

Working Paper 4

Public Opinion about Law in Denmark (2000-2020)

-
- › **Monika Lindbekk**
 - › **citizens-law.eu/en**
 - › **April 2023**



1. Introduction

The CITIZENS-LAW project explores the social foundations of the rule of law. In this endeavour, the project will draw on the literature on 'legal consciousness' to analyze citizens' perceptions of law to study the social foundations of the rule of law. Legal consciousness studies seek to understand 'the way in which law is experienced and interpreted by specific individuals as they engage, avoid, or resist the law or legal meanings' (Silbey 2001, 8626). This country report provides a descriptive overview of studies relating to public opinion of Denmark's judiciary and legal system based on surveys (international, European and national surveys) and qualitative studies.

Denmark ranks number one on the global Rule of Justice Index. While noting several positive developments regarding the rule of law in Denmark, the UN mechanisms also highlight several challenges and how these challenges can be addressed. In October 2020, several UN Special Procedures initiated a dialogue with Denmark on the so-called 'ghetto package', a series of laws and amendments adopted in 2018 providing for differential treatment on grounds such as national origin, social status, and residence, whereby the Government can designate specific neighbourhoods as "ghettos" or "tough ghettos" based on the percentage of "non-Western" immigrants and descendants.

The country report proceeds in the following stages. The paper begins by providing a brief historical background that places the Danish legal system law in the broader socio-cultural context of formal and informal collaboration with other Nordic countries. This background further considers those features of the legal system and legislative provisions relevant to how citizens perceive and act upon laws analyzed in the subsequent chapters. Section 3 provides an overview of surveys concerning public opinion about the law in Denmark and other reports and qualitative studies dealing with trust and confidence in the law and the justice system. For this paper, I will focus on the main trends reflected in national and international surveys and qualitative studies to provide an overview of Danish citizens' views of the law based on surveys. After presenting the main trends in the surveys, the qualitative studies are presented in section 4. These studies further consider those features of the legal system and legislative provisions relevant to how citizens perceive and act upon laws. Considering the surveys and existing studies, the following questions are raised: How do Danish citizens understand the justice system, and what role, if any, does it play in their lives? Is the high public trust in the judicial system indicated in surveys supported by Danish citizens' understanding of the law? The country report ends with some concluding reflections on what other factors can play a role in determining the social foundations of the law besides trust and confidence along four axes: substantive justice, procedural Justice, punitiveness, and responsiveness.

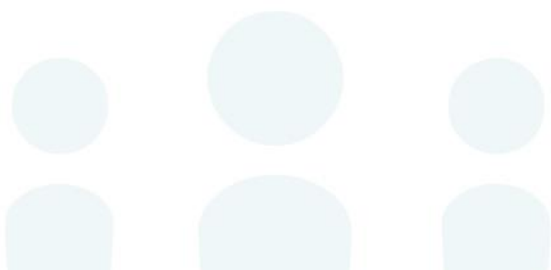
2. The Danish Government and Legal System

The second half of the nineteenth century was a time for nation-state building in the Nordic countries and Europe. Since the constitution of 1849, Denmark has been a liberal, secular democracy with a representative parliament and a monarch as head of state. In the 1849 constitution, the powers of the monarch were considerable. After parliamentary sovereignty was introduced in 1901, the monarch's influence was either nominal or advisory to the executive or legislative branches of government. The governmental system is based on representative elections for Parliament and the separation of powers of government with many checks and balances to protect against the abuse of power. Politically speaking, Denmark is a multiparty system with 179 seats in Parliament, which are up for re-election at least every four years. Within the Unity of the Realm, 175 are elected from Denmark, two are from the Faroe Islands, and two are from Greenland. Once the election votes are in, the monarch invites all party leaders for a conference to advise on who should lead negotiations to explore the parliamentary basis for a new government. The party leader who gathers the most support across the many parties in Parliament and who does not have 90 of the 179 parliamentary votes against him or she will then form a new government, in effect becoming prime minister by choosing a new cabinet and thereby assuming and exercising executive powers (Vinding 2022).

The Danish judiciary is formally independent, and although nominated by the executive and appointed by the monarch, the appointments take place through an autonomous selection process based on qualification. There are currently three levels of courts – 24 district courts, two high courts and the Supreme Court – that, in turn, have jurisdiction over civil, criminal and administrative legal proceedings in Denmark. In addition, several judicial bodies govern specialized proceedings, such as the Maritime and Commercial Court, the Land Registration Court and the Special Court of Indictment and Revision. Lastly, several quasi-judicial administrative bodies deal with administrative procedures and administrative decisions. They include, e.g., the Refugee Appeals Board and the Board of Equal Treatment, which deals with complaints and problems regarding discrimination issues.

Legal input comes increasingly from supranational organs: in Europe, the European Union (EU) has evolved into a powerful actor by being a continuous source of new law and case law (Krans and Nylund (2020). Courts must enforce EU law effectively and equally and ensure that both the outcome and the proceedings adhere to the rights enshrined in the European Convention on Human Rights and the EU Fundamental Rights Charter. EU law also contains numerous rules with both direct and indirect procedural content (Krans and Nylund, 2020). European Supranational law has shifted the balance among the state powers by making courts key players through judicial review and increasing the role of case law as a source of law. In parallel, Scandinavians, or the pan-Scandinavian movement, spurred the idea of a Nordic culture distinct from other European cultures and legal cultures. Pan-Nordic efforts could also propel innovation and modernization of law in the Nordic countries by creating formal and informal modes of cooperation. In Nordic countries, the relationship between

national identity and a Nordic identity is characterized by mutual amplification rather than by one excluding or reducing the other (Letto-Vanamo et al. (2019). Since influences from abroad engender legal reform, understanding the sources of inspiration and factors influencing the choice of sources, such as linguistic, structural, and practical circumstances, is highly relevant. Due to the similarities between Denmark and other Nordic countries, they are often studied together.



3. Survey Evidence

Since the early 1990s, there has been a substantial increase in international, European, and national surveys about the administration of justice in European countries. Survey research is a well-designed technique for assessing the prevalence and distribution of attitudes. However, many researchers point out that public opinion surveys focusing on levels of trust and confidence have severe methodological shortcomings, including inflexibility and lack of potential depth (see Hertogh 2011). Yet, survey research can be valuable when a sample's findings can be generalized to a significant population. Most studies and surveys discussed in this paper discuss the justice system in general and do not distinguish between the criminal and civil justice systems.

3.1. Global surveys

The World Justice Project (WJP) Rule of Law Index is the world's leading source for the original rule of law data. WJP has released the Index annually since 2009. The WJP ranking is based on several factors comprising the rule of law. Denmark rating highly on Civil Justice indicates that the justice systems are accessible, affordable, and free of discrimination, corruption, and improper influence by public officials. The 2022 edition covers 140 countries and jurisdictions, relying on more than 150,000 households and 3,600 expert surveys to measure how the rule of law is experienced and perceived in practical, everyday situations by the general public worldwide. It evaluates and ranks countries across the critical rule of law indicators, including checks on government powers, corruption, fundamental rights, open government, security, and the functionality of the regulatory, criminal, and civil justice systems. In 2022, this virtual presentation of new Index findings also set out to reveal whether the rule of law is rebounding after the pandemic-era declines and where to look for bright spots.

