



City Research Online

City, University of London Institutional Repository

Citation: Kotanen, R. ORCID: 0000-0003-0062-1192 (2018). Establishing Laws and Policies on Parent to Child Violence in Finland 1965-1983. *Children & Society*, 32(2), pp. 110-120. doi: 10.1111/chso.12234

This is the accepted version of the paper.

This version of the publication may differ from the final published version.

Permanent repository link: <https://openaccess.city.ac.uk/id/eprint/25022/>

Link to published version: <http://dx.doi.org/10.1111/chso.12234>

Copyright and reuse: City Research Online aims to make research outputs of City, University of London available to a wider audience. Copyright and Moral Rights remain with the author(s) and/or copyright holders. URLs from City Research Online may be freely distributed and linked to.

City Research Online:

<http://openaccess.city.ac.uk/>

publications@city.ac.uk

Establishing laws and policies on parent to child violence in Finland 1965-1983

Riikka Kotanen

Children & Society, 32(2)

Abstract: This study explores perceptions of parent to child violence, the arguments for imposing legal regulation, and the intended objectives of the legislative process that led to a ban in Finland in 1983. This qualitative policy analysis examines policy documents alongside expert interviews with professional on the legislative process. The example of Finland shows that a significant change in attitudes and decreased levels of violence towards children can be achieved without the threat of legal punishment, even without specific intervention policies. However, the study emphasises the importance of establishing clear practices alongside altering legislation which has been inadequate in Finland.

Keywords: parent to child violence, physical punishment, legislation, legal regulation, problem representation

Introduction

Corporal violence towards children is an important social issue not only for academic research, but also as a question of human rights. Furthermore, it is a significant factor in current child welfare policy worldwide. In many countries, the parental right to inflict corporal punishment on a child and the fight to outlaw it, are extremely contentious topics (e.g. Bunting et. al 2010). For example, the harm in imposing legal measures on families, or interfering in a parent's right to choose how to rear their child, have been employed as counterarguments against prohibiting physical punishment (e.g. Freeman & Saunders 2014; Owen 2011). In contrast, attempts to outlaw parental corporal violence are often justified by referring to changes in public attitudes and respect for a child's right to physical autonomy equal to that of adults (e.g. Freeman 1999; Hodgkin 1997). Globally, corporal punishment is still widely perceived to be legitimate. Whilst more than half of UN member states have either prohibited corporal punishment of children, or are committed to doing so, notable exceptions include many Asian countries, the United States, and Great Britain.

The United Nations Convention on the Rights of the Child which has been ratified by all countries except the United States, offers firm support for the prohibition of the use of physical punishment in the form of a legislative ban. Article 19 emphasises that: “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence [...]” In addition, the Committee on the Rights of the Child has stressed in several contexts that corporal punishment is in conflict with the Convention. Further, the Convention is generally considered to apply to actors in both public and private spheres (e.g. Freeman 1999).

This study focuses on two legislative processes during which all forms of parental physical violence were prohibited in Finland, and was part of a wider project examining changes to the legal regulation of parent to child violence, and the practical consequences of such changes on child protection services in Finland during 1965–2015. The aim of this article is to examine the ways in which parent to child violence was perceived prior to prohibition, why it was deemed necessary to impose legal regulation, and consequently, what the aims of the prohibition were. The article proceeds chronologically: a discussion on the role of legislation and social change in relation to the parental right to inflict physical punishment on children is followed by two sections of empirical analyses based on the research by the author. The first concentrates on the starting point of the process, in the mid-1960s, when it was proposed to remove the provision justifying parental corporal punishment during the reform of the Criminal Act. The second examines the process which led to the explicit prohibition of all forms of parent to child violence in 1983. In conclusion, the article addresses the effects this legislative process had on attitudes toward violence against children, the levels of such violence, and intervention policies in Finland.

