

Conservative criticism of child protection

The case of the Australian Family Association

Philip Mendes

Criticism of child protection practice in Victoria has emerged not only from the political Left, but also from conservative groups such as the Australian Family Association. The AFA does not deny the existence of child abuse, but argues that it can be primarily attributed to social changes such as the breakdown of the traditional nuclear family. The AFA believes that the strengthening and support of the traditional family is the best means of protecting children from harm. Critics of the AFA argue, however, that the implementation of the AFA's agenda would place the preservation of families ahead of the right of children to be protected from abuse or harm.

The last decade has witnessed a growing criticism of child protection practices and ideologies (Myers 1994). Much of this criticism (particularly in Australia) has come from the Liberal/Left and from the feminist movement. These critics do not deny the existence or severity of child abuse, particularly that of a physical or sexual nature. However, they do believe that some child abuse (particularly that pertaining to allegedly milder forms of neglect or emotional abuse) can be attributed to poverty and structural disadvantage, rather than to the individual pathology of parents. Their general argument is that child welfare authorities should place more emphasis on addressing and preventing the broader structural causes of child abuse, rather than focusing resources on the investigation and policing of poor (often single parent) families (Carter et al 1988; Mason 1989; Mason et al 1994; L'Hullier 1994). Critics have pointed out that in some circumstances, this approach may fail in at least the short-term to protect children from often severe neglect or emotional abuse at the hands of individual carers (Parton 1985; Carment 1989).

Conservative criticism of child protection practice is of a different nature. Most conservatives do not deny the existence of child abuse. However, they do have difficulty in accepting that child abuse can and often does take place in traditional nuclear families. Conservatives in fact argue that the preservation and strengthening of the traditional family is the most important means of preventing child abuse. They attribute child abuse to social changes that

are allegedly undermining the traditional family such as divorce, homosexuality, sex education, abortion, and working mothers. They associate child abuse not with 'normal' two-parent families, but rather with deviant groups such as the psychiatrically ill or paedophiles.

The danger of these assumptions is that they can lead to the minimization or even denial of child abuse. Conservatives may unconsciously place the preservation of families ahead of the protection of children (Coady & Coady 1995, p. 3).

THE AUSTRALIAN FAMILY ASSOCIATION

The most vocal pro-family lobby group in Victoria is the Australian Family Association, an organization formed by and still closely associated with the right-wing National Civic Council (Tanner 1994). The AFA is concerned with the strengthening and support of the traditional family. It is strongly opposed to abortion, homosexuality, sex education, the Family Law Act, feminism, and child care. These activities are viewed by the AFA as detrimental to the welfare of 'ordinary' Australian families and their children (Woods 1994).

The AFA became involved in the child protection debate as a result of the Victorian Liberal Party Government's decision in March 1993 to introduce mandatory reporting of child abuse. The AFA strongly opposed this decision and in so doing also levelled broader criticisms at the operations of the child protection system. The AFA's

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views on this matter are of some political significance since a number of State and Federal Liberal Party MPs are amongst its members and supporters (*Hansard* 29 April 1993, pp. 70-71; *Lyons Forum* 1995).

The AFA's criticism of mandatory reporting incorporated four primary themes. The first theme was that mandatory reporting would increase the danger of false accusations of child abuse that could lead to the break-up of families (*News Weekly* 4 December 1993, p. 21; Muehlenberg 1994, p. 17). According to the AFA:

Actual child abuse is a tragic and horrible phenomenon. Many people feel that the killer of Daniel Valerio should have received a life sentence – and rightly so. Real child abuse is among the most hideous crimes known to man, and should be punished with the utmost severity. Thus the call for mandatory reporting seems both plausible and necessary.

However, an equally appalling tragedy is the horror associated with false accusations of child abuse. The break up of families; the emotional and psychological turmoil produced; the ruined careers and damaged reputations; and the mistrust and suspicion generated are all tragic results of wrong reports of child abuse. Most lamentable is when children are forcibly taken from parents, or when parents are incarcerated or kept away from their offspring.

