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THE CONSTRUCTION OF 'DISCIPLINARY' VIOLENCE AGAINST CHILDREN — SOCIAL WORKERS', POLICE OFFICERS' AND PARENTS' RATIONALES

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Abstract

This dissertation examines parental disciplinary violence against children in authority records and in the criminal procedure in Finland. The main aim is to analyze disciplinary violence, how it is defined, and how it is constructed as a crime by social workers, the police, and parents.

This dissertation consists of four sub-studies and a summary article. In the first sub-study, I examine how disciplinary violence appears in child welfare documents and analyze the decision-making processes and measures taken by the child welfare workers. The second sub-study, utilizing police interview data, examines police officers' perceptions of disciplinary violence, its criminalization, and its investigation. In addition to this analysis of police officers' own perceptions, in the third sub-study, I use reports of crime and pre-trial investigation documents to look at what a typical suspicion of disciplinary violence coming to the attention of the police is and examine the decision-making processes of the police. Utilizing authority data, the fourth sub-study analyzes how parents rationalize the use of disciplinary violence to the authorities investigating these suspicions.

The research provides findings that are unprecedented in Finland. Firstly, it was shown that social workers' decision-making processes in suspicions of disciplinary violence follow three pathways of reasoning, with many factors taken into consideration; and in less than one-third of the cases, a request for criminal investigation has been made to the police. Secondly, it was verified that police officers hold different perceptions of disciplinary violence, and these perceptions have multiple effects on the investigation of these cases and the construction of disciplinary violence as a crime. Thirdly, the analysis of the reports of crime and pre-trial investigation documents showed that almost two-thirds of the cases of disciplinary violence had been sent to a prosecutor by the police and, thus, defined as a crime. However, in many cases, acts of disciplinary violence were often seen as 'educational, petty one-off incidents' and a possible trial and punishment for the perpetrator were seen as unreasonable. Fourthly, it was found that parents often try to neutralize and rationalize the violence they have used against their children, for example, either by denying the victim, the criminal intent, or the entire act, or relying on the necessity of the forbidden act.

The dissertation concludes that disciplinary violence is defined and constructed in authority policies and practices, first and foremost, by the severity of the act, the nature of the act as continuous or singular, the perceived harm caused by the act to a child, and the perceptions of authorities regarding physical punishment of children. The asymmetrical power setting present in disciplinary violence and parents' legitimized right to raise and discipline their children partly seem to explain why criminal-law processing of these suspicions of violence and understanding these as crimes is difficult.

Finally, this research calls for more coherent and consistent authority practices and policies, achieved by educating authorities and increasing awareness on disciplinary violence, questions the need for a concept like 'disciplinary' violence, and suggests more emphasis on unambiguous perceptions of a child's best interest.

Keywords: disciplinary violence; construction of crime; authority decision making; rationalization; child's best interest

Tiivistelmä

Tässä väitöskirjassa tutkitaan vanhempien lapsiinsa kohdistamaa kuritusväkivaltaa viranomaisrekistereissä ja rikosprosessissa Suomessa. Päätavoitteena on analysoida, miten kuritusväkivalta määrittyy ja miten sosiaalityöntekijät, poliisi ja vanhemmat konstruoivat kuritusväkivaltaa rikoksena.

Väitöskirja koostuu neljästä osatutkimuksesta ja yhteenvetoartikkelista. Ensimmäisessä artikkelissa tutkitaan, minkälaisena kuritusväkivalta näyttäytyy lastensuojelun asiakirjoissa ja analysoidaan lastensuojelutyöntekijöiden toimenpiteitä ja päätöksentekoprosesseja. Toisessa artikkelissa tutkitaan poliisihaastatteluaineistoja hyödyntäen poliisien käsityksiä kuritusväkivallasta, sen lailla kieltämisestä ja kuritusväkivaltatapausten tutkinnasta. Sen lisäksi, että väitöskirjassa tarkastellaan poliisien omia käsityksiä kuritusväkivallasta, kolmannessa artikkelissa tarkastellaan rikosilmoitus- ja esitutkinta-aineistojen avulla, minkälainen on tyypillinen poliisin tietoon tullut kuritusväkivaltaepäily ja minkälaisia ovat poliisin päätöksentekoprosessit näissä epäilyissä. Neljännessä artikkelissa tarkastellaan viranomaisaineistoja hyödyntäen, miten vanhemmat rationalisoivat kuritusväkivallan käyttöä väkivaltaepäilyjä tutkiville viranomaisille.

Väitöstutkimus raportoi useita Suomessa uusia tuloksia. Ensiksi, tutkimus osoittaa, että sosiaalityöntekijöiden kuritusväkivaltaan liittyvissä päätöksentekoprosesseissa nousee vahvasti esiin kolme argumentointitapaa ja että alle kolmasosassa tapauksista on tehty tutkintapyyntö poliisille. Toiseksi, poliiseilla on toisistaan eroavia käsityksiä kuritusväkivallasta ja nämä käsitykset vaikuttavat monin tavoin siihen, miten väkivaltaepäilyjä tutkitaan ja miten kuritusväkivaltaa konstruoidaan rikoksena. Kolmanneksi, rikosilmoitusten ja esitutkintapöytäkirjojen analyysi osoittaa, että melkein kaksi kolmasosaa kuritusväkivaltatapauksista on lähetetty poliisilta syyttäjälle ja näin ollen määritelty rikokseksi. Kuitenkin monissa tapauksissa kuritusväkivaltateot nähdään ”kasvatuksellisina, vähäisinä ja kertaluonteisina” ja mahdollista oikeudenkäyntiä ja rangaistusta tekijälle pidetään kohtuuttomina. Neljänneksi, tutkimus osoittaa, että vanhemmat usein yrittävät neutralisoida ja järkeistää lapsiansa kohtaan käyttämäänsä väkivaltaa esimerkiksi kieltämällä joko uhrin, rikollisen tarkoituksen tai koko teon tai vetoamalla kielletyn teon välttämättömyyteen.

Väitöstutkimuksen johtopäätöksenä on, että kuritusväkivalta määrittyy ja rakentuu rikoksena viranomaisten käytännöissä ja toimintatavoissa ennen kaikkea teon vakavuuden, väkivallan kertaluonteisen tai jatkuvan luonteen, lapselle aiheutuneen vahingon ja viranomaisten omien kuritusväkivaltakäsitysten perusteella. Kuritusväkivallassa esille nouseva epäsymmetrinen valtasuhde ja vanhempien legitiimi oikeus kasvattaa lapsiansa ja kohdistaa kuria näihin näyttävät osittain selittävän, miksi näiden väkivaltaepäilyjen rikosprosessuaalinen käsittely ja tulkitseminen väkivallaksi on vaikeaa.

Lopuksi tutkimus peräänkuuluttaa aiempaa johdonmukaisempia ja yhdenmukaisempia viranomaiskäytäntöjä ja -linjauksia, joihin voidaan päästä kouluttamalla viranomaisia ja lisäämällä tietoisuutta kuritusväkivallasta. Tutkimus myös kyseenalaistaa ”kuritusväkivallan” käsitteen tarpeellisuuden ja ehdottaa, että yhdenmukaisille käsityksille lapsen edusta annettaisiin aiempaa enemmän painoarvoa.

Avainsanat: kuritusväkivalta; rikoksen konstruoiminen; viranomaisten päätöksenteko; rationalisointi; lapsen etu

Contents

List of original publications

I. Heinonen, A. (2015) Child Welfare's Decision-Making Process in Cases of Disciplinary Violence. *International Journal of Children's Rights*; 23 (4); 1-28.

II. Heinonen, A. and Ellonen, N. (2014) 'Crime or Not?' – Police Officers' Perceptions of Disciplinary Violence, Its Criminalisation and Its Investigation. *Policing and Society*; in press.

III. Heinonen, A. (2014) Balancing between Social Work and Prosecution: A Study of Disciplinary Violence Reported to the Police. *European Journal of Crime, Criminal Law and Criminal Justice*; 22 (3); 281–310.

IV. Heinonen, A. (2014) Neutralizing Disciplinary Violence: A Typology of Parents' Use-of-Violence Accounts. *Victims and Offenders*; in press.

Esipuhe ja kiitokset

Väitöskirjaprojektini sai alkunsa maisteriopintojeni jälkeen kesällä 2011, kun jäsentelemättömästä halusta ja kiinnostuksesta tutkia perheväkivaltaa ja erityisesti lapsiin kohdistuvaa väkivaltaa alkoi Poliisiammattikorkeakoulun kirjastossa muotoutua tutkimussuunnitelma. Niin hullulta kuin se ehkä kuulostaakin, väitöskirja ei ikinä ollut kuulunut suunnitelmiini, mutta silloinen elämäntilanne ja palo tutkia asiaa, jonka itse koin merkitykselliseksi, potkivat eteenpäin ja minut hyväksyttiin oikeustieteen tohtoriohjelmaan elokuussa 2011. Minulle oli tarjottu Poliisiammattikorkeakoulusta myös apurahatutkijan paikkaa, mikäli tutkimussuunnitelmani hyväksyttäisiin ja saisin tutkimukselleni rahoitusta. Tilanne tuntui unelmalta: pääsin töihin siihen ympäristöön, johon olin jo pitkään halunnut ja sain tutkia lapsiin kohdistuvaa väkivaltaa, minkä koin aiheen vakavuudesta ja ahdistavuudesta huolimatta – tai ehkä sen ansiosta - erittäin mielekkääksi ja kiinnostavaksi.

Pyörät pyörähtivät kunnolla käyntiin kesäkuussa 2012, kun monen kuukauden tuskallisen apurahojen hakemisen jälkeen yhtäkkiä minulla olikin tiedossa rahoitusta kolmesta eri lähteestä ja näin ollen apurahatutkijan paikka Polamk:ssa. Olin apurahapäätöksiä odotellessani vienyt tutkimusta eteenpäin, suunnitellut artikkeleita ja kartoittanut kirjallisuutta, joten kun rahoitusta viimeinkin tuli, työ lähti täydellä höyryllä eteenpäin. Sain tutkimuslupahakemuksiin myönteiset päätökset nopeasti ja pääsin aineiston keräämisen ja analysoinnin kimppuun jo loppusyksystä 2012. Projekti eteni ilman suurempia takapakkeja ja artikkelit valmistuivat nopealla aikataululla.

Neljän vuoden intensiivinen ja onnistunut väitöskirjarutistus ei olisi ollut mahdollinen ilman kaikkia niitä ihmisiä ja tahoja, jotka ovat eläneet projektissa mukana tukien, auttaen ja tarvittaessa eteenpäin potkien. Suurimmat kiitokset ansaitsevat ohjaajani professori Anne-Alvesalo Kuusi ja yliopistonlehtori Noora Ellonen. Annen suorasukaiseen mutta niin asiantuntevaan ohjaustyyliin tutustuin ensimmäisen kerran graduvaiheessa, kun Anne professorivaihdoksen takia hyppäsi loppumetreillä ohjaajan pestiin. Koko väitöskirjaa ei ehkä olisi ikinä syntynyt, ellei Noora puolestaan jo samaisessa graduvaiheessa ja erityisesti tohtoriopintojen alkaessa olisi ottanut minua suojiinsa Polamk:n tutkimusyksikköön. Molemmilta olen saanut palautetta käsikirjoituksistani sekä tukea ja ohjausta niin käytännön kuin henkiselläkin tasolla aina kun olen sitä tarvinnut. Anne ja Noora, lämpimät kiitokset kaikesta, jonka olette tehneet projektini eteen.

Tutkimus ei olisi ollut mahdollinen myöskään ilman rahoittajia. Pohjoismainen rikoksentorjuntaneuvosto (NSfK), Turun Yliopistosäätiö, Konkordia-liitto ja Turun yliopiston oikeustieteellinen tiedekunta ovat mahdollistaneet täysipäiväisen apurahatutkijana työskentelemisen kolmeksi vuodeksi sekä konferenssimatkojen tekemisen ulkomaille. Erittäin isot kiitokset kuuluu Polamk:lle ja erityisesti tutkimusyksikölle, jossa olen saanut

toteuttaa itseäni ja kokea vertaistuen mahtavuuden sekä avokonttorin riemut. Iina, Kari P., Johanna L., Johanna P., Monica, Tero, Annika, Kalle ja Anna L., olette olleet korvaamattomia. Erikseen haluan kiittää Jenni Niemeä, jonka kanssa vietetyt monet ”myöhäiset” lounashetket tarjosivat sielunrauhaa väitöskirjaprojektin keskellä. Muistissa on myös juhannusaaton aatto vuonna 2013, kun iltapäivällä ulko-ovien jo käydessä ja lomatunnelman vallitessa keksit ratkaisun piinaavaan Patjaan liittyneeseen Excel-ongelmaan.

Erityisen kiitoksen ansaitsee myös ylikonstaapeli Tuomo Jussila, jonka väsymätön apu ja piinkova Patja-osaaminen säästivät minut valehtelematta noin puolen vuoden Excel-koodaamiselta. Polamk:n liikunnanopettaja, lehtori Aki Sipilän kanssa aamuvarhain salilla käydyt keskustelut ja Akilta saatu tuki pyrkiessäni poliisiopintoihin ovat antaneet uskoa paitsi väikkäriprojektiin myös siihen, että kaikki tapahtuu silloin, kun sen aika on. Professori Päivi Honkatukia ja apulaisprofessori Suvianna Hakalehto ansaitsevat kiitokset erittäin perusteellisesta ja rakentavasta esitarkastuksesta. Väitöskirjan kielentarkastusta on ansiokkaasti hoitanut Erin Kärkkäinen. Turun yliopiston kriminologian jatko-opiskelijakollegat ja yliopistonlehtori Heini Kainulainen, teiltä saatu vertaistuki, konferenssireissut ja Lokalahti-seminaarit ovat olleet täyttä kultaa.

Jotta tutkija pysyy järjissään, tarvitsee hän tasapainoa työlleen myös siviilimaailmassa. Raili Helmisaari ansaitsee isot kiitokset tutkijan majoittamisesta ja ruokinnasta Hatanpäällä. Kaikki Turun tytöt (tiedätte kyllä keitä olette), kiitos kaikista nauruista, ilojen ja surujen jakamisesta sekä siitä, että edelleen siedätte minua – olette täysin korvaamattomia. Markus, kiitos kun elit kanssani tätä projektia sen keston ajan niin Walesissa kuin Suomessakin. Leena ja Turkka Heinonen, äiti ja iskä, kiitos että olette aina jaksaneet tukea ja uskoa, mitä ikinä olen päättänytkään elämässäni tehdä – kotiin on aina ollut hyvä tulla. Tiedän kyllä, mistä olen saanut periksi antamattoman ja määrätietoisen luonteeni. Piia, yksi asia ei ikinä muutu ja se on sisaruus.

Huhtikuussa 2015 toteutui yksi suurimmista haaveistani, kun sain aloittaa poliisi (AMK) -opinnot Poliisiammattikorkeakoulussa. Viimeisimpänä muttei vähäisimpänä kiitokset ansaitsevatkin kaikki ne uudet ihmiset, jotka ovat astuneet elämääni tuon huhtikuun jälkeen. Teidän kanssanne on ollut hyvä saattaa yksi iso projekti loppuun ja aloittaa täysin uudenlaisessa maailmassa sinisten haalareiden ja hälytysvalojen keskellä. Ei ole G-talon iltoja voittanutta.

Tampereen Hervannassa Poliisiammattikorkeakoulun ”kodissa”, 7.12.2015

Anna Heinonen

1. Introduction

When considering different settings and environments in which a child can be victimized by violence, the home is the most crucial. Home is the most important environment, where children grow up to become adolescents and adults and, therefore, should be the safest environment. Violence at home has two specific features: firstly, it is especially meaningful, as both the home and the intimate family relationships situated in the home are considered to be places of affection and unconditional love. Violence occurring in this setting breaks down the important functions of home and family relations (Paavilainen & Pösö 2003.) Secondly, even though progress has been made in relation to bringing forth problems at home and respectively intervening in them, family and intimate relationships are still considered to be 'private' and the threshold to report these issues, recognize them, and intervene in them is still somewhat high (Honkatukia 2001; Paavilainen & Pösö 2003; Husso et al. 2012).

