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One Step Forward and One Step Back. State regulation of environment and sustainable development through the use of the Education Act, school curricula and syllabuses (1990-2010)

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One Step Forward and One Step Back

State regulation of environment and sustainable development through the use of the Education Act, school curricula and syllabuses (1990-2010)

PER WICKENBERG | ULF LEO

SOCIOLOGY OF LAW | LUND UNIVERSITY 2015



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SOCIOLOGY OF LAW
LUND UNIVERSITY

För en komplett förteckning över bokutgivningen vid Rättsociologiska enheten,
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Contents

Abstract	5
Keywords	5
Introduction	7
Arena of Formulation and Arena of Realization	9
Theoretical approach for analysis and understanding	11
Environment into the Education Act	12
Environment into the Education Act 1990	12
The Fundamental Values of Swedish school	13
Education Act Amendment Followed by New Curricula	14
In the Arena of Formulation 1994-2006	15
The 1999 Education Act Committee	15
The Committee for Education for Sustainable Development	16
In Summary 1994-2006 The Arena of Formulation's	
Political Level	17
Public Authority	18
A New Education Act in Sweden 2006-2010	18
The Purpose of the Education in the School System	19
The Design of the Education	19
Why was the Addition on Environment removed in The	
Education Act?	20
From the Education Act to the Curriculum	22
Discussion and Conclusions	26
Inertia in Legislation	28
References	31
Footnotes	37

Abstract

The aim of this sociology of law-orientated article is to analyse and describe legislative and regulatory processes concerning the task given to schools focusing on environment and sustainable development. We are describing the policy-making processes in this field from 1990 to 2011. The study involves key interviews and content analysis of national policy documents as well as legal sources, in order to describe and categorize legal norms that society, through its political and administrative institutions, highlight in school activities.

The article takes a starting point in a model developed by Lindensjö and Lundgren, who used the terms *arena of formulation* and *arena of realization*, to illustrate what is happening with policy at national level. The policy-making processes and their results are in the end interpreted and understood through a perspective based on the concept of *inertia* and *path dependence*. It is evident as a result that the legal changes on the national political level are not hindering the continuing policy-making development and enactment of sustainable development on the professional administrative national arena.

Keywords

Sociology of law, law, legal norms, social and professional norms, school, education, education for sustainable development, environment, environmental education, act on education, curriculum, syllabus, path dependence, inertia, historical sociology, supporting structures.

Introduction

In Sweden education is one of the largest organizations in the public sector, but despite this research in this area is relatively modest. Every day closer to 50 percent of the Swedish population are engaged in education as students, students or teachers - including higher education and other forms of education (2000:175). Virtually all of the share of the population who are not themselves involved in education are still affected by it on a daily basis by having a family member involved in education in some way. [1] There are approximately 6,000 primary and upper-secondary schools and in these schools approximately 150,000 teachers and 9,000 school principals (2012).

The aim of this sociology of law-oriented article is to outline debate and discuss legislative and regulatory processes relating to the school's assignment, focusing on environmental and sustainable development. At the same time the aim is to describe the history and development of the new social thematic of 1990-2010, which in itself is an essential task for social science research on education for sustainable development. Our interpretation is based on the theories of inertia and path dependence. With these theoretical tools for analysis the legal and political developments are interpreted as well as the institutions, in a theoretical, historical-sociological perspective, meaning that historical choices can become normative for contemporary decisions (see e.g. Mahoney a, 2000, and Larsson, 2011 a; 2011c). We want to conduct a detailed study of events on the political, national level in order to gain new knowledge, as these types of social description and analysis are often missing, i.e. studies on how legislation emerges and what kind of motives that can be found for various decisions and orientations. Socio-legal studies of this type are described by Jørgen Dalberg-Larsen as *genetic sociology of law*, (1994:44). [2]

Our research aims at the same time to identify and analyse, over time, the driving forces and players that are crucially active behind the, in this case, the Education Act's design and direction. What political, ideological and legal motives existed among various players and are the cause of the changes to the Education Act, regarding the environment and sustainable development? What significance do the changes, made with the state as an authorized norm setter, have regarding other control and regulatory processes within the given research topic? How is this knowledge significant for teaching practice? [3]

The part of the research project called "Implementation of education for sustainable development: the relationship between norm supporting structures and student's moral learning " is funded by the Swedish Research Council. [4] This part of the project aims to examine the legal rules and structures that indicate the direction for what ought to be done and what must be done, that is, what seems to be desirable content in education related to sustainable development in the Swedish school system, in relation to the policy documents. This sociology of law-orientated study involves key interviews and analysis of national and legal policy documents as well as legal sources in order to be able to describe and categorize which legal norms that society, through its political and administrative institutions, considers to be worth highlighting in school activities. We see this as one of the bases for the norm-supporting structures for sustainable development, which can be initiated, created and developed in the Swedish school (Wickenberg, 1999).

The model developed by Bo Lindensjö and Ulf P. Lundgren and described in the document "Educational reforms and political control" (1986 and 2000) [5] serves as the article's starting point and the initial base. In the two books Lindensjö and Lundgren have developed and used the terms *The Arena of Formulation* and *The Arena of Realization* (2000:171 ff.) The model can also be seen in relation to the current Swedish governance research regarding schools and education. [6] In this Swedish model - here applied to education - Parliament gives authority to the Government, which is the highest administration authority. The Government controls collectively the public administration, which is assumed to function according to the theory of liability bureaucracy (i.e. the distribution of responsibility between the political and administrative levels - by Linde, 1982) and does not fulfil an independent political function, according to Lindensjö & Lundgren. The authors express among other things the following regarding the relationship between politics and administration, whose meaning we shall return to later in the article:

Officials' expertise in their own areas is likely to lead to them freeing themselves from political control and transforming the political leaders into that of 'tourists in their own departments'. Quite often officials find themselves formulating laws and regulations that other officials or they themselves must apply. Administration activities are likely to reflect, not only the wishes of the people, but also officials' and government agencies' interests. (2000:160)

Our results reveal other interesting aspects regarding this and we will return to this matter. The article follows progressively over time the rise of, and the fundamental ideas, and motives behind the different versions of the Education Act, with particular focus on the relationship to, and the dealing with two new social themes: the environment and sustainable development. We will also follow the preparatory work behind the current changes. One key interview provides us with new knowledge on the efforts made in the development of the new Education Act of 2010. A corresponding intimate study of the enacting of a law including key interviews, has

been done earlier when the concept of the environment was introduced in the Education Act 1990 (Wickenberg 1999:133 -). Finally, we discuss what consequences these new changes to the Education Act and the curriculum may have on Swedish schools practice.

Arena of Formulation and Arena of Realization

With The Arena of Formulation Lindensjö & Lundgren refer to the arena where politics are formulated to become policy documents. [7] This article is based on the previous Education Act (1985:1100) as well and the new (2010:800) passed by the parliament, and the curriculum for upper secondary school (SKOLFS 2011:144) adopted by the Government. Subject specialists are required to create specific goals and a clear content, which leads to The Arena of Formulation being split into two layers: a political and an administrative layer. The distribution of power between them develops through the rules, norms and conventions created during the decision-making. Lindensjö & Lundgren also believe that school decentralization in Sweden since 1991 has undoubtedly enabled a series of new local Arenas of Formulation. Education and school in Sweden have extensive legal traditions and affect at the same time a large number of important government institutions [8] and stakeholders, which we note in the text above: Parliament, the Education Committee, the Government, the Ministry of Education, ministers, secretaries of State, experts, the Swedish National Agency for Education and the Swedish Schools Inspectorate. [9]

This tradition-bound, institutional setting plays a major role in the norm-creating processes for both legislation and school. Two government institutions within the educational sphere - the Ministry of Education and the Swedish National Agency for Education - are crucial for the understanding of the legislative process we have noted below and for the theoretical analysis.

