



## **Beyond ‘anti-smacking’: Challenging violence and coercion in parent-child relations\***

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### **Introduction**

The hypothesis that smacking children is unnecessary and dangerous is supported by research and by most expert opinion, including that of the UK's major children's organisations. ('Smacking', in this paper, refers to any lawful parental violence against children, from the 'tap' to the 'belt' and beyond. Apologists for smacking are often keen that different 'types' of smacking are clearly differentiated just as 'types' of violence against women were once differentiated, but in practice violence forms a continuum and the evidence is that no parental violence is necessary and all violence risks harm and encourages fear, resentment and a sense of humiliation and powerlessness.) Indeed, on one level, the anti-smacking campaign has been so successful that there are few explicit 'pro-smackers' left. Nevertheless, physical punishment of children remains prevalent and socially acceptable, and the vast majority of UK adults oppose providing children with the same protection from being hit that adults have.

This apparent contradiction cannot be resolved solely by compiling and disseminating more evidence against smacking, nor through its legal prohibition alone. Resolution requires a questioning of the underlying causes for the acceptability and prevalence of smacking. Whilst the view that smacking is effective and even a duty may seem the most *obvious* obstacle to children's protection from parental violence, it is not the most difficult obstacle. What most undermine children's protection are a cultural system that constructs children as human becomings rather than human beings, and a power system that upholds 'parents rights' over children's human rights.

The anti-smacking lobby's strategy of proclaiming its respect for traditional family hierarchies may appear to make a ban on smacking easier

\* This paper records Ben Phillips's own views, not necessarily those of the Children's Society.

to ‘sell’. We contend, however, that it fails to tackle and could even reinforce underlying beliefs about parental rights and adult power that promote violence and coercion in parent-child relations. In critiquing a ‘group’ of writings there are two key risks. The first is that of over-generalising disparate writers. We have tried to highlight differences as well as similarities, but we have still concluded that the writings do form a ‘corpus’ of work with commonalities of style and values. The second risk is that of quoting work ‘out of context’. However, the key social context in which all work on children is read is that of overwhelming adult dominance, requiring clear and consistent critical analysis. We therefore argue that advocacy to protect children from parental violence should learn from the history of women’s protection from domestic violence. (‘Domestic violence’, in this paper as in popular discourse, refers only to violence against adults, even though most violence against children is also ‘domestic’.) This shows that effective protection of vulnerable people requires not only legal prohibition of violence against them, but a challenging of prejudice about them and a strengthening of their power position.

### **‘Pro-smackers’ refuted . . . but smacking continues**

The ‘pro-smacking’ lobby’s case has rested on a model of ‘a fair smack, given in a controlled manner’ (Anne Atkins, *Daily Telegraph*, 28.05.1999). Its most eminent psychologist has defined this as ‘non-abusive’ physical punishment, backed up with milder disciplinary tactics, and only with children aged 2–6 (Larzelere, 2000). (Even this ‘restricted’ endorsement of smacking has been considerably criticised. Of the eight studies used to justify it, five were laboratory studies by the same team assessing only immediate outcomes. In two others their authors warned that they should ‘not be used as general evidence supporting punitive parenting or corporal punishment’ (Waterston, 2000, p. 1540).) Yet the model of restrained and reliable smackers appears not to apply to most British parents. Thus, for example, though the Department of Health insists that ‘it’s never OK to shake or smack a baby’ (DoH/NSPCC, 1998) and almost all parents agree that children under 2 years should not be smacked (Gosschalk and Dickson, 1999, p. 2; DoH, 2000, p. 21), parents report that three-quarters of 1 year olds and more than half of all babies under 1 year have been smacked (Barnardo’s, 1997, p. 13). Smacking is usual rather than exceptional: among 4 year olds, 48% are hit more than once a week. It is strongly linked to issues unrelated to children’s behaviour: ‘33% of children whose parents had a poor marital relationship had experienced severe punishment, compared with 7% of children whose parents’ marriage was stable’

(Smith, 1995; Nobes and Smith, 1997, in Leach, 1999, pp. 7, 9). As for being 'given in a controlled manner', parents 'are most likely to smack when they are under stress' (NFPI, 2001, p. 6). Many children may be hit even more than their parents realise or intend since, for example, many mothers appear to be unaware of the extent of paternal smacking. (While mothers told interviewers that 55% of fathers had hit their children, 91% of fathers told interviewers they had done so (Nobes and Smith, in Leach, 1999, p. 7).)

Real-life parents differ from the textbook parents of pro-smacking rhetoric. "The line between physical punishment or what is termed "reasonable chastisement" and abuse or actual physical or mental harm is too fine for the practice to be retained without exposing children to danger of real damage. The use of excessive force and the occurrence of accidental injuries is a prevalent reality' (Vice-Chair of the UN Committee for the Rights of the Child, Karp, 1999, p. 2). In the only published study of British 5–7 year olds' views of smacking, most children understood smacking to mean 'hard hitting' (Willow and Hyder, 1998, p. 11). The superficially commonsensical Government line that 'the vast majority of parents know the difference between a mild physical rebuke and an abusive assault which is dangerous' (John Hutton, Health Minister, *Independent* 19.01.2000) is uncomfortably similar to the argument of many abusers: 'I didn't beat my children. There is smacking that is correct and smacking that is hatred. You don't kill people by smacking them' (Marie Thérèse Kouao at the Climbié inquiry, *Guardian*, 08.01.2002). It is 'very noticeable that parents who injure their children ... more often than not relate the event to a concept of punishment, even when they accept that they went "too far"' (General Secretary of the British Association of Social Workers in EPOCH, 1990a, p. 3).