According to the rankings from 2022, Denmark ranks number one globally with an overall index score of 0,90 compared to 0,87 in 2015¹. The country has a high rating on civil Justice, including free of discrimination, corruption, and improper influence by public officials, in addition to high levels of public trust in the courts and other institutions. Meanwhile, the country's score on the sub-factor Criminal Justice is significantly lower. Concerning the effectiveness of the criminal investigation system, the country scored 0,66, 0,76 regarding the timeliness and effectiveness of the criminal adjudication system and 0,79 regarding the general impartiality of the criminal system². Challenges pertaining to the functioning of the criminal law system are a recurring theme in surveys and qualitative studies, which I will return to below.

¹ [WJP Rule of Law Index | Denmark Insights \(worldjusticeproject.org\)](https://worldjusticeproject.org/rule-of-law-index)

² Ibid.

3.2. European surveys

The overall high score on the global rule of law index is supported by an early survey-based study by James L. Gibson and Gregory A. Caldeira (1996). Their study focused on the values of residents of the European Union member states as revealed by two surveys. The first survey was conducted in each member of states of the European Community between 21 September and 15 October 1992. In the following year, they were also able to reinterview subsamples of the respondents in the 1992 Eurobarometer. Since national law made it impossible to reinterview the Danish respondents, they drew a fresh sample in Denmark and interviewed them by telephone.

At one extreme of the continuum was Denmark, where the authors concluded that people «tend to value individual liberty, to support the rule of law, and to reject the proposition that law is an external, repressive force. In Denmark, 81,7% (strongly) disagreed with the statement, "It is not necessary to obey a law you consider unjust". Almost 81% strongly disagreed with the statement, «If you don't particularly agree with the law, it is all right to break it if you are careful not to get caught. » Simultaneously, alienation was uncommon, and support for liberty and the rule of law was relatively strong; 72,8% strongly disagreed with the claim: "It is rare that law is on my side; usually, I find laws to be restrictive and against my interests". 72.9 strongly disagreed, while 16,7 agreed. Meanwhile, almost 60% disagreed, and 23,7% agreed with the claim, "My interests are rarely represented in the law; usually, the law reflects the views of those who want to control me». Almost 60% strongly disagreed, while 23,7 agreed and 15,6 were uncertain (Gibson and Caldeira 1996).

Similarly, later European surveys have reported high levels of public trust in the courts and other institutions in Denmark, as exemplified by European surveys, among others, the European Commission's Rule of Law Report. This report examines developments in four key areas for the rule of law: justice systems, the anti-corruption framework, media pluralism and freedom, and other institutional issues linked to checks and balances. The 2022 country report for Denmark concludes that:

“Denmark is perceived as the least corrupt country in the EU and the world. The anticorruption system continues to be based to a large extent on general rules on ethics and integrity, social norms and public scrutiny with a high degree of trust in well-functioning of the public administration.³”

Despite several efficiency gains, the European Commission report points out that Danish courts have experienced an increase in pending cases and case processing times in the past years, notably in civil and criminal cases, which, despite additional financial allocations in

³https://commission.europa.eu/system/files/2022-07/14_1_193981_coun_chap_denmark_en.pdf

2021 and 2022, may require a long-term increase in resources to address them, in particular for the creation of new posts for judges, a matter also pointed out by stakeholders in the 2022 Global Rule of Law Index. In this context, it is worth mentioning that the Danish Association of Judges has emphasized that the enactment of several laws in the past years has increased the burdens on courts and prolonged their disposition times, notably in criminal cases, while no additional longer-term human or financial resources have been allocated to the courts; this has led to an increase in caseload and length of procedures⁴.

The Eurobarometer is a survey established in 1974 and published bi-annually by the European Commission and consists of approximately 1000 interviews per country. The European barometer monitoring programme consists of four survey instruments: the Standard & Special Eurobarometer, the Flash Eurobarometer, and the Central & Eastern and Candidate Countries Eurobarometer⁵. The first special Eurobarometer on the rule of law (no. 489) from 2019, revealed high support for the 17 main principles of the rule of law in Denmark⁶. These include: The independence of judges, the proper investigation of crimes, respect for and application of court rulings, unbiased decisions of public authorities, access to an independent court, making decisions in the public interest, equality before the law, codes of ethics for politicians, clarity of public authorities' decisions, clarity and stability of the law, lawmakers act in the public interest, independent review of public authorities' decisions, length or cost of court proceedings, independent controls on laws, codes of conduct for politicians, and ease in following how parliament adopts laws⁷. Meanwhile, Flash Eurobarometer no. 503 from 2022 was primarily concerned with the perceived independence of the national justice systems in the EU among the public⁸. The country results show quite consistently that the respondents in Denmark (67%) were among the most likely to say that the status and position of judges sufficiently guarantee their independence explains why they rate the independence of courts and judges as good.

The EU Justice Scoreboard is an annual comparative information tool. Its purpose is to assist the EU and Member States in improving the effectiveness of their national justice systems by providing objective, reliable and comparable data on several indicators relevant for the assessment of (i) efficiency, (ii) quality and (iii) independence of justice systems in all member states. It does not present a single overall ranking. Instead, it gives an overview of how all Member States' justice systems function based on indicators of common interest

⁴ https://commission.europa.eu/system/files/2022-07/14_1_193981_coun_chap_denmark_en.pdf

⁵ <https://mdl.library.utoronto.ca/subjects/crime-and-justice>

⁶ [Special Eurobarometer 489: Rule of Law - Data Europa EU](#)

⁷ See for instance the Country Chapter on the rule of law situation in Denmark 2022 https://ec.europa.eu/info/publications/2022-rule-law-report-communcountry-chapters_en

⁸ [Flash Eurobarometer FL503 : Perceived independence of the national justice systems in the EU among general public - Data Europa EU](#)

and relevance for all member states. Figures 50 and 52 in the 2022 EU Justice Scoreboard categorize the level of perceived judicial independence as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%)⁹. According to data from the 2022 EU Justice Scoreboard, the level has remained consistently very high for both the general public and companies since 2016. Both figures have increased compared to 2021 (75% for the general public and 83% for companies). However, the level of perceived judicial independence among the general public is slightly lower than in 2016 (88%)¹⁰.

European Social Survey (ESS) is a biennial survey of social attitudes and behavior in up to 34 European countries carried out since 2001. Its dataset contains the results of over 200,000 completed interviews which are freely accessible. The fifth round of the ESS – which includes 45 questions on Trust in Justice – was conducted at the end of 2010 in 28 European countries. Around 39,000 interviews were completed across the 20 countries, each organizing its translation and fieldwork to standards specified by the ESS Core Scientific Team. Face-to-face interviews were conducted in people’s homes. ESS topics include trust in institutions, political engagement, socio-political values, moral and social values, social capital, social exclusion, national, ethnic and religious identity, well-being, health and security, demographic composition, education and occupation, financial circumstances, household circumstances, attitudes to welfare, trust in criminal justice, citizenship, involvement and democracy, and immigration. The fifth round of the ESS – which includes 45 questions on Trust in Justice – was conducted at the end of 2010 in 28 European countries. In this report we present key findings from the 20 countries for which comparative data were available in November 2011. Around 39,000 interviews were completed across the 20 countries, with each country organizing its own translation and fieldwork, to standards specified by the ESS Core Scientific Team. Face-to-face interviews were conducted in people’s homes¹¹.

