsen lýsir doktrinina soleiðis í síni doktoraritgerð: “Denne doktrin går ud på, at domstolene kun vil underkende en lov, såfremt der kan siges at eksistere en *betydelig sikkerhed* for, at den er grundlovsstridig.” Hóast tilvísingina til grundlógina, vísur Henrik Palmer Olsen á at nakað tað sama ger seg galdandi viðvíkjandi EMRS. Orðing hjá landsrættinum um “betydelig sikkerhed”, kann fatast sum ein tilvísing til hesa doktrin. Nærri umrøða av Sikkehedsdoktrinen er at finna hjá Henrik Palmer Olsen á síðunum 573-583, og serliga verður víst til notu 154 á síðu 574 hvat viðvíkur “tulking” av EMRS (Palmer Olsen, 2010, s. 573-583).

Við hesum segði Hægstirættur eisini, at Føroya rættur ikki hevði verið nóg neyvur í at distingvera viðkomandi fordømi frá fordømunum, sum ikki vóru viðkomandi fyri hetta mál. Síðan helt rætturin fram:

Uanset om det foreliggende tilfælde måtte være omfattet af artikel 11, finder Højesteret, at auktionslovens § 7, stk. 2, er forenelig med de betingelser for indgrebs lovlighed, der fremgår af artikel 11, stk. 2. Højesteret bemærker herved, at indgrebet i overenskomsten skete ved lov. Lovens § 7, stk. 2, var begrundet med, at kun rederne, som havde retten til at fiske på grundlag af kvoter købt på auktion, skulle pålægges udgiften til køb af fiskekvoter på auktion. Indgrebet var således begrundet i et sagligt hensyn til, at besætningsmedlemmerne ikke skulle betale for fiskekvoterne. Højesteret finder endvidere, at indgrebet ikke gik videre end nødvendigt til varetagelse af dette hensyn, og at det ikke er godtgjort, at indgrebet har haft væsentlige negative økonomiske konsekvenser for Rederiforeningens medlemmer.

Seinnu grundgevingina tulka vit so, at hóast § 11 mátti metast viðkomandi fyri málið um inntriv í sáttmálaásetingina, so meinar rætturin kortini, at tað var sakligt og proportionalt av Løgtinginum at gera slíkt inntriv (mett í mun til § 11, stk. 2). Hervið hevur Løgtingið, sambært Hægstarætti, ikki brotið § 11 í EMRS. Her tykist Hægstirættur gera eina meira fría meting av málinum. Tað ber til at fata tað so, at Hægstirættur her hevur dirvi til at fara út í eina konstruktión, sum ikki frammanundan er fyriskrivað av EMRD. Kortini er konstruktiónin ikki grundað á einstøk fordømi. Heldur leggur Hægstirættur konstruktión omaná tulking sum almenn tulking av § 11, ið rætturin ikki metir røkkur til so sterka verju, at Løgtingsins inntriv kann fatast sum brot á § 11.

Eisini í hægstarættarmálinum hevði ein tilvitan um munin á tulking og konstruktión kunnað hjálpt at gjørt grundgevingina meira gjøgnumskygda.

## 8. Niðurstøða

Henda greinin roynir at vísa á, hví ein skilmarking millum tulking í smalari merking, máslig tulking, einans kallað “tulking”, og tulking í breiðari merking, t.e. at fremja ella skapa galdandi rætt í praksis, kallað “konstruktión”, er so avgerandi fyri at skilja mannarættindini.

Høvuðsorsøkin til hetta er, at mannarættindi eru skrivað í veikum og subjektivum orðingum, sum kunnu merkja ymiskt fyri ymisk menniskju. Áðrenn virknaðurin av ásetingunum er fastsettur av einum autoritativum tulkara, eru ásetingarnar ikki nógv meira verdar enn niðurskrivað moralsk prinsipp. Máslig tulking kann ikki føra okkum nærri greidleika. Konstruktión má til fyri at menna ásetingarnar nakað á leið burtur frá umfatandi subjektiviteti fram móti størri objektiviteti. Í europeisku mannarættindaskipanini hevur Europeiski Mannarættindadómstólurin, stytur EMRD, lutvíst fingið hendan leiklut.

Danskir (føroyskir) dómstólar kundu eisini havt tikið uppá seg at ment EMRS, við konstruktión, men hava lítið og onki gjørt við tað.

Málið millum Reiðarafelagið og Føroya landsstýri verður tikið fram – viðvíkjandi § 11 í EMRS, men ikki øðrum uppáhaldum – fyri at lýsa, hvussu tulking og konstruktión fer fram millum danskar dómstólar og EMRD. Málið lýsir, hvussu danskir dómstólar hava eitt veikt analytiskt mál at lýsa, hvussu teir koma til sínar niðurstøður í málum viðvíkjandi EMRS.

Høvuðssjónarmið okkara er, at eitt størri tilvit um munin á tulking og konstruktión hevði betrað analysuna og grundgevingarnar fyri, hvat mannarættindi í EMRS-høpi fevna um, hvørjar skyldur tey áleggja myndugleikum, og hvørja verju tey geva borgarum.

Henda grein viðger einans skilnaðin millum tulking og konstruktión við støði í máli, sum EMRD hevur avgjört útfrá EMRS. Tað, sum greinin hinvegin ikki ítøkiliga kemur inn á, men sum kann takast upp við annað høvi, er at skilnaðurin millum tulking og konstruktión er enn meira avgerandi fyri at skilja altjóða mannarættindi annars. Altjóða mannarættindi hava vanliga ongan autoritativan tulkara. Eru fólk tá ótilvitað um munin á tulking og konstruktión og ótilvitað um, at ongin autoritativ konstruktión er farin fram, kann úrslitið verða, at fólk seta størri álit á mannarættindi, enn mannarættindini kunnu bera, til bága fyri bæði mannarættindini og politisku samrøðuna. Í hesum sambandi skal viðmerkjast, at yvirvakingarnevndirnar í ST-skipanini ikki eru dómstólar og ikki hava bindandi myndugleika.

## 9. Keldulisti

- Amnesty International Føroyar. (2019, Februar 14). *Amnesty International Føroyar*. Retrieved from Facebook:  
<https://www.facebook.com/AmnestyInternationalForoyaDeild/posts/ta%C3%B0-er-ein-mannar%C3%A6ttur-at-liva-sum-tann-t%C3%BA-ert-og-elska-tann-t%C3%BA-elskar-men-n%C3%B3gva/2084850588266756/>
- Blandhol, S. (2005). *Nordisk Rettspragmatisme: Savigny, Ørsted og Schweigaard om vitenskap og metode*. Jurist- og Økonomforbundets Forlag.
- Brown v. Entertainment Merchants Association, 564 U. S. 786 (Supreme Court of The United States 2011).
- Case of Demír and Baykara v. Turkey, 34503/97 (European Court of Human Rights 12. November 2008).
- Dalberg-Larsen, J. (2002). Fem opfattelser af retspolitik som retsvidenskabelig aktivitet i historisk og aktuel belysning. I J. Evald, & S. Schaumburg-Müller (Red.), *Om retspolitik* (s. 9-41). København: Djøf Forlag.
- Føroya Provita. (2024, Mars 13). *Fosturtøka ger seg inn á grundleggjandi mannarættindi: Heimsyvirlýsing um mannarættindi*. Retrieved from Føroya

- Provita: <https://www.provita.fo/fosturtoku-ger-seg-inn-a-grundleggjandi-mannaraettindi/>
- Føroya Reiðarafelag mod Føroya Landstýri Fiskimálaráðið, BS-51480/2018-FAR (Retten på Færøerne 14. Januar 2021).
- Germer, P. (2012). *Statsforfatningsret* (5. Udgave udg.). København: Jurist- og Økonomforbundets Forlag.
- Glendon, M. (2002). *A World Made New: Eleanor Roosevelt And The Universal Declaration of Human Rights*. New York: Random House Trade Paperbacks.
- Hart, H. (1958). Positivism and the Separation of Law and Morals. *Harvard Law Review*, 71, s. 593-629.
- Hyde, D., & Raffman, D. (2018). Sorites Paradox. *The Stanford Encyclopedia of Philosophy* (Summer 2018 Edition). (E. Zalta, Redaktør) Hentet fra <https://plato.stanford.edu/archives/sum2018/entries/sorites-paradox/>
- Kelsen, H. (1992). *Introduction to the Problems of Legal Theory: A Translation of the First Edition of the Reine Rechtslehre or Pure Theory of Law*. (B. L. Paulson, & S. Paulson, Ovs.) Oxford: Clarendon Press.
- Knoph, R. (1939). *Rettslige Standarder: Særlig Grunnlovens § 97*. Oslo: Grøndahl & Søn og Det Juridiske Fakultets Lovsamlingsfond.
- Kolflaath, E. (10. 27 2004). Flertydige lovtekster. *Lov og Rett*, 43(7-8), s. 464-473. doi:<https://doi.org/10.18261/ISSN1504-3061-2004-07-08-04>
- Krunke, H. (2020). Forfatningens principper. I I. N. Duy, S. Bragdø-Ellesnes, I. L. Backer, S. Eng, & B. E. Rasch (Red.), *Uten Sammenligning:: Festskrift til Eivind Smith* (s. 333-348). Fagbogforlaget.
- Larsen, B. (2015, November 25). Kan dømmekraften underlægges regler? Kritiske refleksioner omkring forarbejderne til den danske lov om inkorporering af Den Europæiske Menneskerettighedskonvention. *Tidsskrift for Rettsvitenskap*, 128(5), 404-436. doi:<https://doi.org/10.18261/ISSN1504-3096-2015-05-01>
- Larsen, B., & á Rógvi, K. (2012). *Fyrisingarlóg: Lærubók* (Onnur Økta Útgáva udg.). Tórshavn: Fróðskaparsetur Føroya.
- Matal v. Tam, 582 U.S. \_\_\_\_ (Supreme Court of The United States (2017)).
- MEGD. (2021, August 27). *Samskifti er ein mannarættur*. Retrieved from MEGD: <https://megd.fo/news/474/samskifti-er-ein-mannaraettur>
- Meginfelag Føroyskra Studenta. (2022, Juli 20). *Yvirlysing um fría abort í Føroyum*. Retrieved from MFS: [https://www.mfs.fo/yvirlysing-abort-i-f%C3%B8royum?fbclid=IwY2xjawFOg3dleHRuA2FlbQlXMQABHfsh9aWa0chc0I8s8M0unNQlRxOiq3udJocfTZW7sJNC88gxi4J-uiD98g\\_aem\\_LaA9-jXM8dyD1xirf3Frw](https://www.mfs.fo/yvirlysing-abort-i-f%C3%B8royum?fbclid=IwY2xjawFOg3dleHRuA2FlbQlXMQABHfsh9aWa0chc0I8s8M0unNQlRxOiq3udJocfTZW7sJNC88gxi4J-uiD98g_aem_LaA9-jXM8dyD1xirf3Frw)

- Minnesota Voters Alliance v. Mansky, 585 U.S. \_\_\_\_ (Supreme Court of The United States 2018).
- Morsink, J. (1999). *The Universal Declaration of Human Rights: Origins, Drafting and Intent*. University of Pennsylvania Press.
- Nielsen, R., & Tvarnø, C. (2011). *Retskilder og retsteorier* (3. Reviderede Udgave udg.). København: Jurist- og Økonomforbundetsforlag.
- Olsen, A. (2012, Mars 16). *Fráboðanarskylda er ein mannarættur hjá barninum*. Retrieved from Mentamálaráðið:  
<https://www.ammr.fo/fo/kunning/tidindi/frabodanarskylda-er-ein-mannaraettur-hja-barninum>
- Palmer Olsen, H. (2010). *Magtfordelingen*. Jurist- og Økonomforbundets Forlag.
- Rógvi, K. á (2001). Fordømi og Fordómar. *Føroyskt Lógar Rit*, 1(3).
- Rógvi, K. á (2013). *West-Nordic Constitutional Judicial Review - A Comparative Study of Scandinavian Judicial Review and Judicial Reasoning*. Copenhagen: DJØF Publishing.
- Schauer, F. (2004-2005). The Tyranny of Choice and The Rulification of Standards. *Journal of Contemporary Legal issues*, 14, s. 803-814.
- Schauer, F. (2021). Constructing Interpretation. *Boston University Law Review*, 101, 103-132.
- Solum, L. B. (2010). The Interpretation-Construction Distinction. *Constitutional Commentary*, 97, s. 95-118.
- Solum, L. B. (2017). Originalist Methodology. *University of Chicago Law Review*, 269-295.
- Sosialistisk Ung. (2017, Juli 1). *Facebook*. Retrieved from Sosialistisk Ung:  
<https://www.facebook.com/suforoyar/videos/teknm%C3%A1l-sum-tj%C3%B3%C3%B0arm%C3%A1l/683819605148651/>
- Spiermann, O. (2006). *Moderne Folkeret* (3. Omarbejdede Udgave udg.). København: Jurist- og Økonomforbundets Forlag.
- Tamm, D. (2005). *Rets Historie: Danmark - Europa - globale perspektiver* (2. udgave udg.). København: Jurist- og økonomforbundets Forlag.
- Texas v. Johnson, 491 U.S. 397 (Supreme Court of The United States 1989).
- UfR 2022.4709 Føroya Reiðarafelag mod Fiskimálaráðið (Østre landsret).
- United States v. Eichman, 496 U.S. 310 (Supreme Court of The United States 1990).
- Whittington, K. (1999). *Constitutional Interpretation*. Lawrence: University Press of Kansas.

- Williams, R. (2005). State Courts Adopting Federal Constitutional Doctrine: Case-by-Case Adoptionism or Prospective Lockstepping? *William and Mary Law Review*, 46(4), s. 1499-1531.
- Zahle, H. (1997). Grundlovens menneskerettigheder - Sammenstødet mellem legalistiske og dynamiske retstraditioner. In M. Kjærum, K. Slavensky, & J. Vedsted-Hansen, *Grundloven og menneskeretigheder i et dansk og europæisk perspektiv*. København: Jurist- og økonomforbundets forlag.
- Zahle, H. (2009). *Dansk forfatningsret 3*. København: Jurist- og økonomforbundets Forlag.