Intervening in violence occurring within a family, from the outside, is often difficult, and this difficulty is not experienced only by neighbors or relatives: according to previous research, authorities also often find it difficult to identify cases of disciplinary violence and intervene in them (Flaherty et al. 2004; Bunting, Lazenblatt & Wallace 2010; Humppi & Ellonen 2010). Authorities often lack coherent and consistent policies on how to deal with the cases, and there is a lack of knowledge about the role of other authorities and a lack of proper training in recognizing and intervening in cases of abuse (Bunting, Lazenblatt & Wallace 2010; Humppi & Ellonen 2010; Ellonen & Pösö 2014). Thus, police are puzzled as to what their powers are, and social workers have no clear advice as to when intervention is appropriate (Freeman 2007). Moreover, authorities do not necessarily agree upon which parental behavior should be considered maltreatment and what action should be taken in response to maltreatment (Ashton 2001; Jent et al. 2011; Ellonen & Pösö 2014).

In this dissertation, disciplinary violence against children, perpetrated by parents, is examined using child welfare and police documents. The attitudes towards disciplinary violence in Finland have become increasingly negative in the past 30 years (Sariola 2007; Sariola 2012; Ellonen 2012; Ellonen et al. 2014), and it has been found that a change in attitudes can be accomplished by, for instance, informing people about corporal punishment as such and about the problematic behaviors associated with it (Romano et al. 2013; Holden et al. 2014). Still, however, to some extent, there are approving attitudes and, moreover, disciplinary violence is not always considered as an assault and thus a crime (Ellonen 2012). The number of cases of petty violence is much higher in comparison to severe assaults that are revealed more easily and can also be more easily judicially investigated.

Up until the year 1979, the Finnish Criminal Code allowed parents to use corporal punishment, and thus an assault made with an aim of 'educating' a child was not punishable. This has not been the case for almost 30 years now: in 1984, corporal punishment of children was banned in the Child Custody and Right of Access Act (361/1983). Still, however, determining what constitutes a punishable assault and what does not can cause problems and ambiguity in many cases. Examining how authorities justify their decisions, their argumentations behind certain decisions and the outcomes of their decision-making processes is a crucial way of gaining insights into how authorities deal with disciplinary violence in practice. This has two assets: firstly, it aids in developing authority practices further and, secondly, by making authority practices more coherent and consistent, the best interest of the victim – in this case a vulnerable child – is more likely to be fulfilled in more cases.

1.1. Research tasks

This summary article presents the findings of four sub-studies that examined disciplinary violence against children perpetrated by parents in authority records and in the criminal procedure. The first three sub-studies have been made from the same point of view, authorities' perspective, using authority data and aiming for giving clear and thorough insights into how the authorities in Finland understand/perceive and deal with this type of crime. Authority data is utilized also in the fourth sub-study, but in this study the focus is on shedding light on how parents rationalize the use of violence to the authorities. The aim of the fourth sub-study is to give these authorities better insights into what arguments they might be facing when encountering a suspicion of disciplinary violence.

In this summary article, I aim to answer the following main research questions: what is disciplinary violence, what are the different definitions, and how is disciplinary violence being defined and constructed as a crime by authorities and parents? By addressing these research questions, I aim to increase the knowledge of the phenomenon through which disciplinary violence would be easier to recognize and intervention would be more efficient. Due to the nature of the authority data, the nature of disciplinary violence as an empirical phenomenon cannot be examined in this study but the focus is on the continuous construction of disciplinary violence.

Thus, this doctoral dissertation contributes to the empirical literature on violence against children and the theoretical discussions on construction of crimes (see Lacey 1994, 1995). From a broader perspective, this doctoral dissertation is situated in the field of criminology as well as sociology of law. Criminology is an interdisciplinary field drawing upon, for example, legal studies and social sciences and it focuses on examining crime as a societal phenomenon, in this case disciplinary violence. This study utilizes

mainly criminological research, theorizing and methods and involves a strong element of sociology of law: In addition to the formal legal system and 'law in books', this study is interested in the individual agents and institutions working within that formal system continuously interpreting the formal law and thus implementing 'law in action'. In other words, this study is interested in 'the real world practices of law that determine what law is' (see Alvesalo & Tombs 2015.) Moreover, in the dissertation, there is an element of child law as it examines the concept of 'child's best interest' and places an emphasis on the fulfillment of it in authority procedures as well as the right of a child to be heard.

The concept of *disciplinary violence* is used throughout the whole dissertation. I use the concept of disciplinary violence to refer to the acts that traditionally have been called *corporal punishment* of children. One reason for the use of this term, instead of the term corporal punishment, is because, in the literature, there is a tendency to move the focus from punishment to violence, as these acts are inherently violent and should not be legitimized with reference to corrective goals (Straus et al. 1980; Bitensky 2006; Ellonen et al. 2008).

1.2. Structure of the study

In the second section following this introduction, I look at the various definitions of violence, and specifically disciplinary violence, and explain the current Finnish laws regulating disciplinary violence. I also examine how the concept as such has evolved and how it has been used both nationally and internationally. In the second section, I also present the theoretical formulation of 'constructing' a crime (see Lacey 1994, 1995; Alvesalo 2003) and explain how it relates to disciplinary violence. In the third section, based on previous research findings and current Finnish legislation, I look at various factors affecting the processes of constructing disciplinary violence as a crime from the point of view of authorities and parents as well as parents' ways of rationalizing disciplinary violence. The fourth section describes the data and methods used in the research articles. In the fifth section, I present the main findings of the original sub-studies and reflect the concept of disciplinary violence against the concepts of 'corporal punishment', 'assault', 'violence' in general, and 'normal and acceptable parental behavior'. In the final section of this summary article, I will discuss the findings and their implications to both future academic research and authority policies and practices.

2. Disciplinary violence and construction of a crime

In this section, I introduce and explain the main concepts used in this dissertation, namely 'disciplinary violence' and 'construction of a crime'. I will discuss the various definitions of violence, and specifically disciplinary violence, which will act as a starting point when I, in the following chapters, answer the main research question of how disciplinary violence is defined by authorities and parents and how simultaneously disciplinary violence as a crime is constructed by authorities and parents. While reading the following chapters, it will become apparent that these various definitions of (disciplinary) violence and the contents of them are very much dependent on who is making these definitions, whether it is the parents, child welfare, or the police. Thus, in this section, I will not give a thorough, analytical, and detailed definition for the concept of disciplinary violence, as discussing how it is being defined is a major part of the core research task in this dissertation.

2.1. Construction of crimes and its relation to asymmetrical power settings

Lacey's (1994, 1995) formulations about the nature of criminal justice as a 'social ordering practice' and about how crimes are 'constructed' in society have been an important starting point, both methodologically and theoretically, in this dissertation. According to Lacey (1994), the construction of an event as criminal involves both formal law-making and a number of interpretative decisions by the public, witnesses, and the police. As soon as a suspected offence is reported to the police, a process of official, yet invisible, interpretative construction begins. In deciding whether to take a particular crime seriously, the police, who have the main investigatory resources, begin a process that transforms the case (Lacey 1994) and, thus, eventually shapes what is perceived as a crime in society on a larger scale. Respectively, this interpretative construction is affected by the 'social ordering practice' nature of criminal justice, which according to Lacey (1994, 1995) means that we need to pay attention to individual agents and institutions working within the criminal justice system, their professional cultures and ideologies, and discretionary powers, instead of just seeing a set of social institutions focusing on identifying and responding to breaches of criminal law (Lacey 1994; Alvesalo 2003).

Thus, throughout this summary article, I will use the concept of constructing a crime, in this case disciplinary violence, to refer to authorities' processes of perceiving and interpreting individual suspicions of disciplinary violence, making certain decisions and taking certain (investigative) measures based on their perceptions/interpretations, and while doing this, eventually defining what they think should be considered as punishable disciplinary violence requiring further measures, such as prosecution. As will be shown in the following chapters, these interpretative processes that eventually shape whether disciplinary violence

is considered as a crime are affected by both current laws regulating disciplinary violence, organizational policies and practices, and the perceptions of individual authorities of disciplinary violence. Thus, while laws regulating disciplinary violence set the outlines to how suspicions of disciplinary violence should be dealt with, the decision-making process of authorities is, however, far more complex. As McConville et al. (1991) have pointed out, while the law tells us what the police can do, it does not tell us what the police actually will do. Authorities' decisions are made in the context of underlying features of the social order: relatively concrete institutions (such as courts), powerful discourses (law), patterns of social organization and prejudice (such as race, gender), and locally dominant ideologies (such as occupational culture) (see Lacey 1994; Schafer et al. 2006; Bronitt & Stenning 2011; Tillyer & Klahm 2011). These underlying factors, which are sometimes called 'structures', both constrain and facilitate human choices (Lacey 1994).

In some cases of violence, authorities' interpretations and decisions on what constitutes violence and thus a crime are shaped by the power relations between the parties in question. This is why the point about *asymmetrical power* is brought forth in this dissertation. An analogy can be found between the traits of 'disciplinary violence' and 'police violence'. What these two very different types of violent settings have in common is that, in both, the question is about an asymmetrical power setting: the society, in other words other authorities, legislators, and the public, have given the police a legitimate right to use power and force and, respectively, parents have the right to use power over their children to raise them. Thus, both the police and parents possess a certain authority position and, to a certain extent, both have a right to use physical force, which in other settings could be considered as even violence. However, this discussion is of particular interest, as they are not allowed to use that power to such a great extent.[1]

It is probable that in violent situations where there is an asymmetrical power setting present, the meaning of 'constructing' that event as a crime is emphasized (see Lacey 1994; 1995): In the case of an asymmetrical power setting, authorities often need to pay attention to the fact that the other party possesses a legitimate right to use power/force of some sort and, thus, they need to make more interpretative decisions regarding the boundaries of the acceptability and reasonability of the use of that legitimate force. In my view, it is the authorities – police officers, social workers, prosecutors, and judges – who, with their own interpretative processes and enforcement practices, eventually define the boundaries of that legitimate use of force and, thus, construct a crime. Construction of a violent act as criminal is essentially related to how violence as such is defined. In the following, I present the various definitions, violence and disciplinary violence in particular, and look at how these definitions have been used in previous research.

[1] More on police violence, see Klockars 1980; Reiss 1980; Uildriks & Mastrigt 1991; Klockars 1996; Goldsmith 2000; Klockars 2005; Viitanen 2007.

2.2. Definitions of violence

In the field of research into violence, there has been constant debate about what constitutes violence. These considerations are very important to be presented in a study like this, in which an analytical definition of the concept of disciplinary violence is trying to be reached. What counts as violence is always socially constructed, varies over time, depends on its historical and social contexts, reflects power relationships, and is notoriously difficult to define, because it is such a multifaceted and highly ambivalent phenomenon (Dobash & Dobash 1979; Muehlenhard & Kimes 1999, 234; Burr 2003; de Haan 2008, 28). In line with Lacey's (1994, 1995) formulation of the criminal justice as a social ordering practice presented in chapter 2.1., Muehlenhard & Kimes (1999, 237, 243) have argued that what counts as violence can be decided by many people, such legislators, the police, prosecutors, social scientists, perpetrators, and victims, and what these different definitions have in common is that they 'reflect the interests of the people who create and promote them; words mean whatever people with power agree that they mean'.

De Haan (2008, 28) has provided a fairly broad overview of the various definitions of violence existing in research. It is common that violence is defined by its form or context: violence can be, for instance, physical, verbal, sexual, or structural, active or passive, or it can be individual or collective, interpersonal or institutional, private or public. Violence can also be divided into categories, such as youth violence, gang violence, street violence, or domestic violence, or described by the relationship between the perpetrator and the victim, for instance intimate-partner violence. Violence can also be described by its nature, being either as continuous or singular, 'one-off' events, or by the motive of an offender, such as being angry, impulsive, dispute-related, or instrumental. On one hand, there are more restricted and limited notions of violence, in which the definition of violence often is narrowed down to mean an interpersonal physical attack, and, on the other hand, there are extended, more inclusive views, in which also verbal aggression and institutional forms of violence are regarded as violence. (de Haan 2008, 28.)

A fairly simple way to define violence is to rely on the *criminal* forms of violence and argue that violence is the use of force that has been forbidden by law; however, the problem with these definitions is that they are compelling in the sense that legal definitions are officially and politically approved definitions that are very much dependent on the culture in question (Muehlenhard & Kimes 1999, 237; de Haan 2008, 27, 29). Another way to define violence has been to approach it by looking at the triggers or motives for the use of violence. In these formulations, violence has been defined to be either intentional, a goal-oriented conscious action, or 'affect', in other words triggered by an unintentional emotional reaction (see e.g. Nyqvist 2001, 14).

In research, violence has traditionally been perceived either as an act of force or in terms of a violation (Bufacchi 2005, 193). Perceiving violence as an act of force represents the traditional and common, but somewhat limited definition where violence is often defined to be 'interpersonal acts of force usually involving the infliction of a physical injury' (Coady 1986; Bufacchi 2005, 195). However, as Bufacchi (2005, 195) has pointed out, there has been debate about the relationship between force and violence: clearly not all force is violence, such as preventing a child from hurting him/herself, just like not all acts of violence require the use of physical force, such as verbal abuse. These considerations are very relevant when defining disciplinary violence and the boundaries of acceptable parenting. Dewey (1980) has attempted to draw the line between these concepts by arguing that when force becomes destructive and harmful, it turns into violence. A somewhat broader definition has been offered by those who see violence as 'any avoidable action that constitutes a violation of a human right or prevents the fulfillment of a basic human need' (Salmi 1993, 17).

Regardless of whatever definition of violence we may embrace, all these definitions manifest the fact that defining violence is complex and not something 'fixed, unchanging and uncontested' (Muehlenhard & Kimes 1999, 235). Moreover, it demonstrates that defining certain concepts in a specific way can have a powerful effect. Both of these points are important when examining, in the following chapters, the move from traditional views of corporal punishment to a more modern view of 'disciplinary violence'; the concept that is used and the way it is defined both shape attitudes towards the phenomenon as such and reflect the changing nature of primacies that have been decided to be given to certain things in our society, for instance parents' rights to corporally punish versus children's rights to physical integrity.

2.3. The contested concept of disciplinary violence

Disciplinary violence against children[2] is banned by law in Finland. In 1979, a special right of parents to physically punish their children was removed from the Finnish Criminal Code. However, it was experienced later that this removal from the Criminal Code alone was not enough to make it clear which acts against children are allowed and

[2] Being aware of the debate on the age of a 'child' in different fields of research, in this dissertation a child means an underage person (from 0 to 17 years of age) under the Finnish law. I agree with Pajulammi (2014), who has argued that childhood is a social construction but, nevertheless, in the field of law, a child usually means a juridically underage person. Thus, the concept of a child can include babies, toddlers, teenagers, adolescents, and so forth. Moreover, speaking of a child is more humane and less clinical than speaking of an underage person (see Pajulammi 2014, 71-72). This approach is supported also by the United Nations Convention on the Rights of the Child, in which it is stated that childhood ends when a person turns 18. In my own research, I chose this word also, because throughout the dissertation I am referring to the relationship between a parent and a child.

which are not, which resulted in contradicting opinions and verdicts: the boundaries of parents' disciplinary power remained blurred and the question whether a parent would be guilty for an assault when using physical punishment against a child remained unanswered to some extent. Moreover, the legislator wanted to highlight the right of a child for understanding, safety, security and tender care during his/her upbringing. (Finnish Government 224/1982, 5, 12.) Therefore, in 1984, the Child Custody and Right of Access Act (361/1983) entered into force. According to this law, the child shall not be subdued, corporally punished, or otherwise humiliated (Chapter 1, Section 1). According to the Finnish Criminal Code (39/1889), acts of disciplinary violence fall under the category of assault (Chapter 21, Sections 5-7). In most cases, disciplinary violence fulfills at least the essential elements of petty assault. In practice, however, police officers are often trained and educated to the fact that these acts are rarely just petty assault (Ellonen 2013). These laws, and a ruling from the Supreme Court (1993:151) stating that a parent does not have the right to use physical punishment and that the provision on (petty) assault can be applied, form the basis for how cases of disciplinary violence should be dealt with (see also Husa 2011).