Legal and social change around parental corporal violence

One of the fundamental premises of modern western jurisprudence has been the establishment of individuals’ universal rights to privacy and freedom; however, the law has found this exceedingly problematic when applied to the family. Definitions concerning family and family relations have traditionally been based on ideas of natural difference, not only between genders, but also between generations. The state has long been held to have only a tenuous role in protecting and regulating the physical autonomy of family members in the private sphere. Violence within the family was largely considered a private matter until the late twentieth century (e.g. Kotanen 2013). Consequently, the

corporal punishment of children has been regarded as an acceptable method of upbringing, and even as a parental obligation (Pylkkänen 2009).

Thus, attempts to problematise or prohibit corporal punishment were considered a long-term cultural and generational change (James & James 2004). Problematism is connected with historical changes in the concept of childhood. Understandings of the concept are both locally specific – varying culturally, spatially, and temporally – but simultaneously universal (Aries 1962). In the past, physical violence towards children was considered a natural course of action based on the predominance of adults and the position of children as the property of their guardians (e.g. Freeman & Saunders 2014). The gradual reduction in all forms of violence has been a long-term development (Pinker 2012), however, in terms of violence towards children, the eighteenth century represented a significant turning point (deMause 1995; Helfer et. al. 1997). However, the physical punishment of a child by parents, guardians and teachers was still regarded as morally right if a child was not behaving according to expectations. The following quote by a Finnish lawyer from the 1930s depicts a contemporary understanding of the parent-child relationship:

“The relationship between a guardian and a dependant is subordinating by nature. [...] Physical discipline, reprimands etc., which would be considered as penal offences when conducted by other people, are lawful measures for the guardian in order to make the child obey.” (Melander 1939, 31)

At the starting point of this study, in the 1960s, recognition and knowledge of the effects and prevalence of parent to child violence was marginal, even among professionals (Pinheiro 2006). The need to decrease parent to child violence and the early justifications for prohibiting it, arose from concern about the negative consequences of such violence (e.g. Parton 1985). In this article, the need for, and the justifications behind prohibition of such violence is reflected through two legislative changes which were among the first international attempts to specifically address the issue.

In contemporary societies, social order and practices are constantly produced and reproduced through legal regulation. Hence, it is held to be the main mechanism for prescribing the rights and responsibilities of citizens, but also increasingly, of society itself. Moreover, legislation is an essential element for social change due to its capacity to reaffirm standards of right and wrong (Freeman 1998,

345), thereby modifying people's behaviour and attitudes. However, law also comprises a system which reflects and condenses cultural understanding concerning the different spheres of life it regulates (James & James 2004, 49). The relationship between legislation and society is reciprocal. Hence, law alters alongside the different social institutions it regulates, childhood being one of these.

Legislation has an important role in the process of defining social problems. Attaining social problem status for an agenda does not self-evidently mean success for a cause, nor does it indicate prospective change (Bacchi 2003, 6–7). However, causes which have been successfully pushed through the political agenda to the point of legal legitimation usually have better prospects for inducing actual change in society. According to Carol Lee Bacchi (2003), success in achieving the desired change is dependent on the representation of the problem during the policy process. Hence, focusing on the context of Finland between 1965–1984, this study aims to answer the following questions: (1) How the problem of parent to child violence was represented during the policy processes prior to legal prohibition; and (2) what effects these problem representations and subsequent legal changes had in terms of policy measures.

The research setting: in search of the establishment of legal regulation, intervention policies, and their practical consequences

This article covers a period when parent to child violence had already been acknowledged as a social problem in Finland. Hence, the focus is on the process of establishing intervention policies with the aim of decreasing a problematic behaviour through legal regulation. Carol Lee Bacchi's (2003) policy analysis offers a framework for conducting this by identifying and evaluating the ways in which the perceived problem is represented in policy proposals and documents. For Bacchi, problem representations are interpretations of these problems which include, often implicit moral and political judgements. The representation of a problem (e.g. in a policy document) precedes selection processes entailing the exclusion of conflicting views and interests. Problem representations are considered interventions due to their subsequent results (e.g. policy recommendations concerning official practices) which have material consequences for people's lives.