# Pro-life, Pro-Choice and everything in between: A quantitative study of popular attitudes on abortion in the Faroe Islands



Fróðskaparrit 70 (2024), nr. 2: 151-177  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by  
Attribution License. Use, distribution  
and reproduction are unrestricted.  
Authors and original publication must  
be credited.  
[www.frodskapur.fo/](http://www.frodskapur.fo/)

## Ímillum Frítt Val og Pro Vita: Ein kvantitativ kanning um fólksligan hugburð til abort í Føroyum

Heini í Skorini <sup>1</sup>, Herit Albinus <sup>2</sup>

### Abstract

Having debated the rights of sexual minorities for two decades, the question of abortion is increasingly emerging as a new fault line in Faroese politics. In spring of 2024, the Faroese Parliament rejected the legalisation of free abortion by the slimmest margin possible, and civil society NGOs are spearheading “pro-choice” and “pro-life” campaigns. But how does the Faroese voter relate to the question? Who supports and who opposes the legalisation of free abortion before week twelve? On the basis of a quantitative survey conducted in November 2022, this article examines public opinion on abortion legislation and what demographic and personal factors predict abortion attitudes. While it is not possible to present conclusive evidence on the basis of one single study, the findings indicate that the Faroese public is divided on the issue. Furthermore, there is a positive correlation between pro-life attitudes and the importance of religion as well as right-wing attitudes, while centre-periphery tensions are also visible. However, and in contrast with international surveys in the cross-national literature on abortion and public opinion, the survey finds no difference between men and women, and educational level does not predict abortion attitudes

---

<sup>1</sup> Associate Professor, Faculty of History and Social Sciences, University of the Faroe Islands  
Jónas Broncksgøta 25, FO 100 Tórshavn, Faroe Islands, [heinis@setur.fo](mailto:heinis@setur.fo), ORCID: 0000-0001-7982-8908.

<sup>2</sup> Teaching Lecturer, Faculty of History and Social Sciences, University of the Faroe Islands  
Jónas Broncksgøta 25, FO 100 Tórshavn, Faroe Islands, [herita@setur.fo](mailto:herita@setur.fo)



either. Finally, when examining the role of age, the generation between 30-44 years proves most likely to oppose the legalisation of abortion on demand.

### Úrtak

Eftir at hava kjakast um rættindi hjá seksuella minnilutum í tvey áratíggju er ósemjan um abort ella fosturtøku vorðin alsamt sjónligari í føroyskum politikki. Á vári í 2024 atkvøddi ein tepur meiriluti ímóti nýggjari lóg, sum loyvir fríari fosturtøku, samstundis sum felagsskapir stríðast bæði fyri og ímóti rættinum til abort. Men hvat hugsar føroyski veljarin um hendan spurning? Hvør er fyri og hvør er ímóti fríari abort áðrenn 12. viku? Við støði í kvantitativari kanning frá november 2022 kannar hendan greinin almennan hugburð til abort og hvørji demografisk og persónlig viðurskipti mynda hugburð til hendan spurning. Uttan at draga ov greiðar niðurstøður við støði í einstøkum kanningum geva úrslitini ábendingar um, at føroyskir veljarar eru sera ósamdir. Hagfrøðiliga finst ein signifikantur samanhangur millum átrúnað, høgravendan hugburð og móttøðu ímóti fríari abort, samstundis sum munirnir millum miðstaðararkið og økini kring landið eisini eru sjónligir. Men í andsøgn til gransking aðrastaðni finst eingin signifikantur munur á monnum og kvinnum, og útbúgving hevur heldur ongan týðning. Viðvíkjandi aldri er aldursbólkurin millum 30 og 44 ár í størri mun ímóti fríari abort samanborið við aðrar aldursbólkar.

**Keywords:** Abortion, public opinion, demography, ideology, religion, secularisation.

**Leitorð:** Fosturtøka, almennur hugburður, demografi, ideologi, átrúni, sekularisering.

### Introduction: Abortion and the culture wars

In 1973, the United States Supreme Court ruled that every American woman has a constitutional right to abortion within a given time frame – normally twelve weeks from inception. The rulings in *Roe v. Wade* and *Doe v. Bolton*, which elevated abortion to a constitutional right, can be attributed to a variety of developments in the history of law, science, politics and human rights (Imber, 2012, p. 384). The landmark rulings in 1973 triggered a new phase in the so-called “culture wars” in both American and European democracies. One decisive development in the history of abortion rights in the 20th century is the rapid progress in medical technology and surgical and diagnostical techniques, which paved the way for new possibilities in the management of pregnancy and family planning that were not possible in earlier historical periods. Another interrelated development is the rise of social movements and the human rights revolution in the latter half of the 20th century (Moyn, 2012). One example is the feminist movement and the struggle against gender oppression, as well as the pro-choice movement’s emphasis on individual choice, bodily integrity, the sovereignty of motherhood and the right to family planning. In opposition to this vision, the pro-life movement – also labelled the right-to-life movement – has

emphasised foetal rights and the status of the unborn child as a separate existence and as a rights-bearing human being entitled to protection and life (Imber, 2012).

These rivalling movements emphasise different interpretations of what it means to be *human*, as well as different understandings of what the concept of *rights* actually entails. These different interpretations of *human rights* give rise to pertinent and sometimes irresolvable conflicts: What does “human” mean in national or international human rights law? And what rights are “inalienable” as phrased in the preamble to the United Nations Universal Declaration of Human Rights from 1948 (United Nations, 1948)? In other words, which legal subjects are entitled to protection in accordance with the spirit of the human rights vision, which gained concrete legal substance during the postwar period?

Historically, the only legal rights-bearers were men with property, and only when they were over a certain age. Women, children, slaves and all other subordinated human beings were not entitled to legal protection (Ishay, 2008). Today, legally codified human rights norms are supposed to encompass all human beings while new schools of thought are challenging the anthropomorphic or human-centred version of rights. These new schools emphasise, for instance, animal rights and the rights of nature or Mother Earth in and of itself (Espinosa, 2014).

Today, around 30% of the world’s countries offer *abortion on demand* meaning that women have the legal right to access abortion under healthy and safe conditions within a given timeframe (Center for Reproductive Rights, 2013). However, abortion remains a divisive issue in many countries. Also, in western democracies where the long-standing question remains: is the foetus within a woman’s uterus a rights-bearing subject entitled to life and liberty? Or is the legal protection of the foetus a violation of every woman’s right to decide whether or not to terminate a pregnancy? These age-old questions currently shape the public debate in the Faroe Islands, and, though it is hardly a new topic, the contested issue of abortion is emerging as a more visible and potentially more divisive issue in the years to come.

The purpose of this article is to examine how people in the Faroe Islands relate to the issue of abortion, and which factors shape public opinion on abortion in a democratic and modern micronation in the North Atlantic, where Christianity still plays a significant role in society, culture and politics (Skorini, Sølvará & Albinus, 2022). Hence, this article is guided by the following research question: what characterises public attitudes towards abortion in the Faroe Islands? And to what extent are public attitudes on abortion significantly related to demographic and personal factors such as gender, age, education, income, religion, ideology etc.?

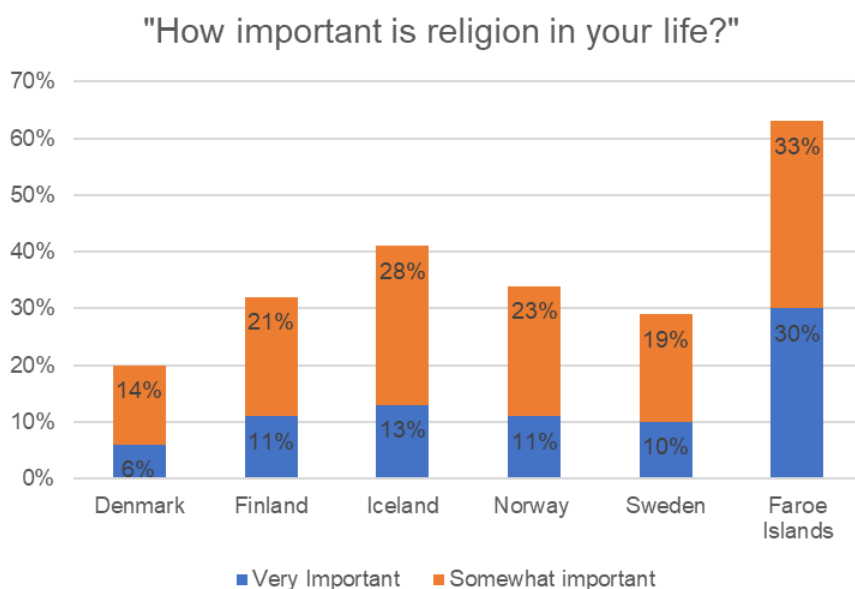
Following this introduction, this article is divided into four sections. First, and in order to contextualise the question of abortion, the following section will broadly outline the role of religion in the Faroe Islands and the importance of

religious values compared to the rest of the Nordic countries. Second, the article will review contemporary literature on public attitudes towards abortion as measured in quantitative surveys. Third, we present our own findings in light of international scientific literature followed by a discussion and conclusion.

## Religion and abortion in the Faroe Islands

While the forces of secularisation and the decline of religion have profoundly reshaped the Nordic societies during the last many decades (Inglehart, 2020), there are also regional exceptions to this development. One such exception in a Nordic context is the Faroe Islands – a self-governing entity within the Danish kingdom with extensive political self-determination. Below is a figure illustrating how people in the Nordic region respond when asked how important religion is in their lives (Skorini, Sølvará & Albinus, 2022). The results are retrieved from the World Value Survey (wave 2017-2020) except for the Faroese results. The Faroese data stem from a survey carried out in May/June 2021 by the University of the Faroe Islands (N=675) using the exact same question as the World Value Survey in order to generate comparative, cross-national data. As evident in figure 1, the Faroe Islands are an exception in the Nordic context, and this result was in accordance with our expectations prior to the survey. More than 60% of Faroese respondents reply that religion is either “very important” or “somewhat important” in their lives, and this number is much higher compared to all other Nordic societies.

Figure 1.



The 2022 survey on which this article is based uses the same question on the importance of religion and provides similar results. Furthermore, the survey from 2021 (Figure 1 above) used other questions from the World Value Survey (on the existence of God, life after death, heaven and hell) and the findings showed that on every single question, Faroese respondents were, in general, much more inclined to affirm their belief in supernatural Christian doctrines (Skorini, Sølvará & Albinus 2022, pp. 94-97). Why are these findings on religion in the Faroe Islands relevant in an article on abortion attitudes? As will be shown in the literature review, the level of religion is a strong and significant predictor of abortion attitudes.

However, one should be wary of pointing out which countries constitute an “exception” to the rule and which countries constitute the “rule”. According to several waves of data from the World Value Survey – the largest quantitative database on values comprising around 120 countries – the Nordic countries belong to the category of the most secularised societies in the world along with some other Western European democracies (Inglehart, 2020). Therefore, one could also argue that the Nordic countries are the “exception”, while the Faroe Islands is more in line with the rest of the world. Despite being geographically situated among the Nordic countries, the Faroe Islands may deviate from their regional neighbours with regard to cultural and religious norms.

A few decades ago, European sociologists of religion talked about “American exceptionalism” referring to the vitality of religious life in the US as opposed to western Europe (Lipset, 1988). However, other social scientists, primarily in the US, have identified Europe as the “exception” while the US remains more in line with the rest of the world – although secularisation is also reshaping American society in our time (Inglehart, 2020). As noted by Casanova, “the secularization of Europe is a particular, unique and “exceptional” historical process, not a universal teleological model of development which shows the future to the rest of the world” (Casanova in Davie, Heelas & Woodhead, 2017, p. 17).

However, and as will be highlighted below, the personal level of religiosity is not the only decisive factor when predicting or explaining attitudes towards abortion. Besides personal religion, the general impact of religion on a national level is also significantly correlated with abortion attitudes. When talking about the national level of religion, we refer to the overall proportion of survey respondents who claim that religion is important in their lives. This is relevant, as non-religious respondents in otherwise religious countries are inclined to be more conservative with regard to abortion and other contested ethical issues.

When the US Supreme Court in 2022 overturned the landmark decision in *Roe v. Wade* from 1973, the constitutional right to abortion in every American state was abolished. The decision was the result of a new majority in the US Supreme Court under the Trump administration, which meant that the legislative authority was again in the hands of each American federal state – resulting in different legislation from state to state. The controversial decision in

2022 sparked a new round of fierce debate, not only in America, but also in Europe, including the Nordic countries. It is indeed possible to interpret the Supreme Court decision as caused by *American exceptionalism* and the special role of religion in the US as opposed to European secularisation. However, it could also be argued that until 2022, the US was the only country in the world granting a *constitutional* right to abortion. In other words, the *Dobbs* decision in the American Supreme Court in 2022, which overturned *Roe v. Wade* (1973), was a return to mainstream norms in global abortion policy where states legislate without constitutional guarantees (Pushaw, 2023).

This global debate, triggered by events in the US, served as a reminder that within the Danish Kingdom, there is no *constitutional* right to abortion, and different countries or self-ruling entities enforce different laws and legal practices. Denmark and Greenland are examples of “pro-choice” countries, where women are entitled to abortion on demand before week 12. However, the Faroe Islands has upheld the law from 1956, which prohibits free choice and stipulates certain criteria as a precondition for abortion. These preconditions are 1) if the pregnant woman’s life is endangered, 2) if the pregnant woman has been the victim of rape or incest, 3) if the foetus has a serious and incurable disease or 4) if the mother suffers from serious physical, social or mental problems leaving her unfit as a parent or caretaker (Lov om foranstaltninger i anledning af svangerskab m.v., 1956). This fourth and last criterion is the most widely used when Faroese women – despite legal restrictions – obtain abortion in the Faroe Islands. Furthermore, many Faroese women simply avoid the Faroese health system and approach Danish health authorities in the pursuit of a termination (Hermansdóttir, 2023).