As a concept, disciplinary violence is fairly recently developed. The use of the Finnish equivalent 'kuritusväkivalta' has been used first by Sariola (2007, 2012) and it has been used increasingly in Finnish scientific research (see e.g. Ellonen et al. 2008; Ellonen 2012; Heinonen & Ellonen 2013; Toivo 2013). However, in international research, the use of the concept of disciplinary violence is still rare. The word as such is a straightforward translation from the Finnish word 'kuritusväkivalta' (discipline+violence=disciplinary violence). I chose this concept after consulting the Finnish Central Union for Child Welfare, which has been promoting this shift in concepts in their surveys and reports (see, e.g. Sariola 2007, 2012). Although also applicable to other countries as such, the concept of disciplinary violence has not yet become widely used. Traditionally, in both national and international research, concepts such as 'corporal punishment' and 'physical punishment' have been used extensively (see e.g. Straus, Gelles & Steinmetz 1980; Ashton 1999, 2001; Straus 2001; Gershoff 2002; Ashton 2004; Grogan-Kaylor 2004; Ateah & Durrant 2005; Bitensky 2006; Moraes et al. 2006; Zolotor & Puzia 2010; Smith & Durrant 2011a; Smith & Durrant 2011b; Björkqvist & Österman 2014; Graham & Weems 2014; Schneider et al. 2014). There is extensive research on physical punishment of children as such, but often the research has focused on the prevalence, effects, and effectiveness of physical punishment on children instead of, for example, questioning the current terminology and the impact of language (see Saunders 2013).

In literature, concepts like 'physical punishment', 'corporal punishment', and 'physical discipline' are often used interchangeably (Saunders 2013, 285). Also, words such as

'spanking' and 'smacking' have been used to refer to acts of disciplinary violence (see e.g. Gershoff 2013; Freeman & Saunders 2014). However, to my knowledge, only in a few scientific publications, and mostly by Finnish authors, has the concept of 'disciplinary violence' been utilized (Ellonen et al. 2008; Ellonen 2012; Sariola 2012; Heinonen & Ellonen 2013; Toivo 2013; Freeman & Saunders 2014). In many publications, 'physical' or 'corporal' punishment is not defined more specifically, and seemingly it is often assumed that these concepts are in many ways unambiguous. In many studies, the Conflict Tactics Scale (see Straus 1979) and the acts previously regarded as corporal punishment have been used in a relatively automatic fashion to describe corporal punishment, but the theoretical discussion of the contents of the concept is often lacking in the studies.

In this summary article and in the sub-studies, when talking about disciplinary violence instead of corporal punishment, I use a different concept to refer to similar acts and ways of committing an offense. In other words, I use the concepts of disciplinary violence and corporal punishment synonymously. However, the aim is to address the difference in tone, which is present between these two concepts. When the concept 'corporal punishment' is used, the aspect of violence is not present. Using the word 'violence', though, brings a whole new dimension and attitude to the discussion. Bussman (2004, 306) has found that when referring to acts traditionally considered as physical punishment, the use of the word violence effectively challenged its validity. Words such as 'corporal punishment' and 'spanking' describe hitting a child, but with a connotation that these are socially approved and legal acts (Straus 2010). Thus, Straus (2000, 2010) encourages the terms 'hitting' or 'physically attacking' children to discourage the use of the concept of physical punishment. Using the concept 'corporal punishment' only confuses things, because conceptually it is not on the same level as an assault but refers to the perceived motive behind the violent act, in this case, the aim to 'educate' a child (Sariola 1990).

In sum, corporal punishment and disciplinary violence refer to the same acts of physical force against a child; what differentiates them is the stricter and more negative attitude - that follows with the use of the word 'violence' - towards the acts that have traditionally been regarded as corporal punishment. It has been found that hardly anyone can accept violence, not even in its mildest forms, but the idea of corporal punishment is more bearable to many (Sariola 2007). The moral judgments and arguments behind violent acts should not change just because the object is a child (Bitensky 2006); few would accept the acts of disciplinary violence occurring between two adults. Therefore, the move in discussion and literature from corporal punishment to disciplinary violence is very important. In Finland, all corporal punishment of children is forbidden by law, and this law banning corporal punishment is self-explanatory as such. However, it is not stated anywhere exhaustively, neither in laws nor academic research, what acts explicitly classify as corporal punishment, or as I approach it, disciplinary violence. Nevertheless,

more than with the actual acts as such, the problem seems to lie in deciding *to what extent* corporal punishment should be used so that it, without a doubt, would need to be considered as violence (see also sub-studies I-IV).

2.4. Defining disciplinary violence

As explained in the Introduction and in chapter 2.3., in this dissertation, I use the concept of disciplinary violence to refer to the acts that traditionally have been called corporal punishment of children. Defining these acts as violent first and foremost highlights the fact that they are not necessary or useful in order to raise children (Straus et al. 1980). Straus's (2001) definition, which emphasizes the adults' intentions, motivations, and justifications, has been widely embraced in scientific research examining physical punishment of children. In many studies (Cope 2010; Dwyer 2010; Gershoff 2010; Larzelele & Baumrind 2010; Saunders 2013; Freeman & Saunders 2014), the concept of corporal punishment has been attempted to be defined, and, roughly, they all end up with the definition of corporal punishment originally provided by Straus (2001, 2010): corporal punishment is 'the use of physical force with the intention of causing bodily pain, but not injury, for purposes of correction or control of the child's behavior'.

In empirical research, the concept of corporal punishment has been operationalized by acts such as spanking on the buttocks, hand slapping, hair pulling, pushing, shoving, shaking, grabbing or squeezing hard, smacking ear twisting, pinching, and putting hot sauce or soap on a child's tongue for cursing (Sariola & Uutela 1992; Straus 2001; Ellonen et al. 2008; Ellonen 2010; Straus 2010; Sariola 2012; Clément & Chamberland 2014). These are largely based on the Conflict Tactics Scale (CTS) developed by Straus (1979) and the revised Parent-Child Conflict Tactics Scales (Straus et al. 1998) for measuring intrafamilial violence. However, other forms of physical punishment can be regarded as disciplinary violence too, such as forcing a child to take a cold shower or putting a child outdoors in the winter without proper clothing.

The United Nations Committee on the Rights of the Child has adopted a General Comment (No. 8) entitled 'The Right to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment'. This comment aims to 'highlight the obligation of all States Parties to move quickly to prohibit and eliminate all corporal punishment', and it emphasizes eliminating corporal punishment of children as a 'key strategy for reducing and preventing all forms of violence in societies' (United Nations 2007). The Committee has defined corporal punishment to be 'any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (smacking, slapping, spanking) children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon etc. But it can also involve, for

example kicking, shaking or throwing children, scratching, pinching, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices)...' (United Nations 2007).

The United Nations Committee on the Rights of the Child accepts that children need discipline in the form of 'necessary guidance and direction, but such guidance is different from violence and humiliation'. The Committee also accepts that it may be necessary to intervene physically to protect children from harm: pulling a child back when he or she is running into a road or towards a fire (United Nations 2007). This can be regarded as 'acceptable and normal parenting' (see also Jent et al. 2011) which is also a responsibility of parents.

During the research process, I had to thoroughly consider on what grounds I should consider a certain case to be disciplinary violence, as in the authority records I analyzed this was not clearly expressed, and the concept as such was not used. Based on the definitions of corporal punishment mentioned above, I chose to approach this by looking at the *intentionality* of the violent act and the perceived *reason* for using such violence. The deliberate nature of disciplinary violence has been brought forth in previous research as well: for example, Saunders (2013, 285) has stated that words such as physical or corporal punishment refer to the correction or punishment of a child's behavior through the *deliberate* or ill-considered infliction of bodily pain, however minor or intense.

Thus, based on these criteria I defined disciplinary violence to be *intentional use of physical force* (in this case by a parent) with *the aim of causing some bodily pain* that aims for *educating and/or punishing a child because of something that a child has done or not done*. Even though the acts that have traditionally been named as corporal punishment are often regarded as 'petty and mild' violence, the acts of disciplinary violence do not necessarily have to be petty. Acts such as kicking the child cannot be considered as petty under any circumstances, no matter what the cause is. Thus, my definition of disciplinary violence acknoweledges that acts of disciplinary violence may also be severe violence and fulfil the essential elements of an aggravated assault.

However, this definition of disciplinary violence was made mainly for research purposes, in other words, to allow the appropriate data to be gathered (presented in more detail in chapter 4.2.). This definition stems from our current legislation defining what an assault is, from the definition of the concept of corporal punishment and partly from analyzing the authority documents when I reviewed what acts were treated as physical punishment of children or 'disciplinary violence'. This definition reflects my attitudes and approach as a researcher to the phenomenon. Subsequently, as a core research task, I will discuss, in the following chapters, how parents and authorities for their part define and construct disciplinary violence as a crime in their everyday practices.

Negligence, such as not giving a child food or mental/verbal abuse are not included in my definition. I chose to delimit these acts from my definition of disciplinary violence and approach the concept from the same premises as researchers using concepts like physical or corporal punishment, with the main emphasis being on *active, physical,* and 'intentional infliction of bodily pain' (Straus et al. 1980; Straus 2001, 2010; Saunders 2013; Freeman & Saunders 2014). Lately, there have been discussions on whether verbal and/or mental abuse should be treated as an assault in courts (see e.g. Helsinki Court of Appeal 2015, 15/105869). However, I chose to focus on active, physical forms of violence and the infliction of bodily pain, following the traditional definitions of namely *corporal* punishment.

Moreover, many cases, for instance not giving a child food, are assessed in a different way juridically: it might not be considered as an assault as such but evaluated based on the abandonment section of the Finnish Criminal Code (chapter 21; section 14) stating that[3]: 'A person who renders another helpless or abandons a helpless person in respect of whom he or she has an obligation of care, and thereby endangers the life or health of said person, shall be sentenced for *abandonment* to a fine or to imprisonment for at most two years.'

[3] For the essential elements of an assault to be fulfilled, the parent would need to have an aim to harm the health of the child or clearly be aware of the fact that his/her actions are going to harm the well-being of a child. Thus, in order to assess not giving a child food as an assault, the aim of a parent to harm the health of a child needs to be proven. If this is proven, not giving a child food can also be assessed as an assault instead of abandonment.

3. Construction of disciplinary violence from the point of view of authorities and parents

In this dissertation, I approach parental disciplinary violence and the construction of it as a crime from two different angles: authorities, specifically social workers/child welfare and the police, and parents. In this section, I will explain the current legislation regulating authority practices in suspicions of violence against children and present findings from previous studies, giving insights into other factors that play a role in the construction of disciplinary violence as a crime. Thus, firstly, I regard that authority construction of disciplinary violence as a crime is essentially and *equally* affected by both legislation (chapter 3.1.) as well as other factors related more to the characteristics of an individual authority and organizational matters (chapter 3.2.). The perspectives of the child welfare and the police are merged and presented together under the umbrella term of authority perspective (practices and policies) as there are many similarities in these perspectives. Secondly, I look at the ways in which parents construct the crime of disciplinary violence through 'rationalizations' and 'neutralizations' (chapter 3.3.).

3.1. Laws regulating authority practices in suspicions of disciplinary violence

In addition to the regulation of disciplinary violence as such, the practices of authorities in these suspicions of violence are also regulated on the level of laws in Finland. The Child Welfare Act (417/2007) sets the outlines on how cases of disciplinary violence should be dealt with by the child welfare authorities. According to the law, proceedings are initiated in a child welfare case upon application or when a social worker or other child welfare worker receives a request for assessment of a child's need for child welfare, receives a child welfare notification, or otherwise becomes aware of a child who may be in need of child welfare. Once proceedings are initiated in a child welfare case, the social worker or other child welfare worker must assess immediately the child's possible urgent need for child welfare. In addition, the social worker must decide, no later than seven days after receipt of the notification, whether, on this basis, to begin investigating the need for child welfare, or whether the case is clearly of a kind that does not require measures to be taken.

Notwithstanding confidentiality provisions, *the child welfare authorities* and *all other authorities* working *with children must notify the police* if there is *a reason to suspect* that in the environment within which a child is being brought up, the child has been the subject of an action punishable under Chapter 21 (Homicide and bodily injury) of the Penal

Code, for which the maximum penalty prescribed is at least two years imprisonment (Section 25; 1302/2014). It needs to be noted that this section of the law was amended in 2015, and while gathering the data, the section stated that the child welfare authorities must notify the police if there are reasonable grounds to suspect (25d; 88/2010) instead of a reason to suspect. Moreover, this section considered only sexual crimes against children, whereas in the current law, it has been extended to cover physical assaults as well. Previously, the obligation to report suspicions of physical assaults against a child to the police concerned only child welfare workers, but since the entering of the current law into force in 2015, all other authorities working with children are now obliged to report suspicions of physical assaults straight to the police in addition to making a notification to child welfare. In other words, with the amended law, the threshold to report is lowered compared to the situation of the time when the data was gathered.

Thus, social workers are obliged by the Child Welfare Act to always report certain cases of suspected violence against children to the police. However, the problem is that disciplinary violence is often perceived as 'mild' violence and, thus, petty assault. According to the current legislation, petty assaults do not have to be automatically reported to the police, as the maximum penalty of a petty assault is not imprisonment but fines. Nevertheless, according to the law on a client's position and rights within social services (812/2000), social workers also have the right to report suspicions of petty assaults to the police if it is seen as necessary in considering the child's best interest. Often, it is the case that social workers use their right for discretion credited by the law in cases of disciplinary violence in deciding whether or not to report a case.

According to the Criminal Investigation Act (805/2011), the criminal investigation is led by police, who are in charge of all investigation measures. The police are obliged to conduct a criminal investigation when there is reason to suspect that an offense has been committed. The role of the police is to investigate what has happened, in which circumstances, and who is involved. After the criminal investigation, some cases proceed to the prosecutor charges to be brought up. According to the Criminal Investigation Act (Chapter 5, Section 3), the police are however obligated to inform the prosecutor already in early stage of investigation, so that the police and prosecutor may co-operate already during the investigation. In Finland, all acts of violence against children are subject to public prosecution according to the Criminal Code (Chapter 21, Section 16). However, a pre-trial investigation can be discontinued on the basis of the case being deemed of minor significance or a trial and a possible punishment for the perpetrator seen as disproportionate and purposeless when assessing the situation as a whole. This seems to be quite common in suspicions of disciplinary violence (see sub-study III).

The current Criminal Investigation Act also includes a separate section concerning children in the pre-trial investigation (Chapter 4, Section 7). In this section, it is stated

that, whenever possible, suspicions of crimes against children should be investigated by police officers who have received special training in this field (see sub-study II for more details). This section was added only after the data was gathered. Moreover, since the beginning of 2014, the amended law on organizing the investigation of a sexual or assault crime against a child (1009/2008) states that suspicions of assaults against children should be investigated like suspicions of sexual crimes against children, meaning that more costs related to these investigations will be covered by the state and that the university hospital areas are responsible for arranging, for example, somatic examinations and interviews of the children in suspicions of assaults as well. The real effects of these positive changes to the legislation cannot be examined and evaluated until future research is done.

The Child Welfare Act and Criminal Investigation Act presented above also oblige authorities to co-operate with each other in ensuring children's safety and well-being. The concrete way of co-operation is usually changing information between authorities from different sectors on a broader sense than just reporting suspicions. According to the Police Act (872/2011), the police have the right to any information needed for the investigation from other professionals notwithstanding confidentiality obligations. Public authorities are obliged to provide any executive assistance within their powers that is necessary for performance of police duty (Sections 35 and 41).

3.2. Factors influencing authority construction of disciplinary violence as a crime

In addition to the legislative context, disciplinary violence needs to be positioned in an authority decision-making context when scrutinizing the construction of disciplinary violence as a crime from an authority perspective. In other words, the current authority practices and policies and the factors influencing them need to be examined as well. These two contexts are naturally intertwined, as will be seen in the upcoming chapters, but the aim is to point out through previous empirical research findings that the current legislation is not the only determining factor when it comes to authority decision making: as explained in chapter 2.1., the nature of criminal justice as a social ordering practice and, thus, individual agents and institutions, their ideologies, and professional cultures cannot be ignored (Lacey 1994, 1995). According to Ashton (1999), 'the act of reporting a situation that is potentially a case of child maltreatment is an end point in a process of decision-making that involves perception, judgement and response'. This process of decision making takes place in a complex social and legal environment of definitions, norms, expectations, and values (Ashton 1999). The influence of attitudes and values on decisions is emphasized, especially in cases in which the legislation is vague and does not give specific guidelines on how to deal with them.

The decisions made by authorities, in this case social workers and police officers, and the practices they actually implement are shaped by, among other things, the attitudes they hold towards the matter at hand and their work (profession-related culture, such as police culture), the way they interpret their role in society, and the organizational policies set on the supervision level (Brown 1981; Ashton 1999; Manning 1997; Reiner 2000; Ashton 2001; Ashton 2004; Korander 2004; Brooks 2005; Newburn & Neyroud 2008; Humppi & Ellonen 2010; Scaramella et al. 2011; Kekki 2012)[4]. Moreover, when it comes to suspicions of violence, in some situations, the moral opinion of an individual authority about what actually constitutes violence has a great influence on how the cases proceed (Humppi & Ellonen 2010; Ellonen & Pösö 2014) and, thus, how a violent crime is constructed. In addition, the extent of authorities' training, related to identifying and intervening in child abuse and neglect, has a great impact on the decisions they make (Wekerle 2013).