Anti-smacking advocates have demonstrated that smacking is ineffective and can be counter-productive. Social workers report that the legal acceptance of physical punishment helps violent parents to legitimise their behaviour to themselves and others, discourages public reporting of possible abuse and hampers early intervention. Tolerating smacking increases the risk of severe parental harm. In Sweden, in the five years before the 1975 ban on smacking, five children died at the hands their parents in 'disciplinary' incidents (Somander and Rammer, 1991, p. 53, in Durrant, 2000, p. 17); in the following twenty years, only one child died at the hands of their parents (Durrant, 2000, p. 17). Violence appears to breed violence: US studies found that spanked children had a higher 'anti-social behaviour index' 2–4 years later than the unspanked children, and that the more spanked, the higher the index (Gunnoe and Mariner, 1997; Straus *et al.*, 1997; Brezina, 1998, in Leach, 1999, p. 19). Since banning smacking, rates of youth crime in Sweden

have broadly ‘remained steady’ or declined, and rates of youth suicides have declined. Furthermore, even though *reporting* of parental assaults on children has gone up, prosecution rates have not increased and compulsory social work interventions have declined (Durrant, 2000, pp. 6, 26–27). This suggests that prohibition of smacking helps to protect children and harms neither social peace nor family life.

Partly in response to such evidence and anti-smacking campaigns by EPOCH (End Physical Punishment of Children) and CaU (Children are Unbeatable Alliance) there are few explicit ‘pro-smackers’ left (Henricson and Grey, 2001, p. 2). All the major children’s organisations oppose smacking. 2/3 of parents who smack say that they usually regret doing so (Gosschalk and Dickson, 1999, pp. 2–3). Asked for the most effective ways of ‘teaching children right from wrong’ 76% of parents mention ‘setting a good example’, 73% ‘making children feel happy and loved’, and 71% ‘spending time with children’, while ‘smacking children’ is suggested by just 16% (NFPI, 2001, p. 6). The Government is committed to helping parents to use ‘means other than physical punishment’ (DoH, 2000, p. 4), and now advises parents:

If you hit your child you’re telling the child that hitting is reasonable behaviour. Children who’re treated aggressively by their parents are more likely to be aggressive themselves and to take out their angry feelings on others who are smaller and weaker than they are. Parents do sometimes smack their children, but it is better to teach by example that hitting people is wrong (HEA, 1997 quoted in NCB, 1998, p. 5).

Yet, in spite of all the above, 75% of parents still smack their children (NFPI, 2001, p. 6), and most British adults, and the Government, oppose a ban on smacking. (The devolved government in Scotland briefly took a slightly different view – including proposing a ban on smacking children under 3 – but most children could still have been legally smacked.) They are mostly not ‘pro-smackers’, but people who oppose ‘interference’ in traditional family hierarchies. Yet they perpetuate the values and power systems that make smacking acceptable and possible. Thus, we argue, the challenge to smacking needs to go beyond technical inquiries into smacking as a ‘method’, and to ask deeper social questions: Are children human becomings or human beings? And should parents’ rights take priority over children’s human rights?

### **Human becomings . . . or human beings?**

The dominant view in Western psychiatry and psychology, adult public and media opinion is that children are vulnerable, dependent, irrational and

unaware both of others' needs and their own best interests. The view is currently challenged in several ways. Social research has shown that apparent divisions between adult competence and childish incompetence represent social constructions rather than natural reality. Surveys of the Majority World show that children can be independent in 'adult' ways, such as by earning their own living and taking care of siblings. After infancy, the dependence of most Western children is not biologically inevitable, but is elected or enforced through law, economics, social customs and beliefs (Rogoff *et al.*, 1976; Boyden, 1990; Ennew, 2000). Even in the UK, thousands of children are the main carer for a sick or disabled relative (Dearden and Becker, 2000).

Smacking and coercion bypass reasoning as if children cannot or will not be reasonable. Yet children as young as 3 have been shown to have an understanding of the notion of multiple perspectives that had previously not been thought to 'emerge' until aged 7 years or more (Donaldson, 1978). From their first years (Dunn and Kendrick, 1982; Tizzard and Hughes, 1984; Dunn, 1998; Alderson, 2000), and indeed their first days (Klaus and Klaus, 1998; Murray and Andrews, 2000), children are shown to have sophisticated understanding and immensely sensitive responses to complex human relationships. Parents can avoid coercion when they engage in such mutually respectful understanding with their babies from birth.

Research evidence of young children questions the traditional 'biologising of childhood' (Morss, 1990) as a pre-social state. It illustrates that 'the bases of child development theory are best regarded not as scientific, in the sense of being tested and proven, but as assumptions based in biological and philosophical theories current in the nineteenth century' (Mayall, 1994, p. 2):

Some differences between children and adults are morally significant. Children have less power, are more vulnerable, are emotionally and economically dependent, and so on. Depending further on age and situation they may need support as far as their intellectual and practical capabilities (just like adults, I hasten to add). But the idea that what makes the difference is competence versus incompetence is for the greatest part and perhaps even simply a myth. It is a bad philosophy of childhood (Mortier, 1997, p. 111).