During the last 20 years, homosexuality, same-sex marriage and the rights of sexual minorities has been a focal point in the Faroese “culture wars” (Skorini, Sølvará & Albinus 2022, pp. 88-90). Throughout this period, the passionate and controversial abortion debate has been smouldering and looming in the background, and two Faroese NGOs are spearheading the “pro-choice” and the “pro-life” positions, namely *Frítt Val* and *Pro Vita*. While the latter receives public funding and has done so for years, the former has not obtained public funding privileges. Before the spring of 2024, no Faroese politician has ever tabled a new abortion bill, as many political parties have avoided clear positioning and decision-making (Hermansdóttir, 2023). However, in early 2024, the Faroese Minister for Justice tabled a new bill that intended to legalise abortion on demand before week 12, and the bill was rejected with the slimmest margin. After a passionate debate, 15 MPs voted in favour and 15 voted against (three MPs were absent).

With this background in mind, we now turn to the literature review in order to analyse our research question in a broader scientific context. The selected literature below examines what characterises popular attitudes towards abortion and what demographic and personal factors might shape these

attitudes. In other words, who supports the legalisation of abortion? Who supports the status quo, and who supports a more restrictive legislation and practice? Is it possible to predict abortion attitudes in different segments of society, and what is the role of demographic and personal factors such as gender, age, income, education, religious beliefs, political affiliation or ideological identity?

### **Literature review: The macro- and microlevel relationship between religion and abortion**

When surveying the contemporary literature on public attitudes towards abortion as measured in quantitative surveys, religion is frequently emphasised as the primary factor in the quest to understand how people relate to abortion legislation and practice (Jelen and Wilcox, 2003; Adamczyk, Kim and Dillon, 2020; Adamczyk, 2022). In a seminal review published in 2020 of more than one hundred scientific articles during the last 15 years in the US, Adamczyk, Kim and Dillon conclude that “religion was the most researched factor associated with abortion disapproval” (Adamczyk 2022, p. 816). Furthermore, religion was followed by education and income as statistically significant independent variables, meaning that there was a positive correlation between pro-abortion attitudes, higher education and higher income. The significant correlation between religion and abortion attitudes is also emphasised in Jelen and Wilcox’s research arguing that “of all the social predictors of abortion attitudes, religion is generally considered to be the strongest” (Jelen & Wilcox 2003, p. 492).

However, when examining which predictors may drive abortion attitudes, these and other studies suggest that the sole focus on religion might be too narrow. In other meta-studies evaluating the literature on abortion and public opinion inside and outside the West (see for instance Yam, Dries-Daffner & García, 2006; Rehnström, Loi et al., 2015; Hanschmidt et al., 2016), factors such as gender, age, education and income are also relevant. For instance, in a comprehensive survey encompassing 51 countries based on data from the *World Value Survey*, Loll and Hall identify a significant gender difference where women are more supportive of pro-choice legislation compared to men. This gender gap was also identified in countries with restrictive abortion policies (Loll & Hall, 2019). However, the gender gap in abortion attitudes is not entirely settled, and other surveys find no significant difference between men and women (Woodhead, 2007). One explanation might be that women in general are more religious than men when asked in quantitative surveys (Woodhead, 2007) and that “gender differences in religiosity help explain the lack of a gender difference in abortion attitudes” (Barkan 2014, p. 940). Furthermore, other comprehensive studies applying data from the *World Value Survey* emphasise the positive correlation between higher education and pro-choice attitudes (Dutta, Giddings & Sobel, 2021). Besides gender and education, age and income are also

significant factors in the sense that younger people and people with higher incomes are statistically more inclined to support the pro-choice position (Jelen & Wilcox, 2003; Adamczyk, Kim & Dillon, 2020; Adamczyk 2022). Furthermore, it should not come as a surprise that political ideology is a significant factor. As argued by Osborne et al., conservative attitudes are strongly linked to the pro-life position (Osborne et al., 2022), while Brysk and Yang identify a correlation between ethnonationalism and pro-life attitudes, especially in richer and secular countries (Brysk & Yang, 2023).

The present study does not apply any hypothesis and should be regarded as an explorative study, given the fact that this is the first scientific quantitative survey on abortion attitudes in the Faroe Islands. Hence, in the absence of systematic and longitudinal data, we refrain from definite conclusions. However, on the basis of the cross-national literature on abortion and public attitudes, we might expect religion, gender, education, age and income to be significant predictors shaping popular abortion attitudes in the Faroe Islands.

Another finding supporting these expectations is the relationship between economic factors and popular attitudes towards abortion. People in poorer countries with lower scores on material development are statistically more inclined to oppose abortion *regardless* of personal religious attitudes. This means that a non-religious person in a poor country is more inclined to disapprove of abortion. However, in richer, industrialised societies where the pro-choice position is much more widespread, the individual importance of religion plays a stronger role (Adamczyk, 2022). Due to this interaction between country-level economic factors, religion and abortion attitudes, the issue of abortion is much more contested and divisive in richer, secular and democratic countries. Because the Faroe Islands can be classified as a rich and democratic welfare state with a GDP per capita exceeding the other Nordic countries (Hagstova Føroya, 2023), we expect the personal importance of religion to be positively correlated with the disapproval of the right to free abortion.

The tension between religion and pro-choice attitudes is well-established. All the major religions – Islam, Christianity, Hinduism, Judaism and Buddhism – entail doctrines that may justify the opposition to free abortion (Jelen, 2014). From a religious perspective, the right to free abortion may raise concerns about unrestrained sexual morality, which undermines chastity and pro-fertility norms that have been absolutely crucial for survival in earlier historical periods with high infant mortality rates (Damian, 2010; Florida, 1991; Imber 2014, pp. 384-86; Inglehart, 2021; Shapiro, 2014). Within the West, the Catholic Church has often been the centre of attention due to its vocal pro-life position and its condemnation of the right to abortion within a given time frame. Due to the prominent role of the Catholic Church in the ongoing abortion debate, one might expect Catholics and Protestants to differ on abortion attitudes in quantitative surveys. However, the literature does not indicate any significant difference between religious Catholics and religious Protestants (Adamczyk 2022, p. 828).

Furthermore, a number of surveys suggest that Catholics have fairly liberal views on several other issues, suggesting a gap between somewhat secular Catholics and the official position of the Catholic Church (Stack, Adamczyk & Cao, 2010; van den Akker, van der Ploeg and Scheepers, 2013). What appears to be important here is not denominational affiliation, but the personal importance of religion.

Another relevant factor when examining the relationship between abortion attitudes and religious belief is the distinction between religion as personal belief (microlevel religion) and religion as national and cultural identity (macrolevel religion). In the distinction between religion as an individual property and religion as a group property, the latter emphasizes religion as an overarching structural factor in society which exceeds the sum of each individual's personal religion (Dobbelaere, 2002). One of the founding fathers of sociology, Émile Durkheim, was precisely preoccupied with religion as *collective consciousness* fostering shared moral values and beliefs. He analysed the functional group properties of religion on a societal level and perceived religion as generating social cohesion. Durkheim viewed religion as an intersubjective reality in society over and above its component parts (Davie 2013, pp. 20, 30; Durkheim 1897, 1912).

This functional perception of religion is relevant with regard to the abortion debate. Research suggests that general country-level attitudes towards religion may be as important as personal religiosity. This means that as the general level of religion increases within a state, people *without* religious beliefs will also be more likely to oppose abortion because they are shaped by the same cultural processes. This argument implies that non-religious people in Poland are more likely to oppose free abortion compared to non-religious people in Sweden. Hence, both religious and non-religious people may be shaped by the same religious or cultural impulses, and if religion is a dominant cultural force in society, the normative views of secular people will also be shaped by religion. As Amy Adamczyk points out, “people within the same country are more likely to be similar to each other because they are shaped by some of the same societal characteristics” (Adamczyk, 2022, p. 817). Furthermore, she notes that “even people who say that religion is minimally important may be affected to the same extent by what their neighbours think the Gods require” (Adamczyk 2022, p. 828). Having said this, the same literature should perhaps also consider the opposite causal process and examine to what extent religious people are shaped by a secular mindset and adopt views in line with mainstream secularisation. This two-way process is addressed by the founder of the *World Value Survey*, Ronald Inglehart, as he emphasises the dialectical interplay between politics and religion:

But as religion weakens, the dominant causal flow can change direction, with one's political views increasingly shaping one's



religious outlook (...) people were not becoming more secular and then moving toward liberal politics to fit their new religious identity; instead, they found that the main causal direction runs from politics to religion (Inglehart, 2021, p. 3).

Returning to the earlier point, in countries where collective religion plays a significant role, religious institutions, ideas and practices will naturally shape public debate, political parties etc. (Nepstad, Erickson & Williams, 2007). And such cultural contexts may also affect the attitudes of people who designate themselves as secular or non-religious. This point may serve as a reminder that it is entirely possible to hold conservative views without being religious, and it is also possible to hold liberal views and still embrace religious beliefs and practices. If these findings are true for the Faroe Islands, it means that the opposition towards abortion is not necessarily a religious phenomenon per se and that secular or non-religious people also disapprove of new legislation that legalises free abortion before week 12. As noted above, the international literature suggests a positive correlation between religiosity and resistance towards abortion. However, going against these expectations, one could argue that opposition against abortion on demand is also widespread among people who do not perceive religion as an important factor in their lives. In other words, despite a statistical positive correlation between religion and anti-abortion attitudes, a fair share of non-religious voters might oppose the liberalisation of the current abortion law. This latter possibility also serves as a reminder that there may be entirely secular arguments against free abortion and the pro-choice position. As noted, the pro-life movement also argues on the basis of secular viewpoints and human rights discourse without referring to religious dogma or supernatural ideas. The argument in favour of the foetus as a rights-bearing creature with inalienable rights does not in and of itself need any religious justification (Imber, 2012).

Hence, on the basis of these somewhat conflictual conclusions in the current literature, the central challenge of this article is to examine what characterises popular abortion attitudes in the Faroe Islands and what background variables can predict these attitudes.

## **Method**

The statistical material was gathered in a survey completed in November 2022. Participants in the age group 18-75 were randomly selected using a public population registry. Invitations to participate in the online survey were sent by post to 1987 people, and 749 people chose to participate in the survey. Due to item nonresponses, the analysis in this paper is based on responses by 634 participants. Weights were used according to age, gender and place of residence, and these weights did not depart significantly from one, indicating that the sample was indeed representative when considering these factors.

The variable of interest in the analysis is a binary variable, *free abortion*, which indicates whether the person supports the legalisation of abortion. This variable is the dependent variable in the regression analyses. The explanatory factors are age, political ideology, gender, household income, place of residence, education, and religion.

Respondents indicate how important religion is in the person's life, and the variable *religious* is based on answers to this question. The variable takes on values on the scale 0-1, where 0 indicates that religion is not at all important to the respondent, while 1 indicates that religion is very important to the respondent. All other explanatory variables in the analysis are binary variables. A dummy variable which takes the value one if a person belongs to the age group 30-44 and zero otherwise, is included in the analysis. This dummy variable indicates whether beliefs of people in the age group 30-44 depart from the beliefs of people in other age groups. The analysis did not demonstrate any differences in other age groups.

The variable *left-wing* is generated from this question: "Where on a political right/left scale would you place yourself? This question refers to economic issues, e.g., the distribution of values, whether taxes should increase or decrease, etc." There were five different possible answers from "very left-wing" to "very right-wing", as well as the option to state that the respondent did not know. The variable *left-wing* equals one if the person answered one of these two options: "very left-wing" or "left-wing". The variable *high-income household* indicates that the person's household has a total income of at least 1 million DKK. This is the highest income group in the survey, and the respondents self-report an income group. In addition, there are two more binary variables included in the analysis, which indicate whether the person resides in Tórshavn and whether the person has a university degree.

As anticipated, there is a strong correlation between the variables left-wing, Tórshavn, religious and gender, with people from Tórshavn identifying as more left-wing and less religious, as well as women identifying as more religious. Given the high degree of correlation between many of the explanatory factors in the analysis, a multivariable regression analysis is applied to uncover the significance of the individual factors.

In May 2024, shortly before the completion of this article, we carried out a new survey where we repeated the question on abortion in order to compare public attitudes in November 2022 and May 2024. Therefore, figure 3 below contains two snapshots of public opinion – one from November 2022 and one from May 2024. The overall results in these two periods are quite similar but may indicate a slight drift towards more pro-choice attitudes before and after the abortion bill was put forward in the spring of 2024. However, as explained above, the remainder of the statistical analysis on significant correlations is entirely based on the dataset from November 2022.

### **Analysis: Who supports the legalisation of abortion?**

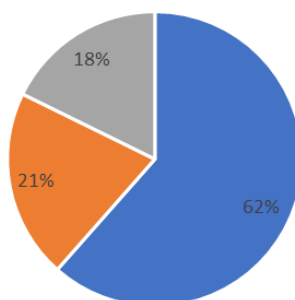
Before highlighting what variables are statistically correlated with abortion attitudes, the overall results show that a majority of the Faroese public (62%) supports a new abortion law (figure 2), and that the public is quite divided when asked what a new law should look like (figure 3). As noted above, figure 3 might suggest that the debate on the new pro-choice bill of 2024 has generated more pro-choice attitudes despite its rejection in Parliament. But the difference between November 2022 and May 2024 should not be exaggerated as the fluctuations are quite limited.