In previous studies, it has been found that authorities take several things into consideration when making decisions about measures in suspicions of violence against children. Even though many of the studies presented here are carried out in the United Kingdom, and obviously the cultures are different in many ways, I found during my research process that there are many similarities between the British and Finnish authority procedures and decision-making processes. Therefore, in my opinion, it is justified to present the findings of these British studies here. However, authority procedures and, for instance, the threshold of a social worker to report a suspicion of violence to the police, are dependent on laws that vary between different countries. This needs to be taken into account when referring to international literature in a dissertation that examines only national data. Nevertheless, despite of certain culture-specific features, this dissertation adds to international literature as well as it presents similar kinds of findings as in many international studies (see following chapters for more specific references).

The most common aspects authorities take into consideration seem to be the number of inflicted injuries, the implement used, the location of the injury, and the perceived seriousness and unacceptability of the physical act (Ashton 2001; Coleman et al. 2010; Jent et al. 2011). It has been found that child protection professionals who rated corporal discipline as more acceptable were less likely to classify a singular injury that was a result of a parent hitting a child once on the buttocks with an open hand as physical abuse, and social workers with higher scores for approval of corporal punishment were less likely to report maltreatment (Ashton 2001; Jent et al. 2011). Moreover, it has been found that situations involving young children, children at risk of repeated harm, and situations involving severe physical abuse are more likely to be considered serious and to be reported (Van Haeringen et al. 1998; Ashton 1999; Ashton 2001).

[4] on critique of police culture, however, see e.g. Fielding 1988; Shearing & Ericson 1991; Chan 1996.

In Table 1, I have summarized the factors found in the above-described previous research to affect authority decision-making processes, specifically in cases of violence against children.

Table 1. Factors affecting authority decision-making processes in suspicions of violence.

Individual-level factors	**Organization-level factors**
- attitudes towards the matter at hand, e.g. acceptance of physical punishment	- profession-related culture, such as police culture
- interpretation of their own role in society	- organizational policies and priorities set at supervision level
- moral opinions of what constitutes violence	- current legislation
- the number of inflicted injuries and the location of the injury	- available resources (time, money, investigators…)
- the perceived seriousness and unacceptability of the physical act	- public expectations
- the age of a child	- economic and political pressures
- the nature of the violence as continuing or a 'one-off' incident	
- consideration of child's best interest	
- tension between protecting the child and supporting the family	
- training related to identifying and intervening in child abuse and neglect	

The nature of decision making in social and police work differs in fundamental ways from more rational models (Van de Luitgaarden 2009). Social work has been found to more closely resemble intuitive decision making because of the ambiguity, incompleteness, and contradictory information relating to the problem around which social services investigations revolve (Klein 1998; Van de Luitgaarden 2009; Forkby & Höjer 2011). According to Simon (1983), 'in intuitive problem-solving, decisions are made on a more ad hoc basis and people tend to opt for decisions that seem to offer the best solutions and where such solutions are tried out one at a time'.

According to Forkby and Höjer (2011), social work decision-making processes involve both a formal side, relating to how decisions should be made in relation to legislation, policy, and administrative routines, as well as an informal side that includes individual or group-based practical know-how, values, negotiations, and the influence of different actors. Reaching a decision often balances between group-based, jointly-formulated efforts and the gut instinct of a social worker (Parada, Barnoff & Coleman 2007).

Human service workers faced with situations involving possible maltreatment must make critical decisions affecting not only the child but also the entire family based on brief investigations with partial information (Ashton 1999). Child welfare social workers

are in a difficult position in relation to parents as they are expected to try and work in partnership, while at the same time they must simultaneously function as limit setters, enforcers, and, if the case comes to court, witnesses for the prosecution (Beckett, McKeigue & Taylor 2007). In child welfare, there is a constant negotiation with the tension between protecting the child and supporting the family (Heino 2009), which also affects the decision-making processes. Moreover, it has been found that rather than acting coercively and intrusively in cases of physical punishment, child welfare workers are much more likely to refer the family to supportive intervention programs (sub-study III; Moraes et al. 2006).

Thus, authorities incline to use discretion considerably when making decisions in suspicions of disciplinary violence against children. In many ways, this is natural and the right to use discretion is granted to the authorities by law. It is characteristic of public administration officials to have a right as well as an obligation to use discretion and of these officials to not have unambiguous answers but only some foundations on which they base their interpretations of the norms**.** Instead of focusing on authority discretion as such, the boundaries of this use of discretion are of interest. Some crucial boundaries are set in the Finnish Administrative Procedure Act (434/2003) which states the legal principles of administration, such as the principles of equal treatment, impartiality and proportionality (Chapter 2, Section 6). Moreover, all administrative processes should be efficient, open and transparent. Authority discretion is often divided into discretion that is tightly tied to laws and discretion that is by nature more free, taking into consideration the need of authority decision making to adapt to its purpose. In the first case, the laws related to a specific situation are unambiguous enough in order for authorities to make the right decision. In the latter, authorities have the possibility to choose between various legally correct and righteous alternatives which makes it possible for authorities to choose the alternative which fulfills the goals set to a choice or a decision the best, however always conforming to the legal principles of administration. (see e.g. Konstari 1979; Mäenpää 2011a; Mäenpää 2011b.) In practice, authority discretion has been found to be influenced by several situational and organizational factors in addition to the legal principles.

In relation to policing, it has been found that discretion is influenced by the characteristics of the situation in which police act, the limited resources available, public expectations, organizational priorities, and officer preferences (Brooks 2005; Roberg et al. 2012). While all police officers exercise some discretion, not all exercise the same levels of it (Brooks 2005). However, both the police organization and individual officers do exercise discretion and, according to Brooks (2005), at least some discretion is exercised in every aspect of the police task. This applies to child welfare workers as well. The use of discretion may, however, lead to questioning the quality of the decision-making process. According to Manning and Hawkins (1989), it seems that the less serious the behavior

encountered, the wider the array of possible choices about action open to a police officer. It seems that in these 'less serious' incidents the perceived functions of policing that police officers hold and the way in which police officers interpret policing have a crucial role in determining the actions taken (see, e.g., Kekki 2012).

The practices and the roles of child welfare and the police differ from each other to a great extent due to the different goals and proceedures of these two institutions as well as the laws regulating their work. This also affects their ways of using discretion and the legal boundaries of its use when encountering a suspicion of disciplinary violence. According to the Police Act (872/2011), one of the main duties of the police is to investigate crimes while respecting and ensuring the fundamental rights of the parties involved, including the suspect (Sections 1 and 2). In a criminal procedure, the *favor defensionis* principle is utilized according to which there needs to be strong evidence against the suspect and whenever there remains uncertainty of the suspect's guilt the case is solved in favour of the suspect (*in dubio pro reo*). Even though it needs to be taken into account, a child's best interest is not the guiding principle when assessing someone's guilt in a criminal procedure. On the contrary, in Finnish child welfare, a child's best interest and right for special protection are core principles. Finland has ratified the United Nations Convention on the Rights of the Child, in which the third article states that the best interest of the child shall be a primary consideration. This has also been written exactly in this form in the Finnish law on the client's position and rights within social services (812/2000). The core of child welfare lies in protecting the development and health of a child and removing factors which are endangering those (Bardy 2009).

According to Bardy (2009), Finnish child welfare is based on a child-centered family emphasis. On a theoretical level, the legislation regulating violence against children is unambiguous: violence of any kind is criminalized, and investigations should be carried out bearing in mind the child's best interest (Humppi & Ellonen 2010). However, as a concept, the child's 'best interest' is very equivocal and situation-bound (Puonti 2004; see also sub-studies I and III). The perceptions of a child's best interest vary between different authorities who define it based on the duties and obligations of their own work (Humppi & Ellonen, 22-23). Moreover, what complicates the situation is that in the law on a client's position and rights within social services it is not specified as to what is meant by a child's best interest, even though it is mentioned seven times in the law text. Thus, the authorities also interpret legislation in different ways, which results in different approaches being taken by authorities (Humppi & Ellonen 2010).

According to the United Nations Committee on the Rights of the Child, the concept of the child's best interest is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention on the Rights of the Child and the holistic development of the child (United Nations 2013). The committee has underlined

that the child's best interest is a threefold concept, defining it as a substantive right, a fundamental interpretative legal principle as well as a rule of procedure (United Nations 2013). However, the Committee acknowledges that 'the best interests of a child is a dynamic concept that encompasses various issues which are continuously evolving', and its content must be determined on a case-by-case basis according to the specific situation of a child, taking into consideration his/her personal context, situation and needs, however always ensuring the fulfillment of the rights granted in the Convention on the Rights of the Child (United Nations 2013; see also de Godzinsky 2014). The best-interests assessment consists of evaluating and balancing all the elements necessary to make a decision in a specific situation for a specific individual child and requires the participation of the child (United Nations 2009, 2013). A child's best interest can also be defined by relying on fundamental and human rights in the sense that these rights are seen as the core of the concept of a child's best interest which cannot change on a case-by-case basis (Nieminen 2004, 620-621; de Godzinsky 2014, 15; see also Hakalehto-Wainio 2013).

The participation of a child him/herself is crucial from the point of view of proper fulfilment of the best interest of a child. According to the Finnish legislation, a child has a right to be heard and participate in the decision-making process concerning him/herself taking into consideration his/her age and developmental stage and, respectively, child welfare workers and the police have an obligation to examine a child's views (Child Welfare Act 417/2007, Section 5; The Convention on the Rights of the Child, Article 12). Child's views and how they have been taken into consideration as well as determining how a certain outcome fulfills the primacy of a child's best interest must be expressed clearly in authority documents (Finnish Government 2006, 130–131; United Nations 2009, 2013; de Godzinsky 2014). However, children often feel that they have been left unheard in decision-making processes concerning their own lives (Ministry of Social Affairs and Health 2013, 33).

3.3. Rationalization as a (parent's) way of reducing the criminal nature of disciplinary violence

In addition to authorities, parents also have ambiguous perceptions of a child's best interest and physical punishment. Despite the drastic shifts in conceptions of childhood, 'social reconstruction' of children as persons and rights bearers, a redefinition of physical punishment as violence, and a violation of both children's and international human rights (Smith & Durrant 2011a; Smith & Durrant 2011b; Arthur 2014; Watkinson & Rock 2014), parents' opinions about disciplinary violence vary extensively. Even though it is becoming more widely acknowledged that the moral judgments behind these violent acts should not change just because the object is a child (Bitensky 2006), this kind of 'mild'

violence against children is still rationalized and neutralized to a great extent, especially by those parents who still resort to physical punishment.

The ways in which parents rationalize and reason the violence they use can be approached by looking at the idea of the techniques of neutralization formulated by Sykes and Matza (1957) and the idea of accounts presented originally by Scott and Lyman (1968) and later, especially in relation to sexual crimes, by Weiss (2011). According to these theoretical formulations, the moral values of delinquents are fundamentally similar to those of non-delinquents, but the distinguishing factor is that delinquents are able to excuse or justify their delinquent behavior in the light of particular circumstances (Sykes & Matza 1957; Minor 1981). By rationalizing unexpected events in ways that make the incidents and the persons responsible appear less deviant and even normal, accounts help to maintain social order, prevent interpersonal conflicts, and restore equilibrium within social relations and, moreover, offer a possibility to maintain a decent self-concept after the offense (Sykes & Matza 1957; Scott and Lyman 1968).

Sykes and Matza (1957) listed five commonly employed techniques on neutralization: *denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners,* and *appeal to higher loyalties*. The first technique, denial of responsibility, means that a perpetrator sees the criminal act to be 'out of his/her control', caused by an outside force, or being an accident, something to which they were 'drawn'. The second technique, denial of injury, occurs when no harm is caused to the victim by the criminal act. Perpetrators often argue, for example, that 'The child was not hurt, no real harm was done'. The third technique, denial of the victim, is used when the criminal act is perceived as a punishment towards a person who deserves such treatment. Deviants see these acts as rightful and justified because the victims 'deserve it'. Condemnation of the condemners (fourth technique) means shifting the focus from the actual deviants to those who express disapproval. The condemners are often seen as 'hypocrites' by the deviants, arguing that 'You do it too, I bet you have done something'. The fifth technique, appeal to higher loyalties, is used when a perpetrator feels like they 'have to' break the law of the larger society to benefit a smaller group to which they belong. Deviants often argue that 'I didn't do it for myself'. (Sykes & Matza 1957.) Accounts can be separated into two categories: excuses and justifications. Persons who use excuses admit that the act is wrong, but deny culpability for it due to accident, mistake, or some external force beyond the offender's control. In contrast, persons who use justifications accept responsibility for their actions but deny that the behavior was wrong in the first place (Scott & Lyman 1968; Weiss 2011). Relying on the ideas of neutralization and accounts, Weiss (2011) found that the ways victims of sexual victimization neutralize the acts they were subjected to are split into four different account types: *denying criminal intent, denying serious injury, denying victim innocence,* and *rejecting a victim identity*.

In addition to studies examining specifically neutralization, there have been several studies examining the causes for parents sometimes resorting to disciplinary violence against their children. According to these studies, the most common reasons why parents tell they resort to physical punishment are misbehavior/aggressiveness of a child, parents' exhaustion and parenting stress, stressful situations, acting in the name of 'educating' a child, losing their temper, harmless habit, and powerlessness (Hentilä et al. 2010; Lee et al. 2011; Ellonen 2012). The attitudes towards physical punishment, parent's own affective state, and the perceived nature of the situation leading to the violent act as repetitive and unsolvable are also found to be related to violent behavior against a child (Ateah & Durrant 2005; Hentilä et al. 2010). Somewhat overlapping with the ideas of neutralization, violently behaving parents have been found to be either indifferent, trying to cover the act, explaining away the act, denying the act, or admitting it when talking about violence they have used (Hopia et al. 2004).

Studying parents' neutralizations in a dissertation aiming for producing new information in order to develop authority practices is important, first and foremost because of the fact that not being aware of the content of a law does not release a person, in this case a parent, from criminal liability. In other words, even if a parent does not know that disciplinary violence is forbidden by law, he/she can still be held accountable in front of a court for violent acts he/she has committed. In some cases, the problem might be that even though parents know that disciplinary violence is forbidden, they do not necessarily know exactly where to draw the line from a juridical perspective when it comes to raising and 'educating' their children. Thus, the definition and the contents of the concept of disciplinary violence are somewhat unclear.

4. Research process

4.1. Research questions and an overview of the sub-studies

This dissertation examines disciplinary violence in authority records and in the criminal procedure, specifically from a child welfare and police point of view. In order to analyze this, quantitative and qualitative analyses of both child welfare and police data have been carried out. The main research question answered in this summary article, and in the whole dissertation, is: What is disciplinary violence and how is it being defined and constructed especially by authorities and parents?

The main sub-questions, answered in the sub-studies, are as follows:

- how does disciplinary violence appear in child welfare documents and how have these cases proceeded? (sub-study I)
- how do police officers perceive disciplinary violence, its criminalization and investigation? (sub-study II)
- how does disciplinary violence appear in police records and how have these cases proceeded? (sub-study III)
- how do authorities justify their decisions, what kind is their argumentation behind certain decisions and what kinds of outcomes do their decision-making processes have in suspicions of disciplinary violence? (sub-studies I and III)
- how do parents neutralize the use of disciplinary violence to the authorities? (sub-study IV)

Article 1. In the first sub-study, I examined how (parental) disciplinary violence appears in Finnish child welfare services' records, especially child welfare notifications. The analysis was based on child welfare documents of one Finnish municipality from 2011. This was due to child welfare cases not being registered nationwide. The decision-making process of child welfare professionals in suspected cases of disciplinary violence was examined, especially by paying attention to the reasoning - in other words arguments arising from the documents - on which social workers have based their decisions regarding further investigation of these cases and requests for criminal investigation to the police. The aim was specifically to examine whether a request for criminal investigation had been made to the police.

Article 2. The second sub-study was co-authored by my other supervisor, researcher Noora Ellonen. In the article, we wanted to examine how police officers, specialized in investigating crimes against children, perceive disciplinary violence, its criminalization, and investigation. This was done by conducting 12 semi-structured interviews with police officers. We aimed to answer the following questions: 1) what do police officers, specialized in investigating crimes against children, think about the criminalization of disciplinary violence; how do they perceive disciplinary violence and, in their opinion, do cases of disciplinary violence require a criminal procedure? and 2) how do police officers perceive the investigation of suspected cases of disciplinary violence?