Sweden has a particular institutional and organizational distribution of details in the Government - in its ministries and government agencies. In many other countries, details are gathered under a single organization, a ministry, such as in Norway and Denmark. The Ministry of Education, formed in 1840, is a department within the Government Offices of Sweden, which deals with matters of education in Sweden. They have about 200 employees, most of whom are so called remote bureaucrats, who do not have direct contact with practitioners within the school. Within the Ministry of Education there are, on the one hand, a majority of civil servants, but also a number of politically appointed posts of State Secretaries and political advisers.

The Ministry of Education is politically and legally the most dominant *Arena of Formulation* and is responsible for preparing legislation by submitting Government

bills to the Swedish Parliament, who then make decisions about laws like the Education Act. The Swedish school's fundamental values are found In the Education Act, a matter we will return to later in order to discuss what these values may mean. The Ministry of Education also writes instructions, so-called appropriation directions, for the three public authorities that lie within the Ministry of Education's responsibility: The Swedish National Agency for Education, the Swedish Schools Inspectorate and the National Agency for Special Needs Education and Schools (SPSM). The Government provides regulations, which in the field of school consist of the curricula and syllabuses. In the curricula norms and values and the school's mission are specified, the latter also playing a central part in the further analysis. Within the Ministry of Education we also find the two layers mentioned above, i.e. the political and the administrative layer.

The Arena of Realization refers to the arena where politics become realised or implemented. The Swedish National Agency for Education is a government agency or central agency and also a government authority that reports directly to the Swedish Government and the Ministry of Education. The agencies had their origin in the collegial bodies that emerged in Sweden during the reign of the Swedish King Gustav Vasa in the late 15th century and onwards, particularly with the adoption of the 1634 Constitution Act. [10] The Swedish National Agency for Education is part of a national, central *Context of Realization*, where political decisions can be interpreted into rules for the local school's work.

Realization or implementation of politics may, according to Lindensjö & Lundgren, be characterized as the process in which public plans, reforms or programmes are actually carried out. Furthermore, one argues about these things, and realizes that the explanation for *realization* or *implementation* is ambiguous and therefore one clarifies the definition of realization (or implementation) to distinguish between "guideline-writing" and "field-implementation". "Guideline-writing" refers to the interpretation of the reforms passed by civil servants, based on political decisions, which are transformed into mandatory rules. In this study, it is the curricula and syllabuses that are interpreted and transformed into local policy documents. "Field-implementation" refers to the ultimate enforcement of reforms; enforcement carried out by the organization's "street-level bureaucrats", in this case the teachers. [11] This is, in short, the teaching that takes place, mainly in the classroom.

But the actual *Arena of Formulation* therefore represents the starting point for our study in the field of sociology of law, focusing on which legal rules, regulations and frameworks that have existed and that are now determined for Swedish school, based the Education Act, curricula, syllabuses, etc. and that influence the environment and sustainable development.

Theoretical approach for analysis and understanding

The Swedish education system has, in international comparison, a relatively complex but at the same time very traditional organization on a state, national, central level (with old established institutions) and a structure with carefully distributed duties and powers. We note with political scientist Goran Hydén's words that "Swedish agencies lead in other words, a fairly quiet and peaceful life. They are chipped at the edges from time to time but the bumps rarely change the initial focus. The concept of path dependence, that is, the idea that you do not deviate from what you're already familiar with, is a fitting description of how bureaucracy works in Sweden" (Hydén 2010:26). We analyse the above, seemingly complex, legislative processes between 1985/1990 and 2010 by using a theoretical understanding from historical sociology. Central to this interpretation is the concept of path dependence (Mahoney 2000). The concept - translated into path dependence - has also been used by researcher in Sociology of law Stefan Larsson (Larsson 2011a; 2011b; 2011c) to help interpret and understand copyright law and its development in a digital society.

The concept of *path dependence* has its roots in various scientific disciplines such as technology, history, economy and various social sciences, for example historical sociology. The origin of the term is connected to technical standardization processes, and when it comes to technology Clayton P. Gillette (1998) states that there are great advantages in standardization. Even legal development, writes Stefan Larsson (2011a; 2011c: 12), has been analysed in terms of path dependence, especially by North American researchers, which in turn refer to a classic text - *The Path Of The Law* - by Oliver Wendell Holmes (SJ Burton 2000). When it comes to the laws function of predictability in relation to path dependence Alexander Peczenik (1995) and Vilhelm Aubert (1989), are among others referred to. The social scientist who has worked with path dependence, among other things, in the field of historical sociology is James Mahoney. Mahoney writes "Path dependence in historical sociology," in which he defines the concept of path dependence as: "Something that occurs when a contingent historical event triggers a subsequent sequence that follows a relatively deterministic pattern" (Mahoney 2000:535). Inertia [12] leads to (social) mechanisms that in turn create institutional patterns over time, and generate forces and counter forces. Law lags behind the social change (Anna Christensen, 1997; Larsson 2011). Mahoney especially highlights that this involves in particular temporary historical events.

In order to analyse legislative development Larsson uses both Mahoney's historical-sociological perspective and Gillette's perspective regarding technical standards, but notes that there is also an aspect of conceptual path dependence that is relevant to legislative change (Larsson, 2011a). That is, the explicit beliefs that are embedded in a law may act slowing when other social development evolves at a different pace or along a new kind of understanding (2011a: 127).

In our study we have two social phenomena following well-trodden paths and we have inertia following path dependence: partly the current legislation, in which the institutions above are involved (the Education Act and the curriculum); and partly the state's educational institutions and organizations which we have described above in general terms.

Inertia and path dependence can be linked to law and legal change which tend to lag behind social change and can in this case be applied to the social phenomena "environment" and "sustainable development".

Environment into the Education Act

The Education Act (1985:1100), which was valid until 2010, came into force in July 1986. It was the result of a mainly editorial (constitutional-technical and linguistic) review of the 1962 Education Act. However, there are few traces of the discussion on decentralization and privatization that took place in the first half of the 1970s and 1980s. The Education Act has been modified more than 70 times since 1986. During that time the educational system has been reformed and a new steering system has been introduced. The Swedish Government's detailed control has been replaced by a more decentralized responsibility, where municipalities and other authorities have primary responsibility for the organizations (SOU 2002:121 and Wickenberg, 1999, and Leo, 2010).

In the early 1990s, a shift in the Swedish school system, which included a new goal and result-oriented steering of the school, was introduced. Division of responsibilities between the central and local government was established through a series of parliamentary decisions based on proposals in the Government bill: prop. 1988/89:4 on school development and steering, prop. 1989/90:41 on local principal responsibility for teachers, school heads/principals, assistant heads, and study and careers advisors, as well as prop. 1990/91:18 on the responsibility of the school. [13] Parliament and the Government would account for the overall steering and establish general and nationally valid goals for the school, while the municipalities were made responsible for the school's organization and operation, as well as acting as principal organizers with employer responsibility for all employees of the school. Furthermore, goal and result-oriented policies should be applied. [14]

Environment into the Education Act 1990

After a decision in parliament in December 1990 The Education Act received an addition in the Preamble on environment, written into the law as follows: "The operation of the school shall be designed in accordance with fundamental democratic

values. Each and every one working within the school sphere shall encourage respect for every human being and respect for our shared environment” (SFS 1985:1100, 1 kap 2§). The Minister of Education responsible for work with the school's so-called fundamental values was future prime minister, Göran Persson, who had a political interest in environmental issues and who later also launched the idea of a “Green welfare state” (Wickenberg, 1999:133 -).