Since the focus is on the problem representation(s) which led Finland to prohibit parent to child violence in 1983, the data (see Table 1) is a collection of legal documents (i.e. the legislative history),

and other policy documents and reports produced by governmental organisations. In addition, jurisprudential texts concerning contemporary legal professionals' interpretation of the legal alterations in question have been analysed. This data includes documents from two sectors, social and health policy and justice policy. Therefore, it has also been possible to study the interconnections of these policy sectors as Bacchi (2003) suggests. She emphasises the importance of acknowledging the prevailing historical, institutional, and social environment of the policy process to be analysed. Hence, six (n=6) expert interviews with professionals were conducted. The professionals are experts in the legal and social sector in governmental bodies, non-governmental organisations and universities, and they either had a role in the process of prohibiting parent to child violence, or were in professional positions requiring close observation of the process. The interviews covered both periods of legislative alterations, 1965–1970 and 1980–1984, but given their particular periods of involvement, the latter was discussed in greater detail.

TABLE 1 HERE

The method for conducting this policy analysis can be described as theory-driven text analysis (e.g. Patton 2002) utilising Bacchi's (2003) framework. In particular, the analysis focused on identifying different problem representations which gave different shape to the problem and the associated underlying presuppositions, assumptions, values, and ideologies during both periods of legislative change analysed. The aim was to closely examine the effects these representations had; what kind of change to the perceived problem they implicitly suggested or explicitly proposed. Attention was also given to the ideas and conceptions which were not problematised, and the views and solutions disregarded in the process (Bacchi 2003, 12–13).

Removing the subsection allowing for parental exemption in the use of disciplinary violence from the Criminal Code in 1969

During the first half of the twentieth century, statutes commonly contained articles or subsections exempting parents in this regard, thus allowing them to physically discipline their children. In Finland, corporal punishment in schools was prohibited in 1914, but the removal of the subsection allowing parents to use it from the Criminal Act, was only proposed in 1965. Analysis of the problem representation suggests that, at this time, the problem was not the use of disciplinary violence as such,

but explicit permission to use violence as laid out in the Criminal Act. This internal conflict within the Criminal Act, giving approval to one form of violence while condemning similar acts in the same context, was felt to work against the purpose of the Criminal Act namely to decrease violent behaviour. The permission to inflict physical punishments was seen as problematic due to its potential to encourage the use of unacceptable forms of disciplinary violence. In the governmental proposal (GP 68/1966), these unacceptable forms of violence – violent acts with physically harmful consequences – were separated from minor assaults used as a parenting measure which were considered acceptable:

“If a parent does not exceed his legal right to discipline a child, and the interference in the physical autonomy of a child is just, punishing the parent for this conduct as an assault cannot come into question. The existence of a special section in the Criminal Act, which justifies injuring a person who is under one’s disciplinary authority, is likely to encourage a heavy-handed guardian to use health-harming correction measures in a way that cannot be considered acceptable.” (GP 68/1966)

From the perspective of prohibiting or criminalising parental corporal violence, the inconsistency with this representation is that, while it denotes a moral judgement regarding the use of harsh violence as a child-rearing measure, it concurrently consolidates the separation between two types of violence: criminal and just. Moreover, it explicitly declares that minor assaults as a disciplinary measure are perceived as lawful within the Criminal Act. When the problem is represented in this way, it becomes clear that the aim was not to abolish the parental right to punish physically, nor was it to acknowledge the autonomy of a child as similar to that of an adult. Thus, it was deemed useful to focus on the objectives in order to discover the kind of effects this legislative alteration entailed.

The subsequent writings of legal scholars regarding interpretations of the new Criminal Act, confirmed that the objective in removing the subsection had been to protect children from an excessive use of violence, violence considered overly harsh and harmful and therefore a criminal act. Specifically, according to Honkasalo (1970), the aim was to emphasise the difference between acceptable and unacceptable violence, and to change legal praxis by instructing that it was not lawful to convict a parent of a minor offence if they have committed severe violence towards their child. The purpose was simply to amplify the distinction between physical punishment (acceptable violence; thus just) as opposed to assault as a criminal offence (unacceptable violence; thus a

crime). However, as one of the interviewed legal experts pointed out, it is possible to consider the removal of the subsection technically as criminalising disciplinary violence:

“[...] this change was made in the 1970s, and even a minor assault, whether the reason for it was to discipline a child or not, was treated as a criminal offence.” (Interviewee C)

Nevertheless, the way that the problem was represented in the governmental proposal (GP 68/1966) implied there was no intention to impose any concrete restrictions or sanctions concerning the use of physical discipline. Hence, it is not surprising that in the 1970s many professionals were confused about the legal status of parental corporal punishment following removal of the subsection (e.g. Newell 1989, 89–90). In addition, polls and research reports from the end of the 1970s offered strong support for the view that parent to child violence was not seen as a crime in Finland, for example in 1978 only 4% of Finns answered they would report a case of child battery to the police (Peltoniemi 1982; Korpilahti 1981).

The prohibition of physical punishment in 1983

The development which led to the prohibition of all forms of parental violence towards children was connected to a fundamental social change in Finland during the 1960s and 1970s. Wide criticism was directed toward state practices and policies, as well as social structures, such as generational relations and the position of a child within the family, which were regarded as restrictive, authoritarian, and inhumane. From a child-focused perspective, the key actors in this development were child protection organisations concerned about the unlimited authority of parents within families and the misuse of such generational authority. Subordinating and authoritarian attitudes were identified as the main obstacle to the realisation of the rights of children (Satka et al. 2002).

In Finland, the United Nation’s International Year of the Child in 1979 constituted an important landmark in the process of prohibiting physical punishment. All the interviewees mentioned the Year of the Child as a key factor behind the prohibition, and also emphasised the connection between the *Finnish Committee of the Year of the Child’s* reform-oriented thinking and wider social change. One of the interviewees described the work of the committee as a “*huge learning process*” and a “*revivalist wave*” in relation to the understanding of, and attitudes towards, childhood. The ambitious

main aim of the committee was to employ child and family politics as an overarching perspective through which the entire social policy in Finland should be observed and evaluated.

“[...] the Year of the Child, it had a huge influence [...] and there were vigorous people pushing it [*the prohibition*] through.” (Interviewee A)

Prohibiting parent to child violence was only one component of the above-mentioned wider, ideological objective of the committee. In its report (KM 23:1980), the committee suggested adding measures to support “*positive home upbringing*”. Banning all forms of physical violence was one of the proposed measures. In addition to the Year of the Child, another impetus for banning disciplinary violence came from Sweden. The importance of the prohibition enacted in Sweden in 1979 is highlighted through different parts of the data. For example, it was mentioned by all the interviewees, and furthermore, the Swedish legislation was cited as an example during the legislative process. Also, the subsequent Finnish information campaign tapped directly into the Swedish experience; the text for the Finnish information leaflet was copied from the pamphlet of the Swedish Ministry of Justice. According to one of the interviewees, in other respects the Finnish campaign was merely a shadow of its Swedish counterpart due to the lack of money invested in it.

In 1981, during the drafting of the new law, the first survey covering Finnish attitudes towards physical punishment was conducted. The results showed that attitudes were far from unanimous. According to the survey, 47% of Finns (15–79 years) agreed with the statement that physical punishment of children was acceptable, at least in special situations, but nearly half of respondents were opposed to physical punishment (Peltoniemi 1983). According to one interviewee, professionals promoting the prohibition considered the survey results a “*relief*” and sufficient justification to enact the prohibition. However, the polarisation of opinion did not go unnoticed. On several occasions, interviewees referred to the variety of attitudes towards the new legislation before and after the enactment, not just among citizens, but also in the media and amongst professionals.

“[...] the further we went from Helsinki [...] to the periphery, the sharper were the demands that the section [*prohibiting physical violence*] should be repealed and the parental right to physically punish a child should be restored. (Interviewee E)

The prohibition was part of wider legal reform based in many respects on the report of the Finnish Committee of the Year of the Child. The prohibition was written into the Act on Child Custody and Right of Access (361/1983). The Act came into effect in 1984 simultaneously with a new Child Protection Act (683/1983). The Act on Child Custody and Right of Access was generally considered very modern, idealistic, and ideologically motivated. In the governmental proposal (GP 224/1982), the wider problem justifying the prohibition was an out-dated understanding of the child-parent relationship as presented in the existing legislation. It was considered problematic that there was a lack of regulations securing the rights of a child in relation to their parents as well as guidelines supporting and promoting positive child-rearing attitudes, and protecting the position and wellbeing of children.