The UN Convention on the Rights of the Child 1989 supports the new understanding of children:

The new image of the child under the Convention . . . depicts the child not only as a vulnerable subject of protection, but also as an active, developing human being with evolving capacities, who is entitled to respect for his or her human dignity as an autonomous human being (Karp, 1999, p. 2).

Yet these new understandings have not transformed the popular ‘parenting manuals’, which still blame ‘the age of a child [for disagreements between children and adults] without reference to the context [and] with no mention of the adults concerned examining their own role in the situation’ (McLarnon, 2001, p. 8). Thus the best-selling *Complete Baby and Childcare book* advises:

Young children nearly always have tantrums out of frustration or because they are pitting their wits against that of others . . . an effective technique is to leave the room (Stoppard, 1995, in McLarnon, 2001, p. 8).

Disappointingly, many anti-smacking publications, too, use language that encourages the same ‘disrespectful and discriminatory attitudes to children’ (Barnardo’s, 1997, p. 4):

We all know how maddening it can be to try to finish a chore against a child’s whining (EPOCH, 1989, p. 5).

Some publications are more reflective:

Get behind words such as “attention seeking” or “sulking”. These are judgements of children made by adults (Save the Children, 2000b, p. 12).

Yet much of the anti-smacking literature appears somewhat confused about whether children really are people worth listening to. Thus the leaflet that advises ‘respect your child as you would another adult’ also advises:

Give them their say, listen to them, respect their point of view, but don’t let them bore or blackmail you into giving in against your better judgement (NSPCC, 2000).

A contemporary leaflet designed to discourage men from hitting female partners would never use such language about women. Likewise, children’s advocates could be expected to deconstruct and challenge oppressive stereotypes of omniscient adults and nagging children, not reinforce them. The adult-centred discourse through which children’s protests are ‘reduced to a sound – whining’, is likely to exacerbate their social exclusion and their vulnerability. As an NSPCC child protection officer remarked, ‘we are too accustomed to regarding children as an irritation, a noisy messy nuisance’ (Kitzinger, 1990, p. 169). Children often *are* distressed, but this is in large part a reflection of ‘the structural reality of their experiences of exclusion and marginality’ (Coppock, 2002, p. 152).

Children are frequently described in the anti-smacking literature as mere apprentices with nothing to offer: ‘Remember you’re the grown up. Your children are your apprentices in learning how to behave: show and tell them

how it's done' (EPOCH, [undated]). Although parents are encouraged to 'explain the moral values – like honesty, justice or respect for others – that lie behind your orders and exhortations', this is not as part of a dialogue. Instead it is a one-way process of 'offering those values to your children so that they can take them in and make them part of themselves' (EPOCH, 1989, p. 12). Some more positive anti-smacking literature advocates more interactive, mutually educative relationships between parents and children, reminding parents,

you will learn important things from them. They have ideas you need to hear and feelings and reactions you need to know about (CRO, 1999, p. 26).

Yet it is still designed for programmes in which adults teach other adults how to interact with children. Children's own views on smacking were sought out in one innovative project (Willow and Hyder, 1998), but the anti-smacking literature does not mention children's views of any other aspect of family life, such as 'non-violent' punishment, power, coercion, autonomy, kindness, support, and communication. On these issues, parents are encouraged to listen to adult 'experts', not to children. (The National Family and Parenting Institute accepts that 'children's views are often not sought in surveys which focus too exclusively on family life from the parents' perspective'. Yet the only children it has consulted so far are teenagers (NFPI, 2000, p. 1).) This reinforces the presumption that children cannot speak for themselves and require adults to speak for them:

Children are coming to the fore in adults' minds, but the danger is that adults may continue to be . . . the representers of their interests, rather than the . . . active seekers out of children's own perspectives (Oakley, 1994, p. 20).

Children are described in anti-smacking pamphlets as being without understanding or morality: 'two-year-olds cannot be "good" or "naughty" on purpose because they do not yet know right from wrong or understand what makes the difference' (EPOCH, 1989, p. 8); as blank slates onto which adults must '*introduce* important values like truth, honesty and unselfishness' (EPOCH, 1990b, our emphasis); and even a commodity: 'unlike most precious goods, babies don't come with a set of handling instructions' (DoH/NSPCC, 1998). Indeed, at times children are unseen as well as unheard: '53% of Swedes' is used to mean 53% of Swedish adults (Durrant, 2000, p. 6), and '3 in 4 people' to mean 3 in 4 adults (Gosschalk and Dickson, 1999, p. 2), even though the surveys are about children. The anti-smacking lobby

can then hardly criticise the Government for defining ‘public acceptance’ as adult acceptance (DoH, 2000, p. 5).

Ignoring or marginalising children’s views undermines the dialogue between equals that is the only real alternative to coercion:

How can I dialogue if I always project ignorance onto others and never perceive my own? . . . How can I dialogue if I start from the task that naming the world is the task of an elite? . . . At the point of an encounter there are neither utter ignoramuses nor perfect sages; there are only people who are attempting, together, to learn more than they know (Freire, 1972, p. 71, in Kirby, 2002, p. 281).