The study defined ‘trust in Justice as the belief that the police and criminal courts can be relied upon to act competently, to wield their authority in procedurally just ways, and to provide equal Justice and protection across society. The survey divides trust in the police into 1) trust in their competence (e.g. in catching and deterring offenders and in responding quickly to emergencies), 2) trust in their procedural fairness (wielding their power in a just manner), and 3) trust in their distributive fairness (treating all groups in society equally). The survey showed that opinions on the procedural fairness of the police vary widely across

⁹ [Flash Eurobarometer FL503 : Perceived independence of the national justice systems in the EU among general public - Data Europa EU](#)

¹⁰ https://commission.europa.eu/system/files/2022-05/2022_eu_justice_scoreboard_factsheet.pdf

¹¹ [ESS5 topline issue 1 trust in justice.pdf \(europeansocialsurvey.org\)](#)

Europe. The respondents were asked how often the police make fair and impartial decisions, with responses ranging from 'very often' to 'often' to 'not very often' and 'not at all often'. Considering those who have had such contact, Israelis, Russians, and Hungarians tend to be least satisfied, while people in Denmark, Sweden, Norway, and Finland tend to be most satisfied. Similarly, when asked if victims report crimes, do you think the police treat rich people worse, poor people worse, or are rich and poor treated equally, The Netherlands, Denmark, and Finland scored relatively well on this measure, showing a relatively high degree of trust in the police. The survey also asked about the treatment of different social groups by the police across Europe. Relying on procedural justice research by Tyler and Fagan (2008), which lack of legitimacy makes people less likely to cooperate with the police in fighting crime, the study asked the following question (among others): "When victims report crimes, do you think the police treat rich people worse, poor people worse, or are rich and poor treated equally?" While Denmark scored relatively well on this measure, the survey revealed that Danish citizens struggling with their current income (almost 30%) were likelier to believe that poor people are treated worse than rich people. Yet another figure (Figure 6) found a correlation between consent to police authority and the perception of shared moral values. Denmark scored highest, with 85% agreeing with the statement that "the police have the same sense of right and wrong as me." Norway and Sweden also scored relatively high, while the Netherlands scored around 70%. Israel, Hungary and the Czech Republic buck this trend, having relatively low levels of moral alignment but higher levels of felt obligation.

In addition to the police, respondents were also asked about their trust in the criminal courts (Figure 4). The respondents were asked the following question: "Suppose two people from different races or ethnic groups each appear in court, charged with an identical crime they did not commit ... who do you think would be more likely to be found guilty?" The findings suggest that most people in most countries, including Denmark, consider that the courts treat different ethnic groups equally – that is, they believe both majority and minority groups have the same chance of being found guilty. Yet, 30% thought a person from a minority race/ethnic group was more likely to be found guilty. Meanwhile, figure 5 shows the relationship between trust in the competence of the courts and trust in their procedural fairness, that is, how they treat those charged with a criminal act. The vertical axis of the figure shows trust in procedural justice, while the horizontal axis shows beliefs about court competence in convicting the right people. According to both measures, respondents in Denmark, Norway and Finland have the highest levels of trust.

To conclude, according to European surveys, within countries, views about the integrity of the police and courts tended to be similar. Further, public perceptions of the criminal justice system across countries were much more favorable in Scandinavian and Northern European countries than in the ex-communist countries. Some clear patterns emerge: Denmark and the other Nordic countries are most trusting of their police and courts and believe their

institutions are legitimate holders of power and authority. In contrast, Eastern and sometimes Southern European countries tend to be less trusting.

3.3. National Surveys

In 2021, the Research Office at the Danish Ministry of Justice issued a report dealing with safety and trust in the police and the legal system in Denmark and other European countries, including the Nordic countries¹². The report was based on European Social Survey (ESS) findings from 2018¹³. The Ministry of Justice has previously prepared three reports based on questionnaire responses from ESS (Kvysgaard and Pedersen 2012, the Ministry of Justice's Research Office 2014, and The Ministry of Justice's Research Office 2016). The reports generally show that security and trust in the police and the legal system are high in Denmark compared to most other European countries and that safety and confidence in the police and the legal system have been high for several years¹⁴.

In the 2021 report, trust in the police is elucidated by asking citizens how much trust they have in the police on a scale from 0 to 10, where 0 means 'no trust at all and ten means 'full trust'. According to the report, citizens in Denmark indicated, on average, that their degree of trust in the police was 8.0 on a scale from 0 to 10. The average degree of trust in the police in Denmark was thus higher in 2018 than in 2014 and 2010 and on par with the degree of trust in 2012. The average degree of trust in the police in Denmark in 2018 was at the level of Finland and larger than in all the other participating countries.

Trust in the legal system was elucidated by asking citizens how much trust they have in the legal system on a scale from 0 to 10, where 0 means 'no trust at all and ten means 'complete trust'. Denmark was the European country in the study with the highest degree of confidence in the legal system. There was no difference in the degree of trust in the legal system for men and women in Denmark, just like there was no difference in trust in the legal system in different age groups. The Danes' trust in the legal system was at the same level as the trust in the legal system in Norway and statistically significantly higher than in all other European countries.

¹² [Tryghed og tillid til politi og retssystem - Danmark i forhold til andre europæiske lande \(justitsministeriet.dk\)](https://www.justitsministeriet.dk)

¹³ [ESS9_data_documentation_report_e03_1.pdf \(europeansocialsurvey.org\)](https://europeansocialsurvey.org)

¹⁴ [Tryghed og tillid til politi og retssystem - Danmark i forhold til andre europæiske lande \(justitsministeriet.dk\)](https://www.justitsministeriet.dk)

4. Qualitative Studies

As a quantitative tool, global, regional, and national surveys attempt to provide citizens, governments, policymakers, donors, businesses, media, academics, and civil society organizations worldwide with comprehensive and comparative analysis of how well countries adhere to the fundamental rule of law principles. Yet, while the reviewed surveys can function as one of several methods used to assess social indicators such as public trust and institutional legitimacy in the Danish legal system, a critique levelled against the surveys is that they tend to overlook variations in attitudes and factors affecting perceptions of law and legal institutions. Hence, this literature surveys and findings from qualitative studies are combined to shed light on processes which might otherwise be invisible.

In recent years, qualitative studies on citizen's attitudes to the law have spoken to a new direction in scholarship on the sociology of law in Denmark and the Nordics more in general toward a focus on empirical research on how the law is practiced, how legal institutions work and, as part of that, how the legal profession takes part in both legal change and transformations of state and society. These studies have two features in common. First, recent research in law and society has shifted from an instrumental conception of law to a constitutive perspective that views law as one of many competing forces that affect and shape social life (Hammerslev and Madsen 2014). Second, the legal consciousness theory is increasingly utilized to examine how people experience, understand and act concerning the law (Ewick and Silbey 1998, Merry 1990, Hertogh 2018). Third, the discipline has also become marked by heightened attention to the Bourdeauian (1987) concept of 'habitus', referring to a set of norms and expectations unconsciously acquired by individuals through experience and socialization as embodied disposition for an individual's access to resources, including within the legal field.