In the article, we mainly covered police officers' answers to the interview questions aimed at answering the two larger above-mentioned research questions, which dealt clearly with disciplinary violence. In addition, we included remarks that came up during the interviews if they clearly concerned disciplinary violence. These included situations in which the interviewee used the term 'disciplinary violence' or described hair pulling, slapping, or another violent act perpetrated with the intention of punishing a child. Qualitative analyses of the informants' answers, more specifically thematic analyses, were carried out in order to find answers to the research questions posed. The interviews were carried out by Noora Ellonen, who also analyzed the data. My tasks with the article were to familiarize with previous research on the topic and write the introduction, theoretical and legislative context, results, and the conclusions and discussion section. I was also responsible for all the technical issues, such as the references and submitting the manuscript to the journal.

Article 3. In the third sub-study, it was examined, first, what a typical suspicion of disciplinary violence coming to the attention of the police is and, second, how these suspicions have proceeded. The analysis was carried out utilizing reports of crime about parental disciplinary violence against children made to the police nationwide in Finland in 2011 (n=819) and, based on these, the particular pre-trial investigation documents. Attention was especially paid to whether the pre-trial investigation had already concluded (by the time the data were gathered) and whether the cases had been sent to a prosecutor. The reasons for and arguments behind different outcomes were also investigated by looking at police officers' argumentation written in the reports of crime and pre-trial investigation documents. Attention was paid to the factors that seemed to have led to certain decisions and measures taken by police officers.

Article 4. In the fourth sub-study, the accounts of Finnish parents, in other words the justifications and excuses that parents use to justify disciplinary violence against their children, were examined. The qualitative analysis was based on child welfare documents, reports of crime made to the police, and pre-trial investigation documents from 2011. The analysis drew upon the techniques of neutralization (Sykes & Matza 1957) and the idea of accounts (Scott & Lyman 1968; Weiss 2011).

4.2. Materials and methods

Four kinds of data were used throughout all the sub-studies. In Table 2, the data and methods used in the sub-studies are presented.

Table 2. The sub-studies of the dissertation.

Sub-study	Research question	Data type and year of gathering	Data source	N of analytical units	Type of analysis
1. Child Welfare's Decision-Making Process in Cases of Disciplinary Violence	How does disciplinary violence appear in child welfare documents and how have these cases proceeded?	Child welfare notifications and client plans; 2012	The child welfare registers of one Finnish municipality	126	Quantitative +qualitative; content analysis
2. 'Crime or Not?' – Police Officers' Perceptions of Disciplinary Violence, Its Criminalization and Investigation	How do police officers perceive disciplinary violence, its criminalization and investigation?	Interviews with police officers; 2012	Police officers	12	Qualitative analysis of interviews; thematization
3. Balancing between Social Work and Prosecution: A Study of Disciplinary Violence Reported to the Police	How does disciplinary violence appear in police records and how have these cases proceeded?	Reports of crime; pre-trial investigation documents; 2012-2013	The Finnish Police Information System; police departments	817+568	Quantitative +qualitative; content analysis
4. Neutralizing Disciplinary Violence: A Typology of Parents' Use-of-Violence Accounts	How do parents neutralize the use of disciplinary violence to the authorities?	Child welfare notifications and client plans; reports of crime; pre-trial investigation documents; 2012-2013	The child welfare registers of one Finnish municipality; The Finnish Police Information System; police departments	126+817+568	Qualitative; content analysis

Data 1. *Child welfare data.* Firstly, the child welfare documents of one Finnish municipality were gathered. Child welfare notifications are not registered nationwide in Finland; so for this research, the notifications of one municipality from 2011 were investigated. The municipality selected for this research is one of the biggest urban municipalities in Finland. Due to confidentiality regulations, the notifications were collected from the child welfare services' registers by coordinators of the register system. To avoid biased selectivity - which can sometimes be a major limitation for studies using documentation as a source of evidence (see e.g. Yin 2009) – notifications were collected 'in excess' to ensure a maximum inclusion of all relevant cases to the analysis and all the collected notifications were also read through.

Child welfare notifications are registered according to the original reason of reporting. These reasons fall into several categories. These categories include, for example, suspicion of child abuse, child's violent experience, parenting methods of the parent(s), child's substance use, tearfulness of a young child, domestic violence or its threat, and interaction between parent(s) and child. For this research, after careful consideration and consultation of the social workers, the following codes were used for gathering the notifications: suspicion of child abuse, child's violent experience, domestic violence or its threat, and parenting methods of the parent(s). These were regarded to be the categories in which most of the disciplinary violence cases would be categorized. Most of the disciplinary violence cases were found under the category 'suspicion of child abuse'. 'Domestic violence or its threat' consisted, for the most part, of notifications relating to children who witness violence at home, e.g. father-to-mother or mother-to-father violence, or violence against siblings.

The search from the registers with the codes explained above produced a total of 722 child welfare notifications. These concerned a total of 597 children. Of the 722 cases that were read through thoroughly, 139 cases were selected for the analysis. The inclusion criteria used was that these cases were related to disciplinary violence against children perpetrated by parents, or, on the basis of the notification, there was a strong reason to believe that the motive of punishing and/or educating the child could be behind the violent act. Thus, a case was defined to involve the use of disciplinary violence either if it or its synonyms, such as corporal punishment or physical punishment, was actually mentioned on the notification, or if it could be concluded of the situational characteristics of each case, such as the child had misbehaved and then the parent had used physical means 'to teach the child a lesson' or 'punish' the child.

Of these 139 cases, further documentations of child welfare services was also collected and read through. These mainly included client plans and care records. These documents include further information about measures and proceedings taken after the initial child

welfare notification. These measures can be, for instance, investigation of need for child welfare, (emergency) placement of a child in family care or institutional care, meeting with the child's parents, or request to the police for investigating whether a crime has occurred. However, of 13 cases, no further documentation was found after the initial child welfare notification. This can be due to an error in documenting the name or social security number of the child or a 'human error' while searching these cases from the database. Thus, the final sample consisted of 126 cases. This material was used in sub-studies I and IV.

Data 2. ***Police data: reports of crime.*** Secondly, the reports of crime made to the police in 2011 were gathered from the Finnish Police Information System. In Finland, a report of crime can be made by anyone involved in the incident or anyone who has witnessed a crime. All reports are registered to the Police Information System. If, based on the report or other facts, there are 'reasonable grounds to suspect' that a crime has been committed, a pre-trial investigation is started. According to the Criminal Investigation Act, the police are responsible for the pre-trial investigation; the police investigate whether a crime has happened and under what circumstances. All those reports that concerned violence against children under the age of 18 were collected. According to the Finnish Criminal Code (Chapter 21, Sections 5-7), there are three degrees of assault: assault, petty assault, and aggravated assault. The reports were collected from the system by the type of crime and the age of the complainant (complainants were born between 1994 and 2011). With these criteria, 4,805 cases were found.

In the second phase, these 4,805 reports were processed in order to gather data about violence against children perpetrated by their parents. This was done by using certain search terms, for example 'daughter', 'son', 'child'. A certain case was categorized as disciplinary violence based on the account of the incident, which was freely written by the police officer receiving the report. Thus, all the reports were read through thoroughly, and matters relating to disciplinary violence were searched for. The cases were categorized to be related to disciplinary violence against children perpetrated by parents if 'disciplinary violence' or its synonyms, such as 'physical punishment', was used on the report, or, on the basis of the account of the incident written in the report, there was a strong reason to believe that the motive of punishing and/or educating the child could be behind the violent act. Of the 4,805 reports of violence against children under 18 years of age**,** 817 were interpreted to involve the use of disciplinary violence. In many cases, the reports of crime concerned more than one child. Thus, the unit of the analysis was a report instead of a child.

Data 3. ***Police data: pre-trial investigation documents***. Thirdly, the pre-trial investigation documents were also gathered from the investigators in charge in these 817 cases. In Finland, in each case, the investigator in charge may give permission to use the

documents for research purposes. The right to use these documents in research as such is granted by the Act on Openness of Government Activities (621/1999), but ultimately it is the investigator in charge who decides which parts of the pre-trial investigation documents are given to a researcher. Pre-trial investigation documents are created by the police during the pre-trial investigation, when it is being investigated as to whether a crime has happened and who are the parties involved. These documents include, for example, the questioning reports of the perpetrator, victim, and witnesses, and reports from doctors confirming possible injuries inflicted.

In 73 cases, the pre-trial investigation had not been finished by the time the data was gathered. Thus, there were no pre-trial investigation documents yet**.** Also, some of the investigators in charge did not deliver the pre-trial investigation documents; from one police department[5], almost all pre-trial investigation documents are lacking. There were 176 missing pre-trial investigation documents altogether. The final sample thus consisted of 817 reports of crime and 568 pre-trial investigation documents. For the cases in which the pre-trial investigation documents were not delivered, most of the data required for this study could be found from the Finnish Police Information System, for example whether the investigation had ended and whether the case had been sent to a prosecutor. However, the arguments behind these decisions can only be seen in the pre-trial investigation documents; so for the 176 cases, this could not be concluded. These police materials, reports of crime, and pre-trial investigation documents were used in sub-studies III and IV.

Data 4. ***Police officer interview data*****.** Fourthly, police interview data was gathered. As brought forth earlier, this data was gathered and analyzed by Noora Ellonen. For the analysis, 12 police officers, who had specialized in investigating crimes against children, were interviewed. All the interviewees had completed special training, which is offered by the Finnish Police in relation to the investigation of violent crimes against children. The interviewees were selected on a random basis from the list of participants who had completed this special training (N=46). An invitation for the interview was initially sent to 15 police officers. One refused to participate in the interview and two had shifted to other duties and were, therefore, not able to take part. Semi-structured focus interviews were conducted face to face. The interviews focused mainly on the criminal investigation of violent crimes against children. The interviews included two questions specifically concerned with disciplinary violence. First, the police officers were asked about their opinions on the criminalization of disciplinary violence. Second, the interviewees were asked how individual cases of disciplinary violence were investigated in their police department. In the interview, disciplinary violence was concretized by describing it as, for example, hair pulling or slapping perpetrated as a means to punish a child. The interviews

[5] At the time of data gathering, there were 24 police departments in Finland.

lasted from 90 to 150 minutes and they were recorded and subsequently transcribed. This data was used in sub-study II.

Methods. Both the child welfare and police data were analyzed both quantitatively and qualitatively. For the quantitative analysis, the data was coded into and analyzed in the SPSS program. Of the child welfare data, the following variables were coded: 'prior client relationship with child welfare services', 'measures taken after the notification', and 'a request for criminal investigation to the police'. These were coded on the basis of information from the child welfare documents and analyzed statistically.

The quantitative police data was mostly retrieved from the Finnish Police Information System and then analyzed in the SPSS program. Variables retrieved directly from the Finnish Police Information System were the state of the investigation and whether a case had been sent to a prosecutor or not. The state of the investigation can either be 'ended', 'still ongoing' or 'suspended'. The categories of the variable of a case that has been sent to a prosecutor are 'yes', 'no', 'investigation still ongoing' and 'investigation suspended'. The reasons for a case not being sent to a prosecutor can be divided into four categories: it has been concluded that no crime has been committed, the investigation is discontinued on the basis of the case being deemed of minor significance or a trial and a sanction been deemed unreasonable and purposeless, there has already been a previous report so a new investigation has not begun, or the suspected perpetrator has died. These reasons were sought from the pre-trial investigation documents and then coded to SPSS. Some cases can also be dealt with in a summary penal order procedure. This means that the perpetrator is given a fine by the police officer, which is confirmed by a prosecutor, and no pre-trial investigation is thus carried out. In these cases, in the Police Information System, it says that the investigation is ended and the cases have been sent to a prosecutor. However, by the nature of a summary penal order procedure these cases are never prosecuted.

In the qualitative analysis part of sub-studies I, III, and IV**,** content analyses were carried out. This was done by drawing a picture of particular features appearing in suspected cases of disciplinary violence. In sub-studies I and III, the method of analysis was a data-based content analysis, in which the researcher brings forth key elements of the data by searching for themes or creating typologies (see Eskola & Suoranta 1998, 93; Tuomi & Sarajärvi 2004). When analyzing completed text documents, it is common that there is not a specific way of analysis planned beforehand: the researcher reads the documents several times in order to gain insights into themes that are central to the research questions and after this reduces the observations by combining and linking together the themes he/she has identified (Peräkylä 2005, 870). With sub-studies I and III, I began the research by reading and familiarizing myself with the data, and after this I grouped my observations by searching for similarities and differences and thematizing them. In other words, in light of the research questions I had posed, I let certain themes

and typologies arise from the data. Due to the nature of the authority documents and authority decision-making processes, the final categories/typologies arose quite early; the similarities were found easily, and all the child welfare and police documents crime fell into the categories presented in the next sections.

In sub-study I, after a thorough reading of the child welfare notifications, the notifications selected for the analysis were grouped into certain types by, first, the measures taken by child welfare workers in these cases and, second, by the pathways of decision making that seemed to have led to those measures being taken and specific decisions being made. Specifically, attention was paid to the reasoning, in other words arguments, arising from the documents, on which social workers have based their decisions regarding further investigation of these cases and especially requests for criminal investigation to the police.

As mentioned previously in the chapter, in sub-study II, 12 semi-structured interviews with police officers specialized in investigating crimes against children were analyzed. This data was originally gathered by my supervisor, senior researcher Noora Ellonen, for a larger project examining, among other things, the investigation procedures of authorities in suspicions of violence against children. For the qualitative, data-based content analysis in sub-study III, the cases of disciplinary violence having come to the attention of the police, were divided into different types (and the paper copies of the pre-trial investigation documents were divided into different stacks) according to, firstly, whether the case had been sent to a prosecutor, and, secondly, what seemed to be the reason and/or argumentation behind a particular decision. A typical suspicion of disciplinary violence reported to the police was determined qualitatively by reading the reports of crime and pre-trial investigation documents carefully and thoroughly.

As in sub-studies I and III, in sub-study IV, the main method of qualitative analysis was content analysis, more precisely typification. The idea for sub-study IV was developed while reading the child welfare and police documents for the analyses of the other sub-studies of this dissertation: the accounts that parents used became apparent when reading these documents and, moreover, in all the cases, they seemed to follow one of a few types of reasoning, thus falling into a few account types. Whereas in sub-studies I and III the approach was more data-based, in sub-study IV, a theory-based content analysis was carried out. In a theory-based content analysis, the categories and typologies are based on an existing theoretical or conceptual framework, and the analysis is deductive by nature (Tuomi & Sarajärvi 2004, 95-99). The child welfare notifications and reports of crime to the police were read thoroughly and then organized into certain types according to two inclusion criteria: the admittance/denial of the responsibility of the parents and the perception of the parents that they had broken the law banning disciplinary violence. This division was based on Scott and Lyman's (1968) idea of accounts, in which 'excuses'

and 'justifications' are separated according to whether the perpetrators accept or deny culpability and whether they admit or deny that their action was wrong in the first place. After this division, following the idea of accounts and techniques of neutralization, a more specific typology – leaning also on Weiss's (2011) categorizations - was formulated presenting the accounts, in other words justifications and excuses, with which parents rationalized the use of disciplinary violence in their discussions with the social workers and the police. The data was not coded with a statistical program, but the paper versions of the documents were divided into separate stacks according to the typology presented above.

4.3. Ethical questions and limitations of the analysis

Permission for the use of the social services data was sought from and accepted by the municipal body responsible for social affairs and health of the municipality participating in the research. Child welfare notifications and other documents, such as case files, were kept at the social services' office, and they were held confidential in accordance with the Act on the Openness of Government Activities (621/1999) and Personal Data Act (523/1999). The case files consist of notes from meetings, phone conversations, and investigations that were conducted in the child's name as well as correspondence with other authorities. The material from the child welfare notifications and following case files were entered into a computer for later analysis.

Permission for the use of the police documents was sought from and accepted by the National Police Board. All the documents, such as pre-trial investigation documents, were held confidential in accordance with the Act on the Openness of Government Activities (621/1999) and Personal Data Act (523/1999). The data of the reports of crime were retrieved from the electronic database and entered into a computer for later analysis. The paper copies of the pre-trial investigation documents are kept at the researcher's room in a safe and will be disposed of appropriately after the publication of this dissertation.