---

Figure 2:

---

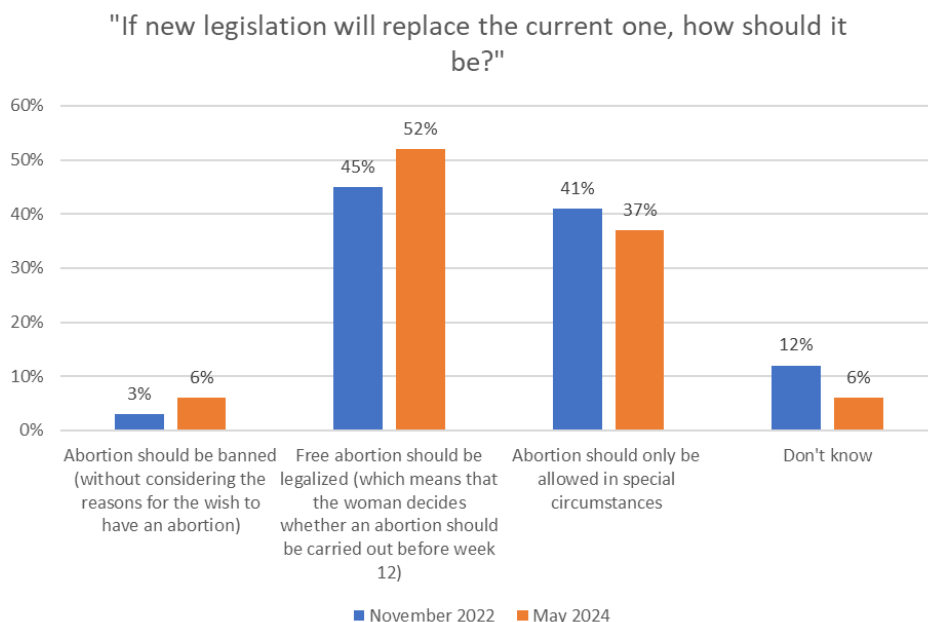
"In your opinion, should the law on abortion be revised?"



■ Yes ■ No ■ Don't know

---

Figure 3:

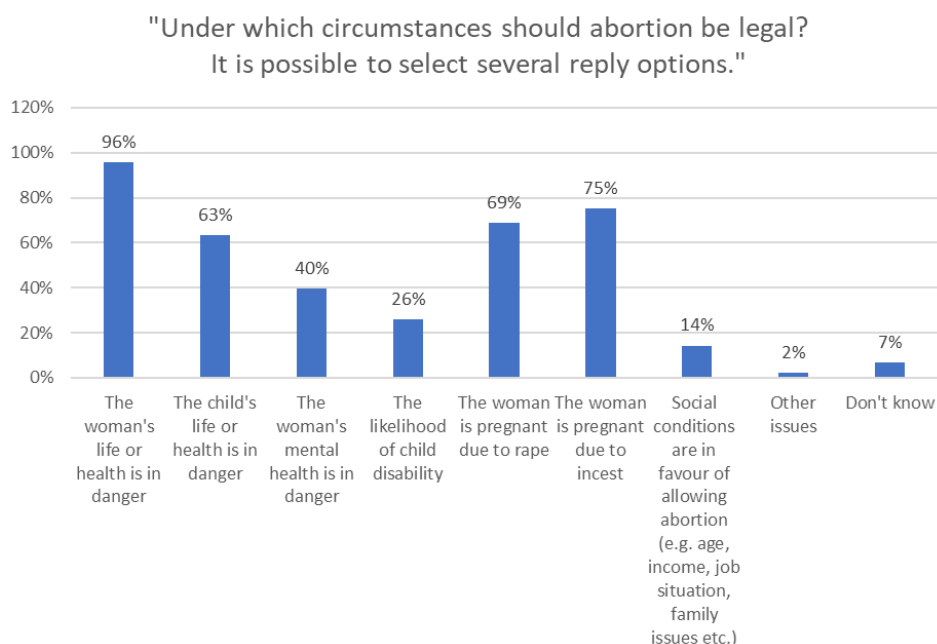


As visible in figure 3, only 3-6% of respondents support a complete ban on abortion. The largest group (between 45 and 52%) supports free abortion before the twelfth week, and between 37 and 41% find that abortion should only be permitted in special circumstances. These findings indicate that abortion is a highly divisive and contested issue in the Faroe Islands and that political attempts to revise the law will trigger controversy, polarisation and vehement debate as evident in the spring of 2024. Interestingly, the proportion of people who replied "I don't know" halved from November 2022 to May 2024. This change might indicate more awareness and active decision-making after the issue was raised in Parliament and gained more media attention. It should also be highlighted that the number of people supporting a revision of the law (62%) is significantly higher than the share of people supporting a liberalisation of the law (45-52%). This finding indicates that some respondents favour a revision of the law without legalising the right to free abortion. Indeed, there are also respondents who support the right to legal abortion, but nevertheless did not wish to see the law revised. A further exploration of this finding would entail elaborative questions or qualitative methods.

For the remainder of this article, we refer only to data from the November 2022 survey. Figure 4 indicates what reasons for abortion people find legitimate. Only those respondents who chose the option "Abortion should only be allowed in special circumstances" were asked this question. It is evident that almost

everybody thinks that abortion is legitimate if the woman's life is in danger, and significant majorities support the right to abortion if the woman is pregnant due to rape (69%) or incest (75%) or if the life of the child is in danger (63%).

Figure 4:



Besides these main results, the question remains which groups in society are more likely to either oppose or support a new legal instrument that legalises the right to abortion. Since the dependent variable which indicates whether a person supports the legalisation of abortion is a binary variable, a logit regression has been used to answer this question. The analysis was made using STATA, and the results are shown in table 1. The table provides results from two separate regressions, where the second column also includes an interaction term between the two variables *religious* and *female*. The second regression therefore examines whether the importance of religiosity differs between men and women.

Table 1: Logit regressions

	(1)	(2)
<b>Aged 30-44</b>	-0,931** (0,235)	-0,884** (0,238)
<b>Left-wing</b>	1,042** (0,207)	1,049** (0,211)
<b>High-income household</b>	0,733* (0,286)	0,767** (0,287)
<b>Tórshavn</b>	0,449* (0,201)	0,422* (0,203)
<b>University degree</b>	0,209 (0,203)	0,228 (0,205)
<b>Female</b>	0,36 (0,196)	1,781** (0,489)
<b>Religious</b>	-3,426** (0,349)	-2,558** (0,406)
<b>Religious x female</b>		-2,462** (0,755)
<b>Constant</b>	0,968** (0,283)	0,527 (0,298)
<b>Observations</b>	634	634
<b>Pseudo R<sup>2</sup></b>	0,257	0,27

*Robust standard errors are in parentheses*

*\*\*  $p < 0,01$ , \*  $p < 0,05$*

The findings in this survey show that five factors are significant when explaining abortion attitudes. Some of these factors are in line with our expected findings as elaborated in the literature review, while others are somewhat surprising. These five factors are 1) religion, 2) age, 3) political ideology, 4) geography and 5) income. Interestingly, and in contrast to other survey findings in the cross-national literature, education is not a significant factor. In addition, gender is only a significant factor in the second regression.

Table 2: Average marginal effects

	(1)	(2)
<b>Aged 30-44</b>	-0,157**	-0,147**
<b>Left-wing</b>	0,176**	0,174**
<b>High-income household</b>	0,124**	0,127**
<b>Tórshavn</b>	0,076*	0,070*
<b>University degree</b>	0,035	0,038
<b>Female</b>	0,061	0,295**
<b>Religious</b>	-0,578**	-0,424**
<b>Religious x female</b>		-0,408**

\*\*  $p < 0,01$ , \*  $p < 0,05$

In line with research in other countries, religion is an important predictor of abortion attitudes. The average marginal effects in column 1 in table 2 indicate that a very religious person has approximately 58% lower probability of supporting legal abortion when compared to a person who is not at all religious. In addition, there is a significant interaction between religiosity and gender as shown in regression (2) which indicates that the effect of religion on abortion attitudes is significantly larger for women than for men. The average marginal effects of religion on the probability of support are approximately -83% for women and -42% for men. The correlation between religion and the proportion of respondents who support the legalisation of abortion by gender (see figure 5) also demonstrates the fact that the difference between religious and non-religious women is larger than the difference between religious and non-religious men, when considering the probability of supporting legalisation. In other words, religion is a stronger predictor of abortion attitudes among women compared to men.

Figure 5:

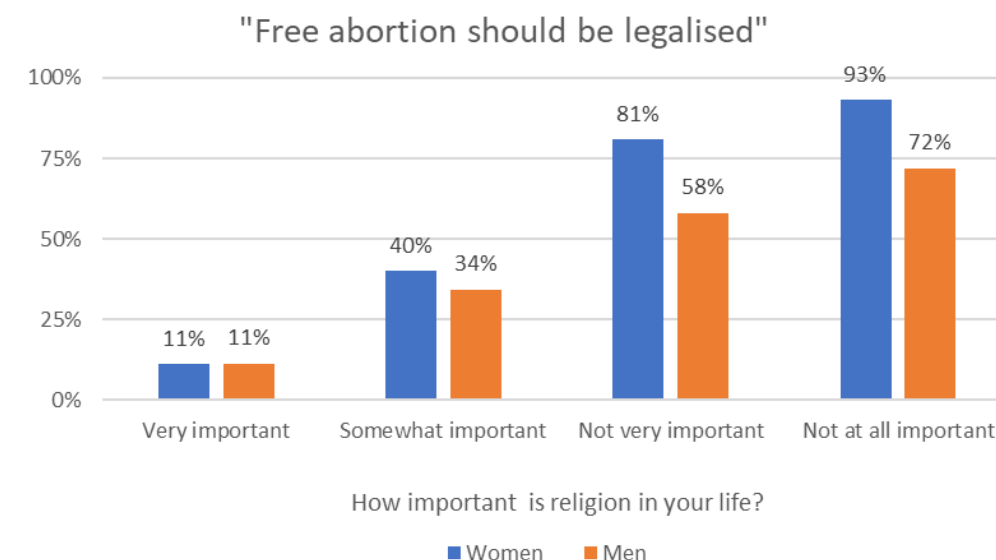
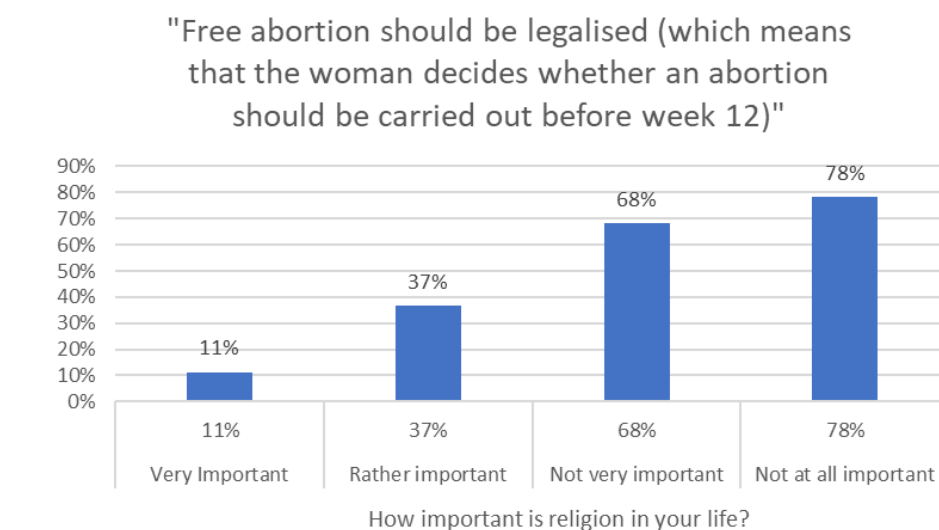


Figure 6:



This relationship between religion and abortion attitudes is in line with international research, but it is nevertheless surprising to see such a large difference between the religious and non-religious group. As noted in the literature review, we would expect a significant relationship between these two variables, but not this strong. The reason for this expectation was based on the

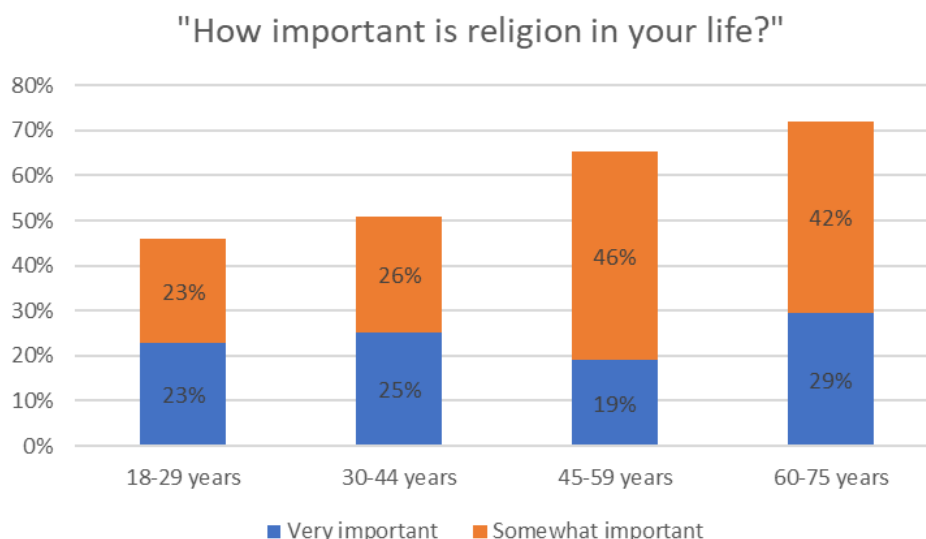


literature highlighting how the dominance of religion within a national setting influences not only religious people, but also secular or non-religious people. Therefore, we did expect a larger share of non-religious people to oppose abortion. The high level of religion in the Faroe Islands (as shown in figure 1) and the seemingly inextricable link between religious faith and anti-abortion attitudes may indicate that the abortion debate will remain a highly contested and divisive issue in the Faroe Islands in the years to come. However, this is not necessarily the case. The Faroese debate on sexual minority rights and same-sex marriage during the last 20 years illustrates how rapidly cultural changes can reshape society and how public opinion may transform at a surprising pace. On the basis of fifty years of data collection within the *World Value Survey*, Ronald Inglehart emphasised how secularisation tends to accelerate in high-income countries and how “tipping points” or “snowball effects” can turn public opinion upside down within a relatively short period of time:

Although intergenerational population replacement involves long time lags, cultural change can reach a tipping point at which new norms become dominant. Social desirability effects then reverse polarity: instead of retarding the changes linked with inter-generational population replacement, they accelerate them, bringing rapid cultural change (Inglehart, 2021, p. 74).