4.1. Qualitative Studies on Legal aid

The establishment and development of the constitutional state in the nineteenth century, with its core values and ideals of equality before the law, did not lead to changes in, or improvements of, the access to justice of ordinary people. While equality before the law is a fundamental legal principle, it is often very costly to bring a case before the court and to employ lawyers. For all practical purposes, this means that many people are deprived of legal aid if it is not free of charge or almost free of charge. As pointed about by Kristiansen (2020), if the need for legal assistance is to be satisfied, this implies that citizens should know their legal position and their rights or have a way of finding out about this and that they should have the means to achieve these rights—if necessary, through a court case. This entails finding out whether there is a legal claim that the courts, an administrative tribunal, or some other body can try. And finally, the claim must be made. For centuries, there has

been a strong tradition of legal aid in the Scandinavian countries, including Denmark. The point of origin was private and voluntary legal aid. Originally, legal aid was offered to people of limited financial means, those who could not pay for the professional legal assistance they needed.

In 2007, a reform was introduced that ensured citizens more accessible access to small-claim courts, in which they could represent themselves with the help of procedural guidance from the courts. As will be shown below, this is in tune with the access to justice perspective, but it also places a lot of responsibility on citizens, requiring them to be able to name, blame, and claim their rights without legal help. At the same time, legal aid insurance took on primary importance, so free legal aid is now only available to those without or whose insurance does not cover the case. Kristiansen (2018) concludes that government-subsidized legal assistance provided by lawyers is, in practice, nonexistent for most of the population. However, as described by Nielsen and Hammerslev (2018), several new non-profit organizations have developed, such as Gadejuristen [The Street Lawyers]. Organizations such as unions and tenant associations provide legal aid to their members, while others offer outreach support to specific target groups, such as refugees and abuse women. Because legal aid workers realize that they cannot physically reach many of those who require legal aid, a key element of their work is raising legal awareness and rights consciousness, a conceptual term developed by Merry (2004) Ewick and Silbey (1998) and Hertogh (2018) among their target groups by empowering them to reflect on their problems, voice them, and potentially take legal action. In general, Nordic studies have been characterised by an optimistic view of the law, and of free legal aid as the solution to various problems of less well-off groups in society. The studies assumed that they could uncover a latent—but real—need for legal assistance among certain groups of citizens. However, these studies rarely consider the normative side of their methodological approach. Behind the assessment of legal need was the assumption that people should use lawyers to solve their problems, and that when they did not use lawyers or other advisors, this constituted ‘unmet legal need (Hammerslev and Rønningen 2018). In contrast, the legal aid workers of Gadejuristen’s ask respondents general questions about their lives and the problems they face in their schools, workplaces, and communities, allowing respondents to elaborate whether and how they thought of law’s role in these spheres. The legal aid workers thereby allowed the subjects to articulate their understanding of the law and the role that the law might possibly play in various disputes, rather than introducing the concept of law into the interviews or limiting their interviews to people who already had mobilized the law in one capacity or another.

4.2. Qualitative Studies on Administrative law

In general, it has become easier for Danish citizens to acquire information about their legal position, since this is very often accessible via the internet. However, not all citizens can find the correct information in this way. The administrative authorities are often very good at giving information via their homepages but, typically, they provide general information

based on 'normal' or 'simple' cases. There is no indication of what you can do if your case is atypical. So, citizens often find that their problems do not fit with the information available, which does not always match the complexity of the real problem. Very rarely does the information offered consider the correlation between different areas of the law. Advice or guidance is often needed to make information usable, so that it can provide a basis for informed decision-making (Kristiansen 2018).

In her PhD dissertation, Nielsen (2020a) follows up by using the theory of legal consciousness to study how long-term unemployed citizens navigate the welfare system to shed light on why the law sometimes does not have the intended consequences. In one case study, a respondent has grown distrustful and disrespectful of the law's authority and implementation, resembling the position that Ewick and Silbey (1998) describe as against the law. While much of the burgeoning Danish literature on legal consciousness continues to focus on individual-level beliefs, Nielsen (2020b) also considers the social processes that impact a person's thoughts about and attitude toward a particular law or set of laws. She continues to argue that it is not only one's legal consciousness that can have consequences for our actions; it can also be perceptions of other person's legal consciousness. Here she relies on the critique of the early work on legal consciousness for its tendency to describe the heterogeneity of legal attitudes and beliefs, often within the same social group. *"Rather than explaining how the different experiences of law become synthesized into a set of circulating, often taken-for-granted understandings and habits, much of the literature track what particular individuals think and do"* (Silbey 2005: 324). Katherine Young (2014) formulated the concept of second-order legal consciousness, a concept that captures people's perceptions about how others understand the law. These beliefs affect participants' understanding of central concepts among Nielsen's respondents. Based on observations of meetings between citizens and administrators belonging to the welfare state and interviews, Nielsen (2020b; Nielsen et al. 2022) argues that the second-order legal consciousness of the administrators influences the citizens' knowledge of law depending on the administrators' subjective perception of the law. The implication is that citizens' understanding of the law depends on the individual administrators' legal consciousness. This also leads to a risk that the administrators' second-order legal consciousness can lead to the citizens' knowledge of the law - and thereby access to the law - becoming impaired.

4.3. Studies on criminal law: the punitive turn

In Denmark, crime policy is increasingly legitimized by reference to the public sense of justice («retsfølelse»). In Denmark, the level of crime has increased to varying degrees since the 1950s and throughout the 1990s, after which the crime rate stabilized (Balvig, 2010). Today's registered everyday crime (violence, theft, destruction of property) is comparable to the level found during the mid-80s. Meanwhile, the level of punishment meted out has increased (Balvig, 2006, p. 10; 2010 et al.). These political responses have been described as a possible development of a 'penal state' (Nilsson & Delica, 2015). Denmark and other Scandinavian countries have taken a tough stance on drugs in penal legislation and sanctions

meted out in the courts (Christie, 2003). In countries outside Scandinavia, the 'punitive turn' in crime policy has also been at least partly attributed to the demands of the public (Garland, 2001). Interestingly, leading politicians in Denmark have clearly stated that public opinion must guide the sanctions the courts award. For example, a Danish Justice Minister stated in an interview: *'There has recently been a great deal of focus on economic crime. At the same time, there has been a much greater preoccupation with getting criminals to desist from their criminal existence than with ensuring that punishments correspond to what ordinary people now think is right and correct'* (cited in (Balvig, 2006: 43).

This is the starting point in criminologist Flemming Balvig's extensive empirical studies of legal awareness in Denmark, Greenland, and Scandinavia (see, e.g., Balvig, 2006, 2010; Balvig et al., 2015). The design of Balvig et al. (2015) was based on an earlier Danish study and elaborated by Flemming Balvig (2006). The main question of the Danish study was: How would a representative sample of the adult population sentence if they were judges in concrete cases and with the same information about the crime and the available sanctions that a judge would have, but without knowledge of earlier praxis or the demands for sanctions made by the prosecutor and the defence lawyer? These views have been examined through simple questions in telephone interviews, vignettes in postal questionnaires, and focus groups that have seen a film of a mock trial. In a telephone survey, 59% of Danes responded that the sanctions in criminal law are generally 'too lenient'. Meanwhile, 33% responded that they were 'about right', and 3% answered 'too severe.' In line with this, 55% of Danes generally favour longer prison sentences, and 77% wholly or partially agree that violent crimes should receive much harsher sanctions (Balvig et al., 2015). The results indicate that the public wants stiffer sentences when asked simple questions. Hence, Danish politicians cited in the introduction, and others, appear to be right in their assumption that the public is demanding stricter measures.