Hence, the ideological background of the prohibition was a changed conception of childhood as a distinctively special and vulnerable stage of life, and moreover, a comprehension of children as individuals with autonomy and needs separate from their parents. Disciplinary violence was only a part of the wider problem concerning the lack of child-friendly parenting in Finland. In the legislative data, violent punishments were considered out-dated and poor parenting and a threat to the fulfilment of a child's emotional needs.

“[...] a child's need to receive understanding, refuge, and affection is especially emphasised in the law initiative. In connection with this principle, a particular prohibition, according to which child rearing cannot include subjugation, corporal punishment or other forms of abusive treatment, has been added to this law initiative.”
(GP 224/1982)

However, despite of the legal prohibition of parent to child violence, a perception of disciplinary violence as a crime was absent also in the latter part of the data. As such, the legal documents include no mention of intervention measures or punishing parents for the use of such violence. Acts of physical discipline are not identified or named as violence or as criminal acts, nor is the prohibited violence defined in any way. The Child Welfare Act, which was enacted in tandem, also failed to identify or define this (Pösö 1997, 145). The only connection between the prohibition and a criminal act is drawn in the governmental proposal (GP 224/1982), where the legislator states that the section regarding minor assaults in the Criminal Act can also be applied where the offender is a parent or guardian, even if the offence was committed in order to discipline the child. Although, authorities

working with children were compelled to report cases of violence to child welfare officials as outlined by the Child Protection Act (683/1983), this duty was expressed vaguely leading to confusion among professionals (Pösö 2011, 117).

Interviewees confirmed that the idea of punishing parents and the introduction of control measures were only briefly touched upon; several mentioned the impossibility of doing so. For the most part, the issue was considered a private family matter. The main purpose of enacting the prohibition was to strengthen the nascent negative attitudes towards disciplinary violence and to spur attitudinal change among those using it as a parenting measure.

“[...] that perspective constantly featured in the discussions at the time; that our aim is not to punish parents, we are pursuing change. [...] That was made very clear.”(Interviewee E)

“[...] especially entering a family, at the time that was almost a sacred thing, it was feared and the words [*concerning interventions*] were chosen very carefully.”
(Interviewee F)

While intervention policies had a minor role in the legal data, the issue was not totally neglected. In 1982, the social and health administration drew up a guidebook, *Child Abuse and Neglect of Care*, for social and healthcare professionals. This offered psychological explanations as to the harmfulness of physical violence to children as well as guidance to professionals in the correct approach if one notices any signs of physical or sexual abuse. Significantly, it also illustrated how the issue was distinctively perceived as a problem of the social sector; thus, the main guideline provided throughout the book was to contact social welfare authorities. Contacting police was mentioned only in connection with “*a fatal assault of a child, or the suspicion of a fatal assault*”.

In light of the legal data, it seems there was a shared, but somewhat implicit, understanding that the change of attitudes would inevitably proceed, and that the prohibition would eventually guide people towards more child-sensitive parenting, since no control measures or intervention policies were indicated, and very few responsibilities were distributed. Punishing parents was not on the agenda. On the contrary, the reverse was true as the intention not to impose new sanctions was emphasised. Analysis of the interviews offers some possible reasons for this.

First, the absence of ideas of control and punishment appear logical when reflected against the wider problem representation, and the context of that representation. One of the most influential forces behind the change was the wider social criticism of the excessive control permeating society and its institutions. Hence, it seems evident that the main measures to achieve the desired effect, an attitudinal change leading to a more sensitive child-rearing culture, was to influence people through education and informing rather than through control and intervention. Second, from a legislative perspective, it was essential that the acts of violence discussed were only slight, equivalent to minor assaults. The interviewees did not interpret the lack of discussion concerning control or punishment as applying to more serious violence. In addition, the prohibition was enacted within civil law, which may have been one reason for the omission, or avoidance, of control issues as was the case in Sweden (Janson et al. 2011). However, more emphasis was placed on Finnish confidence in legalism and national obedience to the law, even in cases where no punishment was imposed.