An inevitable consequence of portrayals of children as fundamentally ignorant and irrational is the assumption that only physical control and containment will prevent them from harming themselves or others. Though the anti-smacking lobby declares that the ‘the aim is not to replace one form of punishment with another, but to replace punishing discipline with positive discipline’ (CRO, 1999, p. 67), at times the anti-smacking discourse is at least as authoritarian as that of pro-smackers. ‘Once you’ve said “no”, stick to it’ (EPOCH, 1990b). Even if you are wrong? Non-smacking parents, the anti-smacking lobby insists, ‘care just as much as everyone else about their children’s behaviour. In fact a lot of them are rather strict parents who set clear limits’ (EPOCH, 1989, p. 2). Does ‘strict’ mean ‘physical’? Yes. Thus parents are advised: ‘Use your superior size and strength to diffuse situations rather than to hurt’ (EPOCH, 1989, p. 14). In other words, you’re bigger, take advantage of that. A later leaflet modifies the advice to: ‘Use your superior intelligence and your size and strength’ (EPOCH, 1990b), thus recommending that parents think, but only in order to get their way rather than to reassess whether they *should* get their way. As to how parents should utilise their physical supremacy, the advice is:

If your child is being silly . . . and refusing to take you seriously . . . grasp the child firmly by the upper arms so s/he cannot avoid looking at you and then talk. If the “conversation” starts out with a yell, well, that’s a lot better than a blow (EPOCH, 1989, pp. 14–15).

Later pamphlets steadily soften the language:

Take him (gently) by the upper arms so the two of you are face to face, and then talk (EPOCH, 1990b).

Hold your child gently by the shoulders or hands while you make the request (Save the Children, 2000a, p. 17).

Though the nuance changes, however, the underlying message remains that parenting is about physical control. This despite the same guide defining 'negative' approaches to include 'body language' that identifies 'the physical stance of adults in a powerful way' (Save the Children, 2000b, p. 13). The value system behind smacking is that force is justified with children who are unable or unwilling to reason, and while inaccurate and demeaning portrayals of childhood continue, this kind of 'common sense' will endorse adults' violence.

Even if smacking is largely eliminated (and a legal ban alone is unlikely to achieve this), violence will continue through 'the power of adults, as parents and professionals, to define the oppositional behaviour of children and young people as "illness" and "disorder"' (Coppock, 2002, p. 140). As longitudinal studies demonstrate the technical inadequacies of each 'method' for ensuring children's submission, new 'methods' will emerge which may be equally harmful. Consider, for example, the Government's guidance on 'alternatives' to smacking, which claims that 'the most satisfactory and desirable way of resolving most conflict situations . . . [is] keeping the child in, sending the child to his or her room, or stopping the child doing something that he or she likes' (DoH, 2000, p. 4); consider too, the massive increase in the use of drugs to control and subdue children, with Government figures showing 2,000 NHS Ritalin prescriptions in 1991, 14,700 prescriptions in 1995 and 158,000 in 1999 (Coppock, 2002, p. 140). 'Physical punishment' is not an isolated issue but 'reflects a domineering, non-communicative attitude towards the child, one which disregards the child's opinions and views, leaves the child outside the realm of understanding and logic' (Vice-Chair of the UN Committee on the Rights of the Child, Karp, 1999, p. 3). Challenging smacking necessitates challenging such attitudes. Replacing smacking with respect, instead of with new enforcements, requires that children are recognised as social subjects and not simply as the objects of adult projects.

A critical analysis of traditional portrayals of childhood needs to go beyond recognising these as 'social constructions', and to ask, who is doing the constructing, how are they doing it, when and where and why are they doing it? (McKinnon, 1997, p. 161). New evidence alone doesn't alter prejudicial value systems, which serve not only to explain but also to legitimise and assist dominance. This applies to 'expert' and 'scientific' discourse as much as to 'popular' discourse. As feminists have noted:

In the past, legions of highly trained doctors and scientists have failed to see and criticise what is wrong with the biomedical and behavioural models of female behaviour. Why? . . . They had no alternative framework within which to develop new sight. Feminism provided that new

vision . . . Good science . . . can prevail only when the social and political atmosphere offers it space to grow and develop (Fausto-Sterling, 1985, pp. 209, 213, in Harding, 1991, p. 303).

‘Adults construct the children they need’ (Franklin, 2002, p. 29). ‘Those who are the subjects . . . have little or no power in the construction of accounts about them’ (Lincoln, 1993, p. 32, in Mason and Falloon, 2001, p. 102). For this reason, changing dominant assumptions of adult-child relations cannot be effected without changes in power systems. Parents’ habitual exercise of their immense structural power over children makes children’s subordination seem both ‘practical’ and ‘natural’. As one boy remarked, ‘it’s because they think they have power over kids, so they can treat them however they want . . . sort of like, it’s my kid, I can do whatever I want with them’ (in Mason and Falloon, 2002, p. 106).

### **Parents’ rights . . . or human rights?**

The second key obstacle to protecting children from parental violence is the hegemony of ‘parental rights’. As a value system, it is expressed by its apologists as ideological support for the family, sympathy for ‘hard-pressed’ parents, and dislike of ‘nanny-statism’ and interfering ‘experts’:

The way that parents punish their children is a matter for the individual family . . . When it comes to disciplining them, I don’t like the idea of someone else dictating what I can or can’t do (‘Mum of 4’ Louise Saril, *Mirror* 10.11.2000).