Suspicions of violence towards children are a very sensitive issue to examine, and documents related to these suspicions include confidential information. Therefore, special attention was paid to the requirements of anonymity and discreet analysis of the data. The anonymity of the concerned parties was maintained during the whole research process, and every procedure was carried through according to Finnish legislation as stated above. It needs to be noted that child welfare documents, reports of crime, and pre-trial investigation documents are made for authority purposes, not research purposes. The content of a document depends, for example, on the reporter and the receiver of the report and on the social worker or police officer investigating the case. The child welfare documents or reports of crime are never identical and the same information is

not always written down on the documents. As Lindell and Svedin (2004) pointed out, the human factor is very important in determining what information is actually recorded in authority files; the quality of a social services file and also the police file is never better than the judgment of the social worker or police officer writing it (Lindell and Svedin 2004). Furthermore, child welfare notifications to child welfare and reports of crime to the police are only suspicions of violence and, as such, no conclusions can be made regarding, for example, incidence rates of violence.

In addition to the limitations regarding the nature of authority documents as research data, there are limitations related to the gathering and analysis of this data. Firstly, as brought forth earlier in chapter 3.2., certain inclusions and exclusions had to be made when deciding which documents to read through and include in the analysis. For example, with the child welfare data, certain categories and terms, such as suspicion of child abuse and child's violent experience, had to be used in order to find the cases of disciplinary violence from the child welfare registers. With the reports of crime data, after finding all the cases of assaults against under-aged people from the Police Information System, I had to decide which search words to use in order to pinpoint the suspicions of disciplinary violence. These kinds of, yet mandatory, decisions might cause some of the cases of disciplinary violence to be left undiscovered and, thus, left out of the analysis. Secondly, especially with the qualitative analyses, the interpretations made from the data are inevitably affected by the researcher's perspective, interests, and experiences and tied to the situation of the study (Florio-Ruane 1991). As the data is analyzed by only one researcher, and it was not possible to reach interrater reliability due to the confidential nature of the data, it is possible that another researcher could have come to a different conclusion about the typologies and interpretations made in this study.

However, in this study, the trustworthiness of the analysis is secured in other ways (on trustworthiness in qualitative research, see Guba 1981; Lincoln & Guba 1985; Shenton, 2004). Firstly, the data and methods used are described in detail, and the research process and analysis are explained step by step, so it is possible for the reader to follow and assess how the data have been used. Moreover, by explaining the research process in detail, it is possible for someone else to repeat the study and, thus, increase the dependability of the analysis (Guba 1981; Shenton, 2004). Secondly, the original raw data is held in the registers of the authorities in question and can always be retrieved for later analysis if appropriate permission for research is granted by the authorities. Thirdly, throughout all the research stages, the sub-studies, as well as this summary article, have been subjected to review by senior colleagues, which increases the credibility of the analysis (Guba 1981; Shenton 2004).

5. Findings

As explained in the previous chapter, four kinds of data were used in the sub-studies. Also, each of the articles contained several research questions. Bearing in mind the main research question of this dissertation - what is disciplinary violence and how is it being defined and constructed as a crime by authorities and parents - in the following, the main findings of the four sub-studies are presented in a summarized way, in other words bringing forth only those findings that aid in answering to the main research question. Firstly, I look at how the social workers construct disciplinary violence as a crime. Secondly, based on both interview data and police register data, I examine the police perspective into constructing the crime of disciplinary violence. Thirdly, I analyze parents' use-of-violence accounts and, thus, how parents construct disciplinary violence through rationalizing and neutralizing the acts. Fourthly, I summarize some remarks on the similarities between these perspectives into constructing disciplinary violence as a crime.

5.1. Social workers and the construction of disciplinary violence as a crime (Article I)

What happens to a suspicion of disciplinary violence in social services, how the case proceeds, and whether some child welfare measures are started depend on the actions taken by the authorities upon receipt of notification. The burden of interpretation is largely on child welfare professionals, who must determine at what threshold physical acts by parents surpass acceptable parental behavior, such as restraining the child in order to make sure that the child does not hurt him/herself or others, and constitute physical abuse (Jent et al. 2011). Biased or subjective decisions may be made if certain case-specific characteristics or child welfare professionals' personal characteristics are used in making physical abuse determinations (Jent et al. 2011). As mandated reporters, police officers and social workers are important gatekeepers of child safety and well-being (Ashton 2001); therefore, it is very important to examine this topic from the point of view of the authorities.

According to the Child Welfare Act (417/2007), proceedings are initiated in a child welfare case upon application or when a social worker or other child welfare worker receives a request for assessment of a child's need for child welfare or a child welfare notification or otherwise becomes aware of a child who may be in need of child welfare. Once proceedings are initiated in a child welfare case, the social worker or other child welfare worker must immediately assess the child's possible urgent need for child welfare. In addition, the social worker must decide, no later than seven days after receipt of the

notification, whether, on this basis, to begin investigating the need for child welfare, or whether the case is clearly of a kind that does not require measures to be taken. Notwithstanding confidentiality provisions, the child welfare workers are also obliged by this law to always report certain cases of suspected violence against children to the police but, however, disciplinary violence often falls outside this obligation to report as it is often perceived as a petty assault. Nevertheless, according to the law on a client's position and rights within social services (812/2000), social workers have the right to also report suspicions of petty assaults to the police if it is seen as necessary considering the child's best interest.

When analyzing the child welfare processes, it was found that only a few cases were reported to the police immediately upon receipt of the notification concerning a suspicion of disciplinary violence; but after the situation of the family was further assessed by the social workers, a request for criminal investigation was made in one-third of the cases. Thus, in two-thirds of the cases, no request for criminal investigation was made. Social workers' arguments in the decision-making process in these suspicions of disciplinary violence fall into three categories. The first type signals the need for *support rather than punishment* for the parents. The social workers acknowledge the parental stress, exhaustion, and parents' need for help and support, and this leads to not making a request for criminal investigation to the police. Social workers often see the families' agony as they may be strained by several issues, such as illness of the child and/or the parent, depression, or work-related worries, e.g. the other parent being away from home a great deal.

Social workers provide their own support measures, such as family work's home visits, a support family for the child, or Child Upbringing and Family Counselling Services (provided by the municipality) to these families instead of involving the police in the case, but often point out that if further suspicions of violence arise, then they have to be reported to the police. Social workers appeal to their 'trust' in parents; parents have sworn not to hurt their child again and understood the severity of the situation and in addition tell the social workers that they are committed to parenthood and willing to seek help. Social workers often appear to think that the harmfulness of physical punishment to the child is a topic that needs to be discussed with the parents, with the aim of getting the parents to change their methods of raising a child. Thus, the impression of the social workers' feeling of 'giving the parents a second chance' becomes strongly present.

The social workers using this type of reasoning take into consideration situational characteristics, such as parental exhaustion and/or stress and the willingness of parents to co-operate and engage in the use of other means of punishment when making decisions about measures taken in cases of disciplinary violence. These social workers see that parents resorting to disciplinary violence need support in parenting rather than punishment and, therefore, no request for criminal investigation should be made.

Secondly, some social workers express that *'no concern over child's welfare'* has arisen so there is no need to start a client relationship or report the case to the police. This reasoning stems partly from law, in which it is stated that after receipt of the notification, the social worker must decide whether to begin investigating the need for child welfare or whether the case is clearly of a kind that does not require measures to be taken. This argumentation is often used in suspicions of disciplinary violence, which later proves to be a result of complicated fights over custody of the child or, for some other reason, according to the social workers, prove to be unfounded. Moreover, this argumentation is sometimes used when there are no visible marks of violence against a child.

Thus, social workers using this type of argumentation take into consideration the injuries of the child and also the appeared validity of the notification in making decisions in suspicions of disciplinary violence. This type of reasoning has its justifications in the current law; no measures can be taken without a justifiable suspicion. However, the problem in using this reasoning lies in the fact pointed out by Jent et al. (2011): social workers are likely to differ in their interpretation of harm to the child and, thus, if they bring their own personal perceptions about physical punishment into the evaluation process, they clearly reduce the objective nature of the child maltreatment evaluation. Moreover, evidence of child maltreatment is hard to obtain and might not be uncovered when agencies lack time and resources to complete a thorough investigation or when inaccurate information is given to the investigator (Besharov & Laumann 1996).

Thirdly, some social workers see their role as mandated reporters and argue that '*assessing the need for criminal process is police business*'. All the social workers promoting this decision-making pathway express the same reasoning, which is that child welfare is obliged to report all justifiable suspicions of violence to the police, and in most cases, also the 'more minor' cases are reported. Social workers also bring forth that the police have the responsibility for investigating suspicions of abuse and investigating whether a crime has taken place, and it is not something for child welfare to do. Social workers utilizing this type of reasoning in their decision making use the least discretion and intuitive decision making (see e.g. Parada, Barnoff & Coleman 2007; Forkby & Höjer 2011) and rely on their normative role to report these cases to the police, without taking the situational characteristics into consideration to a great extent. However, this type of decision making occurred only in 32.5 % of all cases.

To conclude, the analysis of the child welfare documents indicates that in most of the suspicions of disciplinary violence, social workers opt for using their own investigative measures and providing their own supportive services rather than contacting the police and getting them involved in the case as well. In other words, in many cases, social workers define disciplinary violence as petty violence that does not need to be reported to the police. When defining the boundaries between acceptable and unacceptable parenting

and defining the crime of disciplinary violence as such, social workers seem to take into account many situational characteristics, such as parental exhaustion or stress and the nature and number of inflicted injuries. Social workers' attitudes towards disciplinary violence seem to play a role in these interpretative processes.

5.2. Police officers and the construction of disciplinary violence as a crime (Articles II-III)

Article I indicates that social workers often deal with 'petty' suspicions of violence themselves without getting the police involved. Based on the findings of Articles II and III, in this chapter I examine the police perspective into constructing the crime of disciplinary violence. Firstly, based on the police interview data, police officers often perceived acts of disciplinary violence as unintended 'one-off' mistakes and considered disciplinary violence more of a matter for child welfare services than the police (for similar findings on social workers, see sub-study I; Humppi & Ellonen 2010). The arguments for this varied from the *perspective of the police* (cases of disciplinary violence are rather 'mistakes' than acts of crime and thus not a matter for the police) to the *perspective of families* (families should be supported rather than punished). If disciplinary violence was used repeatedly in a family, there was almost unanimous agreement on the need for a criminal process in addition to the child welfare process, but single acts of hair pulling were not seen as serious enough to be investigated by the police. Those incidents were seen to be caused by parental exhaustion, lack of support for the parents, or other situational characteristics, not the intention of a parent to hurt the child; the situation 'just drove the parents to act in that way'. The police officers, therefore, did not think that punishment was the solution, but rather that these families should get supportive help instead. However, police officers needed to draw a clear line between police work and child welfare work by saying that it is not the duty of the police to provide these supportive measures (see also Buzawa & Buzawa 2005; Garcia 2008; Richardson-Foster et al. 2012). Some of the interviewed police officers said that, especially in the 'one-off' incidents, the purpose of a parent to harm and hurt his or her child should be the crucial factor in determining whether the behavior was punishable.

Secondly, according to the interviewees, the perceptions that police officers hold affect the extension of the investigation in suspicions of disciplinary violence. Despite their own opinions on disciplinary violence, the police officers knew that it was their duty to investigate these cases in the same way as any other case of violence. They thus recognized the normative role of the police. Their practice did not, however, meet this acknowledgement, and the pragmatic interpretation of policing played a role (see Kekki 2012.). Some police officers said that they always conducted a thorough investigation in all cases. Some police officers, however, referred to the Criminal Investigation Act

(805/2011) saying that the police have a right to use discretion in certain situations. The extremity of this use of discretionary power was that at some police departments, a definition of policy had been made where investigations of single cases of hair pulling are not conducted. This kind of policy comes from the top of the organization and does not reflect the opinions of an individual investigator, but it reflects the perceptions of the leaders, which have been shown to have an influence on the perceptions and behavior of police officers (Humppi & Ellonen 2010; Scaramella et al. 2011).

If the decision of the extension of the investigation was left to individual police officers, the intensity of their individual perceptions of disciplinary violence would play a role in the decision making. As also found in previous research, responding to suspicions of violence is a result of a thinking process that takes place in a complex social and legal environment of definitions, norms, expectations, and values in light of the individual's own perceptions (Ashton 1999; Humppi & Ellonen 2010). Police officers, who claimed to investigate all cases without hesitation, perceived it as their work defined by the law and took disciplinary violence seriously as a crime, even though their individual perception of disciplinary violence may have been different. Police officers using discretion and declining the investigation had stronger opinions of disciplinary violence being a matter for child welfare, not the police, and they acted accordingly, seeing their role more as pragmatic.

Thirdly, frustration of the police officers lowers the level of investigation. Some of the police officers felt that it was sometimes 'frustrating to investigate a crime that you yourself did not see as a crime'. It was also seen as much work for a very small consequence for the perpetrator. Moreover, the pettiness of disciplinary violence was brought forth. This could be seen when cases to be investigated had to be prioritized: cases of disciplinary violence were always left until last, which often caused an extension of the investigation times. In addition, the vast number of cases increased frustration. The police officers were also frustrated with the current 'underenforcement'. The duty of the authorities working with children to report suspected cases of violence is being tightened constantly and the number of reports is increasing. The number of investigators is not, however. The police officers' answers manifest the lack of police officers investigating these cases. There were signs that the number of cases and the amount of frustration led to lowering of the standards of investigation, which is harmful in the sense that it signals the wrong attitude towards disciplinary violence to the public. Frustration was also related to the fact that the investigation of violence against children is not perceived as the most respected work within the police, and these investigators had experienced this. Lack of respect was related to the investigation of all violent acts against children, however, not just the investigation of disciplinary violence.

Whereas in Article II the police officers' perceptions of disciplinary violence are examined, in Article III, drawing upon reports of crime and pre-trial investigation documents, the main aim is to examine how suspicions of disciplinary violence have been investigated and have proceeded in practice. According to the analysis of the pre-trial investigation processes in suspicions of disciplinary violence, approximately two-thirds of the cases had been sent to a prosecutor. Thus, in one-fourth of the cases, the investigator in charge had reached the conclusion of not sending the suspicion to a prosecutor. It was found that the presence of certain case characteristics did not always lead to a certain predictable outcome; the nature of the cases that had been sent to a prosecutor varied to a great extent. Analyzing the reasons for a case being sent or not being sent to a prosecutor makes it possible to draw some conclusions on how police officers construct disciplinary violence as a crime. According to the reports of crimes and pre-trial investigation documents, a case is often sent to a prosecutor and, thus, perceived as punishable disciplinary violence if there are visible marks of an assault on the child, or the parents admit the act during the police questioning. Moreover, even if parents deny the offence, but support for an assault can be obtained from expert statements, such as a doctor's statement or a forensic psychiatric assessment, the case is often sent to a prosecutor.

For their part, the reasons for a case not being sent to a prosecutor can be divided into a few categories. In most of the cases which were not sent to a prosecutor, police officers bring forth their perception of the act as a 'one-off' incident and rely on the fact that the parent has admitted the act. Police officers often also refer to child welfare being aware of the situation in the family and that the parents have discussed their upbringing methods with a social worker. The fact that parents have admitted to the act and are willing to co-operate with child welfare seem to be important factors when determining whether the pre-trial investigation should be continued, especially in cases in which the police officers conclude that the violence is not continuing. Another common reason for a case not being sent to a prosecutor is the tiredness and exhaustion of the parents, which makes the police officers see a trial and a sanction as unreasonable and purposeless. In addition, police officers often bring forth the intentionality of the act - which is needed for the essential elements of an assault to be fulfilled - which they think is lacking in some cases. This is especially the case when the use of disciplinary violence occurs in a situation in which the child has acted provocatively.

In addition to factors such as the 'one-off' nature of the act, parents' exhaustion, and child welfare's intervention, the 'educational' nature of disciplinary violence has a crucial role in police officers' constructions of punishable and unacceptable parental violence. Seemingly, at one police department, a decision has been made against sending 'petty' suspicions of disciplinary violence to the prosecutor. The pre-trial investigation in these suspicions is almost systematically discontinued on the basis of minor significance of

the case, as according to the investigators in charge, the acts have been 'carried out with the means of educating the child and, therefore, should be considered as petty'. Thus, the investigators in charge admit that violence has been used, but due to many factors, it should be considered as petty. Often, according to these police officers' interpretations, a crime has not been committed as the act does not fulfill the essential elements of an assault, because the requirement of intentionality is not fulfilled, or because the act in question is 'an educational act'.