The Fundamental Values of Swedish school

Why is the environment of significance in the Education Act's Preamble, that is, in the school's fundamental values? These core values, which are a key concept in the Curriculum Committee report, (SOU 1991:94), were considered carefully by the Committee. This is how Berit Hörnqvist, secretary, and Ulf P. Lundgren, chairman (1999) express themselves about their thoughts after seven years of work with the fundamental values of both curricula: "there were however strong reasons for building a distinct bridge between the Education Act and the curriculum, where the values represented the bridge support, and therefore the curriculum came to be opened with a specific section about the school's fundamental values... It would seem, in the light of a series of changes and events in society and an increased pluralism, as increasingly important that the fundamental values are determined and made legitimate in a curriculum, values that can serve as a basis for school activities." [15]

In the Government bill preceding the shaping of the legal text: About the Responsibility for the School (Prop. 1990/91:18), page 30, one finds a written argument by Government Minister Persson [16] regarding environment and sustainable development (also note that the phrase in the text about the future generations comes from the Brundtland report's (1987) definition of sustainable development - see below and footnote 9):

The same (environmental issues have been considered essential and have such symbolic value that they should be regulated by law and be included in the Education Act - our note.) can be said about respect for our shared environment. In the syllabuses for various subjects, issues concerning our relationship to the environment must of course be addressed. But it is, in our opinion, not enough to spread awareness about these issues. School shall, in every circumstance, regardless of whether it occurs within the framework of an academic subject or otherwise, seek to ensure that the students acquire a knowledge-based respect for the environment and an awareness of the responsibility that each and every one therefore has towards fellow human beings and coming generations.

These regulations, which we suggest initially, should be placed in the Education Act, focus not only on the content of the education but also on, for example, the teaching methods and the way the education is organized. In conclusion these regulations

place demands on how everyone working within the school system shall behave in relationship to the students.

The political drive and interest in the environment is clearly expressed here in the Government's bill to the Education Act amendment. One states that law should regulate the symbolic value.

Education Act Amendment Followed by New Curricula

After this change the political work of the school followed in the Curriculum Committee (SOU 1991:94) which led to the new curriculum for the compulsory school system – compulsory (9-year comprehensive) school, Sami school, special school (primarily for students with impaired hearing, vision and physical disabilities) and the compulsory "särskolan", education for students with intellectual impairment (the curriculum for the compulsory school system, incl. pre-school class, Lpo 94), as well as the non-compulsory schools –upper secondary schools, upper secondary education for students with learning disabilities, municipal adult education, national state school for adults and adult education for the intellectually impaired (curriculum for the non-compulsory school system, Lpf 94). The addition on environment in the Preamble of the Education Act was then used in both of the curricula's introductory sections, entitled "Fundamental Values". In the curriculum for the compulsory school system (Lpo 94), in the section Fundamental Values and Tasks of the school, core values on which education in schools shall be based are stated. Again it is stated, as in the Education Act, that school activity shall be shaped in accordance with fundamental democratic values and that everyone working in schools shall encourage respect for the each person's intrinsic value and respect for our shared environment.

In both curricula a clarifying text was also stated entitled The School's Task also using the, in educational contexts, relatively new concept of sustainable development. [17] Sustainable development was launched internationally and politically in the UN-appointed so-called Brundtland Commission's final report, "Our Common Future". World Commission on Environment and Development " (1987). [18] The concept, which was originally and still is controversial [19], was further established at the UN Conference UNCED in Rio de Janeiro in 1992 (Wickenberg, 1999:47) and later at "The World Summit on Sustainable Development" in Johannesburg in 2002 (Wickenberg et al, 2004; SOU 2004:104; Breiting & Wickenberg, 2010; and Læssö & Öhman, 2010).

Also of interest in this context is that Ulf P. Lundgren and Ingrid Carlgren, chairman and secretary of the Curriculum Committee for the curriculum for the compulsory school system, Lpo 94, later and individually stated in the Government report SOU 2007:28 that the Committee considered the school's fundamental values and goals to be a "foundation", a base for the operation of the school, and not a target to be

achieved. They note that the opposite is often heard (ie about work on the school's goals - our note) that this foundation is an "overall objective for the organization." We will return to this interpretation as it has important implications in the future work 2006-10 with the new formulation of the Education Act. [20]

In the Arena of Formulation 1994-2006

New educational and social phenomena have in the last 10-15 years become apparent preschools have for example become an increasingly integral part of the educational system. The preschool received its own mission with its own curriculum for preschools (Lpfö98). In the first chapter respect for our shared environment is highlighted (Lpfö, 1998:4) and in "the preschool mission" this is reinforced and clarified:

Preschools should place great emphasis on environmental and nature conservation issues. An ecological approach and a positive belief in the future should characterize the preschool environment. Preschools should contribute to ensuring children acquire a caring attitude to nature and the environment and understand their involvement in nature's recycling process. The organization should help children understand how daily life and work can be shaped so that it contributes to a better environment, both now and in the future. (Lpfö 98, 7)

One of the goals in Lpfö 98 - 2.1 Norms and values - states that preschools should strive to ensure that every child develops a respect for all living things and a caring attitude towards their local environment (ibid., p 8).

The 1999 Education Act Committee

Already in 1999 the Swedish Government considered the Education Act, with all its additions and changes had become a patchwork of an Act. The Act has been amended more than seventy times since 1986. There was a need to modernize the Education Act through simplifying, clarifying, and adjusting it to guidelines and to the new division of responsibilities between the state and the local municipalities, to harmonize the school law with curriculum etc.

The Minister of Education at that time, Ingegerd Wärnersson, appointed a parliamentary committee (U 1999:01) to conduct such a review of the school legislation (Dir. 1999:15 - 1999-02-25). Ulf P. Lundgren was the new Education Act Committee Chairman until the autumn of 2000 when he left the assignment. The Committee included Jan Björklund, the school commissioner at that time in Stockholm. After three years, in the spring of 2002, the 1999 Education Act

Committee received a supplementary directive (Dir. 2002:9) from the Government with additional information and a prolonged period, in order to present its report in December 2002. It was an extensive assignment. The Education Act Committee's report, "The Education Act for Quality and Equality", SOU 2002:121), was submitted in December 2002 to the Minister for Education, Thomas Östros. Meanwhile Ingegerd Wärnersson left her post as Minister for Education (2002-01-30).

The Education Act Committee's constitutional proposals for a new Education Act, includes the following formulation on the environment entitled "Overall Goals" - § 3:

... Education shall furthermore encourage understanding of other countries and of international conditions and respect for our shared environment. It shall also give students a historical and ethical perspective.

The environment as a word and as a concept is thus included in the report itself. Student's and the school's working environment is well processed as well as most of the references to the United Nations Convention on the Rights of the Child (UNCRC). The new Education Act proposal keeps its description on "respect for our shared environment" from 1990.

The Committee for Education for Sustainable Development

In May 2003, the Swedish Government authorized the Head of the Ministry of Education, Minister Thomas Östros, to appoint a committee to identify and analyse what the education system was doing, at all levels, for economical, social and environmental sustainable development. Assistant State Secretary Carl Lindberg was chairman (1994-2004). In order to gather data and to stimulate further efforts in this area, the Committee was to plan and conduct an international seminar on education for sustainable development (U 2003:68). The Committee for Education for Sustainable Development submitted its report "Learning for Sustainable Development" (SOU 2004:104) to the Minister for Education Thomas Östros, in November 2004 (Breiting & Wickenberg, 2010).