The Government, to avoid being seen as ‘the nanny state restricting the rights of parents’ (Health Minister John Hutton, *Independent* 19.01.00), decided to ‘avoid heavy-handed intrusion into family life’ (DoH, 2000, p. 4). This looks like argument for people’s autonomy but, like the old adage that ‘an Englishman’s home is his castle’, is in fact derived from a discourse of patriarchy, with parents promised virtually untrammelled power over ‘their’ children. ‘The United Kingdom position represented a vestige of the outdated view that children were in a sense their parents’ chattels’ (UN Committee on the Rights of the Child, 1995, in Newell, 2002, p. 376).

Underlying ‘parents’ rights’ is parental power. It is not only the legal toleration of smacking which enables and endorses parents ‘right’ to use violence and coercion against their children. With minor exceptions, the entire legal, social and economic system ensures a massive disparity in power between

parents and children, hugely restricting children's autonomy and ability to defend their human rights.

Women's struggle against domestic violence showed that effective protection is impossible when those experiencing violence are powerless and their oppression is ignored as a 'private' matter. Nowadays, explicit tolerance of domestic violence on the grounds that 'we have to balance the rights of women with the stresses on hard working men' or that 'the husband's rights should be respected' would be rare. Yet as recently as 1975, the Association of Chief Police Officers formally justified such non-interventionism arguing that 'we are, after all, dealing with people "bound in marriage", and it is important, for a host of reasons, to maintain the unity of the spouses' (in Hale, 1997, p. 6).

Feminists have now 'radically altered our understanding of family privacy, asking among other things "whose privacy?"' (Roche, 2002, p. 70). They have challenged the once dominant image of the benevolent family patriarch, but only, it seems, in relations between adults. The control deemed to have been oppressive for women is still seen (though now in a modernised, moderated, 'feminised' form) to be good for children. Yet if men are no longer seen as reliable controllers of women, why should they be assumed to be reliable controllers of children? And if women's and children's lack of power led to their oppression, why should an increase in women's power negate the need for children to have more power also? A deeper analysis would look at

[women's] role *as women* in the perpetuation and maintenance of systems of domination . . . women who are ourselves exploited, victimised, are dominating children . . . we all have the capacity to act in ways that oppress, dominate, wound (hooks, 1989, pp. 20–21, our emphasis).

As Firestone insists:

We must include [challenging] the oppression of children in any programme for feminist revolution or we will be subject to the same failing of which we have so often accused men; . . . of having missed an important substratum of oppression merely because it didn't directly concern *us* (1972, pp. 101–102, in Oakley, 1994, p. 31).

Yet, compared to that of women, children's power position within families has seen little improvement in this 'post-patriarchal' age, and many feminists appear resolved to the parentalism that Firestone warned against.

Children's NGOs, while working with and for children to promote their rights in public arenas and services, in regeneration, local government and national policy, have given much less attention to power relations within the

family (Cunninghame, 1999; Cutler and Frost, 2001). NGOs have shown children to be competent researchers, journalists, and activists, negotiating the difficult adult-centred systems of schools, health authorities and local governments. In contrast, in the context of the home, children are still portrayed as passive irrational objects being 'brought up' (well or badly) by adults. Despite the advice to those wishing to help to increase children's participation to 'start with immediate environments that young people experience . . . rather than areas more remote from daily life' (Cutler and Frost, 2001, p. ix), NGOs tend not to work with children on promoting more participatory families. Yet no environment is more 'immediate' than the home. The NGOs' and anti-smacking lobby's desire to placate the powerful 'parents rights' lobby is understandable, but does this approach advance children's protection or undermine it?

International development NGOs used to try to promote women's power through 'inclusion in public projects' whilst avoiding 'interfering' in the family hierarchy. It was much easier to find new things for marginalised groups to do than to challenge the structures of marginalisation – but these had a correspondingly much weaker impact. Just as feminists discovered that the key issue to women's inferior status was gender power relations and especially those in the family, so promotion of children's best interests has to address generational power relations, including those between parents and children. 'If the principles and standards of the Convention [on the Rights of the Child] are to have reality for all aspects of children's lives . . . the debate must extend into the family' (Lansdown, 1995, p. 9).

Whilst, in general, home is a friendlier place for children than, say, school, and most children feel 'loved and cared for' (NFPI, 2000, pp. 2–3; Mason and Falloon, 2001; Hood *et al.*, 1996), the evidence regarding 'physical punishment' and mistreatment of children illustrates the flaws in the model of the parent as all-powerful altruist. As outlined earlier, parents smack and 'punish' in large part because of relationship problems and stress rather than the 'misdeeds' of their children, and the 'haven' of the home is where 'as we know beyond doubt, most violence to children is perpetrated' (Karp, 1999, p. 7). This cannot be explained merely in terms of a few 'bad' parents, for there cannot be 'an exceptionalist explanation of a universal problem' (Smith, 1989, p. 24, in Maynard, 1993, p. 101). Instead, we must look at the systems which legitimise and enable violence against children, just as feminists explained violence against women 'not as the pathological behaviour of a few "sick" men . . . [but rather as] the extension of a system of practices and laws which sanctioned men's rights to regard women as their property and therefore keep them under their control' (Frances Power Cobbe, 1878, in Maynard, 1993, p. 101). The Stanford Prison Experiment, too, illustrated how

easily ordinary people can be conditioned through a set of power relations and value systems to override the rights and wellbeing of others. Thus, whilst ‘it is *shaming* that the smallest and most vulnerable of people should be the last to be protected by law’ (Newell, 2002, p. 374, our emphasis), it is not *surprising*. Power corrupts, or at least runs the risk of corrupting. In justice, one person cannot be at once the aggrieved person, witness, prosecutor, judge and agent of punishment. The licence to control, punish or coerce is too easily open to abuse.