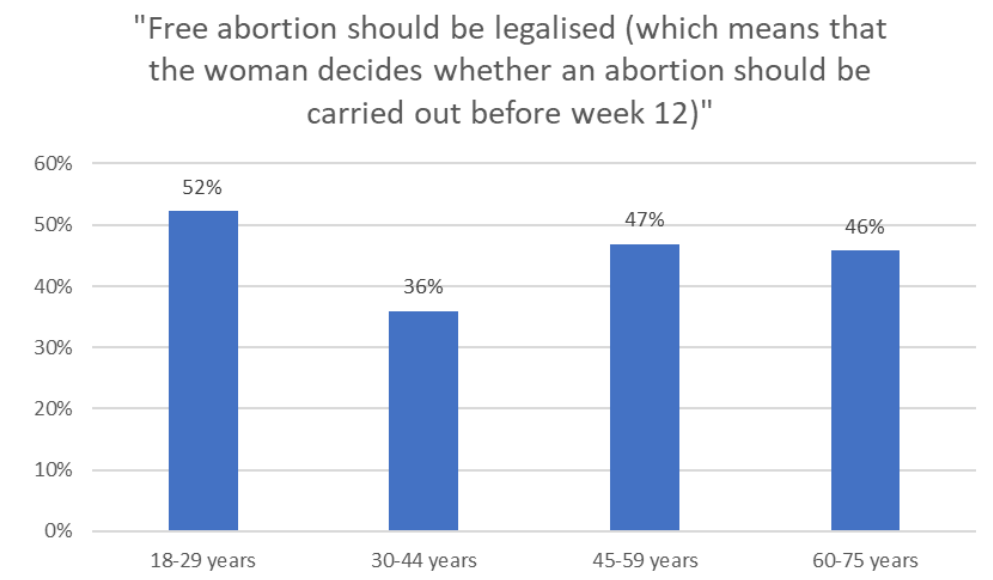
Another significant and somewhat puzzling finding in our survey from November 2022 is the role of age (figure 7). When examining the correlation between religion and age, there is a straightforward and positive relationship, and the pattern is the same in both recent and older surveys. The older you get, the more important religion becomes (Skorini, Sølvará & Albinus, 2022, p. 99).

Figure 7:



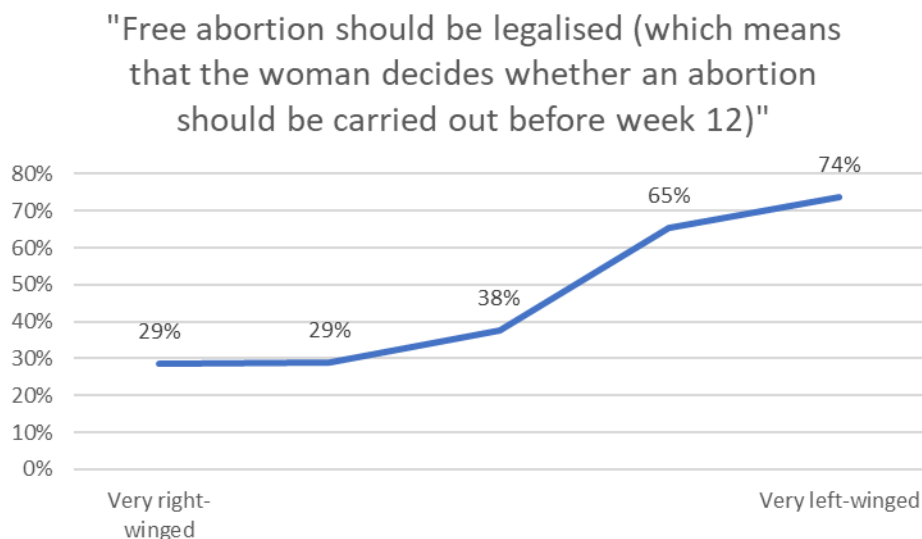
Based on this insight, one might expect a gradual and smooth correlation between youth and pro-choice abortion attitudes with growing opposition the older people get. However, this is not the case. The differences between the youngest and the oldest generation is relatively minor, and the outlier here is the group between 30 and 44 years old who are more inclined to oppose abortion on demand. While 52% are in favour of free abortion between 18 and 29 years, the number drops to 36% in the age group 30-44 years and rises again within the older groups to nearly half of the respondents. The regression analysis also supports this finding (see tables 1 and 2) and indicates that people in the age group 30-44 years are less likely to support the legalisation of abortion. This is interesting as other surveys, on for instance vaccine scepticism during the Covid era, also found the age group 30-44 years to deviate from the rest (Skorini and Albinus, 2021). These findings suggest further research on generational differences and whether the age group from 30-44 years holds more conservative views on other issues related to value politics and contested ethical questions. Given the fact that the older generations are significantly more religious, one should expect these generations to hold stronger views against the legalisation of free abortion. However, this is not the case. Therefore, the general positive correlation between the importance of religion and oppositional attitudes towards abortion is not always sufficient to predict outcomes when other variables are at play.

Figure 8:



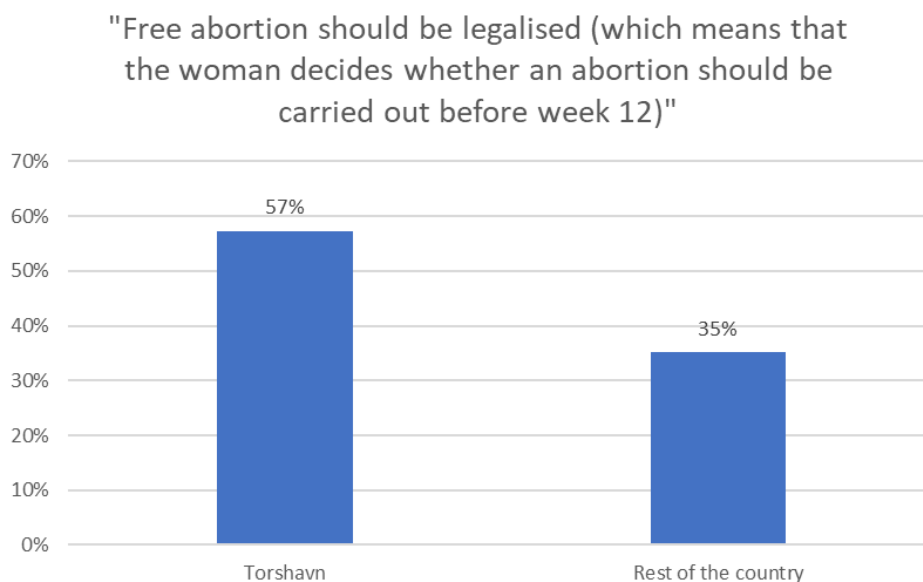
Political ideology is also highly significant, which is captured by the binary variable *left-wing*. The more to the left people place themselves, the more likely they are to support free abortion and vice versa. The probability that a person who identifies as left-wing supports free abortion is approximately 17% higher than other people (see tables 1 and 2). This pattern emphasizes once again the politically divisive nature of the abortion question and is completely in line with international research on the matter. However, one should not generalise. Almost one third of respondents identifying themselves as “very right-wing” support free abortion, and only 38% of respondents in the centre of the political spectrum support free abortion. The middle category in this right-left spectrum is simultaneously where most respondents place themselves when asked about ideological self-perception. In other words, there are interesting varieties within each ideological group on the right-left scale.

Figure 9:



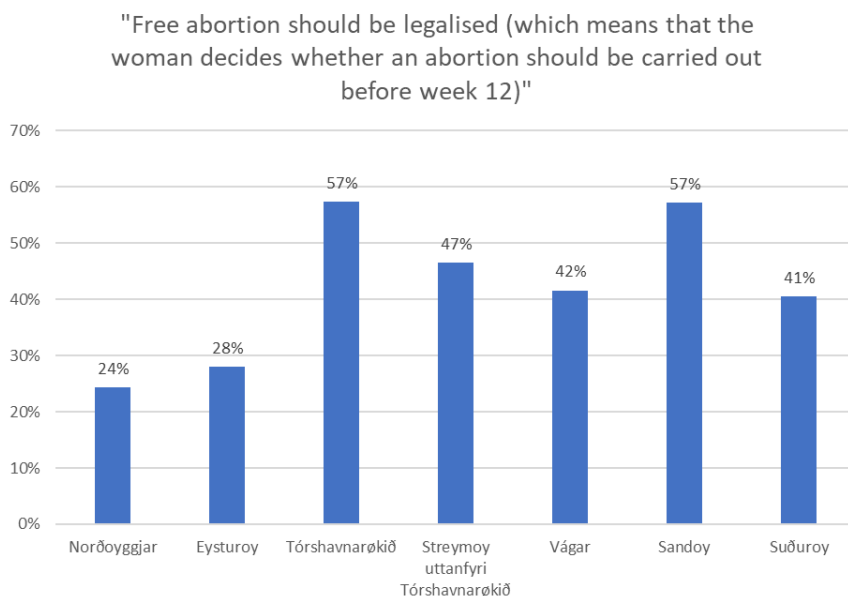
Furthermore, our findings indicate place of residence as a significant factor. The regression analysis suggests that pro-choice attitudes are more widespread in the capital Tórshavn compared to the rest of the country, even when considering political ideology and religion. However, the coefficient is not significant at a 1% significance level.

Figure 10



However, it might be an oversimplification to divide the country into only two categories (the capital area versus the rest). When dividing the Faroe Islands into seven different districts, we see that people in the northern part of the Faroe Islands (Norðoyggjar and Eysturoy) are more inclined to oppose the legalisation of free abortion. However, the other areas are not significant, which is not surprising given the relatively small sample size.

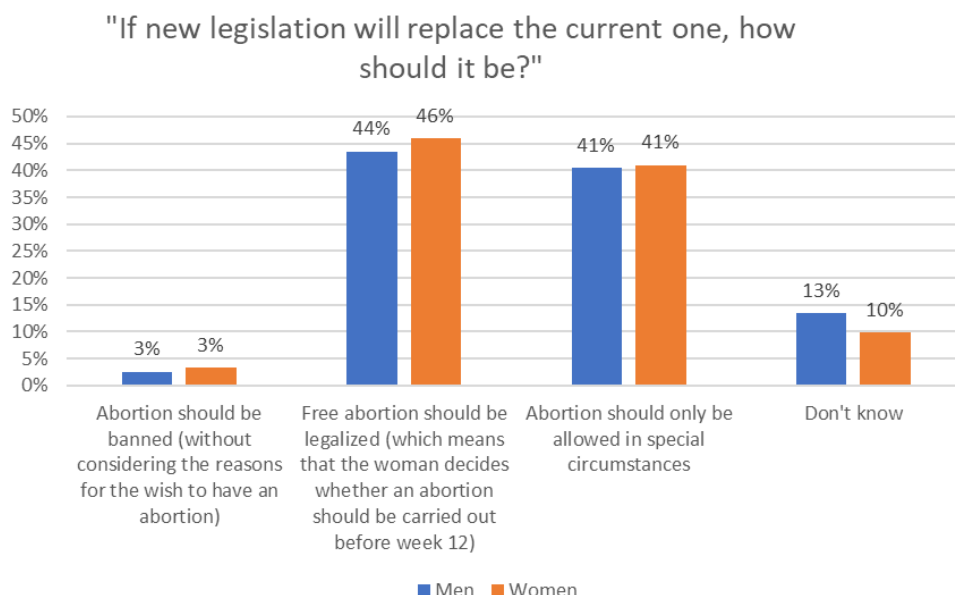
Figure 11:



Finally, while education has no significant effect, income seems to be important as households with the highest income are more inclined to support the pro-choice position. While the absence of education as a significant variable is a finding which diverges from the international literature on cross-national abortion attitudes, the role of income is in line with existing research. However, the significance of income is only visible among the highest incomes per household without any significant differences among all the other income groups.

Interestingly, and in contrast to other international survey findings, education is non-significant, and gender is only marginally significant with a p-value of 6,5% in the first regression. A simple comparison of the answers by men and women also supports this conclusion (figure 12).

Figure 12:



## Conclusion: Between excessive polarisation and healthy pluralism

As noted, this is the first scientific article on Faroese public attitudes vis-à-vis the highly contested issue of abortion. Based on a survey from November 2022, some of our findings are in line with international research while others are not. Firstly, the absence of gender and education as highly significant variables deviates from the reviewed literature. Here, the interaction between gender and religion is interesting. In general, personal religion is more important for women than for men and proves more divisive among women than men. This finding should encourage others to examine the interaction between religion, gender and other questions such as sexual minorities, gender equality, legal gender switching etc. Secondly, there is a very strong and significant statistical correlation between religion and abortion attitudes. The stronger the personal importance of religion, the more likely people are to support the pro-life position. In and of itself, the relationship between the two variables is not surprising. However, the strong *degree* of this statistical correlation is surprising as we expected stronger pro-life attitudes among secular people in line with the above-cited literature. The positive relationship between left-wing orientation and pro-choice attitudes is not a surprise either. Furthermore, given the straightforward correlation between age and religion, one could expect the older generations to oppose free abortion to a higher degree. However, this is not the case. While the difference between the youngest and the oldest generation is limited, the generation between 30-44 years is most inclined to embrace the pro-life

position. This result raises the question whether this generation would be an outlier concerning other contested issues such as gay rights, same-sex marriage or gender equality. Finally, the role of geography does not come as a surprise as we have identified this tension in other surveys (Skorini, Sølvará & Albinus, 2022). However, for outsiders, it may be puzzling to observe the very real fault-lines between “rural” and “urban” areas within a remote and tiny archipelago in the North Atlantic, which has spent billions in public funding on infrastructure in order to interlink the country. So far, we can conclude that the Faroe Islands – despite the vast investments in infrastructure – is geographically polarised. In the literature on polarisation, there is a tendency to proclaim profound disagreements and dissenting worldviews as a democratic problem. Without rejecting the challenges arising from excessive polarisation, disagreement, pluralism and vehement debate can also enrich society and democratic deliberation when, and if, the contending parties engage in these passionate debates with respect, civility and recognition of the other. In the case of the emotional and passionate abortion debate where different worldviews collide, these virtues will be needed in the years to come.