In the proposed constitutional amendments the Committee suggest, in the report SOU 2004:104, that the Education Act have the following elaborated formulation in § 1 Ch. § 2:

Education shall also encourage a socially, economically and environmentally sustainable development. This refers to a development in which present and future generations are guaranteed a good environment and health, economic and social welfare and justice.

In the proposal one can also find the existing text, kept on principle: "Everyone working in schools shall encourage... respect for our shared environment" but also a clear extension to "social, economic and environmentally sustainable development," which is more important news in this context.

After the Swedish Government, for political reasons, was not able to agree with the politically supporting parties and thus obtain a parliamentary decision regarding the proposal for a new Education Act 2005/06, this was postponed to the future. Subsequently there was talk saying: "The Government intends to return to Parliament in a bill in the spring of 2007" in Written communication 2005/06: 75 Presentation of the processing of the Parliament's written communication to the Government (p. 98). But it was not an issue after the Swedish general election in the autumn of 2006. Government efforts to integrate environmental and sustainable development into education at other levels of education continued alongside with for example an addition on sustainable development in the Higher Education Act. [21] Likewise the direction of adult college's work towards sustainable development also changed. The Government also decided in 2005 to commission SIDA (Swedish International Development Cooperation Agency) to locate operations to Gotland. The centre SWEDESD was placed as a unit at Gotland University. [22]

In Summary 1994-2006 The Arena of Formulation's Political Level

We can conclude the following between 1994 and 2006, in terms of the course of events at the political level of The Arena of Formulation: The report of the 1999 Education Act Committee, The Education Act for quality and equality (SOU 2002: 121) was presented in December 2002 and thereafter, work began to develop new Education Act proposals. Two proposals on the environment and sustainable development were suggested in the fundamental-values section of the Education Act proposals. There was no apparent disagreement over the text concerning the environment and sustainable development. Other educational political changes regarding sustainable development in policy documents were the preschool curriculum, the Higher Education Act, The Regulation for the Swedish Folk High Schools as well as the organization of SWEDESD (the Swedish International Centre of Education for Sustainable Development).

Public Authority

Interestingly, in the meantime - that is 1990-2006 - parallel extensive experiences developed in subject and pedagogical didactics. Also competence developed in the knowledge and educational sector "environment and sustainable development". Research networks were established, some 30 dissertations in the field were produced, teaching materials were developed, conferences were held, developmental projects, such as The Award for Sustainable Schools, were developed by the Swedish National Agency for Education and the Swedish Agency for School Improvement resulting in new and reflective experience.

Universities collaborated to form Research Schools and various significant and long-term international contacts were established. There was thus a substantial building of capacity in the field of environment and sustainable development in Sweden (see Wickenberg & Öhman, 2008; Öhman, 2008; Læssö & Öhman, 2010; Breiting & Wickenberg, 2010; Öhman, 2011).

A New Education Act in Sweden 2006-2010

In the Swedish parliamentary election in 2006, a new government was appointed in Sweden with a new Minister for Education, Jan Björklund. He immediately (in November 2006) appointed a Working Group, The Education Act Advisory Council (U, 2006: E) with the task of preparing proposals regarding a new Education Act (U 2006/7887/SAM). Progress was quick and in June 2009 the Working Group presented their work and the Council on Legislation's referral was then completed in December of that year. [23]

The statement of the Council on Legislation, dated 24 February 2010, indicates that it has been a very rapid legislative process. The statement points out several flaws in the bill.

The Council on Legislation is given the impression that many of the deficiencies noted, [...], are due to the fact that a sufficient examination has not been made before the proposal was submitted to the Council on Legislation. According to the Council on Legislation's statement, such a review and examination must occur through the further legislative process. [24]

There was no time to review the bill. The Government Bill 2009/10: 165 was submitted in March 2010 to the Swedish parliament, and the report from the Parliamentary Education Committee was submitted in June 2010 (2009/10: UbU21). The Swedish Parliament decided eventually on a new Education Act on 23 June 2010 to take effect 1 August 2010 (SFS 2010:800). [25] The law's introductory section (chapter 1. Introductory provisions) now reads as follows:

The Purpose of the Education in the School System

4 § Education within the school system aimed at children and students shall retrieve and develop knowledge and values. It shall encourage all children and students to develop and learn and encourage a lifelong desire to learn. The education shall also communicate and establish respect for human rights and the fundamental democratic values on which Swedish society is based.

The education shall take into account students' different needs. Children and students shall be given support and stimulation so that they develop as far as possible. Efforts shall be made to compensate for the differences children and students may have in their potential to benefit from the education. The education also aims to, in cooperation with the homes, encourage children and students overall personal development into active, creative, competent and responsible individuals and citizens.

The Design of the Education

5 § The education shall be designed in accordance with fundamental democratic values and human rights like the sanctity of human life, freedom and integrity of the individual, the equal value of human beings, equality, and solidarity between people. Each and every one working within the education shall encourage human rights and actively prevent all forms of degrading treatment. The education shall be based on firm scientific foundations and proven experience.

In the new Education Act (2010:800), the addition on environment that was introduced in 1990 was removed from its previous place (1985:1100) in the so-called Preamble/opening paragraph of the section on values (see above). [26] Nor does the new Education Act mention sustainable development and the term environment is only mentioned in the meaning work environment, for example, good working environment for the students or school environment should be a secure and calm environment for studying, Chapter 5 of the Education Act.

In the autumn of 2010 another general election in Sweden saw The Alliance (*Alliansen* is a political alliance in Sweden consisting of the four centre-right parties in the Parliament.) [27] once again form a government. [28] In the so-called VALU (exit poll survey), presented in Swedish television that evening, the 19th of September 2010, and the following day in most newspapers, school issues came at the very top - or first - when it came to which issue that was most important to voters in this election. School issues were definitely at the heart of the 2010 election, and the focus was not on environment and sustainable development. [29]

Why was the Addition on Environment removed in The Education Act?

Our knowledge interest drives us to monitor the current development of the new Education Act and other legal regulations concerning school through interviews with several of the contributors to the formulation of the law. To try to answer the question of why these terms have been removed in the new Education Act, we have done an interview (2011-02-18) with one of the key actors of The Arena of Formulation on a national political level, Mikael Hellstadius, Deputy Director at the school unit/department, Ministry of Education and Project Manager in the Education Act Advisory Council (Skollagsberedningen U2006: E) - ie. the working group appointed by Minister Björklund in November 2006. Hellstadius is one of the few, the only one even, who has followed the whole legislative process in the current issue. The main question in the interview with Hellstadius was: - What happened during the Education Act Advisory Council's preparation work for the new Education Act with the terms environment and sustainable development?

When we started working on these target paragraphs internally in the Government Offices we received tremendous amounts of input. There were a lot of different perspectives such as gender equality, health, children's rights and various different interdisciplinary issues. The conclusion was that these target paragraphs for a time were very overloaded with information and the politicians saw a risk that the basic message of the school's mission would become unclear because there were so many other perspectives that did not have to do with the school's core task.

The environmental perspective is therefore no longer a part of the fundamental values of the school and does not have to do with the school's core task. This is clearly a problem for legislators and their experts, that the fundamental values are seen as a goal among many in the curriculum and not, as it was intended, as a "foundation", a base of school operation and a bridge between school law and curriculum (see previously Hörnqvist & Lundgren, footnote 8 and Carlgren & Lundgren, footnote 13). That interpretation and understanding of the fundamental values as a goal among other goals for the school will have consequences.

It finally resulted in the removal of virtually all such things and then everything, which was only there from earlier, was also removed. We received strong objections to it, there but the only way to be able to assert oneself against this regulation becoming totally overloaded was to edit it. These issues about environment and sustainable development are no less important because they are specified in the curriculum. We have chosen to write the new Education Act so that the target paragraphs are completely edited from those types of goals.