Thus calls for mandatory reporting need to be very carefully considered. The dangers of false accusations of child abuse are all too real. In America, for example, it is reported that one million families are falsely accused of child abuse each year.

Child abuse hot lines are overloaded with anonymous calls reporting alleged cases of child abuse. Child abuse is defined so loosely and vaguely that scolding, spanking, or raising one's voice can be regarded as abuse. Indeed, abuse includes vague concepts such as 'emotional neglect' or 'educational neglect'. Thus withholding TV-watching privileges or practising home-schooling can be considered abuse.

The AFA advises its members to write to their local member of Parliament expressing their concerns about mandatory reporting. The suggested form-letter emphasizes that writers should not 'appear to condone or minimize child abuse. It is a horrible evil and should be strenuously opposed. But what we are concerned about is the effect on families – children and parents – of cases where a false accusation of child abuse is

made' (*Family Update* March-April 1993, pp. 1-2).

The second criticism expressed by the AFA and its supporters is that child abuse numbers are exaggerated by self-concerned interest groups (Partington 1988, p. 349). According to the AFA:

Politically motivated lobby groups and welfare agencies whose funding – and very livelihood – depends on the incidence of abuse, are all too tempted to exaggerate the problem. As one welfare worker put it, mandatory reporting results in 'a huge expansion of staff and a redirection of resources from developing community supports for parenting to investigations and more investigations'. Any program which mitigates against the family, or at least lessens support for it, will not help children, but will only further harm them (*Family Update* March-April 1993, p. 2).

Most conservatives do not deny the existence of child abuse. However, they do have difficulty in accepting that child abuse can and often does take place in traditional nuclear families.

The AFA and its supporters suggest that the level of child abuse may in fact be decreasing, rather than increasing (Thomson 1993, pp. 18-23; *News Weekly* 3 July 1993, p. 8; *News Weekly* 9 October 1993, p. 8; *News Weekly* 2 July 1994, p. 7).

The third concern raised by the AFA involves the role played by social workers in mandatory reporting. According to the AFA, 'Too many non-experts – teachers, social workers – could be forced into reporting, whereas only qualified personnel, for example, medical practitioners, should be involved in such reporting'. The AFA argues that 'only properly-trained authorities, such as police or medical personnel, should be involved in making reports of child abuse' (*Family Update* March-April 1993, p. 2).

An article in the AFA-linked *News Weekly* Journal comments further:

The saturation coverage of child abuse attracted persons in substantial numbers from dysfunctional families to seek qualifications in social work so as to contribute to overcoming the problem. They brought a closed mind, believing all children they dealt with were subject to abuse and treated parents with disdain. They themselves need psychological help rather than inflicting their traumas upon the young (*News Weekly* 2/7/94, p. 7).

The final criticism raised by the AFA relates to the proportion of child abuse occurring in traditional nuclear families. The AFA argues that child abuse can be attributed to the breakdown of the traditional family, and to the associated consequences of the 'permissive society' (Woods 1992). Various studies are quoted which allegedly show that child abuse is far more likely to occur in broken homes. For example, a study by Geoffrey Partington of Flinders University concluded that non-family carers account for some 70 per cent of all abuse cases (*Family Update* March-April 1993, p. 2). The AFA also quotes a 1992 study by the University of Western Australia Crime Research Centre which found that of 672 reported abuse cases only 30 per cent involved children living with both of their biological parents; 49 per cent involved sole parent families, and 18 per cent blended families (*Family Update* May-June 1993, p. 8; *Family Update* July-August 1993, p. 8; *Family Update* November-December 1993, p. 5).

The AFA consequently argues that the strengthening and support of the traditional family is the best way to protect children from abuse (*News Weekly* 9 October 1993, p. 8).

The AFA quotes extensively from American literature to support its concerns. Three particular publications are cited: *Wounded Innocents* by Richard Wexler, *The Child Abuse Industry* by Mary Pride, and *The Abuse of Innocence* by Paul and Shirley Eberle.