## References

- Adamczyk, A. (2022). Religion as a micro and macro property: Investigating the multilevel relationship between religion and abortion attitudes across the globe. *European Sociological Review*, 38(5), 816-831.
- Adamczyk, A., Kim, C., & Dillon, L. (2020). Examining public opinion about abortion: a mixed-methods systematic review of research over the last 15 years. *Sociological Inquiry*, 90(4), 920-954.
- Barkan, S. E. (2014). Gender and abortion attitudes: Religiosity as a suppressor variable. *Public Opinion Quarterly*, 78(4), 940-950.
- Brysk, A., & Yang, R. (2023). Abortion Rights Attitudes in Europe: Pro-Choice, Pro-Life, or Pro-Nation? *Social Politics: International Studies in Gender, State & Society*, 30(2), 525-555.
- Center for Reproductive Rights. (2013). The world's abortion laws. <https://reproductiverights.org/maps/worlds-abortion-laws/>
- Damian, C. I. (2010). Abortion from the perspective of eastern religions: Hinduism and Buddhism. *Revista Romana de Bioetica*, 8(1), 124-136.
- Davie, G. (2013). The sociology of religion: A critical agenda. *The Sociology of Religion*, 1-328.
- Davie, G., Heelas, P., & Woodhead, L. (Eds.). (2017). *Predicting religion: Christian, secular and alternative futures*. Taylor & Francis.
- Durkheim, É. (1897). De la définition des phénomènes religieux. *L'Année sociologique (1896/1897-1924/1925)*, 2, 1-28.



- Durkheim, E. (1912). The elementary forms of religious life. In W. Longhofer & D. Winchester (Eds.), *Social theory re-wired* (pp. 52-67). Routledge.
- Dutta, N., Giddings, L., & Sobel, R. (2021). Attitudes towards abortion: what role do educational attainment and cultural traits play? *Review of Social Economy*, 1-24.
- Espinosa, C. (2014). The advocacy of the previously inconceivable: A discourse analysis of the Universal Declaration of the Rights of Mother Earth at Rio+20. *The Journal of Environment & Development*, 23(4), 391-416.
- Florida, R. E. (1991). Buddhist approaches to abortion. *Asian Philosophy*, 1(1), 39-50.
- Hagstova Føroya (2023), BTÚ og høvuðstól, retrieved at: <https://hagstova.fo/fo/buskapur/tjodarbushapur/btu-og-hovudstol>
- Hanschmidt, F., Linde, K., Hilbert, A., Riedel-Heller, S. G., & Kersting, A. (2016). Abortion stigma: a systematic review. *Perspectives on sexual and reproductive health*, 48(4), 169-177.
- Hermansdóttir, T. (2023). Reproductive manoeuvring: An ethnographic study about women's abortion and other reproductive experiences in the Faroe Islands. Roskilde Universitet.
- Imber, J. B. (2012). Fetal rights. In T. Cushman (Ed.), *Handbook of Human Rights* (pp. 384-388 x-x). Routledge.
- Inglehart, R. F. (2020). *Religion's sudden decline: What's causing it, and what comes next?*. Oxford University Press.
- Ishay, M. (2008). *The history of human rights: From ancient times to the globalization era*. Univ of California Press.
- Jelen, T. G. (2014). The subjective bases of abortion attitudes: a cross national comparison of religious traditions. *Politics and Religion*, 7(3), 550-567.
- Jelen, T. G., & Wilcox, C. (2003). Causes and consequences of public attitudes toward abortion: A review and research agenda. *Political Research Quarterly*, 56(4), 489-500.
- Kringvarp Føroya (2023), *Breiddin: Fosturtøkulóg*, retrieved at: <https://kvf.fo/breiddin?sid=164031>
- Loll, D., & Hall, K. S. (2019). Differences in abortion attitudes by policy context and between men and women in the World Values Survey. *Women & health*, 59(5), 465-480.
- Lov nr. 177 af 23. juni 1956 om foranstaltninger i anledning af svangerskab m.v., sum seinast broytt við lógtingslóg nr. 168 frá 16. desember 2021. Retrieved at: <https://logir.fo/Lov/177-fra-23-06-1956-nr-177-af-23-juni-1956-om-foranstaltninger-i-anledning>

- Moyn, S. (2011). *The last utopia: human rights in history*. Harvard University Press.
- Nepstad S., Erickson R. H. Williams, (2007). Religion in rebellion, resistance and social movements. In: J. A. Beckford & J. Demerath (Eds.), *The SAGE Handbook of the Sociology of Religion* (pp. 419-437). SAGE Publications Ltd.
- Osborne, D., Huang, Y., Overall, N. C., Sutton, R. M., Petterson, A., Douglas, K. M., & Sibley, C. G. (2022). Abortion attitudes: An overview of demographic and ideological differences. *Political Psychology*, 43, 29-76.
- Pushaw Jr, R. J. (2023). Defending Dobbs: Ending the Futile Search for a Constitutional Right to Abortion. *San Diego L. Rev.*, 60, 265.
- Rehnström Loi, U., Gemzell-Danielsson, K., Faxelid, E., & Klingberg-Allvin, M. (2015). Health care providers' perceptions of and attitudes towards induced abortions in sub-Saharan Africa and Southeast Asia: A systematic literature review of qualitative and quantitative data. *BMC public health*, 15(1), 1-13.
- Shapiro, G. K. (2014). Abortion law in Muslim-majority countries: An overview of the Islamic discourse with policy implications. *Health policy and planning*, 29(4), 483-494.
- Skorini, H. í, & Albinus, H (2021). Pandemien i Nordatlanten: Hvordan covid-19 har forenet en polariseret mikronation–og hvordan velkendte konflikter stadig ulmer. *Politica*, 54(4), 364-388.
- Skorini, H. í, Albinus, H., & Sølvará, H. A. (2022). Færøerne mellem religiøs vækkelse og sekularisering: En nordisk undtagelse bliver til. *Økonomi & Politik*, 95(1), 88-110.
- Stack, S., Adamczyk, A., & Cao, L. (2010). Survivalism and public opinion on criminality: A cross-national analysis of prostitution. *Social Forces*, 88(4), 1703-1726.
- Van den Akker, H., Van der Ploeg, R., & Scheepers, P. (2013). Disapproval of homosexuality: Comparative research on individual and national determinants of disapproval of homosexuality in 20 European countries. *International Journal of Public Opinion Research*, 25(1), 64-86.
- Woodhead, L. (2007). Gender differences in religious practice and significance. In J. A. Beckford & J. Demerath (Eds.), *The Sage handbook of the sociology of religion* (pp. 566-586). Sage Publications.
- Yam, E. A., Dries-Daffner, I., & García, S. G. (2006). Abortion opinion research in Latin America and the Caribbean: a review of the literature. *Studies in family planning*, 37(4), 225-240.

## Viðmerking:

# Mannarættindi og heimspekiligar avbjóðingar



Fróðskaparrit 70 (2024), nr. 2: 178-188  
Human Rights and the Faroe Islands  
©The Author(s) 2024 Open Access  
under Creative Commons by Attribution  
License. Use, distribution and  
reproduction are unrestricted. Authors  
and original publication must be  
credited.  
[www.froedskapur.fo/](http://www.froedskapur.fo/)

## Commentary essay: Human rights and philosophical challenges

Jógvan D. Hansen<sup>1</sup>

### Abstract

The idea that humans have certain fundamental rights goes far back in the history of philosophy. However, the justifications for these rights have been quite diverse. The question has also been raised as to whether these rights are inherent or should be considered as agreements among people. It cannot be said that there is any final consensus on this issue. At the same time, it is an established fact that the concept of human rights plays an important role both in domestic and international legal understanding. The article considers some of these issues.

### Úrtak

Hugsanin um, at menniskjað hevur nøkur grundleggjandi rættini, gongur langt aftur í heimspekisøguna. Men grundgevingarnar fyri hesum rættindum hava verið rættiliga ymiskar. Spurningur hevur eisini verið settur við, um hesi rættindi eru íborin ella at meta sum samtykt manna millum. Ikki kann sigast, at nøkur endalig semja er um henda spurning. Men samstundis er tað ein royndur lutur, at mannarættindahugtakið hevur ein týðandi leiklut bæði í heimligari og altjóða rættarfatan. Greinin lýsir nøkur av hesum viðurskiftum.

**Keywords:** Philosophy, ideology, human rights, natural law.

**Leitorð:** Heimspeki, hugmyndasøga, mannarættindi, náttúrurættur.

---

<sup>1</sup> Námslektari, Sögu- og samfelagsdeildin, Jónas Broncksgøta 25, Tórshavn Fróðskaparsetur Føroya, [jogvand@setur.fo](mailto:jogvand@setur.fo).

## Søguligt baksýni

Hugsanin, at menniskjan hevur íborin rættindi, hevur røtur langt aftur í hugmyndasøguna. Eitt dømi eru sonevndu stoikararnir (Pigliucci, 2024). Hóast ymiskir, so høvdu teir eina kosmopolitiska grundfatan, og legði hon ikki minst dent á skilvísi. Í einum skilvísium heimssamfelagi vóru rættindini hjá tí einstaka ikki treytað av ytri viðurskiftum so sum uppruna, kyni, sosialari støðu v.m. Tað var við at vera ein partur av mannaættini, at ein kundi sigast at hava rættindi. Ella við øðrum orðum: Tað at vera menniskja *var* at hava rættindi. Á enskum verður hetta stundum nevnt “the inherence doctrine”.

Fara vit so upp í miðöld, er tað serliga Thomas Aquinas (1225-1274), ið er áhugaverdur (Brown, 2024). Við avgerandi íblástri frá Aristoteles (384 f.Kr – 322 f. Kr.) orðar hann eina náttúrurættarlæru á kristnari grund (Humpreys, 2024). Og tað, ið gevur menniskjuni serliga tign, er at hon er skapt í Guds mynd. Til ber at siga, at allur rættur hevur sín uppruna í einum gudsgivnum náttúru-rætti.

Men í endurreisnini (renessansuni) kemur vend í. Spurningur verður settur við, um Gud, tá ið saman um kemur, blandar seg upp í heimsins gongd. Í staðin koma hugsanir um skynsemi at spæla høvuðsleiklutin. Ein tann fremsti talsmaðurin fyri tí sonevnda *rationalistiska* náttúrurættinum er hálendski lögfrøðingurin og rættarheimspekingurin Hugo Grotius (1583 – 1645) (Miller, 2021). Hesin viðger m.a. rættarhugtakið við atlit at kríggj og frið. Hann vil vera við, at tann mest grundleggjandi náttúrurættarlaga meginreglan er, at avtalur skulu haldast. Hetta er fortreytin fyri, at ein givin samfelagssáttmáli hevur bindandi mátt. Ein annar, ið eisini koma at hava stóran týðning fyri alt orðaskifti um náttúrurætt og mannarættindi, er týski upplýsingarheimspekingurin Immanuel Kant (1724 – 1804) (Jankowiak, 2024). Hansara íkast er ikki minst ein skipað og djúptøkin roynd at sannprógva nakrar objektivar, moralskar meginreglur.

Umframt omanfyri nevndu fortreytir eru nøkur søgulig viðurskifti, ið tað ikki ber til at komauttan um. Inngangurin til amerikansku frælsisvirlýsingina frá 1776 er júst ein yvirlýsing um mannarættindini. Kendastu orðini munnu vera hesi: “Vit meta hesar sannleikar at vera sjálvsagdar, at øll menniskju eru skapað líka, og at tey av skaparanum hava fingið ávís ómissandi rættindi, teirra millum rættin til lív, frælsi og stremban eftir eydnu” (U.S. National Archives, 2024).

Franska mannarættindayvirlýsingin frá 1789 kom somuleiðis at hava avgerandi týðning, fyrst í Frankaríki og síðani altjóða (National Archives, 2022). Nevnt verður trúarfrælsi, talu- og framsagnarfrælsi og rætturin til at taka lut í lóggávuváldinum. Viðurskifti sum javnstøða fyri lógini, rættartrygd og rætturin at reisa seg upp í móti kúgan verða eisini nevnd. Somuleiðis at ognarrætturin er friðhalgaður.

Flyta vit okkum fram upp í nútíðina, so má mannarættindayvirlýsingin frá 1948 sigast at vera tað avgerandi vegamótið (United Nations, 2024). Her verða í 30 greinum staðfest tey grundleggjandi rættindini, ið nútímans mannarættindi

byggja á. Baksýni fyri Mannarættindayvirlýsingini var fyrst og fremst ræðuleikarnir undir 2. heimsbardaga. Síðani er nakrir sonevndir kjarnu-sáttmálar komnir afturat.

Umframt mannarættindayvirlýsingina, so hava evropeisk lond samtykt tann sonevnda evropeiska mannarættindasáttmálan (European Court, 2024). Hesin hevur sum endamál at tryggja tað rættarlaga grundarlagið undir mannarættindunum. Um vit taka samanum, so er her beinrakið at skilja ímillum teosentriskt og antropomorfskt grundað mannarættindi. Tann fyrri uppfatanin hevur kjølfestu í teismu, tann seinna í menniskjanum sjálvum. Vit kundu kanska eisini sagt náttúrurættur við ella uttan ein Gud.