Some of the anti-smacking literature recognises that parents are not infallible. For example, parents worried that ‘children might make a “wasteful” decision’ are gently reminded that ‘it can help to think of wasteful decisions that we have made’ (CRO, 1999, p. 25). Yet, the proposed ban aside, the anti-smacking lobby has said little about whether adults should have so much power over children, and has even helped to perpetuate the notion that the ideal family is one in which children always and unquestioningly do what their parents want:

What are ‘good’ children? Perhaps children who . . . can adjust their behaviour to our moods; don’t let us down in public (EPOCH, 1990b).

[Children] have to be persuaded to behave in ways their parents can stand because if parents can’t stand their children’s behaviour, homes are full of frustration and anger and nobody has any fun. (EPOCH, 1989, p. 3).

In this context, to challenge smacking is not to ask a social question (should parent-child relations be based on coercion or discussion?) but merely a technical one about how to ‘produce’ the most ‘well-disciplined’ children (Barnardo’s, 1997, p. 5): ‘What kind of discipline will give you children who are like that more often than not, from the youngest possible age?’ (EPOCH, 1990b).

That the goal is a quiet submissive child is challenged by other leaflets, which advise that ‘sometimes naughtiness and disobedience is a healthy sign!’ (NSPCC, 2000), and that

if a child persistently misbehaves, we need to look at deeper causes. What does misbehaviour mean? Is a ‘naughty’ child just someone trying to tell you how they feel? (Save the Children, 2000, pp. 18–19).

These more positive publications imply that family relations should be about members all co-operating *with each other*, yet even they return ultimately to discussing ‘ways to develop *children’s* co-operation’ (Save the Children, 2000, p. 1, our emphasis). This is a risky approach as it fails to differentiate

itself adequately from, and offer a critique of, more authoritarian variants. If the point is merely to ‘develop children’s co-operation’ rather than to promote their best interests, the result may be sterile research into different punishments rather than into ways to support children and encourage mutual respect.

In seeking to get parents ‘on side’, a lot of anti-smacking literature too often ducks a proper critique of parental power. Thus for example, in *All right at home?*, the answers to the question ‘What about parents’ rights?’ include

Parents have a right to . . . discipline their children [and] withdraw children from sex education at school (CRO, 1999, p. 16).

While this constitutes an accurate statement of UK law (just the sentence ‘parents have the right to hit their children’ would), it is not really a human rights view, and may be interpreted as giving approval to parentalism. The *Gillick* judgment, in contrast, asserted that parental rights exist only in so far as they benefit children, not as a concession to adults, thus challenging the whole concept of ‘rights’ *over* children, especially coercive ‘rights’. ‘Deny[ing] children access to knowledge and power . . . increases their vulnerability’ (Kitzinger, 1990, p. 161). As *All Right at Home?* points out, ‘Children who have been brought up to obey adults automatically, even when it feels wrong, are at a disadvantage when faced with inappropriate advances from strangers’. Yet it also accepts that ‘children are far more likely to be hurt by someone they know than by a stranger’ (CRO, 1999, pp. 50–51), implying (but not stating) that automatically obedient children are also at greater risk from inappropriate action by *parents*. How can this be challenged without reference to intra-family power relations? ‘There is a widespread fear in the children’s rights movement of being labelled ‘subversive’ yet, as Kitzinger asks, ‘what change can be made to children’s position within society *without* subverting existing hierarchies, without challenging “society as we know it”?’ (1990, p. 172).

Reticence about power issues is seen in the anti-smacking lobby’s advice to parents against humiliating children. ‘Don’t use threats or shout . . . don’t ridicule children’, they advise (Save the Children, 2000, p. 15). Yet in contrast to their calls for a legal ban on smacking, they do not campaign to prohibit humiliating treatment. They say that ‘we seek the abolition of smacking and spanking in particular not because it is the worst kind of punishment used on children but because it is visible and definable’ (Barnardo’s, 1997, p. 4). However, employment law bans humiliating treatment by employers, and several countries have banned all ‘injurious or humiliating treatment’ of children (Swedish Parents Code Chapter 6 Section 1 in Durrant, 2000, p. 7). The Finnish Child Custody and Right of Access Act 1983 declares that

the child ‘shall not be subdued, corporally punished or otherwise humiliated’ (CaU, 1999, p. 3). The Government’s definition of domestic violence against adults is equally broad:

[It] may include mental and verbal abuse and humiliation. Your partner may not give you any money, constantly criticise you or forbid you to see your friends and family . . . He may offer ‘rewards’ on certain conditions, or in an attempt to persuade you that the abuse won’t happen again (Home Office, 1994, p. 1).