5.3. Parents' use-of-violence accounts (Article IV)

In addition to being aware of their own perceptions and their possible impact, it is necessary for authorities to be aware of the rationales that parents use in regard to the use of disciplinary violence. When facing a suspicion of disciplinary violence, authorities face a situation where they need to take parents' rationales into consideration when evaluating, for example, the validity of the report of suspected disciplinary violence, the situation of the family as a whole, and the need for authority intervention (in other words, whether the child is in danger).

Thus, drawing upon the techniques of neutralizations (Sykes & Matza 1957) and the idea of accounts (Scott & Lyman 1968; Weiss 2011), presented in more detail in chapter 3.3. of this summary article, Article IV examines how parents rationalize and neutralize the use of disciplinary violence to authorities investigating these suspicions. Based on a careful analysis of the child welfare and police documents, four types of use-of-violence accounts are identified based on distinctive, yet to some extent overlapping, rationales for the use of violence.

Firstly, the denial of responsibility and victim (Sykes & Matza 1957) is often present in parents' argumentation. Some parents know that they have broken the law and thus committed a crime but rationalize this by saying that they had 'no other option but to do that'. Parents often appeal to exhaustion, stress over work-related problems, or problems in their relationships, or provocative behavior of the child. Thus, these parents admit that they have broken the law but, at the same time, do not see anything wrong in their own behavior as such because of external factors beyond their control. Disciplinary violence is often seen as 'the last resort' when all other means have run out. These parents do not necessarily approve of disciplinary violence but refer to 'losing their temper' or 'snapping' and often express their loneliness and need for help when it comes to raising the children. Thus, they might describe the act as morally wrong but argue that their behavior was the result of extenuating circumstances, thus making their own actions guiltless (Matza 1964).

It is noteworthy, considering the evidence indicating that children with disabilities and long-term illnesses are at increased risk of disciplinary violence (Heinonen & Ellonen

2013), that the parents often brought forth that their child has for instance Attention Deficit Hyperactivity Disorder (ADHD) and, thus, the child's behavior is challenging, but they almost never argued that they were tired of the child's illness as such.

Secondly, appeal to the higher loyalties (Sykes & Matza 1957) is brought forth in some parents' rationales. In some cultures and some of the parents' home countries, physical punishment against children is justifiable. Some parents resorted to the same means of discipline, relying on their own culture, while living in Finland. Many of these parents tell authorities that they have only acted according to their own culture but still admit knowing and even highlight that disciplinary violence is forbidden in Finland. The causes for the use of disciplinary violence in these cases include both usual misbehavior of a child and also issues that are related to that specific culture, for instance 'religious misbehavior', such as inappropriate contacts with the other sex or not remembering chapters of religious literature. This 'cultural' or 'learned' use of disciplinary violence also concerns some Finnish parents. These parents often tell authorities that they have received physical punishments as children and now 'forward this method of discipline' to their own children.

Thirdly, denial of injury and of victim innocence and defense of necessity (Sykes & Matza 1957; Minor 1981; Weiss 2011) can be seen in many parents' arguments. Some of these parents take the responsibility of their actions but insist that they have not done anything wrong, as the child 'needs to learn a lesson', and in fact after the act, there has not been a need to use physical punishment again as the child has learned to behave. This way the parents also deny any real harm being done, as they see the outcome of the use of disciplinary violence as positive for the child. In these parents' opinions, disciplinary violence is 'normal'. Thus, some parents strongly understate the nature of these violent acts. Many parents also bring forth the impact of the child's behavior as triggering the act and argue that they only 'reasonably responded' to the victim's behavior. If an act is perceived as necessary, then one need not feel guilty about its commission, even if it is considered morally wrong (Minor 1981); this idea is very profoundly expressed in some of the parents' reasonings.

Fourthly, some of the parents systematically deny the criminal intent (Weiss 2011). These parents admit the use of disciplinary violence but do not see themselves as guilty of committing an assault crime, as their aim was not to harm or hurt the child. Therefore, in their opinion, the acts cannot be regarded as violence, as to be guilty for an assault requires the aim of actually hurting the child. This is a noteworthy argument since the essential elements of an assault do not require the perpetrator to have an aim of hurting the victim; for an act to be considered as an assault, it has to be intentional, but as such, disciplinary violence is always intentional by nature.

5.4. Authorities as constructors of (disciplinary) violence: the folk and legal understandings of punishment

The findings of the sub-studies indicate that the way in which authorities define disciplinary violence, deal with it and, thus, construct it as a crime is complex and does not necessarily follow the same pathways in cases that seem to be very much alike. However, similarities between social workers' and police officers' decision-making processes can be clearly seen. Firstly, many representatives of both of these professions acknowledge the parents' exhaustion and stress and express the parents' need for support rather than a criminal procedure and a punishment. Secondly, some of the police officers consider disciplinary violence to be more of a matter of child welfare than the police, and this way of thinking is present in many social workers' reasoning as well. This is, however, problematic: social workers should not 'adopt the role of the police' (see also Alvesalo & Whyte 2007) and try to assess the need for criminal investigation. This worry arises from some of the social workers' reasonings that they should first discuss the parenting methods with the parents and then assess the need for criminal investigation. By law, it is the police's responsibility to investigate whether a crime has occurred, not child welfare's as such.

In addition to the framework outlined by the current legislation and authorities' interpretation of it, the pathways the decision-making processes take and the actual decisions made seem to depend on authorities' perceptions of disciplinary violence, the perceived severity of the act and the situation in the family when assessed as a whole, authorities' perceptions of their own role as interveners in disciplinary violence, and organizational policies set at the supervisory level. The ambiguity in the decision-making processes and in the interpretation of disciplinary violence as such – partly stemming from current legislation, leaving much leeway for interpretation and discretion – expresses a lack of coherent and consistent policies, which endangers the unbiased and equal treatment of children nationwide. In Finland, the processes of investigating violent and sexual crimes against children and protecting and supporting those who have experienced violence have been found to be very dispersed in practice (see Ministry of Social Affairs and Health 2013, 33).

The findings regarding both the authorities' and parents' perceptions of disciplinary violence manifest that disciplinary violence is still often perceived as petty violence and not as a crime, especially in 'one-off' incidents. On the level of Finnish law, disciplinary violence is unanimously forbidden, but, in practice, authorities incline to use plenty of discretion, which taken to its extreme, means that at one police department a decision seemed to be made to not send cases of 'one-off, educational' violence carried out with the means of punishing a child to the prosecutor. This is in line with previous studies (Logan et al. 2006; Gracia et al. 2011), in which it has been found that police attitudes towards domestic violence are often different compared to attitudes towards other crimes, which

may influence their enforcement practices, especially if domestic violence is viewed as an interpersonal problem rather than a violent crime.

All this stems from how disciplinary violence is defined by the authorities and parents, how it is constructed as criminal and how it is reflected against other forms of violence and the concepts of 'assault', 'corporal punishment' and 'acceptable' parenting. To a great extent, it is the authorities, in other words the police, child welfare, prosecutors, judges, and legislators that both create and recreate this definition and set the boundaries for acceptable, non-violent parenting in their everyday practices. The findings of the sub-studies demonstrate clearly at the same time that authorities share many of the perceptions and attitudes when it comes to defining disciplinary violence as well as display the forever changing, ambiguous nature of this definition and construction of it as a crime.

Thus, this study indicates that the ambiguity of the concept of assault is increased by the discussion about the differences between an assault and (corporal) punishment. An additional twist to this discussion is added by the fact that current Finnish legislation does not differentiate between corporal punishment and violence; after the ban on corporal punishment in 1984, corporal punishment clearly belongs to the sphere of violence (Sariola 1990). Thus, as also indicated by the findings of this study regarding authorities' practices and policies in cases of disciplinary violence, the discussion about disciplinary violence is colored by the differences between the so-called folk understanding of physical punishment, treating it as a 'traditional', sometimes 'necessary' method of educating children, and not recognizing its nature as violence, and the legal understanding of physical punishment, which in Finland means banning these violent acts and considering these as an assault and thus violence.

From a juridical perspective, there is no difference between disciplinary violence and an assault. In other words, disciplinary violence can be regarded as an assault and from a juridical perspective is treated as an assault by the authorities if a case proceeds in the criminal procedure. Which concept to use depends mostly on the setting in which these concepts are used: assault is a type of crime by law and thus a juridical concept, whereas disciplinary violence as such is not. In other words, the acts regarded as disciplinary violence are assault, but, with the prefix 'disciplinary', one has wanted to separate those from other kinds of assaults, such as assaults between two adults. Thus, if disciplinary violence is regarded as assault, at the same time, it naturally should be regarded as violence. As brought forth in chapter 2.2, a move from talking about corporal punishment to using the concept of disciplinary violence to refer to the same acts of physical force against a child would aid in understanding that the acts of corporal punishment in fact belong to the sphere of violence. Moreover, this shift in concepts would also leave less room for the folk understanding of physical punishment. The idea of corporal punishment is acceptable to many, whereas violence, even its mildest forms, cannot be accepted (Sariola

2007). With a careful choice of concept, the attitudes towards the phenomenon can be shaped and, in the case of disciplinary violence, the children's rights to physical integrity made equal with similar rights of adults.

However, although the use of the concept 'disciplinary violence' clarifies the situation compared to using the concept 'corporal punishment', even this new term implies, in an outdated way, that to some extent the violence is justified with the aim to educate a child. It is relevant to discuss and question whether we need to try to differentiate disciplinary violence from other kinds of violence if it only brings confusion and ambiguity with it. Differentiating between different types of violence may be justified in some settings, as in research when talking about a certain type of violence. In other settings, such as in the legal and juridical context, it can be questioned whether the differentiation is necessary or even justified. The prefix 'disciplinary' refers only to the motive of the acts which, considering the current legislation, should not be taken into account when evaluating the punishability of the acts. Disciplinary violence can be seen as either intentional, a goal-oriented conscious action or 'affect', or something caused by an unintentional emotional reaction (see e.g. Nyqvist 2001, 14). However, regardless of the explanation for the occurrence of this kind of violence we may adopt, as such it does not reduce the nature of disciplinary violence as inherently violent.

Both in authorities' and parents' minds, what constitutes namely disciplinary violence seems to be defined to a great extent by the continuing nature and severity of the violence. Spanking a child repeatedly with a belt is interpreted to be disciplinary violence more often than a 'one-off' incident of hair pulling and is also often approached in a different way by the authorities when it comes to a criminal procedure or child welfare measures. However, on the level of law, both of these acts are equally forbidden and unacceptable. Even though in legal terms they might not be equally aggravated, they, nevertheless, are equally forbidden and thus need to be investigated and dealt with accordingly. Moreover, this study manifests that the child's opinions and perspective in the case are often neglected. Authorities define disciplinary violence according to the above-mentioned criteria and do not seem to pay much attention to how the child perceives the experienced violence: adults might perceive single hair pulling differently than beating the child, but for that child, those experiences of violence may be equally difficult and traumatic. Many of the authorities and parents seem to share the perception that singular acts of physical punishment are not disciplinary violence but acceptable and, first and foremost, educational acts of corporal punishment. From these premises they construct the differences between an assault, violence, and physical punishment and, thus, at the same time, construct and define disciplinary violence (see Lacey 1994, 1995). Thus, in their everyday work, the authorities still seem to balance between the folk and legal understandings of physical punishment.

This kind of exclusion and inclusion of certain acts in the concept of violence is not unique to disciplinary violence. Åkerström (2002) has found, in relation to elderly people and nursing homes, that when describing violent acts elderly people sometimes commit against them, nursing home staff used terms like 'slap', 'pinch' and 'punch' instead of violence, thus downplaying the event and trying to demonstrate that violence has connotations that cannot be equated with those of punches, slaps and pinches. Thus, the staff placed violence of the elderly outside the boundaries of violence and, at the same time, maintained the role of the elderly as care recipients, their own role as caregivers and the nursing home a caring context (Åkerström 2002; de Haan 2008). In the same manner, many authorities and parents seem to place disciplinary violence outside the realm of violence and see children as care recipients, parents as caregivers or 'rightful educators' and home as a caring/educating context.

These kinds of attitudes towards and perceptions of disciplinary violence also bring forth the question of the contents of the concept of a child's best interest and the fulfillment of it. As previous research has manifested, authorities do not have a common understanding when it comes to what should be considered as a child's best interest; they define it based on the basic duties/obligations of their work (Humppi & Ellonen 2010, 23). This study demonstrates that the way in which authorities define disciplinary violence, either as a criminal procedure or a child welfare issue, is also a central factor in considerations of what constitutes a child's best interest in these suspicions. However, authorities do not seem to agree upon these definitions and considerations. According to the United Nations Convention on the Rights of the Child, the best interests of the child shall be a primary consideration. Moreover, it has been argued that the fulfillment of the best interests of a child is secured in the best way when the rights granted to a child in the Convention on the Rights of the Child get fulfilled as completely as possible (see chapter 3.2.; Hakalehto-Wainio 2012, 186; Pajulammi 2014, 187-188). The fulfillment of this can be questioned, however, if authorities define and construct disciplinary violence according to their own perceptions without hearing the voices of the children who are especially vulnerable victims (see Honkatukia 2011, 204-205).

6. Discussion

6.1. Summary of the findings

Based on the four original sub-studies and following especially Lacey's (1994, 1995) formulations of the construction of a crime and criminal justice as social ordering practice, in this summary article, I have examined how Finnish social workers, the police, and parents perceive, define, and construct disciplinary violence as a crime in the contexts of their institutional practices and encounters. In addition, in this summary article, I have situated the study in its theoretical and legislative context and, perhaps most importantly, discussed how the concept of disciplinary violence is being defined and redefined constantly in authority practices and also reflected against the concepts of assault, corporal punishment, and acceptable parental behavior. My main objectives in this dissertation have been

- to examine how disciplinary violence appears in authority records, especially child welfare documents and police registers
- to analyze the measures taken by child welfare authorities and the police in suspicions of disciplinary violence and
- to examine what kinds of justifications and arguments the authorities use and what kinds of outcomes their decision-making processes have in suspicions of disciplinary violence.

Firstly, it was shown that social workers' decision-making processes in suspicions of disciplinary violence follow three pathways of reasoning - with many factors being taken into consideration when making the decisions - and in less than one-third of the cases, a request for criminal investigation has been made to the police. Secondly, it was verified, as in previous research regarding topics such as domestic violence (Logan et al. 2006; Richardson-Foster et al. 2011; Stalans & Finn 2006), that police officers hold different perceptions of disciplinary violence, and these perceptions have multiple effects on the investigation of these cases, how police officers carry out their duties, and construct disciplinary violence as a crime. Thirdly, the analysis of the Finnish reports of crime and pre-trial investigation documents showed that almost two-thirds of the cases of disciplinary violence had been sent to a prosecutor by the police and, thus, defined as a crime. However, these cases were very heterogeneous and did not differ much from the cases not been sent to a prosecutor. Moreover, there were some alarming findings related especially to the reasons why certain cases had not been sent to a prosecutor: acts of disciplinary violence were often seen as 'educational, petty one-off incidents' and

a possible trial and a punishment for the perpetrator were seen as unreasonable when assessing the situation as a whole.

Fourthly, based on interpretation of the authority documents, it was verified that parents often try to neutralize and rationalize the violence they have used against their children, for example, either by denying the victim, the criminal intent, or the entire act, or relying on the necessity of the forbidden act. Fifthly, it was found that the authority practices and policies when dealing with suspicions of disciplinary violence vary from one authority to another and from one police department and child welfare office to another. In addition, authorities hold different kinds of perceptions of disciplinary violence and, therefore, also the depth of the investigation in these suspicions varies extensively. Authorities balance between the folk and legal understandings of physical punishment and when the concept of corporal punishment is still widely used instead of disciplinary violence, the attitudes towards these acts as non-violent still prevail.

The child welfare system often handles suspicions of violence against children outside the police jurisdiction (sub-study I; Steinhauer 1991; Finkelhor, Wolak & Berliner 2001; Beckett et al. 2007; Mallén 2011) and instead of acting coercively and intrusively, social workers often provide families with other supportive measures (Moraes et al. 2006). In general, the findings of the sub-studies indicate that both social workers and police officers often use their right to discretion when assessing suspicions of violence against children (see also Cox 1996; Brooks 2005; Forkby & Höjer 2011; Scaramella et al. 2011). This becomes a problem if, as argued in relation to partner violence (Muehlenhard & Kimes 1999; Gracia et al. 2011), violence is considered by police officers as a serious offense only when it involves extreme, severe, or repeated violence, and other incidents that do not reach that level of violence are regarded as more acceptable or tolerable. Moreover, authorities differ broadly in their perceptions on what constitutes both disciplinary violence and a child's best interest, which leads to different approaches being taken by different authorities in different municipalities and, thus, endangers the fulfillment of a child's best interest and equal treatment of children.