“[...] the Year of the Child recast the whole issue. It was an enormous factor [...] it was a continuum [...] of the wider social welfare critic in the late 1960s [...] ideas of changing attitudes through education and media [...] but we have had a strong idea of building a society through legislation. [...] that’s why it was so important that it [*the prohibition*] was included within legislation. [...] It has been a custom to obey the law, and obey it even without any threat of penalty.” (Interviewee C)

Third, home and family, the main contexts of parent to child violence were important in relation to the lack of discussion about intervention or control. Despite the normative ideology behind the legislation, at the time physical punishment was still essentially seen as a private issue, a “*family matter*”. This was also reflected in the practices of social work in Finland which were very family orientated and depended on the cooperation of families, hence often avoiding topics which could potentially cause conflict and distrust (e.g. Pösö 1997).

Conclusion

The purpose of this study was to examine problem representations given to parent to child violence, particularly for disciplinary purposes, by utilising Carol Lee Bacchi’s (2003) ‘What’s the Problem’ framework. The focus was on the legislative renewal process which established the prohibition of

such violence in Finland. As suggested by Bacchi, the effects of the problem representations on subsequent policy measures in order to reflect on the interventive potential constructed in these representations, was also explored. In the late 1960s, the represented problem concerning the subsection justifying disciplinary violence was, that it contradicted the regulatory purpose of the Criminal Act, and it was suspected of encouraging incidences of severe violence towards children. Hence, the intended effect was to tighten judicial custom in cases of parent to child violence by clarifying the distinction between unacceptable, unlawful violence (an assault with harmful consequences) and acceptable violence (an assault for parenting purposes with no or only minor consequences). The wider aspiration to change parenting attitudes and concurrently consolidate the autonomy and rights of children by attempting to decrease levels of violence led to the prohibition of all forms of violence in Finland in 1983.

Following Bacchi's (2003) idea of problem representations as interventions focuses our attention on the fact that the control connected to the prospective legal regulation was largely absent in Finland. This appears especially logical given: the emphasis on the prospect of attitudinal change; the context and motivating ideology of the enactment; the wider framing of parent to child violence at the time as a private matter; and that it was also viewed as a problem limited to the social sector.

Internationally, attitudinal change has often been employed as a justification for prohibiting disciplinary violence (e.g. Janson et. al 2011; Durrant & Smith 2013). From an attitudinal perspective, the object of the prohibition was realised over the longer term in Finland. In a survey conducted in 2014, only 15% of Finns (15–79 years old) accepted corporal punishment as a parenting measure; whereas in 1981, using the same questionnaire, the proportion was 47% (Peltoniemi 1982; Sariola 2014). This change is also displayed in decreasing levels of violence which have been radical over the last 25 years. For example, in 1988 72% of under 15-years old adolescents had experienced some forms of violent disciplining by parents during their lifetime (equivalent to a minor assault), whereas in 2008 the percentage had declined to 38%, with a further decline to 21% in 2013 (Fagerholm et al. 2014, 146). Hence, Finnish progress is one indication of the correlation of disapproving attitudes and the lower probability of physical violence being inflicted on a child (e.g. Bunting et al. 2010).

In reference to commonly held fears and arguments against the prohibition on disciplinary violence, such as an intolerable rise in family interventions, or the monitoring and prosecution of parents (e.g. Owen 2011), in for instance, Anglophonic countries, the example of Finland shows that a significant change in attitudes and decreased levels of violence towards children can be achieved without the threat of punishment, even without specific intervention policies. However, if attention is drawn to the views and solutions dismissed in the process, as Bacchi (2003) further suggests, the reluctance to bring up control issues, and the ambiguities in defining violence and assigning reporting obligations, seem to have had a long-term effect on how the problem has been concretely addressed after the prohibition.