However, the propensities towards punitiveness diminish with more information and increasing proximity to the parties involved. In their assessments of the vignette crimes, the public demands, on average lower prison sentences than judges, and this tendency becomes stronger in the focus group study. The result receives support from several other studies (for example, Balvig, 2006; 2010). The empirical studies of the population's legal awareness/sense of law carried out by Balvig suggests that the alleged gap between the population's perception of law and actual law enforcement is more perceived than real. Based on the discrepancy often found between the general and the concrete wish for punishment highlights the importance of concrete cases/circumstances, Balvig et al. (2015) stress the need to consider additional factors, such as proximity, when considering surveys about whether criminal laws are sufficiently punitive. Meanwhile, critics such as Olausen (2011) have argued that the rather one-sided focus on ignoring the epistemic value of the sense of justice has to some extent, come at the expense of more constructive considerations about whether emotions, including the sense of justice - can also - play more positive action-guiding, motivating, community-creating and legitimizing roles for both law

users and citizens. The question remains regarding what it will take to eradicate the notion of a discrepancy between the public's perception of the law and actual law enforcement. Despite knowledge of these studies, politicians and commentators continue to refer to this gap as a motivation for increased penalties.

4.4. Qualitative studies on the Housing Reform and Ghetto Laws

Central to the punitive developments in Denmark and other Nordic countries discussed in the previous sub-section has been an enhanced focus on ethnic minority population groups as objects of additional, intensive policing (Ruggiero 2013). This bifurcated penal development has most notably materialized in Denmark through anti-ghettoization and anti-gang policies. Low-income areas districts of primarily first, second or third-generation immigrants have increasingly become subject to stereotypical, proactive, and multi-agency policing practices over the past two decades. Politicians' description of the ghettos has become increasingly sinister. For example, former Prime Minister Lars Løkke Rasmussen warned that ghettos could "*reach out their tentacles onto the streets*" by spreading violence and that because of ghettos, "cracks have appeared on the map of Denmark."¹⁵

Denmark's first anti-gang policy, from 2009, most notably introduced a gang-specific subsection into the Danish penal code, making double the punishment for gang-related offences possible. The police were granted the power and responsibility to determine the gang affiliation, which could then be used to invoke the subsection. It was also stressed that the police had to prevent gang conflicts from erupting, thus allowing for and expecting more proactive policing methods to be employed, including increased use of 'visitation zones' (stop-and-search), zone-bans, and pretrial detention (Folketingstidende, 2008-09, pp. 8113–8115). Subsequent policy developments have extended this approach to managing gangs in Denmark. Since 2010 and onwards, the anti-ghettoization strategies have been centred around identifying which neighbourhoods would be characterized as ghettos and updating a list of these socially disadvantaged communities annually. The qualifying criteria for being designated a 'ghetto' in 2018 were neighbourhoods with 1000 residents or more, where the proportion of immigrants or descendants of immigrants from non-Western countries exceeds 50%. Additionally, the area must fulfil two or more of the following criteria: (1) Proportion of residents aged between 18 and 64 who are unemployed or not enrolled in secondary education exceeds 40%, as an average in the last two years (2) Proportion of residents over the age of 18 convicted under the penal code, law for weapons or law of narcotics is three times or more that of the Danish national average in the last two years (3) Proportion of residents aged 30–59 with only primary education exceeds 50% of the total number of residents in this age group (4) The average income of taxable residents aged 15–64, excluding those enrolled in education, is below 55% of the average income in the region (Madsen 2021). The government enforces residential integration with a mandate that at

¹⁵ [In Denmark, Harsh New Laws for Immigrant 'Ghettos' - The New York Times \(nytimes.com\)](https://www.nytimes.com/2018/09/27/world/europe/denmark-immigrant-ghettos.html)

most 40% of the housing in these districts be publicly owned, razing, or selling buildings to private developers and evicting tenants without guaranteeing equal quality or affordability (Vogelius 2022).

Altogether, ethnic minority communities in ghettoized neighborhoods where gangs reside have experienced increased police presence, close cooperation between police, schools, housing associations and social services, high exposure to stop-and-search practices and a risk of high sentences for offenders. Several of the emerging Nordic studies of ethnic minority populations' experiences with the police suggests that 'procedurally unjust' (Solhjell et al. 2019) behavior leads to uncooperative attitudes towards the police. However, little research attention has been devoted to how perceptions of injustice influence minority groups' actual willingness to cooperate with the police in specific situations. Based on data from a ten-month field study amongst ethnic minority parents living in a neighborhood officially classified as a 'ghetto', Mads Madsen (2021) has shown that these policing practices have led to some hesitancy about calling the police within the ethnic minority community. However, different situational circumstances override this hesitancy and lead the parents to call the police. Main situations conceptualized as 'dangerous' or threatening to the broader community lead to such a willingness. It is argued that these types of situations represent a process of internal social division within the community, causing deviant youths to be conceptualized as unwanted and making parents less concerned about what will happen to them following the involvement of the police.

4.5. Qualitative Studies on Ex-Convicts

As was the case with Madsen's study on areas designated by law as ghettos, scholars using legal consciousness theory often focus on marginalized groups but examining how marginalized people not only de facto but also de jure experience differential treatment has expanded the scholarship. Annette Olesen (2013) shares Madsen's interest in how knowledge of the law – particularly how to manipulate law – is crucial. Her study relates not to court proceedings but rather what, in some cases, follows: prison. r, to be even more precise, what follows prison when inmates seek to re-establish their lives. While there is a growing amount of research into the prison environment (for example, Kjær 2020), much less is known about the legal barriers' offenders face in re-entry into society. In her thesis and subsequent book, *Free'd n' Fee'd*, Olesen, explores the legal consciousness of offenders concerning their imprisonment and re-entry into society (Olesen, 2013). Olesen relies on Bourdieu's concept of habitus to provide nuanced insights into the social life of a marginalized community: in this perspective, the strategies of action that the offenders develop as a response to how they experience the legal regulation of their possible living conditions. To conduct this study, she gathered qualitative data throughout Denmark over two and a half years, including repeat interviews with forty-one male offenders. Olesen's core argument concerns the discrepancy between the intended goal of legislation and how it

is experienced and practiced by re-offenders. Olesen demonstrates how a set of other factors limit the effect of the laws put into place to re-insert former offenders into society. Generally, the experiences of the legal barriers concerning re-entry into the community negatively affect the law-abiding ex-prisoners. Strategies of action cause an 'unofficial economy and occupation', an 'alternative safety net', 'alternative ownership' and 'fictive addresses' used by some ex-prisoners who continue a criminal career to compensate for the legal barriers they experience during their re-entry process. Contrary to more law-abiding ex-prisoners, ex-prisoners who continue their criminal career and evade the registration of the authorities to only a minor degree experience the legal barriers of, e.g., their criminal record and debt of legal cost to the state. In particular, the book argues that indebtedness is a major contributing factor in ex-prisoners' relapsing into crime and a direct criminal risk factor in this regard.