The follow-up question was: - Sustainable development is seen and has previously been seen by the Ministry of Education as more than just a perspective and a goal.

It has also been regarded as a new globally accepted value. How did you consider this in the legislative process?

That analysis may not have been made in detail, and that sustainable development had a different position than these other concepts. It was felt that one must let this go completely. The curriculum is a binding regulation, where these issues are mentioned and this perspective is highlighted. It has not been lifted out of the policy documents. Therefore it remains in the policy documents but not in the Education Act. But as I said, a careful analysis about how the environment and sustainable development had a different position than the other terms may have not been carried out in that context.

Another aspect was to learn more about how the ministries acted in this matter:

There was also the fact that some other ministries pressed on, working actively with these intersectional issues, such as public health, but the Ministry of the Environment was not among these departments. They did not pursue this issue. However the Ministry of Health and Social Affairs were able to force the issue concerning child rights at just the right time in the United Nations Convention on the Rights of the Child (UNCRC) and the issue was passed in the Education Act. [30]

Therefore the influential processes surrounding the work with the Education Act appear quite random: if the Ministry of the Environment had been quick and alert at this particular stage, then the Environment had most likely been left in the opening paragraph of the section on values in the Education Act. For the alert departments it may have seemed like the legislative work was a random process. But was it really just coincidence?

The following quote illustrates the political trends that are dependent on the times we live in and that are therefore, in this context, deemed politically important:

Now it has at the same time been the political will or trend to focus on the school's basic task of delivering knowledge and for a period it was felt that it became a burden that these basic target paragraphs became so cluttered with an interdisciplinary perspective. They awakened very late in the process at the Ministry of the Environment and wanted formulations about it in there anyway, but it was probably so far advanced that we considered it too hard to go back and therefore this is the solution that came to be.

This interview, in its entirety, provides interesting insight into a recently finished legislative work and the diverse and complex processes of interest, with a pragmatic approach and how one has to take the political power into consideration.

In the political science thesis "Control behind the Scenes. The Government Offices of Political Staff Units and the Government Control Capacity", Anna Ullström writes the following as one of her more important conclusions:

"That political advisers participate in governance only works as long as they avoid dual steering, i.e. as long as they do not send other control signals to the civil servants compared to the signals that the State Secretary and minister are sending... If civil servants perceive that the political advisers' governance is not anchored with the State Secretary or minister they will not act in accordance to it. Work ceases and civil servants await clearance from the minister and State Secretary. Here we have yet another norm that affects the work of the Government Offices of Sweden and that ensures that decisions are established with the responsible minister. "(Ullström 2011:305 - Ullströms emphasis added).

The responses above give an idea of how one reasons "behind the scenes" in The Arena of Formulation of the law. The civil servants in the ministries therefore act on the basis of the political signals coming from the Minister or State Secretary. It was not a coincidence that the environment and sustainable development where not included in the Education Act. The legislative process studied above leads to a law, which should in turn influence the work with the curriculum. It will also affect children and students' education, teachers, school principals and others in the local Arena of Realization for several decades.

From the Education Act to the Curriculum

The various interwoven ups and downs in the work with a new Education Act and curriculum are complex and difficult to see clearly over time. In order to strive give an overview of the courses of events, we have created the figure below with the various legal and political processes placed onto a timeline:

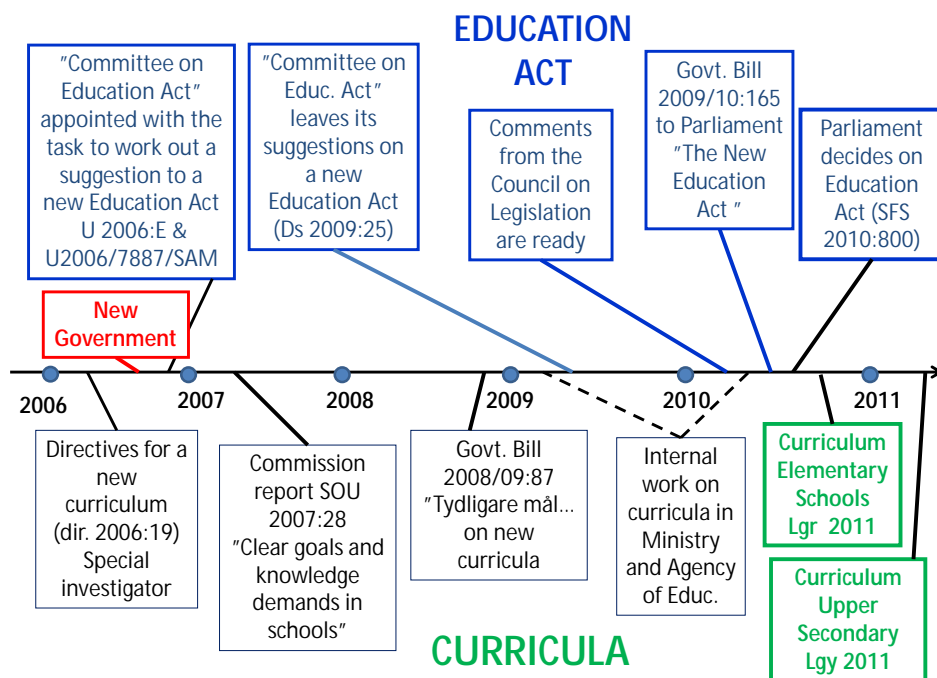


Figure 1.
Decisions while working on a new Education Act and the new curricula in 2006-11.

The Swedish Social Democratic Government instructed, before the election in February 2006, the responsible minister, the Minister for Education Ibrahim Baylan, to appoint a special investigator to review how the goals and monitoring systems for the compulsory (9-year comprehensive) school, and corresponding types of schools could be strengthened and developed in order to improve the quality of education (dir. 2006:19). In the directive concerning a new curriculum, the Government stated in 2006 that: "The relationship between curriculum and syllabuses should be clearer. The Investigation does not mean that a fundamental review of the contents of the curriculum for the compulsory school system (Lpo 94) shall be made. The school's task, as expressed in today's steering documents is therefore the same."

In April 2007 (i.e. after the parliamentary election, the autumn of 2006) the investigator handed over the report: Clear Goals and Knowledge Requirements in the compulsory (9-year comprehensive) school (SOU 2007:28). The study notes that "The overall goals should in essence include the fundamental values that currently exists in the section Norms and Values, but it should be discussed how the section Knowledge should be stated in the future." A little later Government writes in the bill "Clearer Goals and Knowledge Requirements - New Curricula for Schools" for a new curriculum in the late autumn of 2008 under the Government's assessment:

In the Government's opinion, the school's fundamental values and mission remain unchanged in the curricula in summary. The inquiry directive did not include proposed changes to the part of the current curriculum that consists of the school's fundamental values and mission (from Government Bill 2008/09: 87 on 4 December 2008).

The Alliance Government intended therefore that essentially the school's fundamental values would remain in in the curricula, i.e. the existing value system from the old Education Act (1985:1100) and curricula (curriculum for the compulsory school system Lpo 94 / curriculum for the non-compulsory school system Lpf 94 and curriculum for pre- school Lpfö 98).

But the fundamental values were nevertheless changed in the Education Act when the environment was removed (see above) but were by then already incorporated into the specific curriculum work, which was being worked on at the same time. Not to change the fundamental values was a very clear political signal - it later turned out - from the Government for the work on the curriculum: "In the Government's opinion, the school's fundamental values and mission should remain unchanged in all of the curricula."