The Wexler book argues that child protection authorities have abused their power by intruding into the lives of over a million innocent families. Wexler cites statistics alleging that 60 per cent of child abuse accusations are false, and that the majority of genuine notifications involve poverty-associated neglect, rather than overt abuse. Wexler argues that there is a parallel between the zealotry of the 'child savers' and the original Salem witchhunt (Wexler 1990).

After reading a number of promotions of Wexler's book in *Family Update* (July-August 1993; November-December 1993), I wrote to the author, who is an Assistant Professor in Communications at Penn State University, asking whether he endorsed the arch-conservative views of the AFA. In reply, Wexler wrote:

You are correct in inferring from the book that I do not agree with the far right on most issues. Indeed I have prefaced remarks to conservative audiences by noting that the issues I would discuss probably were the only ones on which we agree and in some cases we would support these positions for different reasons.

However, it's also important to note that the issues raised in *Wounded Innocents* cross traditional ideological boundaries like no other issues I know of ... I believe this is because 'child saving' combines the worst of both liberalism and conservatism. Child saving combines the conservative tendency to blame the victim with the liberal tendency to underestimate the ill-effects of unbridled government power. So it is not surprising to me to find liberals and conservatives putting aside their differences to unite for reform of the child protection system (Wexler Letter 1993).

The second book quoted by the AFA, *The Child Abuse Industry*, covers similar ground to Wexler, but is written from a right-wing religious perspective. Pride also argues that child protection programs constitute an abuse of government power (Pride 1986).

The third book, *The Abuse of Innocence*, is heavily promoted by the AFA (*News Weekly* 4 December 1993; Van Der Linden 1993, pp. 33-36). It is also the least believable. The book documents the famous trial of seven school teachers at the McMartin Pre-school for the alleged sexual abuse of 200 toddlers. What is most interesting about this book is not its content which is similar to the Wexler and Pride books, but rather the background of its authors. According to the American social work academic, John Myers, Paul and Shirley Eberle were allegedly contributors to a child pornography magazine in Los Angeles (Myers 1994, pp. 97-100). I wonder whether the AFA is aware of these allegations.

A CRITIQUE OF THE CRITIQUE

As with most criticisms of child protection practice, the AFA's claims contain a semblance of truth. But they also contain numerous inaccuracies and distortions (Myers 1994, p. 25), and are based primarily on the vastly different American system. For example, false or erroneous accusations of child abuse do occur, but there is considerable disagreement in the literature as to their frequency (Howitt 1993, pp. 85-87; Quinn 1991; Robin 1991, p. 16).

... families experiencing financial or other stresses should be supplied with supports and resources that help them to stay together. Nevertheless, this should not be at the expense of the right of children to be safe from abuse and harm.

My own experience as a child protection worker in Victoria would suggest that most of these false reports are quickly identified as such and placed in the 'no further action' basket. In 1993-94, for example, of the 26,622 notifications made to child protection authorities in Victoria, only 6,024 reports were substantiated as involving serious risk to children, of which a mere 1,224 were considered serious enough to warrant court action in the Children's Court (Clark 1995, p. 22). Of course, occasionally, a spiteful or distorted report will trick the child protection authorities and lead to court action. Nevertheless, it is extremely unlikely that the subsequent Court hearing would lead to the removal of the child from the parents, or even to a supervisory order. As Justice Fogarty noted in his report on child protection services in Victoria, the Melbourne Children's Court tends to err if at all in favor of family rights, rather than children's rights. Court cases motivated by false reports are unlikely to convince an already sceptical Court (Fogarty 1993, pp. 106-107).

Having said that, there is some evidence from reputable overseas sources of substantial and damaging over-intervention. One example is the British Cleveland sexual

abuse scandal of 1987 in which large numbers of children were placed in care due to false diagnoses using a flawed test of anal abuse (Jenkins 1992, pp. 133-149). This and other cases demonstrate that the problem of false accusations involves not only vindictive behaviour by members of the public, but also on occasions inadequate investigation procedures by child protection workers (Howitt 1993, pp. 94-95). Such examples of poor practice demonstrate the need for child protection workers to be sensitive to the potential trauma and injustice of false allegations, and to ensure that the rights and needs of accused persons are protected. Nevertheless, this should not be at the expense of the central right of abused children to protection (Robin 1991, pp. 28-29).