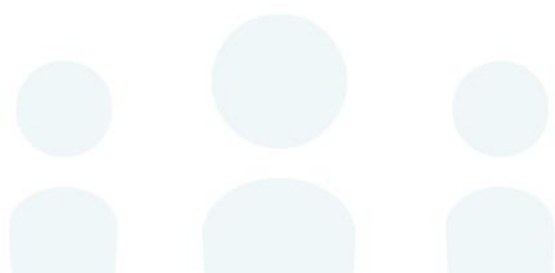
5. Thematic Case: The ‘Ghetto Laws’

The focus on so-called “ghettoization” has been a part of Danish policy since 2004, despite changing governments. The determining factor in a “ghetto” designation is whether most residents are labelled of a “non-Western” background. Together with the Danish Institute of Human Rights and two UN-appointed human rights experts, the residents seek a ruling from the CJEU on correctly interpreting the EU’s Race Equality Directive concerning the term “non-Western” background (Open Society 2022). The United Nations Committee for Economic, Social and Cultural Rights has criticized these policies for leading to ethnic discrimination. In 2019, the UN Committee on Economic, Social and Cultural expressed deep concerns about discrimination based on ethnicity in ‘the so-called ghetto laws in its concluding observations. In response to the ghetto laws, the residents have formed an organization called Almend Modstand (Common Resistance) which campaigns to preserve their homes and equal rights, regardless of ethnicity and income. The activists follow a two-pronged strategy: First, they lobby for legislative change through protests in front of the Parliament and other high-profile places. In December 2022, they demonstrated outside the Parliament, calling for an end to ethnic discrimination. In addition, the activists utilize digital politics, storytelling, and cartoons that help diffuse the message to various audiences, aided by cartoons that depict discrimination. By way of example, a woman in her mid-twenties from an area designated “tough ghetto” under the legislation penned the following chronicle in a newspaper:

‘At the age of 14, I predicted the fate of [x]. Now my horror novel is becoming a reality. In 2006 I dreamt that politicians wanted to demolish my childhood home, but at the last minute, aliens came and stopped the demolition. Because already at the age of 14, I knew that something supernatural was needed to save the area where live and grew up, and no one else would care. Trying to make sense of it all, I am left with a deep sadness that the prophecy is about to come true. The cars do not float, but my area will not be the same as before. And the most awful thing is to realize that I already knew as a 14-year-old that aliens were needed to save the area where my family lives, and I grew up because my fellow humans in Denmark would not care.’

Through these tools, people who had never met and might live thousands of miles apart came to view themselves as part of an “imagined community” (Anderson 2001) with a common identity. Second, the activists engage in strategic litigation. While court proceedings are a laborious process, strategic litigation may have effects beyond decisional-out by providing an opportunity to study, expose, and support victims of discrimination and develop tactics to confront it by influencing the legal-political agenda. In November 2022, Denmark’s Eastern High Court referred a lawsuit against the Danish government to the Court

of Justice of the European Union (CJEU) to consider whether the EU's legal protection against racial discrimination applies to measures taken under Denmark's "Ghetto Package" laws. Thanks to the dramatic content of the court cases lodged, the court case generated considerable media attention domestically and internationally.



6. Relevance for CITIZENS-LAW

In Denmark, a picture of a 'high trust' country emerges from both national and international surveys, where the public consistently reports high trust in legal institutions such as the judiciary and police. While surveys provide important insights, they leave some crucial unanswered questions. A burgeoning Danish literature has complicated the picture by utilizing the theories of legal consciousness theory. The previously mentioned qualitative studies highlighted that citizens also position themselves within a range of competing discourses articulated by extended kin, neighbors, movies, and state legislation. These research agendas focused on relational aspects of legal consciousness have recently also been fused with emphasis on other factors, such as the citizens' social positioning in terms of class and level of education and situational contexts, that may cocreate legal consciousness. CITIZENS-LAW will build on insights from previous studies to link citizens' experiences to their negative (and possibly their degree of legal alienation) or positive perceptions of the law. Earlier research has identified four crucial elements for people's perceptions of the law: substantive justice, procedural justice, punitiveness, and responsiveness.

Proponents of the rule of law argue about whether that ideal should be conceived formalistically or in terms of substantive values. Formalistically, the rule of law is associated with principles like generality, clarity, prospectivity, consistency, etc. **Substantial justice** is related to constitutional rights, freedom, and human dignity. Meanwhile, procedural justice **refers to** generality, publicity, and consistency (Waldron, 2010). **Procedural justice** research, such as that of Jackson et al. (2011), is usually based on the assumption that most people obey most laws most of the time because they think it is the right thing to do or they have acquired the habit of doing so. Continuing this point, they argue that the absence of 'procedural justice' leads to uncooperative attitudes towards the police. This body of scholarship has found overwhelming evidence that 'procedurally unjust' experiences of neighborhood-specific, discriminatory, harassing and brutal police behavior lead to uncooperative attitudes towards the police (e.g., Tyler et al., 2015). Some procedural justice studies point out that certain contextualizing factors other than negative police experiences can also influence police cooperation. This complies with the findings of Madsen (2021) who demonstrated that experiences of harassing, and brutal police behavior could make residents hesitant to call the police. However, he also demonstrated that different situational circumstances override this hesitancy and lead the parents to call the police. Some parents nevertheless maintain a widespread distrust in the police's ability to provide rapid and lasting protection against violent forms of crime.

Concerning **substantive justice**, the described surveys show a correlation, or link, between substantive trust in substantive fairness and trust in judicial competence. Meanwhile, qualitative studies based on a more extensive toolbox of methodologies, including telephone surveys, focus groups, and interviews, have brought to light an undercurrent

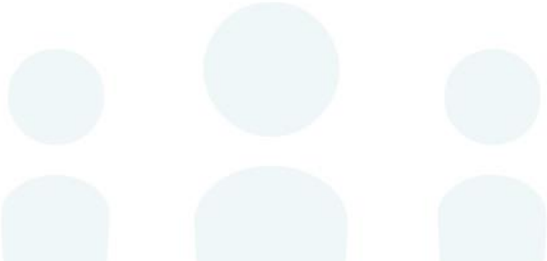
of **punitiveness** in debates about criminal policy in Denmark, where politicians and commentators refer to this gap as a motivation for increased penalties. This example illustrates that popular justice expectations may influence people's perceptions of law. Yet, the empirical studies of the population's legal awareness/sense of law carried out by Balvig et al. (2015) showed that the alleged gap between the population's perception of law and actual law enforcement decreased with increased information and proximity.