The preparation and documentation work on the curricula and syllabuses occurred thereafter in 2009 and 2010 in various working groups within the Ministry of Education in The Swedish National Agency for Education. Alongside work continued with the new Education Act, which removed the environment from the fundamental values. After the parliamentary approval of the bill on the reform of the curricula, the Government instructed the Swedish National Agency for Education to prepare proposals for the new syllabuses and knowledge requirements, and to propose the amendments necessary to adapt the goals and guidelines to a new goal-structure to the new target paragraphs.

In the autumn of 2010 the Government issued a new Ordinance on the curriculum for the compulsory school system, preschool classes and leisure classes (SKOLFS 2010:37).[31] In this - Lgr11, the Curriculum for the compulsory school, pre-school classes and leisure-time centres (for schoolchildren) – we find the same descriptions, in terms of the environment, as previously in the curriculum for the compulsory school system, Lpo 94 and the curriculum for the non-compulsory school system, Lpf 94 (cf. p. 5 above) but with the key difference and the strengthened expression: SHOULD has become SHALL.

The public school system rests on a democratic basis. The Education Act (2010:800) states that education in the school system aimed at students should acquire and develop knowledge and values. It shall foster all students' development and learning and a lifelong desire to learn. Education shall teach and establish respect for human rights and the fundamental democratic values on which Swedish society is based. Each and every one working in schools shall also encourage respect for every human being and respect for the environment. [32]

For the terms environment and sustainable development, the same came to be applied to the Curriculum for upper-secondary schools 2011 (LGY 2011). [33] Furthermore, the texts on sustainable development are virtually indistinguishable from the texts on sustainable development in the of Curriculum for the compulsory school (Lgr11) and LGY 2011:

Through an environmental perspective they are given the opportunity to both take responsibility for their immediate environment, which they themselves can influence, and to gain a personal approach to wide global environmental issues. Teaching shall illustrate how society and our way of living and working can be adapted to create sustainable development. [34]

Altogether there are therefore numerous and extensive changes created in the enhanced curriculum work by the subject experts at the National Agency for Education. Firstly, we have the significant strengthening from *should* to *shall* illustrate how society... of the concepts of the environment and sustainable development in the school-political main parts (part 1 and 2) of the new curricula, LGR 2011 and LGY 2011. [35]

Added to the above, with changes in the new curricula, we also have - not in the least significant - several changes and newly created additions to Part 3 of Lgr 2011, which consists of syllabuses and knowledge requirements of 20 subjects and which we briefly summarize here to describe the extent of the change process.

In the following syllabuses of different subjects sustainable development and the environment occur in a very clear and concise way in the various school years. This applies to the aims of education and the main content for subjects like: Home & Consumer studies, Geography, Biology, Physics, Chemistry, Religion, Social Science, Craft, and Technology.

And similarly in Chapter 2 - Overall goals and guidelines of the curriculum for the compulsory school (Lgr 2011) that is, the following text applies to all teaching and in all subjects: "The school shall be responsible for all students after completing compulsory school - have received knowledge about the conditions for a healthy environment and sustainable development; - have received appreciation and understanding of the importance of their own lifestyle on health, environment and society." Furthermore, the following is noted in the new compulsory school curriculum: "The school's goal is that every student shows respect and care about both in the local environment and the environment in a broader perspective." This sentence is valid for the student in school at any period - including breaks.

The same change process is also noted in the upper secondary school curriculum (Lgy 2011) under the title Chapter 2 Knowledge - Goals. "It is the school's responsibility that each student: can observe and analyse human interaction with their environment from the perspective of sustainable development." Each student shall be able to do this - and the school is responsible.

Distinct elements of sustainable development reappear in several of the Higher Education Preparatory Programmes in Gy2011, namely the examination goals and syllabuses for the Social Science Programme, the Natural Science Programme and the Technology Programme. Furthermore, sustainable development is found in the examination goals for The Vocational programmes, such as examination goals for the HVAC and Property Maintenance Programme; the Vehicle and transport programme; Industrial Technology Programme; Natural Resource Use Programme; as well as for example syllabuses for sustainable tourism and Handicraft studies. [36]

The work on the curriculum which has been done by civil servants, administrators, and experts in The Arena of Formulation can be seen as an expression of the deepening subject skills which have been able to develop through decades of gradually expanding research and development work at universities, as well as international contacts within the topic or field (see above).

Discussion and Conclusions

The purpose of this article is to describe, analyse and interpret the legal norms as well as the political processes that lie behind the legal regulatory process of the school's mission in terms of working with the environment and sustainable development. It is the formulation of the laws that the State's legislative power can be clearly expressed. It is a very complex cause of events. We have, in order to describe and understand these events, used Lindensjö & Lundgren's (1986) model with terms The Arena of Formulation and The Arena of Realization, the classical legal sources and an interview with a key person on the work with the new Education Act. The processes over time (from 1990-2010) are interpreted with the theories of inertia and path dependency (Mahoney 2000).

We conclude that it took five years (2006-2011) for the political formulation process that resulted in the adoption of a new Education Act, which at the same time was converted into new curricula and syllabuses. Different times have different political trends, and we have been able to note that during the period 1990-2006, there was a clearly expressed political interest and commitment in schools to implement the themes of environment and sustainable development. While during the period 2007-2011 there was, according Hellstadius, a clearly expressed political interest and desire to focus primarily on the school's "mission to focus on knowledge". [37]

Do the formulations in the Education Act matter to the important Arena of Realization in schools? Yes, various formulations in the Education Act can be used as moral-legal factual arguments to claim and underline certain positions used by various actors and enthusiasts such as teachers and school principals/heads. A recent example that the formulations in the Education Act quickly can have effect on The Arena of Realization is the Education Act's new text which states: "Education should rest on a scientific basis" (Chapter 1, § 5). Around Sweden, in the country's

municipalities and school boards, suddenly collaboration with universities is sought to meet the new legal norm introduced in the Education Act. The Education Act can definitely rapidly influence Educational Sweden. But the law also has a certain symbolic meaning, which marks that this current, political will has been emphasized and highlighted in the legislation by the Swedish Parliament and Government.

An important role for the Education Act - we argue on the basis of our review and examination of the school law and curriculum work - is the political aspect of The Arena of Formulation, where it is possible to create a clear message and a direction for the following work at the administrative level in The Arena of Formulation. A similar role for the Education Act is that it provides an important basis for interpretation, together with the preparatory work to the Act, for implementation of the new legal norms in practical, everyday schoolwork.

In the case studied, concerning the new Education Act, it becomes clear that the main political will now in the beginning of the 21 century, is to focus on what is referred to as "the school's mission to focus on knowledge" and not on the environment and sustainable development.

Another important matter for future work was that the Education Act's fundamental values were changed, despite the Government's earlier stated ambition to the contrary, and the term *environment* was removed. The fundamental values, originally intended to act as a bridge between Education Act and curriculum, changed concerning one significant value: respect for our shared environment. Carlgren & Lundgren stressed that the Curriculum Committee, 1992-94, considered the fundamental value-goals to be a "foundation", a base for work in schools, and not a "goal" for school activity to be achieved. These interpretations later lead to determining consequences in the continued work with the formulation of the Education Act noted above. In the legislative work the environment and fundamental values were seen as part of the school's learning goals. When it was felt that there was an overcrowding of goals a significant portion of what had been established as the fundamental values of Swedish school organization was removed.

At the same time it is clear that the teachers' primary legal steering documents, the curricula and syllabuses, have been considerably strengthened by the adjustment of *should* to the legally considerably stronger *shall* in the further developmental work with, in this case, the environment and sustainable development. "Each and every one working in schools shall also encourage respect for every human being and respect for our shared environment." Legally there is a substantial difference between what *should* be done and what *shall* be done. It can mean a great deal when this indication is being interpreted in the implementation of the curricula for education in schools.