Despite a lack of research in terms of violence, the existing literature offers some reflections on the impact of legislation on child protection practices and other authoritative measures. In general, it has been stated that due to ambiguous legislation and a lack of a straightforward definition, child abuse, particularly physical violence, is not adequately named and acknowledged as a distinct problem in Finland (e.g. Pösö 2011). Moreover, it has been pointed out that professionals working with children (e.g. in health care, education, and day care) in the period towards the end of the 1980s, disregarded their legal duty to report cases of parent to child violence to child protection authorities (Pösö 1997). At the time, child protection services mainly acknowledged physical violence if there was a medical diagnosis. Otherwise it was categorised, registered, and treated as a family conflict, or ignored, and very rarely was it reported to the police.

Some of these problems were addressed in the new Child Protection Act (417/2007) which took a considerably more child-centred approach compared to the emphasis on families of its predecessor. Also, the official duty to report cases of violence against children was more explicitly stated, and consequently, the number of reports has increased. However, some of the ambiguity in the old legislation shifted to the renewed Act as violence was still not explicitly addressed (Pösö 2011). Identifying and reporting violence against children is still defective within the institutional practices of social/health care and the police, resulting in a lack of interventions and inadequate support (Ellonen & Pösö 2014). In contrast to cases of severe violence, social workers are still reluctant to report cases of disciplinary violence to the police (Ellonen & Pösö 2014; Heinonen 2015). Nevertheless, some verdicts have been given based on disciplinary violence against children by their parents following a ruling in the Supreme Court in 1993 which clarified the judicial practice stating

that the Criminal Act can be applied in cases of minor assault for disciplinary purposes (Husa 2013, 128).

According to previous research, it could be concluded that the lack of clarity in the legislation has caused confusion among professionals and has been one of the contributory factors in the failure to recognise parental violence against children, potentially putting children at risk. While the attitudinal change has been significant, the official reactions to physical violence have not been consistent, especially in cases of disciplinary violence. From this perspective, the example of Finland indicates the importance of establishing clear practices alongside altering legislation in order to maximise transformative impact in protection of the physical autonomy of children. This does not necessarily mean that punitive measures are the solution, however, the emphasis should be on explicitly delineated practices and responsibilities for all professionals involved.

Consequently, there is still much work to be done in Finland. In addition to problems related to the recognition of violence and a reluctance to intervene, a considerable gap still exists between attitudes and practices. For example, despite the change in attitudes, in 2013, still 21% of children under the age of 15 had been physically punished at home. Moreover, there are clear indications that violence toward children in Finland is still more prevalent and less disapproved of than violence towards adults (Fagerholm et al., 2014).

Acknowledgements

I would like to thank the anonymous reviewers for their constructive criticism as well as Dr. Richard Wild for his helpful comments on earlier versions of this article.

References

- Aries, P. 1962. *Centuries of Childhood: A Social History of Family Life*. Random House: New York.
- Bacchi, C. 2003. *Women, Policy and Politics. The Construction of Policy Problems*. SAGE: London.
- Bunting, L, Webb, M, Healy, J. 2010. In Two Minds? – Parental Attitudes toward Physical Punishment in the UK. *Children & Society* 5: 359–370.