### Mannarættindi í nútíðini

Mannarættindi hava í dag ein týðandi leiklut, bæði sum hugsjónaligt fyrirbrigdi og sum lögfrøðiligur veruleiki. Bæði í nationalari lóggávu og í millumtjóða sáttmálum verður tikið atlit til mannarættindayvirlýsingina og mannarættindahugsanina í stóran mun. Men tað merkir ikki, at tað ikki finnast avbjóðingar. Heimurin stendur ikki í stað, og tað ger uppfatanin av mannarættindum heldur ikki. Brot á mannarættindini er gerandiskostur, og atfinningar at mannarættindunum koma frá fleiri síðum. Ikki ber til her at fara út í æsir við við øllum hesum viðurskiftum, men víst skal verða á nøkur viðurskifti av prinsipiellum týðningi.

Sum mannarættindini eru lýst, ikki minst í mannarættindayvirlýsingini, so eru tey *universell* og *objektiv*. At tey eru universell merkir, at tey grundleggjandi eru galdandi fyri øll og undir øllum umstøðum (Nickl og Etinson, 2024). T.d. kann national lóggáva, ið ger seg inn á mannarættindini, ikki metast sum legitim. At tey eru objektiv merkir, at tey mugu metast sum normativar sannroyndir. At halda mannarættindini er tískil ikki eitt subjektivt val, men ein skylda. Men undir hesum uppáhaldum liggja djúptøknir heimspekiligir spurningar. Latið okkum taka tað universalistiska uppáhaldið fyrst. Kann ein bólkur av londum við eitt ávíst tíðarhvarv, t.d. 1948, orða eina yvirlýsing, sum bindur komandi tjóðir? Heimurin er nógv broyttur síðani tá. Nøkur núverandi lond vóru ikki als til tá, og valdsjavnin í heiminum var heilt øðrvísi. Ein afturvendandi atfinning frá ikki minst tí sonevnda triðja heiminum er, at mannarættindayvirlýsingin frá 1948 avspeglar eitt vesturlendskt perspektiv. Eitt í ringasta føri heimsveldis-perspektiv. Eitt slíkt perspektiv letst at umboða universell áhugamál, men er í roynd og veru bygt á eina vesturlenska heimsfatan (Mutua, 2001). T.d. verður ført fram, at mannafatanin er í stóran mun *individualistisk*, og baktjaldið er virðini í amerikansku frælsisvirlýsingini og fronsku mannarættindayvirlýsingini. Ein tílik tilgongd, verður sagt, leggur lítið lag í aðrar mentanir. Mentanir, har heildin hevur nógv størri vekt á vágskáluni, og einstaklingurin samsvarandi minni. Í ringasta føri er hetta eitt slag av imperialismu og/ella etnosentrismu í rættlætisskikkju. Men sum eitt svar upp á hesa atfinning verður

m.a. ført fram, at vestanlond vóru í stórum minniluta, tá universella mannarættindayvirlýsingin hjá ST varð skrivað og samtykt (í Skorini, 2020).

Í slekt við tað universalistiska, men tó nakað øðrvísi, er spurningurin, um hvørt mannarættindasáttmálin kann sigast at byggja á objektiv virði. Hesin spurningur er ein av teimum mest grundleggjandi í tí partinum av heimspekiligum etikkini, ið nevnist metaetikk (DeLapp, 2024). Platon viðger í nøkrum av sínum dialogum henda spurning, og hann hevur ta uppfatan, at objektiv virði finnast. Tann stóra avbjóðingin er at finna fram til tey. Hann letur Sokrates breyta saman við ymiskar sofistar, ið umboða eina relativistiska virðisuppfatan (Duke, 2024). Einkin endaligt úrslit spyrst burtúr hesum hólmgongum. Og spurningurin má enn í dag sigast at standa opin. Sum við so nógvum øðrum heimspekiligum spurningum, so tykjast tað vera góð argument á báðum síðum. Heimspekingar, ið siga, at virði er nakað vit *finna*, verða nevndir *realistar* við atliti til spurningin um hvørja ontologiska støðu virði hava. Heldur tú, at virði er nakað subjektivt, vit *uppfinna*, so er tú *antirealistur*.

## Grundgevingartilgongdir

Um vit nú fara aftur til spurningin, um hvat gildi mannarættindi hava, og møguliga kunnu ynskjast at hava, so kunnu nevast í hvussu er tvær tilgongdir, ið byggja á tað omanfyristandandi.

Ein náttúrurættarlig tilgongd vil oftani so ella so royna at kjølfesta mannarættindini í náttúrurættarhugtakinum (Wenar, 2020). Um hetta skuldi eydnast, so er tann eyðsæddi fyrimunurin tann, at hetta verjir móti subjektivistiskum atfinningum. Ella sagt á annan hátt: Eru mannarættindini feld inn í tað verandi, og ikki bert subjektiv uppáhald, so slepst undan í tíð og ótíð at noyðast at rættvísgera tey. Tey kunnu fyrst aftur til ein normativan veruleika. Sum nevnt í byrjanini av greinini, hildu stoikararnir, at tað fanst ein heimsskipan, ið tryggjaði menniskjanum rættindi takkað veri tí at vera partur av mannaættini. Tó man vera ivasamt, hvønn sannførandi mátt stoisk heimsfatan hevur í nútíðini. T.d. kallaði Bentham (1748-1832) náttúrurættin fyri “nonsense on stilts” (Sweet, 2024).

Ein annar møguleiki er at grundgeva átrúnaðarliga, sum t.d. Thomas Aquinas gjørði. Trupulleikin við hesari strategiini er bert tann, at hon hevur sum fortreyt, at tú tekur undir við einari ávísari trúarskipan, t.d. tí katólsku hjá Aquinas. Tað verður neyvan lætt at sannføra eitt nú ein hinduist ella agnostikara við katólskari dogmatikk. Men hvat so við einari kantianskari strategi? Aðalmálið hjá Kant var at byggja ein etikk á menniskjuna sum skilvísa veru, sum júst takkað verið skilvísinum kundi vera sín egni lóggevi. Og takkað verið skilvísinum hevði menniskjan eisini tign. Tann etiski autoriteturin kemur her ikkiuttanífrá, men er grundaður á menniskjuna sjálva sum júst skynsemisveru. Hesin framferðarháttur er møguliga ikkiuttan perspektivir. Men eisini her eru trupulleikar. Eftirtíðin hevur m.a. sett spurnartekn við nakrar av fortreytunum fyri tí

kantiansku pliktetikkinu. Tó er her vert at nevna, at Kant í 1795 gevur eitt verk út, ið hann nevnið “Zum ewige Frieden” (Kant, 1795). Hetta er ein djúptøkin roynd at orða eitt rættarheimspekiligt grundarlag undir viðurskiftunum millum statir, ikki minst fyri at forða fyri kríggi.

Men um nú ein náttúrurættarlig tilgongd er trupul og lítið sannførandi, hvat er so til ráða at taka? Her er tað, at ein ella onnur kontraktteori kemur inn í myndina. Sum tað liggur í orðinum, so er málið gjøgnum samtykt at orða nakrar grundleggjandi reglur. Í mannarættindahøpi eru sjálvsagt reglur fyri, hvørji rættindi einstaklingar og bólkar hava krav uppá. Tann eyðsæddi fyrimunurin við einari kontraktteori er, at ikki er neyðugt grundgeva fyri henni metafysiskt ella religiøst. Tað, ið gevur sáttmálanum gildi er, at hann er undirskrivaður av avtalupørtunum. Ideelt sæð, so eru tað nøkur lond við legitimt valdum stjórnnum, ið orða nakrar grundleggjandi normar. Londini kunnu í prinsippinum vera rættiliga ymisk, eisini við atliti til átrúna og uppfatanir av eitt nú støðuni hjá einstaklinginum. Tað, ið um ræður er, at man gjøgnum sáttmála bindur seg til at halda nakrar nærri ásettar spælireglur. Veikleikin við einari tífíkari skipan er, at hon í prinsippinum kann uppsigast nær tað skal vera. At man so kann byggja inn í skipanina nakrar mekanismur, ið gera eina uppsøgn trupla, er nakað annað. Umframt áðurnevnda trupulleika er so sjálvsagt eisini tað, at hon bert umfatar tey lond, ið hava skrivað undir. Avtalan verjir ikki onnur uttan sum fordømi.

Men nú er ikki vist, at skilnaðurin millum eina náttúrurættaliga tilgongd, og eina kontraktgrundaða tilgongd er so altavgerandi. Í staðin fyri at hyggja serliga at hesi tvístøðuni, ber eisini til at venda áhuganum móti mannarættindum í politiskum høpi. Her kunnu vit spyrja, hvussu mannarættindi virka sum politisk amboð, og hvussu gongdin er við atliti til altjóða politiska ávirkan. Ella sagt á annan hátt: Verða mannarættindi feld inn í bæði nationala og altjóða lóg og virka á tann hátt, so kunnu vit liva við einari meira akademiskari ósemju. Í hesum høpi eru hugsanirnar hjá amerikanska heimspekinginum John Rawls (1921-2002) áhugaverdar (Ivic, 2010). Hann brúkar hugtakið “the overlapping consensus”. Í hesum liggur, at vit gerast ongantíð samd um alt. Men um okkurt er so ringt, at øll vilja sleppa undan hesum, og okkurt er so gott, at øll ynskja tað; ja so, so kunnu vit finna eina “umskarandi semju” t.e. eina semju, har mentanir og siðvenjur umskarast.

Franski heimspekingurin Jacques Maritain, ið var við til at orða heimsyvirlýsingina frá 1948, er inni á nøkrum av tí sama. Spurdur um grundarlagið fyri Universal Declaration of Human Rights svarar hann: “Yes, we agree about the rights, but on condition that no one asks us why” (Theilen, 2021). Sagt við øðrum orðum: Vit kunnu semjast um ein lista av rættindum, men vit hava sera ymiskar filosofiskar ella átrúnaðarligar keldur at rættvísgera hesa skrána av rættindum.

## Hvørji rættindi skulu vera mannarættindi?

Tað sigur seg næstan sjálv, at hugtakið mannarættindi í praksis kemur at vera ein partmongd av teimum samlaðu rættindunum hjá borgarunum. Og søguliga sæð er hugtakið mannarættindi brúkt um rættindi av grundleggjandi og kanska kunnu vit siga eksistentiellum slag. Millum hesi eru til dømis rætturin til lív, frælsi og persónliga trygd, eins og frælsi frá pínslu og manninking.

Men tá hetta er sagt, er ikki full semja um, hvørji rættindi skulu fáa støðu sum mannarættindi. Tó ber til at siga, at tað eru tvær høvuðstøður við einum glíðandi skifti. Um vit byrja við tí, ið nevnt verður tann minimalistiska tilgongdin, so sigur henda, at bert heilt grundleggjandi, so sum omanfyri nevndu rættindi, kunnu koma upp á tal. Tað eru tað fleiri orsökir til. Ført verður fram, at um ov nógv og minni fundamental rættindi koma við, er ein vandi fyri, at inflatióin kemur í. Fylgjan av hesum verður, at hugtakið mannarættindi missur tign, og fara hesi við tíðini ikki at verða tikin í álvara. Tá geva vit meira fyri minni. Eisini er vandi fyri, at undirtøkan og viljin at seta mannarættindi í verk minkar. Í praksis merkir hetta t.d., at ymiskir ískoyttissáttmálar als ikki fáa undirtøku. Virðiskonservativ lond fara at venda samarbeiðinum um mannarættindi bakið, um sonevnd vesturlendsk rættindi koma undir mannarættindahugtakið. Úr einum meira politiskum perspektivi, har høgra-vinstra ásin ger seg galdandi, er tað eisini viðkomandi at hava við, hvørs rættindi eru rættindi *frá* nøkrum, ella rættindi *til* nakað. Hesin munurin kann eisini býtast sundur í positiv og negativ rættindi. Positiv rættindi snúgva seg um alt tað, sum eg havi rætt til (t.d. talufrælsið, trúarfrælsið, reint vatn, skúlagongd o.s.fr.). Og negativ rættindi snúgva seg um tað, sum eg havi rætt til at sleppa undan (kúgan, mismuni, harðskapi o.s.fr.). Ein klassiskur liberalistur vildi sagt, at rættindi í stóran mun eiga at vera rætturin *frá* nøkrum. Rætturin frá órættvísari og tilvildarligari rættarsókn, rætturin frá uppblending í privatlívið, rætturin ikki at verða kúgaður o.s.fr. Og so eitt afturat. Hevur ein borgari *rætt* til eitthvørt, so fylgir ein *skylda* frá samfelagsins síðu at uppfylla hesi rættindi. Við hesum fylgja útreiðslur til skattaborgaran. Hvønn rætt hevur samfelagið at áleggja honum hesar? Ein, ið viðger henda spurning djúptøkið í nýggjari tíð er tann kendi fortalarin fyri minimalstatinum, amerikanski heimspekingurin Robert Nozick (1938 – 2002) (Feser, 2024).

Sígga vit mannarættindaspurningar út frá muninum millum menningarland og framkomin ídnaðarland, so verður fylgjandi argument stundum ført fram: Um mannarættindini gerast ov umfatandi og eitt nú búskaparliga krevjandi, hava fátæk menningarland ongan móguleika at uppfylla krøvini. Verður tað í praksis ógjørlegt at uppfylla hesi, fara mannarættindini, um ein vil tað ella ei, at broyta støðu frá júst *rættindum* til at vera meira ella minni veruleikafjar *ideal*. Tað er sum so einki skeivt við idealum, men tey hava als ikki sama mátt sum rættarkrøv móti einum givnum stjórnarvaldi. Við øðrum orðum ber til at siga, at um mannarættindini gerast ov víðfevnd, fáa vit tað, ið á enskum verður nevnt “human right inflation”. Tá er tað ein spurningur, um man ikki hevur givið meira fyri minni.