At the same time these policy documents have numerous changes created by experts in the specific curriculum work. This work with the curriculum, carried out in the Arena of Formulation by civil servants, administrators and subject matter experts, is

an expression of the deepening competence in the subject that has been able to develop in Sweden. For over two decades, gradually expanding research and developmental work has taken place at the country's universities within the field of knowledge of 'education for environment and sustainable development ". This has borne fruit in the work with the new curriculum and syllabus. The political indication, which meant that no changes should be made to the existing fundamental values in the curricula, was obviously quite clear for the administrators in the Arena of Formulation. Consequently the civil servants and subject experts at government agencies and ministries worked with the phrasing according to the declared policy directives. Work was pursued according to the remaining current fundamental values with an evolved competence in the area of the environmental perspective. Furthermore, they evidently worked with sustainable development in the compulsory (9-year comprehensive) school and upper secondary school curricula and syllabuses. The Arena of Realization is then able to use this in teaching.

Inertia in Legislation

How do legislators handle new occurrences in the world of education? The political majority are attentive after the environmental election of 1988 and make a sudden small and temporary addition of "environment" into the Education Act's preamble at the end of 1990. Otherwise the Education Act essentially stays the same as the original adopted in 1985. [38] The best interest of the child from the UNCRC (1989) is now lifted into the Education Act (2010) and formulations like "children's rights are to be taken into consideration" are lifted into the revised Constitution Act (2011), which apparently also is considered politically significant.

In this context, the current inertia is seen in the legislation. The Education Act is amended mainly on the surface within the obvious political area with changes being less important on a day-to-day basis. The Education Act remains mainly the same; with fundamentally the same basic design as before. There is a great deal of inertia remaining in the legislative process. No major changes are made, even if, simultaneously, knowledge is attained from an on-going international discourse on environment and sustainable development started in the early 1970s in the United Nations about climate change, the Kyoto Protocol, and similar questions that Sweden pursues internationally. This is not visible in the legal work. The path of the Education Act is essentially already trodden and politically marked up.

At the same time the decentralization of schools is implemented, where the local municipalities are given primary responsibility for the schools, as well as the closure of the National Board of Education in 1991 and the creation of the Swedish National Agency for Education. It is quickly realized that the National Agency for Education is not sufficient for the developmental work and the Agency for School Improvement is created in 2003 by dividing the National Agency for Education.

The Agency for School Improvement is soon shut down again in 2008 and a new authority for overview and scrutiny is created in 2008, the Swedish Schools Inspectorate, which rapidly increases its number of employees. The changes involve essentially both the development and the control of the Swedish school system (see note 35 above). These may be said to consist of the school's inner "trodden path of assignments" and the organizational changes revolve around these two classic functions of organization and task. The Swedish National Agency for Education being a government agency has no real political influence. They do however, in this context, have a relative amount of autonomy and a certain capacity for action. This, we have noted previously, played a key role in the work on environmental and sustainable development in the curriculum and syllabuses. The Ministry of Education is essentially organized in the same manner during the whole time that we follow the legislative process in this article and has the same division of the political Arena of Formulation and the non-political part of the same core Arena of Formulation.

Finally there are therefore, in the case of "environmental" and "sustainable development", two powerful and traditional social institutions that both over time have strong elements of inertia and path dependence, and where these two events interacted: Law (The Education Act) and the Institution (The Ministry of Education). The result is, as we have noted in the analysis of the events, that the new social phenomena "the environment" and "sustainable development", despite relatively strong support in the Swedish population over time, 1986-2010, as well as in the community (SOM 2011:27), are not influential enough in the Education Act, but more so in the revised Constitution Act (2011) with a phrase such as "public authorities/the Government shall encourage sustainable development which leads to a healthy environment for present and future generations" (SFS / RF to Chapter 1, §2). Different political actors in the Arena of Formulation obviously have different agendas and act differently.

The Education Act amendment in 1990 was therefore relatively temporary and the legislature reverted in 2010, due to inertia, to the long-trodden path of school and education. Changes in society are represented in our example by environment and sustainable development but the legal inertia cannot incorporate this social change in an educational context. Law, in terms of legislation, lags most often behind social development, as the path dependence here is too strong. Larsson describes such phenomena as "conceptual incarceration" (2011a). Work on the curriculum and syllabuses could however continue in government agencies and public authorities in the politically directed way. These two policy documents are available for use, and are being used in the developmental efforts of school life in The Arena of Realization where, in turn, new norm-creating processes take over.

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Lpf 94 *Läroplan för de frivilliga skolformerna – gymnasieskolan, gymnasiesarskolan, den kommunala vuxenutbildningen, statens skolor för vuxna och vuxenutbildningen för utvecklingsstörda*

Lpfö 98 *Läroplan för förskolan*

Lgr 2011 *Läroplan för grundskolan, förskoleklassen och fritidshemmet*

Lgy 2011 *Läroplan för gymnasieskolan - examensmål och gymnasiegemensamma ämnen*

Prop. 1988/89:4 *Om skolans utveckling och styrning*

Prop. 1989/90:41 *Om kommunalt huvudmannaskap för lärare, skolledare, m.fl.*

Prop. 1990/91: 18 *Om ansvaret för skolan*

Prop. 1990/91: 115. *Vissa skollagsfrågor*

Prop. 2005/06:1 d19 *ang. ändring i högskolelagen* (SFS 1992:1434)

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SFS 1985:100 *Skollag*

SFS 2006:1499 *ang. ändring i statsbidrag till folkbildningen/folkhögskoleförordningen*

SFS 2010:800 *Skollag*

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SKOLFS 2010:37 *Förordning om läroplan för grundskolan, förskoleklassen och fritidshemmet*

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U2006/7887/SAM

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Footnotes

- ¹ Ulf P. Lundgren (2008); and Lars Persson (2010:15).
- ² Other sociology of law references on this is Vilhelm Aubert, Torstein Eckhoff & Knut Sveri (1952); Eugen Ehrlich (1962); Vilhelm Aubert (1968:14-); Thomas Mathiesen (1974); Håkan Hydén (1978; 2002a:24; 2002b:248); Karl Dahlstrand (2012:14).
- ³ The text is based on Sociology of law research and theories on law, rules and norms within a long international tradition. The late 20 years it has been developed within Sociology of law at Lund University focusing legal and social norms. Overviews of research in Sociology of law in Lund are Baier (ed. 2013); Baier & Svensson (2009); Hydén & Wickenberg (eds. 2008); Hydén (2002).
- ⁴ This research project – *Norm project* – is a multidisciplinary cooperation between social science researchers at Uppsala, Örebro, Stockholm and Lund Universities (2009-2012). To read more about this Swedish research: see e.g. Wickenberg et al. (2004); Öhman (2008), *EER* 16 (1), 2010, and *Utbildning & Demokrati*, Vol 20, No 1, 2011.
- ⁵ Ulf P. Lundgren, professor in Education at Uppsala University with a focus on Education Policy and Education Philosophy. Lundgren was Director General at the National Agency of Education 1991-99. Bo Lindensjö, professor emeritus in political science at Stockholm University with a focus on Education Policy and Political Theory.
- ⁶ Other researchers in this area studying the state regulation of the Swedish schools: Tomas Englund (1996), Mikael Alexandersson (1999), Ninni Wahlström (2002), Jon Pierre (2007), Pia Skott (2009), Maria Jarl (2010). In this article we have, however, taken a focus on *the processes of regulation* regarding the assignment to the schools when it comes to the formulation of environment and sustainable development.
- ⁷ Håkan Hydén (2002) is formulating this as "laws could be understood as frozen politics".
- ⁸ By institution we mean device with "norms and rules structuring human behavior to repeated pattern of behavior" (sources: Thomas Brante in NE, Nationalencyklopedin (1992 and 2012), and Lars-Eric Jönsson, Anders Persson & Kerstin Sahlin (2011:11); Susanna Johansson (2011:32).
- ⁹ Axel Oxenstierna (1583-1649) is seen as the founder of the Swedish State Administration and established the first Swedish Civil Service Department.
- ¹⁰ Sources for this part: NE: net version (2012); Lennart Lundquist (1992); Arne Halvarsson et al (2002); Erik Holmberg & Nils Stjernquist (2003); Gunnar Richardsson (2004); Maria Jarl & Linda Rönnberg (2010).
- ¹¹ Lindensjö (1987) and the concept "street-level bureaucrats" after Lipsky (1980).