- Durrant, J, Smith, A. 2013. Introduction to the Global Movement to Ban Physical Punishment of Children. In *Global Pathways to Abolishing Physical Punishment*. Durrant, J, Smith, A. (eds.). Routledge: New York: 3–7.
- deMause, L. 1995. *The History of Childhood: The Untold Story of Child Abuse*. Rowman & Littlefield: Lanham.
- Ellonen, N, Pösö, T. 2014. Hesitation as a System Response to Children Exposed to Violence. *International Journal of Children's Rights*, 22: 730–747.
- Fagerholm, M, Peltola, M, Kääriäinen, J, Ellonen, N, Sariola, H. 2014. *Lasten ja nuorten väkivaltakokemukset 2013 [Children and Adolescents Experiences of Violence 2013]*. Poliisiammattikorkeakoulu: Tampere.
- Freeman, M. 1998. The Next Children's Act?. *Family Law* 28: 341–348.
- Freeman, M. 1999. Children Are Unbeatable. *Children & Society* 13: 130–141.
- Freeman, M, Saunders, B. 2014. Can we Conquer Child Abuse if we don't Outlaw Physical Chastisement of Children?. *The International Journal of Children's Rights* 4: 681–709.
- Heinonen, A. 2015. *The Construction of 'Disciplinary' Violence against Children – Social Workers', Police Officers' and Parents' Rationales*. University of Turku Publications: Turku.
- Helfer, M, Kempe, R, Krugman, R. (eds.) 1997. *The Battered Child*. University of Chicago Press: Chicago.
- Hodgkin, R. 1997. Why the 'Gentle Smack' Should Go. *Children & Society* 11: 201–204.
- Honkasalo, B. 1970. *Suomen rikosoikeus: Henkilöön kohdistuvat rikokset [The Criminal Law of Finland. Crimes against Persons]*. The Finnish Lawyer's Association: Helsinki.
- Husa, S. 2013. Finland – Children's Right to Protection. In *Global Pathways to Abolishing Physical Punishment*. Durrant, J, Smith, A. (eds.). Routledge: New York: 3–7.
- James, A, James, A. 2004. *Constructing Childhood: Theory, Policy and Social Practice*. Palgrave: MacMillan.
- Janson, S, Långberg, B, Svensson, B. 2011. Sweden: A 30-year Ban on Physical Punishment of Children. In *Global Pathways to Abolishing Physical Punishment*. Durrant, J, Smith, A. (eds.). Routledge: New York: 241–255.

- Korpilahti, M. 1981. *Lasten pahoinpitelyt ja niiden käsittely Suomessa ja Ruotsissa* [Assaults on Children in Finland and Sweden]. Oikeuspoliittinen tutkimuslaitos: Helsinki.
- Kotanen, R. 2013. *Näkymättömästä näkökulmaksi. Parisuhdeväkivallan uhrit ja oikeudellisen sääntelyn muutos Suomessa* [From Invisible to the Standpoint: Victims of Intimate Partner Violence and Change in Legal Regulation in Finland]. Unigrafia: Helsinki.
- Melander, I. 1939. *Lapsen huollosta* [About the Custody of a Child]. The Finnish Lawyer's Association: Helsinki.
- Newell, P. 1989. *Children Are People Too. The Case against Physical Punishment*. Bedford Square Press: London.
- Owen, S. 2011. The United Kingdom: The Ongoing Struggle to Achieve Legal Reform. In *Global Pathways to Abolishing Physical Punishment*. Durrant, J, Smith, A. (eds.). Routledge: New York; 256–274.
- Parton, N. 1985. *The Politics of Child Abuse*. St. Martin's Press: New York.
- Patton, M. 2002. *Qualitative research & evaluative methods*. SAGE: London.
- Pinheiro, P. 2006. *World Report on Violence against Children*. United Nations: Geneva.
- Peltoniemi, T. 1983. Child Abuse and Physical Punishment of Children in Finland. *Child Abuse & Neglect*: 33–37.
- Pinker, S. 2012. *The Better Angels of Our Nature. A History of Violence and Humanity*. Penguin Books: London.
- Pylkkänen, A. 2009 *Trapped in Equality. Women as Legal Persons in the Modernisation of Finnish Law*. Suomalaisen Kirjallisuuden Seura: Helsinki.
- Pösö, T. 1997. Finland: Child Abuse as a Family Problem. In *Combating Child Abuse*. Gilbert, N. (eds.). Oxford University Press: Oxford: 143–163.
- Pösö, T. 2011. Combating Child Abuse in Finland. In *Child Protection Systems: International Trends and Orientations*. Gilbert, N, Parton, N, Skivenes, M (eds.). Oxford Scholarship Online.
- Sariola, H. 2014. *30 vuotta ruumiillisen kurittamisen kieltämisestä* [30 Years after Prohibiting Physical Punishment]. The Central Union of Child Welfare: Helsinki.

Satka, M, Moilanen, J, Kiili, J. 2002. Suomalaisen lapsipolitiikan mutkainen tie. [The Rocky Road of the Child Policy in Finland]. *Yhteiskuntapolitiikka* 3: 245–259.