Secondly, the AFA's use of public choice theory to legitimate its critique of child abuse lobby groups is highly questionable. According to public choice theory, the welfare state and its services supposedly operate in the interest of the well-paid social workers who administer them rather than in the interest of the disadvantaged consumers whom they are intended to serve. These producers of the welfare services (it is argued) have a vested interest in maintaining and expanding welfare programs that has little to do with alleviating social problems and far more to do with enriching themselves (Bennett & DiLorenzo 1985, p. 6, p. 182).

If this assessment is true, then one would reasonably expect the introduction of mandatory reporting in Victoria to have been inspired by welfare lobby groups such as the Australian Association of Social Workers, the Victorian Council of Social Service and the Children's Welfare Association of Victoria whose members and affiliates would have gained from the increased availability of child protection resources. Yet, these groups were in the main either opposed to or relatively silent on the issue of compulsory reporting. The major impetus for mandatory reporting actually came from the media, and from relatively disinterested groups such as the Victorian Society for the Prevention of Child Abuse and Neglect (Mendes 1996).

This is not to deny that on occasions child abuse numbers may be wilfully exaggerated or distorted by interested parties (Jenkins 1992, pp. 119-123). But in the main, the increased public reporting of and identification of child abuse cases seems to

reflect greater public and professional awareness of the problem rather than the impact of lobby group campaigns (Robin 1991, p. 13).

Thirdly, regarding the allegation that reports of alleged child abuse will be made by social workers or persons who may not be competently qualified to judge whether or not abuse has occurred, at present in fact, the highest number of reports in Victoria are made by members of the children's family, followed by police and the staff of child welfare agencies (Clark 1995, p. 23). As noted already, many of these reports may not be substantiated, but the task of investigating these reports lies (as in criminal matters) not with the notifier, but with the trained authorities. And in cases of alleged physical or sexual abuse, the police are also required by law to be involved in any investigations. The suggestion by the AFA that only doctors and the police should be allowed to report alleged child abuse suggests that the abuse of children is different from the abuse of adults. The implication here is that parents are entitled to treat their children as they wish in the privacy of the family home, just as some people still believe that husbands are entitled to physically abuse their wives. Only when the abuse results in public consequences such as severe injury should the traditional arms of the State – the medical profession and the police – be asked to intervene.

The AFA's description of social workers as coming from 'dysfunctional families ... and needing psychological help themselves' is equally contentious, if not offensive. The AFA provides no evidence (and almost surely has no evidence) to support this assertion. All the statement serves to do is to attack the messenger, rather than addressing the actual problem of child abuse.

The final criticism raised by the AFA suggests that if only traditional families could be preserved, child abuse would seldom occur (if at all). Yet, child abuse was taking place long before the emergence of the 'permissive' society (Goddard, p. 280). Most adults who physically, sexually or emotionally assault children are not strangers or paedophiles in the park, but rather fathers and mothers. Some are step-parents as in the infamous Valerio case. Others are natural parents (Health & Community Services 1993, p. 7).

This is not to deny that traditional families provide the optimal environment for the

nurturing and growth of children. And families experiencing financial or other stresses should be supplied with supports and resources that help them to stay together. Nevertheless, this should not be at the expense of the right of children to be safe from abuse and harm. Often it is precisely the failure of authorities to take action to stop child abuse and other associated forms of family violence (Tomison 1995) that leads to family breakdown.

CONCLUSION

As with the left-wing critique of child protection, the conservative critique raises some valid concerns that may ultimately contribute to a more professional and accountable child protection program. However, the overall imposition of the AFA's agenda on child protection would almost certainly harm children in the name of 'family rights', and undermine the capacity of the system to protect children from serious abuse. ❁

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