Finally, **responsiveness** refers to the significance of law in contemporary discussions of rights and citizenship. By the end of the eighteenth century, what we call 'law' had undergone a major conceptual transformation: from a means of subjugation to a means of governance. Law was intended to become a 'science', which, like other contemporary sciences, aspired to be all-encompassing, systematic, regular, and mechanical. Enlightenment and Benthamite utilitarianism paved the way for positive law (Halperin, 2014). *Nordic welfare states such as Denmark are known for their universalistic and all-encompassing approach to welfare.* Linked to a form of social planning, the laws are intended to compensate for society's shortcomings. A growing body of Nordic socio-legal scholarship tends to view law as a complex of diverse and often contradictory legislation, judicial decisions and administration. In doing so, they often build on recent scholarship regarding the so-called 'gap problem', which, classically, describes the discrepancy between the promises of law, the law's intentions, and its actual effects, the law's impact on social conditions (Banakar, 2015; Nafstad, 2017; Nelken, 1981; Tamanaha, 1995). Scholars have proposed multiple reasons for such gaps (Banakar, 2015). Several studies start from the notion that there are some shortcomings in the state legal system, and they argue that to close the gaps, the living law and the law in the books must change to correspond with one another (Nafstad, 2017). However, Banakar points out that such a solution is problematic since the two sides of the gap constitute different fields with different logics and practices (2015, 54). In other words, social practices on the one hand and legal practices and institutions on the other are fragmented, dis-connected and internally inconsistent. In this context, the qualitative studies on legal aid, administrative, and criminal law have discussed the efficacy of the legal system and its capacity (or willingness) to accord rights and social justice to many of its citizens. Utilizing theories of legal consciousness, the studies demonstrated that the legal system does not support many socially marginalized people's abilities (in terms of resources such as social position, ethnicity, education, time, and money) to navigate the welfare system.

Summary of Danish Research

A brief overview of qualitative, mixed-method and supplementary survey studies found in the qualitative studies:

| Author & (Year) | Participants | Method | Findings |
|----------------------|--|---|---|
| Balvik et al. (2015) | Participants in 12 focus groups selected from among the public in the Nordic countries' capitals were first asked to complete the same questionnaire that had been employed in the postal survey. They were then shown a film of a fictitious court case focused on one of the cases described in the questionnaire. Three groups of different ages, 18–29, 30–49 and 50–74, were each shown a different film. | Simple questions in telephone interviews, by vignettes in postal questionnaires, and by focus groups having seen a film of a mock trial | In spite of the appearance of law and order parties and an increase in political and media demands for harsher sentences, the public in general suggests sentences that are not more severe than those meted out in the courts. In addition, in spite of a changing official discourse, the public (still) favours the welfare state goal of rehabilitation of the offender and sees caring for the victim through economic compensation as a central goal in crime policy. |
| Madsen, M (2020) | Interviews with nine fathers and twelve mothers and 12 young adults | Ethnographic observation and biographical interviews | Hesitancy about calling the police within the ethnic minority community. However, a range of situational circumstances tend to override this hesitancy and lead the parents to calling the police |



Olesen, Anette (2016)

The analysis was based on 77 interviews and several informal conversations with and observations of 41 reoffenders.

Interviews and informal conversations

Legal costs and legal indebtedness have important implications for the socio-legal understanding of formal and informal punishment connected to rehabilitation programmes and crime-prevention initiatives. While keeping legal debt to a minimum and dealing with ex-prisoners' debt is only one among a number of challenges for re-entering society, it can have a great impact on the success of ex-prisoners in reducing the risk of recidivism and improving their living conditions.

Nielsen, Stine. and Ole Hammerslev (2018)

Interviews with previous and present street lawyers

Interviews

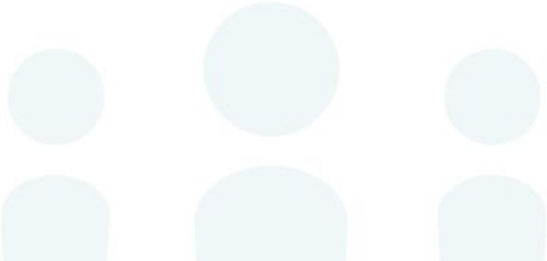
Though the welfare state was established to compensate for society's shortcomings, its structure, and the way it functions, do not support many socially marginalised people's ability to navigate in the welfare system and trust in legal institutions

Nielsen, S. (2020a)

15 so-called citizen cases are analysed, five from three municipalities. Each citizen case consists of the records related to the citizen's employment case, participant observations of the interactions between caseworkers and citizens as well as individual, semi-structured interviews with both parties.

Interviews and participant observation

Both in the experiences of process participants and in the broader context public giving more information in the judgments designed in the PROMIS way leads to more insight and more acceptance



REFERENCES

Balvig, F. 2006. *Danskernes syn på straf*. Advokatsamfundet. Available at: http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningspuljen/2011/2006/Hovedrapport_fra_advokatsamfundet.pdf

Balvig, F. 2010. *Danskernes retsfølelse og retsfornuft – et forspil*. Copenhagen: University of Copenhagen, Faculty of Law. Available at: https://www.google.co.in/webhp?sourceid=chrome-instant&rlz=1C1VFKB_enIN598IN598&ion=1&espv=2&ie=UTF-8#q=danskernes%20retsf%c3%b8lse%20og%20retsfornuft%20%e2%80%93%20et%20forspil

Balvig, Fleming et al. 2015. The public sense of justice in Scandinavia: A study of attitudes towards punishments. *European Journal of Criminology* 12: 3342–361

Banakar, R. 2015. *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity* (London: Springer)

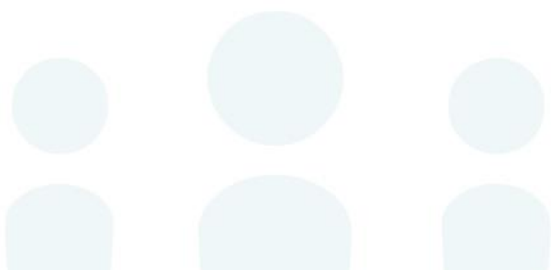
Bourdieu, Pierre. 1987. The force of law: toward a sociology of the juridical field. *Hastings Law Journal* 38: 714-853.

Christie, Niels. 2003. *Den gode fiende: narkotikapolitikk i Norden*. Oslo: Fagbokforlaget

Eiriksson, B.A. 2017a. *Den danske retshjælpsmodel - er der lige adgang til hjælp?* Aarhus> Aarhus Universitet

Eiriksson, B.A. 2017b. *Retshjælpsforsikringer - en reel tryghed?*_København: Justitia

Ewick, P and S. Silbey. 1998. *The Common Place of Law: Stories From Everyday Life*. Chicago: University of Chicago Press.



Gibson, JL and Caldeira, GA. 1992. The Legal Cultures of Europe. *Law & Society Review* 30: 55-85

Halpérin, Jean-Louis. 2014. *Five Legal Revolutions Since the 17th Century: An Analysis of a Global Legal History*. Dordrecht: Springer

Hammerslev, Ole and Mikael Rask Madsen. 2014. The return of sociology in Danish socio-legal studies: a survey of recent trends. *International Journal of Law in Context* 3: 397-415.

Hammerslev, O and O Rønningen. 2018. Legal Aid in the Nordic Countries. *Outsourcing Legal Aid in the Nordic Welfare States*. Hammerslev, O. & Rønning, O. H. (eds.). Palgrave Macmillan, p. 1-15.

Hammerslev, O., and O Rønning. 2018. Juss-Buss [Law Bus]: A Student-run Legal Aid Clinic. *Outsourcing Legal Aid in the Nordic Welfare States*. Hammerslev, O. & Rønning, O. H. (eds.). Palgrave Macmillan, pp. 147-167.