A CaU paper on proposals for legal reform notes that ‘as yet we have no significant definition of parental responsibility in the Children Act . . . [which would be] the place to make it clear that children must not be subjected to corporal punishment *or any other humiliating treatment*’ (CaU, 1999, p. 3, our emphasis). CaU has not widely publicised the proposal, however, nor, importantly, included it in their Statement of Aims.

The anti-smacking lobby believes that hitting a child should be ‘no longer be more defensible than hitting your wife or neighbour’ (Barnardo’s, 1997, p. 10), but proposes a much less robust model of enforcement than that advocated regarding domestic violence. The law’s primary function is seen as one of ‘public education’, combined with ‘an assurance of effective child protection in the *few* cases where it is needed’. It would only ‘*technically*’ criminalise all smacking (CaU, 1998, our emphasis):

Nobody wants to sniff out and criminalise parents who smack. That’s the last thing children want, after all (Barnardo’s, 1997, p. 10).

Imagine a modern pamphlet on domestic violence stating:

Nobody wants to sniff out and criminalise men who hit – that’s the last thing their partners would want, after all.

Instead, the official line is

Domestic violence is a crime which the police now deal with as a very serious matter . . . Their first priority is for your safety and well-being (Home Office, 1994, p. 3).

Bring . . . perpetrators to justice – the legal system must deter crime of violence (Home Office, 1999, p. 4).

The same legal difficulties in proving assault that are portrayed by the leaders of the anti-smacking lobby as a reassurance against trivial cases (Barnardo’s, 1997, p. 10) are seen by anti-domestic violence advocates as a hindrance to effective protection (McCann, 1985, p. 94, in Maynard, 1993, p. 117).

Though police and legal intervention is traumatic for children (King and Trowell, 1992), accepting the status quo is also traumatic. With domestic violence it has been agreed that it is better to make the system work for women than to leave them without legal protection. Indeed, the police have concluded:

One of the most significant changes in police attitudes has been towards a 'pro-arrest' approach as an effective means of reducing repeat victimisation (Home Office, 1999, p. 32).

As with most laws to promote children's rights, a legal smacking ban is most likely to be *under*-implemented. Neither social services or police are known for taking children's side, while Freeman and others describe the 'sustained interpretational backlash' by judges 'unable to grasp the implications of the Children Act' (Freeman, 2002, p. 101; Roche, 2002, p. 67). In such a context, it should be asked whether it is advisable for children's advocates to endorse a 'minimalist' interpretation of the proposed law on smacking.

Domestic violence is tackled by increasing women's access to information:

Women need to know they can find the support they need, when and where they need it (Home Office, 1999, p. 8).

[The Government's] first priority [has been] to publish leaflets and supporting papers for people *experiencing* domestic violence (Home Office, 1999, p. 46, our emphasis).

The anti-smacking lobby, however, says little about children's rights to information. They propose 'education campaigns to persuade parents' (Barnardo's, 1997, p. 9), but not also to inform children. In Sweden, in contrast, 'information about the law [against smacking] was printed on milk cartons for two months, in order to have information about the law present at mealtimes, when parents *and children* are together, so that families could discuss the issue' (Durrant, 2000, p. 8, our emphasis).

The recognition that 'one of the reasons that many women stay in an abusive relationship is because they wonder how they will manage financially if they leave' (Home Office, 1994, p. 4) has influenced reforms recognising equal ownership of family property and better rights at divorce, and measures to improve housing support. These have considerably shifted 'the balance of legal power within marriage', when previously, 'the remedies for violence and other forms of abuse within the relationship were quite inadequate' (Hale, 1997, pp. 11, 6). Likewise, 'children's need for protection ... would be substantially reduced if they had more access to social, economic and political

resources' (Kitzinger, 1990, p. 177). Yet children remain entitled to none of the child benefit or credit paid in their name and marginalised in the labour market, a situation exacerbated by the removal of benefits to 16 and 17 year olds. The relationship between financial dependence and 'acceptance' of ill treatment requires much greater attention from children's rights advocates.

Women's refuges provide essential 'physical protection, confidentiality, support and advice' (Home Office, 1999, p. 23). Although not perfect, they are accepted as a vital 'practical escape route from violence and a public symbol of the rejection of such violence ... the most highly visible and obviously concrete challenge to the legacy of indifference to male violence' (Dobash and Dobash, 1992, p. 289). Although the Children Act 1989 authorised children's refuges to be set up, however, in contrast to the 400 refuges for women, there is only one remaining refuge for all of England's runaway children. It has eight beds. As it is not advertised, children cannot know about it or apply to it, unless they are referred by the police or an organisation like Childline. The need for more refuges receives little mention in the anti-smacking literature. Children are, of course, welcome at most women's refuges, but only if accompanied by their mother – not much of an option if their mother prefers to stay in the violent home, or if it is their mother who is mistreating them. Children can also refer themselves to Social Services, but many have had disappointing previous experiences with Social Services and, in a state of fear, do not wish to leave it up to a state official to determine whether, when and where they can escape. 16 and 17 year olds can sleep at adult homeless night shelters but do not have the same rights that adults have to longer-term accommodation.

