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Physical child abuse and social change Judicial intervention in families in the Netherlands, 1960–1995[☆]

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Abstract

Objective: To show changes in the way juvenile judges and judicial child protection workers deal with physical child abuse in the period 1960–1995 in the Netherlands.

Method: The study is based on an analysis of files on adolescent and younger children placed by juvenile judges in the Dutch judicial child protection system during the 1960s, 1970s, 1980s, and 1990s.

Results: The prevalence of very severe physical violence against children was lower in the recent files than in the older files. Spanking and other minor violence acts were noted more often than in the older files. In the 1960s files, the parents talked still rather openly about the physical punishments they used in child rearing. In spite of the growing attention for and increasing concern about child abuse among professionals, judicial child protection workers intervened less harshly in recent cases of physical child abuse than in the 1960s.

Conclusion: The decrease in severe physical child abuse may indicate that physical child abuse is actually becoming a less serious problem in the Dutch judicial child protection system. But that may not be the case because of the increased reluctance of parents to report and changes in intervention practices. Other than expected, the growing sensibility for child abuse did not mean more effective control by judicial child protection workers. Possible reasons for these changes are discussed, including the strengthening of the position of perpetrators in law proceedings and the emancipation of children and women in society.

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Introduction

With the introduction of judicial child protection measures in the Netherlands at the beginning of the 20th century, child abuse became grounds for judicial intervention in families. This does not mean that the problem was ignored before then. Since the late 18th century, the justice system has included legislation restricting parental power in what is now the Netherlands (De Jong, 1993; Kool, 1999). Desertion, physical and sexual child abuse were already punishable offences prosecuted by the state. Various historians have written about laws prohibiting physical and sexual child abuse even earlier (e.g., De Jong, 1993; Egmond, 1993).

Like in the United States and other countries in the West, child abuse in the Netherlands is nowadays considered a major social problem. In the 1960s, public concern for physical child abuse rose markedly following changes in the health care system. Physicians in the United States discovered fractures and hemorrhages in children with new X-ray equipment. Henry Kempe is believed to have been one of the first to describe the battered child syndrome (Kempe, Silverman, Steele, Droegenmueller, & Silver, 1962). His observations enabled physicians to supply evidence—important for prosecuting cases—and to improve prevention and treatment of child abuse.

In the Netherlands, the Bureaus confidential doctors for child abuse and neglect were established in the early 1970s (Koers, 1984). Over the years these Bureaus included all forms of child abuse, sexual abuse, neglect and parenting problems in the child abuse concept (Van Montfoort, 1994). According to Van Montfoort (1993), a Dutch child protection expert, the police made an official report in only 10% of all cases reported in 1987–1990. Eventually, following the introduction of civil child protection legislation in 1901 (implemented in 1905) and the subsequent establishment of nonjudicial juvenile assistance services, child abuse appears to be shedding its criminal connotations with the transition from prosecution to assistance (cf Clemens Schröner, 1978). Parents who maltreat their children are not put into jail anymore (cf DeMause, 1998). According to Donzelot (1979), this ‘social’ method of control is more effective than prosecution.

The British scholar of juvenile law Michael Freeman (1983) has asserted that child abuse is no more prevalent today than it was in the 1950s. The concept’s definition has broadened, and concern for the problem has increased. He believes that the rise in reports of child abuse has been a financial windfall for professional institutions. Child protection services have expanded their jurisdiction and are intervening in more families. The question, however, is whether the clients whose need is greatest are better off than before. The British sociologists Dingwall, Eekelaar, and Murray (1983) submit that the increased public concern for child abuse has led to new ways of dealing with families in the United Kingdom. The researchers describe this change as the transition from the optimism of believing that child abuse was probably not that serious to a better-safe-than-sorry presumption of the contrary. They believe that this change has led to a rise in the number of reports.

Van Montfoort (1994) expresses a similar view. He attributes the greater number of judicial child protection measures in the Netherlands since the early 1980s to the increase in the number of reports of “general child abuse.” He is referring to physical and emotional abuse, physical and emotional neglect and sexual abuse of children. After analyzing relevant literature and policy documents of governments and organizations responsible for child protection, he

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