- ¹² *Inertia* is taken from the classical physics and was described by Isaac Newton in "Philosophiae Naturalis Principia Mathematica", 1687, and there it is called "the first law of motion". Inertia, that is inactivity and resistance, is also the concept used in social science contexts to describe slownesses in change processes.
- ¹³ Other central state documents of importance are DsU 1987:1. *Division of Responsibility and steering on the school area*, SOU 1988:20. *A changed Division of Responsibility and Steering on the school area*; and Gov. Bill. 1990/91:115. *Some issues on Education Act*.
- ¹⁴ Ulf P. Lundgren in "Skolans huvudmannaskap och styrning" (sid.12) in *Lärarnas historia* (2010), <http://www.lararnashistoria.se/front>. Also SOU 1999:98 *Likvärdiga villkor?* and Dir. 2007:33 *Lika villkor för offentliga och fristående skolor*.
- ¹⁵ *Ständigt. Alltid! Skolans värdegrund. Comments to the Curriculum*, National Agency of Education 1999:10-14. A reflective article "The Value Base – the inalienable values" by Berit Hörnqvist, Head Secretary, and Ulf P. Lundgren, Chair in the Curriculum Committee. This is an article written seven years after the completed curricula Lpo 94 and Lpf 94. See also the *Book on Value Base – on conversations for democracy in schools* (Ministry of Education, 2000).
- ¹⁶ The responsible school minister on this issue in an interview in 1993: "The school system should not miss the chance – it was about to take the leap – to take the school into this context (of environment in schools – our adding) and how to make this very clearly? Yes, by showing this concept "environment" in the important portal paragraph in the Education Act (Wickenberg, 1999: 140).
- ¹⁷ "In the teaching in all the subjects of the school it is urgent to have some overarching perspectives... Through an *environmental perspective* they (the students – our comment) will get possibilities to take responsibility for their own environment they can influence and also to get a personal attitude to overarching and global environmental issues. The education ought to show how the functions of society and our way of living and working can be adjusted to create *sustainable development*" (Lpo 94: 7, and Lpf 94:26).
- ¹⁸ A Commission decided by the UN General Assembly in 1983 and the Chair person was the Prime Minister of Norway at that time, Gro Harlem Brundtland. The Report, *Our Common Future*, was ready in 1987. The definition of sustainable development has ever since been dominating the discourse of sustainability with the following formulation: "Sustainable development seeks to meet the needs and aspirations of the present without compromising the ability to meet those of the future" (page 40).
- ¹⁹ This inbuilt conflict is in a simple explanation: North wanted sustainability and South wanted development.
- ²⁰ SOU 2007:28, pages 69-70.
- ²¹ The Act on Higher Education finally got this formulation (our italics): Universities "should in its activities support a sustainable development meaning that present and coming generations should be ensured a healthy and good environment, economic and social welfare and justice".
- ²² <http://www.swedesd.se/>

- ²³ During 2008 another new national state agency in Sweden was established, *The Swedish Schools Inspectorate*. Englund (2011) has commented this in this way: “Concrete there has now been a transfer from an attempt to a decentralized steering with objectives to a *re-centralized result based steering* with a national School Inspectorate as a new institution” (our italics).
- ²⁴ Excerpt from the minutes from the meeting with the Legal Council 2010-02-24.
- ²⁵ This Act is applied in education and other activities as from July 1st, 2011.
- ²⁶ ...”Everyone who serves in the schools has a mission to foster respect for every human being’s own value and our common environment” (SL 1985:1100).
- ²⁷ Moderaterna, Centerpartiet, Folkpartiet and Kristdemokraterna.
- ²⁸ The new political party in the Parliament, Sverigedemokraterna, holds the balance of power in the Parliament.
- ²⁹ The Election Opinion Poll in SVT 2010 (outside the election premises): “Which importance had the following issues for your decision of political party in the election to the Parliament today?”
- ³⁰ Education Act 2010:800, 1 Ch., Specific respect to the Best Interest of the Child (Ref: Article 3 in the UN Convention on the Rights of the Child).
- ³¹ That came into force February 1st 2011 and to be applied July 1st 2011.
- ³² The Government Ordinance on Curriculum for the compulsory school system, and the leisure-time centre, issued October 7th, 2010. 1. Fundamental values and tasks of the school. This Ordinance came into force July 1st, 2011 (our italics in the curriculum text above).
- ³³ The Government Ordinance (SKOLFS 2010:14) on degree objectives in the upper secondary school’s national programme; and The Government Ordinance (SKOLFS 2010:261) on subject plans on common subjects in the upper secondary schools. The Government Ordinance (SKOLFS 2011:144) on curriculum for the upper secondary school (Lgy 2011); However, with a new amendment: “The education should be based on scientific foundation and approved experience.”
- ³⁴ Fundamental values and tasks of the school in Lgr 2011 (page 7) and in Lgy 2011 (page 5). The same in both.
- ³⁵ In this context there is in Swedish a great difference between the two words OUGHT (BÖR) and SHALL/SHOULD (SKA). The first is a recommendation and the second is a must and much more imperative.
- ³⁶ Sustainable development in the Curriculum for the compulsory school system, and the leisure-time centre, The Agency on Education, Thomas Kringsman (2010-11-18). This document also includes a detailed analysis of the examination objectives and subject plans for the upper secondary school.
- ³⁷ “Suggestion to a new Education Act. The New Education Act – for knowledge, freedom of choice and security” (Ds 2009:25). See also Sven-Eric Liedman (2011) and his analysis and critical discussions on knowledge and the concept of knowledge in this new Education Act.

³⁸ The content in the Education Act is treating in principle and over time two major functions: the development aspect; and the social control of the younger citizens in society. See more in Richardsson (2004:21-22); Lindensjö & Lundgren (2010: 13-28).

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The article takes a starting point in a model developed by Lindensjö and Lundgren, who used the terms arena of formulation and arena of realization, to illustrate what is happening with policy at national level. The policy-making processes and their results are in the end interpreted and understood through a perspective based on the concept of inertia and path dependence. It is evident as a result that the legal changes on the national political level are not hindering the continuing policy-making development and enactment of sustainable development on the professional administrative national arena.

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The aim of this sociology of law-orientated article is to analyse and describe legislative and regulatory processes concerning the task given to schools focusing on environment and sustainable development. We are describing the policy-making processes in this field from 1990 to 2011. The study involves key interviews and content analysis of national policy documents as well as legal sources, in order to describe and categorize legal norms that society, through its political and administrative institutions, highlight in school activities.

The article takes a starting point in a model developed by Lindensjö and Lundgren, who used the terms arena of formulation and arena of realization, to illustrate what is happening with policy at national level. The policy-making processes and their results are in the end interpreted and understood through a perspective based on the concept of inertia and path dependence. It is evident as a result that the legal changes on the national political level are not hindering the continuing policy-making development and enactment of sustainable development on the professional administrative national arena.