There are differences in the context of violence against children and against women and in the solutions. Children lack the individual and collective agency women can have, including the vote (Mason and Falloon, 2001, p. 112). Yet can structural disadvantages (which once held back women) be overcome or at least modified for children too? Children do resist, act collectively to secure shared goals and operate 'politically'. Just as many disadvantaged women benefit from refuges set up by the better off, children's opportunities for action can be facilitated by adults. The anti-smacking lobby, however, has concentrated overwhelmingly on trying to win over adults rather than to alter children's lowly, powerless status. Adults working to protect children from violence need to shift from merely trying to civilise adult dominance to beginning to question it; from focusing primarily on how to make a smacking ban palatable to adults, to opening up debate on how it can be made it work for children. This, in turn, requires an increased role for children in shaping the child protection agenda.

## Conclusions

The anti-smacking lobby, led by EPOCH and CaU, has been extremely successful in demonstrating that smacking is unnecessary and dangerous. This is a considerable achievement. Yet, whilst there are now few ‘pro-smackers’ left, there are many who smack and smacking remains socially acceptable. This paradox demonstrates the need to challenge assumptions that children are irrational or selfish, and that parents have a right to children’s obedience. Here the anti-smacking lobby has done much less.

This may be because it is hard to think outside dominant assumptions. It is also risky for those whose authority derives from their status as adults and experts to challenge the bases of their own privilege. A more likely explanation, however, is the widespread fear of alienating supporters who might dismiss more radical proposals as ‘anti-parent’ or as ‘anti-common-sense’. An obvious way to deflect such attacks is to be seen as moderate and respectable, trying to make the present power imbalance more benign and efficient rather than to challenge it. This expedience involves taking a sympathetically pro-adult stand, such as by agreeing how ‘difficult’ children are (as if parents are never ‘difficult’ for children). If placating power holders could effectively transform violent traditions and the underlying institutionalised causes of this violence, it would have much to recommend it. Will this approach work, however?

History indicates that it will not. Although to excuse limited parental violence and to leave parental power unchallenged may help to make the anti-smacking message more palatable to voters, it does not solve the problem or its origins. Indeed, it may mask the basic problems that make parental violence and coercion so prevalent, and thereby prolong them. As the Inquiry into Jasmine Beckford’s death concluded, ‘Jasmine’s fate illustrates all too clearly the disastrous consequences of the social workers having treated [the parents rather than the child] as the clients first and foremost’ (London Borough of Brent, 1985, p. 294, in Roche, 2002, p. 61).

The problem of parental violence cannot be ‘solved’ either in isolation from the social context or by legal prohibition and gentle persuasion alone. One third of children born after the legal smacking ban in Sweden have been hit by their parents (Durrant, 2000, p. 10). A significant improvement, but hardly a ‘generation without smacking’. As long as children are seen as unreasonable, foolishly volatile, and unaware of their own best interests, ‘common sense’ will continue to support violent and coercive parental control. Furthermore, ‘telling children that they “have” certain rights is not enough – they need either practical experience of those rights and/or some idea of the forces which deny them those rights and ways of fighting for them’ (Kitzinger, 1990, p. 174). Violence against women did not stop with

its legal prohibition. Divorce law reform, anti-discrimination laws, refuges, policing reform and a great increase in public respect for women (all hard won), ensure that violence against women is harder to perpetrate and easier to challenge.

Following the UN call to advance ‘the smallest democracy at the heart of society’ (in Lansdown, 1995, p. 7), we conclude this paper with some practical suggestions towards that end. They would reinforce a legal ban on smacking. To succeed, these methods will rely on children’s allies, including the anti-smacking lobby and children’s NGOs, working with children and young people, practitioners, researchers and policy makers:

- Find ethical ways to break through the current silence and secrecy, in order to research and publicise children’s own experiences of parental violence, how they react and cope, and what kinds of help they want. Develop ways for children to share their stories and support.
- Promote the new understanding of children’s competence and morality, including further research into ‘amazing’ babies (Klaus and Klaus, 1998) and the immense mutual rewards in give-and-take relationships that parents and children can enjoy from the start.
- Question why parenting ‘manuals’ are so concerned with coercion and endorsing parents’ power and their children’s compliance. Promote the principles of UN Convention on the Rights of the Child 1989 in relations between children and parents as well as in relations between children and NGOs and children and the state.
- Apply the lessons from challenging domestic violence. Check all parenting education materials, mentally replacing ‘child’ with ‘woman’, to realise and correct double standards and challenge negative stereotypes about children. Examine the relationship between financial dependence and ‘acceptance’ of ill treatment. Increase services like Childline, and escape routes and refuges for children in violent homes. Publicise these services widely where children and adults can learn about them.
- Analyse how social contexts pressure parents to over-restrict children, such as limited and dangerous public spaces, the child-unfriendly public policies and mass media, over-demanding nurseries and schools. Then promote supportive child-friendly communities and services that help to defuse and prevent violence.

Family life is full of complicated paradoxes – power and intimacy, love and violence, public and private concerns. There are, inevitably, both harms and benefits in families trying either to remain static or to change. The effective protection of children, however, like that of women, requires not only legal prohibition of violence against them, but a challenging of prejudice about

them and a strengthening of their power position. Adult power and convenience need to be disentangled from assumptions about children's best interests. Adult might is neither right nor 'a right'. The protection of children involves challenging the coercive power of parents and recognising the moral and practical value of children's own reasoned resistance to parental violence and coercion.

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