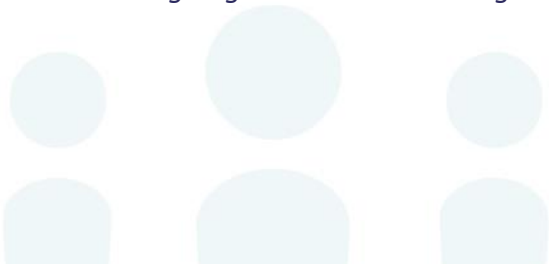
Hertogh, M. 2018. *Nobodys law. Legal consciousness and Legal Alienation in Everyday Life*. London: Palgrave Macmillian

Hertogh, M (2011). The Curious Case of Dutch Legal Culture: A Reassessment of Survey Evidence (March 28, 2011). *Journal of Comparative Law*, Vol. 5, No. 2: 1-29. 2010, Available at SSRN: <https://ssrn.com/abstract=1797759>

Hielmcrone, N (2013). Retshjælp i et udsat boligomr[de. I Gammeltoft Hansen, I.E Koch et al. (eds). *Protecting the rights of others*. København: Djøf Forlag.

Jackson, J et al. 2011. *Trust in Justice*. ESS Topline Results Series

Justitsministeriets Forskningskontor. 2014. *Tryghed og holdning til politi og retssystem - En sammenligning mellem Danmark og andre europæiske lande*. København: Justitsministeriet



Justitsministeriets Forskningskontor. 2016. *Tryghed og holdning til politi og retssystem - Danmark i forhold til andre europæiske lande*. København: Justitsministeriet. Kjær, M. 2021. Samfundssind og straf. *Juristen* 22: 45-47

Krans, B. 2020. Aspects of procedural autonomy. In: Krans B, Nylund A (eds) *Procedural autonomy across Europe*. Intersentia, Cambridge, pp 1–12

Kristiansen. B. (2018). Legal aid in Denmark. In O Hammerslev et al (eds). *Outsourceing legal aid in the Nordic welfare states*. London: Palgrave Macmillian

Krogstrup, H. K., & Tjalve, J. 1999. Perspektiver i forbindelse med brugerinddragelse. In Krogstrup, Hanne Kathrine : Kristiansen, Søren : Tjalve, Jakob (Ed.), *Det handicappede samfund : om brugerinddragelse og medborgerskab*

Kyvsgaard, B. og A.-J. B. Pedersen. 2012. *Danskernes holdning til kriminalitet, straf, politi og domstole mv En sammenligning med andre europæere*, Justitsministeriets Forskningskontor, Justitsministeriet, København.

Letto-Vanamo P, Tamm D. 2019. Nordic legal mind. In Letto-Vanamo P et al (eds) *Nordic law in European context*. Springer, Cham, pp 1–19

Madsen, M. 2020. Calling the police from the ‘ghetto: legal consciousness amongst ethnic minority parents. *Nordic Journal of Criminology* 22: 185-202.

Nafstad, I. 2017. Restorative justice: A meeting point between law in the books and the living law’, in In. Nafstad and K. Papendorf (eds), *Restorative Processes from Oslo to Havana and Back: Discussions on Implementing and Strengthening*. Oslo: Novus Forlag, pp. 259–279

Olesen, A. 2013. *Løsladt og gældsat*. København: Djøf Forlag.

Krans, B and Nylund, A. 2020. *Procedural Autonomy Across Europe*, edited by Bart **Krans** and Anna **Nylund**. Cambridge University Press

Merry, S. E. 1990. *Getting justice and getting even: Legal consciousness among working-class Americans*. The University of Chicago Press.

Nelken, D. 1981. The “gap problem” in sociology of law: A theoretical review. *Windsor Yearbook of Access to Justice* 35: 35–61. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/windyrbj1&div=8&id=&page=>.

Nielsen S. and Ole Hammerslev. 2018. Gadejuristen. 2018. [The Street Lawyers]: Offering Legal Aid to Socially Marginalised People. In O Hammerslev et al (eds). *Outsourceing legal aid in the Nordic welfare states*. London: Palgrave Macmillian

Nielsen, S. 2020a. *Ikke-jurister i et retligt højspændingsfelt. Når sagsbehandlere og borgere samproducerer sagsbehandling*. PhD dissertation. Odense: University of Southern Denmark

Nielsen, S. 2020b. Mødet i den offentlige forvaltning: andenordens retlig bevidstheds betydning for borgernes kendskab til ret. *Retfærd* 164:

Nielsen, S, A Olesen and Ole Hammerslev. 2022. Retshjælp, den komplekse førretslige fase og retlig bevidsthed. In *Rettssociologi*, Ole Hammerslev and Miksel Rask Madsenn (eds.). København: Hans Reitzels Forlag

Open Society: Justice Initiative. 2022. Discrimination Case Challenging Danish “Ghetto Package” Eviction Plan Referred to Court of Justice of the European Union. Open Society, November 07, 2022. Retrieved from: <https://www.justiceinitiative.org/newsroom/discrimination-case-challenging-danish-ghetto-package-eviction-plan-referred-to-court-of-justice-of-the-european-union>

Nilsson, I and Delica, K. (2015). Kritiske perspektiver på nyere dansk retspolitik - skridt på vej mod en straffestat? *Dansk Sociologi*, 26(3): 55–76.

Olaussen, L: De nordiske rettsbevissthetsundersøkelserne– noen metodekritiske betraktninger. *Nordisk Tidsskrift for Kriminalvidenskab* 9(8): 209-226

Olesen, A. et al. 2017. Gadejurakunsten at fremelske gatefolkets oplevelse af at bære rettigheder. In *Festskrift til Hans Viggo Godsk Pedersen*. København: DJØF Forlag

Ruggiero, V. 2013. Conclusion. In *Punishment in Europe: A critical anatomy of penal systems*, V. Ruggiero, and M. Ryan (eds), Palgrave Macmillan, pp. 287-298.

Silbey, S. 2005. After Legal Consciousness. *Annual Rev. of Law and Social Science* 1:323-368.

Silbey, S. 2001. Legal Culture and Legal Consciousness. In *International Encyclopedia of the Social and Behavioral Sciences*, Neil J. Smelser and Paul B. Bates (eds), pp. 8623-29. Amsterdam: Elsevier

Solhjell, R et al. 2019. We are seen as a threat: Police stops of young ethnic minorities in the Nordic countries. *Critical Criminology* 27:1–15.

Tamanaha, B. 1995. An analytical map of social scientific approaches to the concept of law. *Oxford Journal of Legal Studies* 15 (44): 501–535.

Tyler, T. and Fagan, J. 2008. Legitimacy and cooperation: Why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law*, 6(1), 231–27

UN. 2020. UN human rights experts urge Denmark to halt contentious sale of “ghetto” buildings. <https://www.ohchr.org/en/press-releases/2020/10/un-human-rights-experts-urge-denmark-halt-contentious-sale-ghetto-buildings?LangID=E&NewsID=26414>

Vinding, N. 2020. Discrimination of Muslims in Denmark. In *State, Religion and Muslims*, M Saral and S Bahcecik (eds.). Leiden: Brill, pp. 144–196.

Vogelius, C. 2022. Housing reform and the ghetto law in the time of Covid. *Nordic Journal of Aesthetics* 64: 128–136.

Young, K. 2014. Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight. *Law & Society Review* 48: 499-530.

Waldron, J (2010). The Rule of Law and the Importance of Procedure. *NYU School of Law, Public Law Research Paper No. 10-73*