Flyta vit okkum móti einum meira umfatandi fyri ikki at siga maksimalistiskum mannarættindahugtaki, er argumentið, at fyri at liva eitt mannsømiligt lív er ikki nokk við fráveru av nøkrum ótespiligum viðurskiftum. Sjálvandi skulu mannarættindini verja einstaklingin móti yvirgangi so sum pínslu, hóttanum og aðrari mannminkan. Men hetta er ikki nokk. Mannarættindini eru sjálvandi ikki eitt mál í sær sjálvum, men eru til fyri at skapa fortreytir fyri einari mannsømiligari og vónandi blómandi tilveru. Fyri at taka eitt dømi, so er tað ikki nokk at hava t.d. rættartrygd og talu- og framsagnarfrælsi, um tú ikki hevur mat í munnin, atgongd til reint vatn og til grundleggjandi heilsutænastur. Við øðrum orðum skulu mannarættindini eisini tryggja rættin *til* nakað. Sjálvandi stinga nakrir avmarkingarspurningar seg upp her. Er atgongd til nøkulunda óheftar miðlar ein mannarættur? Ella hvat við alnótini? Er atgongdin til hana ein mannarættur? Men argumentið er, at sjálvt um avmarkingarspurningar stinga seg upp, er tað ikki ein forðing fyri einum meira víðfevndum mannarættindahugtaki. Skuldi man víst á ein heimspeking, ið vísir á at rættindi sum so mugu vera rættindi *til*, og ikki bara *frá*, er tað upplagt at vísa á áðurnevnda John Rawls (Richardson, 2024).

### **Mannagongdir til at staðfesta hvat ið skal galda sum mannarættindi**

Júst John Rawls gjørdist m.a. kendur fyri eitt uppskot til, hvussu til ber at finna fram til nakrar grundleggjandi normar í einum samfelagi. Hetta ger hann í verkinum “A Theory of Justice” frá 1971. Men háttalagið kann, kanska við smærri tillagingum, eisini brúkast, tá semja skal fáast um mannarættindi. Útgangspunktið hjá Rawls er ein hugaroynd, har vit skulu finna fram til nakrar grundleggjandi normar. Hann biður okkum hugsa okkum, at vit eru stødd aftanfyri eitt tám av óvitan. Vit vita ikki, hvørji vit eru við atliti at kyni, etniskum uppruna, sosialari og búskaparligari støðu o.s.fr. Vit kunnu so hugsa okkum eitt uppskot til eitt samfelag við teimum og teimum rættindunum. Vit skulu so spyrja, um vit sum rationellir aktørar kundu hugsað okkum at tikið undir við áðurnevnda samfelag, sæð frá teimum ymisku positiónum. Kunnu vit svara játtandi, hevur hetta samfelagið við teimum givnu rættindunum staðið royndina. Myndin hjá Rawls kann brúkast til at fáa menniskju at hugsa um, hvussu tey høvdu skipað eitt samfelag, áðrenn tey vistu, hvussu tey sjálvi eru fødd (viðvíkjandi t.d. kyni, húðarliti, etniskum uppruna og trúgv). Hetta skal ikki fatast sum um, at allir smálutir skulu ígjøgnum hesa tilgongdina. Tað, ið tað snýr seg um, eru tey grundleggjandi virðini. Umframt hetta setur hann tvey onnur krøv. Fyri tað fyrsta er tað eitt krav, at mismunur kann undir ávísam umstøðum loyvast, men bert um hann gagnar teimum veikast stillaðu. Og fyri tað annað, so skulu almenn stórv vera atkomulig fyri øll eftir førleika.

Spurningurin er so, um henda mannagongd er egnað, tá ið tað ræður um at knæseta mannarættindi í altjóða høpi. Uppskotið tykist í hvussu er áhugavert, men fortreytin fyri at tað er gjørligt í verki er sjálvandi, at allir luttakarar taka

undir við mannagongdini. Tað skal kanska ikki so nógv til fyri at spilla spælið. Um onkur frammanundan tilskilar sær eitt slag av vetorætti við atliti til nøkur ávís viðurskipti, so kann tykjast trupult at koma víðari.

### **Ein kommunikatív tilgongd**

Eitt annað uppskot, til hvussu vit koma ásamt um ein normativitet, kemur frá týska heimspekinginum Jürgen Habermas (Finlayson og Ree, 2023). Uppskotið tykist eisini at vera viðkomandi, tá tosað verður um mannarættindi. Tilgongdin er í stuttum tann, at vit, myndarliga talað, sita um eitt runt borð. Hugsu vit um mannarættindi, er eitt altjóða forum upplagt. Ásannandi, at vit í einum nútímans heimi hava eitt margfeldi av virðum og virðisuppfatanum, og at ongin av hesum uppfatanum kann gera krav uppá at hava tann æviga sannleikan, er tann samskiptandi felagsskapurin krummtappurin. Men fyri at eitt slíkt samskipti skal geva meining og koma til nýtilig úrslit, er neyðugt at nakrar fortreytir eru uppfyltar. Fyri tað fyrsta, so skal tað bert vera *grundgevingarnar*, ið hava vekt. Hvørjum grundgevingarnar koma frá, er í prinsippinum óviðkomandi. T.v.s. at ongin vegna serstaka tign ella støðu kann gera krav upp á grundgevingarlígan framhjárætt. Samrøðan skal sostatt vera *harradømisfrí*. Og í øðrum lagi skulu luttakararnir í orðaskiftinum geva seg undir tað besta argumentið. Tí ber ikki til at siga, at tú hevur tað besta argumentið, men eg havi rætt. Tað besta argumentið hevur sína egnu sermerktu *fríu nýðslu*, sum tað verður nevnt. Við hesum fortreytum fer tann samskiptandi tilgongdin so í gongd. Men vert er at geva gætur, at hon í prinsippinum ongantið endar. Komandi tíðir og komandi ættarlið koma við teirra royndum og fortreytum óivað til aðrar niðurstøður. Tað merkir, at tað er sera ósannlíkt, at vit koma fram til ævigar platonskar sannleikar. Men fyri tí at virðini, ið vit gjøgnum tilgongdina koma fram til, altíð er fyribils, eru tey ikki av tí orsök virðisleys og uttan gildi. Heldur hinvegin eru tey vard ímóti at stirðna í kreddufesti.

Men er hetta uppskotið so gongd leið við atliti til mannarættindaspurningar? Ein afturvendandi atfinning er, at hetta er alt ov góðtrúgið. Tí tá tað kemur til altjóða pallar, eru vit ikki stødd í siðaðum kjakfeløgum, men á politiskum vígvøllum, har tað snýr seg um vald og ávirkan. Tað vil siga, at har valda heilt aðrar spælireglur enn við tað runda samskiptisborðið. Skipanin er tískil viðbrekin, um ikki øll taka undir við meginreglunum og spæla við opnum kortum. Eru tað bert nakrir heilt fáir aktørar, ið ikki vilja spæla við, ella spæla við uppá kvamsvís, dettur skipanin sundur. Funnist hevur eisini verið at Habermas fyri at hava ov stórt og ógrundað álit á fornuftini og tí skilvísa menniskjanum. Kritikkarar peika stundum á David Hume (1711- 1776), ið vil vera við, at tað eru *kenslurnar*, sum seta málini, meðan vitið bert er amboðið at røkka teimum (Fieser, 2024). Men hvussu er og ikki, so tykist uppskotið hjá Habermas at hava havt ein viðkomandi leiklut í kjakinum. Alternativini til ein samskiptandi heim

eru neyvan heldur so hugalig. Vóru mannaættindini ikki til, høvdu tað verið áneyðir at uppfunnið tey, hevur onkur hildið fyri.

## Samanumtøka

Men spurningurin er sjálvandi, um áðurnevnda uppáhald er rætt. Sjálvandi ber til at ímynda sær ein heim, har tað valdar ein sonevnd hobbesiansk náttúrustøða. Hetta hugtak sipar til hugsanirnar hjá enska heimspekinginum Thomas Hobbes (Williams, 2024). Í verkinum “Leviathan” (Hobbes, 1651) ímyndar hann sær eina støðu, har menniskjan livir uttan nakran samfelagsligan normativitet. Einasta lóg, ið er galdandi, er frumskógarlógin, har øll stríðast ímóti øllum, og tey sterkastu yvirliva. Henda lóg er sum kunnugt lýsandi (deskriptiv) og ikki regluskipandi (preskriptiv). Menniskjan er undir hesum umstøðum frí og bert avmarkað av náttúrugivnum viðurskiftum. Men hinvegin er menniskjan verjuleys. Tað valdar rætt og slætt lógloysi (anomi). Og við tað, at homo sapiens eftir fatanini hjá Hobbes er ein boysin skapningur, gerst lívið “stutt og eirindaleyst”. Men hon hevur eisini ein annan eginleika, og tað er førleikin at hugsa; hon er í ávísan mun vitborin. Og tað er júst hesin eginleikin, ið ger, at vit skipa okkum í samfeløg við tí fyrri eyga at koma burtur úr tí eirindaleysu náttúrustøðuni. Hesi samfeløg, har Leviathan (statsvaldið latið í hold) valdar, eru sambært Hobbes als ikki nøkur fullkomin samfeløg. Friðurin, ið her valdar, var tað, ið Spinoza nevndi oyðimarkarfriðin, og er hann neyvan lystiligur. Men enn einaferð: Alternativði er verri.

Her skal leggjast afturat, at tað bert er innanhýsis í samfelagnum, at tað valdar eitt slag av regluskipan og lóg. Millum statir valdar frumskógarlógin við sama lag. Á donskum verður hetta eisini við einum ávísum fyrivarni nevnt *statsræson*. Við øðrum orðum valdar frumskógarlógin hóast heimsins lond seinastu øldina hava smíðað altjóða konventiónir, sum júst hava til endamáls at regulera statsliga atferð og avmarka stríð og kríggj.

Vit kunnu so spyrja, um ikki mannaættindi, ella í hvussu so er eitt minstamat av altjóða normum, eru nakað, ið vit kunnu ynskja okkum. Svarið tykist at vera eitt greitt ja. Ella orðað hypotetiskt: Ynskir tú eitt mannsømiligt lív, so eru mannaættindi ynskilig. Og ynskir tú mannaættindi fyri teg sjálva/n verður trupult at grundgeva fyri, at onnur ikki skulu njóta somu ættindi.

## Keldur

Archives Nationales (2022). The Declaration of the Rights of Man and of the Citizen. <https://www.elysee.fr/en/french-presidency/the-declaration-of-the-rights-of-man-and-of-the-citizen> (tikið niður 2024)

Brown, C. M. (2024). Thomas Aquinas. *Internet Encyclopedia of Philosophy*. <https://iep.utm.edu/thomas-aquinas/> (tikið niður 2024)

- DeLapp, K. M. (2024). Metaethics. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/metaethi/> (tikið niður 2024)
- Duke, G. (2024). The Sophists. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/sophists/> (tikið niður 2024)
- European Court of Human Rights, (2024). The European Convention on Human Rights. [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)
- Feser, E. (2024). Robert Nozick. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/nozick/> (tikið niður 2024)
- Fieser, J. (2024). David Hume. *Internet Encyclopedia of Philosophy*.
- Finlayson, J. G. & Ree, D. H. (2023). Jurgen Habermas. *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/habermas/>
- Hobbes, T. (1651). Leviathan. *Hackett Publishing*. <https://iep.utm.edu/hume/> (tikið niður 2024)
- Humphreys, J. (2024). Aristotle. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/aristotle/> (tikið niður 2024)
- Ivic, S. (2010). Dynamic Nature of human rights. SciELO Scientific Electronic Library Online.  
<https://www.scielo.br/j/trans/a/Tj5rR3cqKmV4wtkfXfzxq4p/>
- Jankowiak, T. (2024). Immanuel Kant. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/kantview/> (tikið niður 2024)
- Kant, I. (1795). Zum Ewigen Frieden. Gutenberg.  
<https://www.gutenberg.org/files/46873/46873-h/46873-h.htm>
- Miller, J. (2021). Hugo Grotius. *Stanford Encyclopedia of Philosophy*.  
<https://plato.stanford.edu/entries/grotius/> (tikið niður 2024)
- Mutua, wa M. (2001). Savages, Victims, and Saviors: The Metaphor of Human Rights". *Harvard International Law Journal*, 42.  
[https://digitalcommons.law.buffalo.edu/journal\\_articles/570/](https://digitalcommons.law.buffalo.edu/journal_articles/570/)
- Nickl, J. & Etinson, A. (2024). Plato. *Stanford Encyclopedia of Philosophy*.  
<https://plato.stanford.edu/entries/rights-human/>
- Pigliucci, M. (2024). Stoicism. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/stoicism/> (tikið niður 2024)
- Richardson, H. S. (2024). John Rawls. *Internet Encyclopedia of Philosophy*.  
<https://iep.utm.edu/rawls/> (tikið niður 2024)
- Skorini, H. í (2020). *Free Speech, Religion and the United Nations: The Political Struggle to Define International Free Speech Norms*. Routledge University Press.
- Sweet, W. (2024). Jeremy Bentham. *Internet Encyclopedia of Philosophy*  
<https://iep.utm.edu/jeremy-bentham/> (tikið niður 2024)

- Theilen, J. T. (2021). The Inflation of Human Rights: A Deconstruction. *Leiden Journal of International Law*, 34(4), pp. 831-854.
- U.S. National Archives and Records Administration (2024).  
<https://www.archives.gov/founding-docs/declaration-transcript> (tikið niður 2024)
- United Nations (2024). The Universal Declaration of Human Rights.  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights> (tikið niður 2024)
- Wenar, L. (2020). Rights. *Stanford Encyclopedia of Philosophy*.  
<https://plato.stanford.edu/entries/rights/> (tikið niður 2024)
- Williams, G. (2024). Thomas Hobbes. *Internet Encyclopedia of Philosophy*. Link:  
<https://iep.utm.edu/hobmoral/> (Tikið niður 2024)