In accordance with other studies (Pillitteri et al. 1992; Zellman 1992; Van Haeringen et al. 1998, Ashton 1999, Ashton 2001; Jent et al. 2011; Ellonen & Pösö 2014), the sub-studies indicate that social workers and police officers take many situational characteristics, such as parental exhaustion and stress, the injuries of the child, the perceived severity of the violent act, the impact of the criminal procedure on the child and the family, and the risk of continuing violence, into consideration when trying to substantiate unacceptable parental behavior. In general, however, investigating suspicions of disciplinary violence is not necessarily experienced as 'real police work' (see Alvesalo 2003; Grant and Rowe 2011; Kekki 2012) but resource-consuming routine and paperwork that is against the traditional characteristics of police culture, such as seeking for action and masculinity

(Manning 1997; Reiner 2000; Korander 2004, Scaramella et al. 2011). These kinds of attitudes are problematic as they might affect the depth of the investigation in suspicions of disciplinary violence.

The fact that parents often tend to neutralize and rationalize the use of 'petty' violence against their children (sub-study IV) confirms the finding of Jent et al. (2011) about child welfare workers and police officers having to interpret each case at hand and decide at what threshold physical acts by parents exceed the limits of acceptable parenting and constitute physical abuse. Therefore, authorities' attitudes towards punishing children physically are not indifferent. As was indicated in relation to some authorities in the sub-studies, authorities admitting that, to some extent, violence has been used, but still considering it as a 'one-off' mild incident, is problematic. Decisions influenced by authorities' moral opinions on what constitutes violence can be seen as a questionable factor from the point of view of consistent public services and children's protection by the law (Humppi & Ellonen 2010).

6.2. Conclusions

The use of mixed materials and methods in this dissertation gives broad and multifaceted insights into the Finnish authority practices and decision-making processes regarding suspicions of disciplinary violence and the construction of these events as crimes. When evaluating the importance of the findings of this dissertation, though, it needs to be pointed out that practices implemented by authorities are dependent, for example, on governmental policies and the resources allocated to them; as pointed out by Lindell and Svedin (2004), social services are often overloaded with work, and it is not uncommon that both child welfare and the police lack resources and time to investigate all cases thoroughly. The authorities face societal, economic, and political pressures to implement certain policies and prioritize certain types of crimes when deciding which cases to investigate.

Thus, looking simply at the current legislative context or occupational culture as a determinant of what kind of an act is defined as a crime is not enough, as there are other determinants and pressures that affect authority practices, policies, and attitudes. However, no matter how critical or even sceptic we might be towards the possibility of a change in the practices and policies on a broader societal scale, this dissertation makes important implications for both authority practices and future academic research as well as contributions to knowledge by increasing the understanding of disciplinary violence as a phenomenon from an authority perspective.

Firstly, one of the main and most crucial conclusions of this dissertation is that, in light of Lacey's (1994, 1995) and Burr's (2003) formulations, the ways in which

authorities perceive and interpret disciplinary violence has a major impact on how disciplinary violence is defined, constructed as a crime, and how the cases proceed. The authorities construct a crime, in this case disciplinary violence, in their everyday work by interpreting criminal laws and using discretion. According to Lacey (1994), even these laws on which authorities base their decisions are developed within their social contexts and are dependent on these contexts. We have certain legal and societal definitions of what constitutes disciplinary violence and an assault and what is punishable by criminal law, but as Lacey (1994) has pointed out, the articulated legal definitions are modified in interpretative enforcement practices.

These enforcement practices are shaped by, among other things, varying ideologies and occupational cultures and, in the case of disciplinary violence, specifically by authorities' perceptions of and attitudes towards what acts should be regarded as violence. Thus, based on the findings of this study – and in accordance with many previous findings (see Table 1, chapter 3.2.) – it can be concluded that disciplinary violence is defined and constructed in authority policies and practices first and foremost by the severity of the act, the nature of the act as continuous or singular, the perceived harm caused by the act to a child, and the perceptions of authorities regarding physical punishment of children. Naturally criminal law plays a role in these assessments but, to some extent, the interpretation of these laws is also colored by these above-mentioned matters. The ambiguity in the assessments of suspicions of disciplinary violence found in this study confirms further the nature of disciplinary violence as something constantly being constructed and also reconstructed in authority practices. In line with Muehlenhard & Kimes (1999, 235) and de Haan (2008), the findings of this study confirm the nature of violence – in this case disciplinary violence – as something constantly changing and contested. The construction of an event as criminal involves both formal law-making and a number of interpretative decisions on the part of the public, witnesses, and the police (Lacey 1994). These processes and resources allocated to different authorities and enforcement practices then again formulate what is considered 'real' crime.

The way in which authorities seem to construct disciplinary violence as a crime in their interpretative enforcement practices and the factors influencing this process manifest that what is defined as violence cannot be separated from its historical, cultural, and social contexts and the people who constantly create these definitions (Dobash & Dobash 1979; Muehlenhard & Kimes 1999, 234; Burr 2003; de Haan 2008, 28). Thus, in the spirit of social constructionism, it is possible to intervene in disciplinary violence if it is treated as a social problem and reaches sufficient interest from the legislators and the enforcement level. As Alvesalo (2003) found in relation to economic crime, the greater the importance given to disciplinary violence, 'the more likely it is to filter through to the priorities attached to police work at enforcement level'. Thus, the findings of this study also point to the direction of criminal justice being a 'social ordering practice'

(Lacey 1994, 1995; Alvesalo 2003). Instead of just seeing a set of institutions focusing on identifying breaches of criminal law, we need to think about the individual agents and institutions, such as the police or child welfare services, and their contributions, interpretative processes, discretionary powers, professional cultures and operational ideologies, and the impact these matters have on the construction of a crime and the perceptions of what constitutes a 'real' crime.

Secondly, this dissertation makes a contribution to the existing theoretical knowledge by concluding that the asymmetrical power setting present in disciplinary violence, and the fact that parents have a legitimized and acceptable right to raise their children and discipline them, partly explain why criminal-law processing of these suspicions of violence and understanding these as crimes is difficult. As Klockars (1996, 1) has pointed out in relation to police violence, the 'enormous range of the legitimate authority of the police to use force is at the heart of the problem of defining and controlling its excessive use'. The same problem exists in disciplinary violence: the parents have a legitimate authority to raise their children, sometimes even with physical acts (such as grabbing a child in order to prevent a child from hurting him/herself), but defining the boundaries of this legitimate right and force is sometimes hard from a criminal-law perspective. The boundaries of parenting have traditionally been a topic that has been considered a private matter and thus remained outside the legal sphere and regulation. However, nowadays, when these boundaries have been established more precisely by laws, the problem is that these laws are still interpreted to some extent in the context of the traditional social constructions of childhood and acceptable and unacceptable parenting. Thus, this study manifests the tricky balance between the folk and legal understandings of physical punishment, made even more difficult by the asymmetrical power setting present (see chapters 2.1. and 5.4.): balancing between these leads to different approaches being taken by parents and authorities and ambiguity in the assessment of cases of disciplinary violence by the authorities.

Thus, the asymmetrical power setting present in disciplinary violence seems to make it difficult to police this kind of violence: the authorities either do not know or do not agree upon where to draw a line when it comes to that power. The asymmetrical power setting also raises the question of whose rights should be given primacy when assessing these kinds of suspicions of violence: the rights of a child for physical integrity and equality or the rights of a parent to raise and 'educate' a child and use power legitimized to a certain extent by society? When both of these are written in law, which one of these equally 'strong' laws should be given primacy? The child's best interest should be considered as a primary matter (see Unicef 2011), but as previously stated in chapter 3.2., no source explicitly states what a child's best interest entails and how it relates to children's rights. The analysis of the police documents yielded that seemingly at one police department a decision had been made not to send 'one-off, educational and when assessed as a whole

petty' suspicions of disciplinary violence to the prosecutor. In these cases, thus, the rights of the parent had clearly been given primacy. In general, the practices between authorities varied extensively. In the name of fairness and due process, all suspicions of violence should be assessed individually and certain case characteristics need to be paid attention to. Therefore, it is not possible to conclude that, for instance, children's rights should always be given primacy over parents' rights. However, it can be argued that these should be considered equally without a given primacy of one over the other.

Thirdly, the findings of this dissertation also add to the theoretical debate on the relationship between 'violence' and 'force'. Those thinking about violence as an act force often define violence to be 'interpersonal acts of force usually involving the infliction of a physical injury' (Coady 1986; Bufacchi 2005, 195). What makes this definition problematic is that not all force is violent, in the same way as not all acts of violence require the use of force (Bufacchi 2005, 195). This problem is strongly present in discussions of what to consider as disciplinary violence: preventing a child from hurting him/herself or others by using physical force cannot be regarded as violence, even though it might sometimes end up with the child having minor injuries, such as a bruise on the arm from grabbing the child. Based on the findings of this study, it can be concluded that both authorities and parents do consider the aspect of force when assessing what to regard as disciplinary violence: in cases of disciplinary violence, it seems that the less force and the less severe force used, the more unlikely an incident involving the use of physical punishment is perceived as violence.

Thus, in other words, this confirms the previous findings that not all force is violent (see, e.g. Coady 1986; Bufacchi 2005) and, at the same time, suggests that in the assessments of cases of disciplinary violence, factors such as the nature of the violence (continuing vs. one-off) and the number and nature of injuries inflicted, have a greater role than the question of whether force has been used as such. At its extreme, this means that, in some cases, the authorities acknowledge that intentional physical force has been used against a child but, according to their perceptions, these other factors reduce its nature as punishable violence. Moreover, using the concept 'corporal punishment' instead of 'disciplinary violence' complicates the situation as it implies in an outdated way that these acts of physical force should not be considered as violence. Therefore, this study suggests a move from talking about corporal punishment to disciplinary violence whenever there is a need to categorize different types of violence, for instance as in empirical research.

On a practical level, the finding that the cases reported and not reported to the police by the social workers and, respectively, the cases sent and not sent to a prosecutor by the police are homogeneous to a great extent raises the question of the nature and quality of the investigation and decision-making processes of authorities in cases of disciplinary violence. It is worth discussing whether this is a result of the authorities not being

educated and trained enough to handle suspicions of violence against children, especially 'petty' violence that might require more use of discretion and more interpretation from the authorities' side, or whether it is a sign of external factors affecting the authority procedures, such as authorities' own views of acceptable and unacceptable parenting methods. In order to reduce the effect of the both, this study suggests that to make authority decision-making processes more effective and coherent, authorities would need training regarding both their own role and responsibilities and the role and responsibilities of other authorities in suspicions of violence (see also Cross et al. 2012). This would lead to a more effective management of the cases (see also Bunting, Lazenblatt & Wallace 2010) and reduce interpretations and decisions made beyond authorities' 'occupational scope': currently, for instance, social workers, to some extent, interpret criminal law, and police officers try to assess what kind of child welfare intervention is necessary in order to make justified decisions in suspicions of violence against children. Moreover, the adversarial aspects of the current authority co-operation should not be let to interfere with rational consideration of a child's best interest (Beckett, McKeigue & Taylor 2007).

6.3. Implications for future policy and practice

This study implicates that the concepts of disciplinary violence and a child's best interest should be defined more clearly and, first and foremost, carefully and thoroughly; if the definition of what constitutes disciplinary violence was unequivocal, the ambiguity of the authority interpretations in suspicions of disciplinary violence would most likely be reduced. Respectively, this would then improve the quality of decision-making by ensuring equal treatment of all children nationwide. In evaluations of cases of violence against children, the child's best interest should be actively taken into consideration, and authorities would need to show that the best interests of the child have been evaluated, and have been taken into account as a primary matter (see also Unicef 2011). Moreover, instead of only stating that a child's best interest has been considered and taken into account, authorities would need to express clearly how a particular decision fulfills the best interests of a child in a better way than the other possible solutions or decisions (Hakalehto-Wainio 2011).

It is not possible to create an all-encompassing definition of a child's best interest that would suit every possible situation. As Freeman (2010) has pointed out, what is in a child's best interest is value-laden and to some extent indeterminate, and there is also a distinction between current best interests and future-orientated interests which can conflict. However, it should be possible to specify the contents of the concept so that authorities could carry out their duties from the same grounds. It can be argued that violence against a child is one matter upon which there should be a consensus (Freeman 2010). When making decisions in suspicions of violence against children, a child's best

interest should be the guiding principle and overrule many of the aspects presented above in this dissertation, such as authorities' attitudes and perceptions of their own work and role. This is an issue for both the future academic research and policymakers to address.

Related also to the idea of a child's best interest, the role of child him/herself in the authorities' decision-making process needs to be discussed. Based on reading the documents which were analyzed for this study, it became apparent (although no analysis was specifically made of this) that the stories of the parents and other adults, such as nursery and school staff, on the possible use of violence in the family were given primacy over the child's story. With very young children, this is understandable but, however, a child's best interest cannot be fulfilled completely if the child is not heard. In suspicions of violence against children, it is extremely crucial that the important decisions affecting the whole family are not made solely based on the parents' stories but also the children themselves are heard. This is also highlighted in the United Nations Convention on Children's Rights (Article 12; see also United Nations 2009; de Godzinsky 2014). Moreover, even if the suspect, in this case the parent, would confess a crime in the pre-trial investigation, the child should still be heard as, for example, the suspect might later deny this in court (Ellonen 2013). The views of a child him/herself must be the starting point when authorities assess the use of violence towards a child; an adult's judgment of what is violence and a child's best interest cannot override the obligation of authorities to respect and fulfil all the rights under the Convention on the Rights of the Child (see United Nations 2009, 2013).

In Finland, child welfare workers have been found to be clearly more burdened than in other Nordic countries (Saarinen et al. 2012) but at the same time have a great sense of meaningfulness in their work (Matela 2011, 3). Moreover, one-third of the Finnish social workers are unqualified (Valvira 2014). As has been shown in this dissertation as well, there are a lot of problems in dealing with the increased amount of suspicions of violent crimes against children: the processes of different authorities are slow and work at a different pace and, with very scarce resources, the authorities would need to be able to assess which cases and families require intervention (Ministry of Social Affairs and Health 2013, 11-12). The question of the ratio of the increased amount of notifications to the police and child welfare versus lack of (well-trained) staff and financial resources needs to be addressed at the policy-making level in order to ensure the fulfillment of children's rights and best interest.

Finally, as already discussed in chapter 5.4., the justification for the existence of the entire concept of 'disciplinary' violence can be questioned. Why would we even need to differentiate between violence that is disciplinary and violence that is not? Is it not an absurd differentiation, even by its nature, in a society where we do not accept physical punishment in any other setting? The current legislation unambiguously forbids all

violence and physical punishments against children; thus, in Finland, there is no need to attempt to differentiate between 'child physical abuse', 'excessive corporal punishment', and 'appropriate corporal punishment', as needs to be done, for instance, in some of the states in the United States (see McKoy & Keen 2009). Why do we still have discussions and divergent opinions in Finland about whether slapping a child should be regarded as 'disciplinary' violence and violence in general? The concept of disciplinary violence is useful for the purpose of producing empirical knowledge as has been done in this dissertation but as a normative concept it is as failed as 'corporal punishment': when talking about 'disciplinary' violence, there is an aspect of neutralization and justification of violence present in the same manner as with corporal punishment. Thus, this dissertation suggests that whenever there is a need to categorize different types of violence, as in empirical research, we use the concept of disciplinary violence instead of corporal punishment but, in order to change attitudes towards violence against children permanently, we stop legitimizing the violence with the use of neutralizing prefixes such as 'disciplinary'.

The idea of 'disciplinary' violence is also problematic in the sense that we cannot know whether the sole purpose of the physical act is to restrain or correct the child. As McCoy and Keen (2009) have pointed out, does it mean that if a parent spanks a child out of anger or frustration, he/she is guilty for child abuse and not 'disciplinary' violence? Parents are not fully aware of the motivations behind their behaviors either, so how could the authorities investigating the suspicions of violence be? The goal of the elimination of corporal punishment of children is not to put parents in prison, but to prevent violence from occurring (United Nations 2007; Freeman 2010). Authorities should have a standard point of reference to differentiate between legal parental behavior and illegal maltreatment (Ashton 2001). From the perspective of children's rights and equality, however, the grounds to evaluate this should be similar to assessing violence between two adults.

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