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A Non-Ethical Argument Against Parental Licensing

Bruno Pušić

Abstract: LaFollette proposed that the best way to protect children from abuse and neglect caused by their parents would be to implement parental licenses to prospective parents. In this paper, I re-evaluate his proposal by looking at various facts and data related to child abuse and neglect. It will be suggested that (a) parenting as a profession does not satisfy the third of LaFollette's criteria for the introduction of licenses, which is "The benefits of the licensing program outweigh any theoretical reasons against it" (LaFollette 2010, 328), (b) it would subject too many people to unnecessary tests and (c) parenting cannot be compared to other professions licenses are usually issued for.

Keywords: parental licensing, licensing program, child abuse, child neglect, child protection

1 LaFollette's parental licensing proposal

The original proposal for the introduction of parental licensing was made by Hugh LaFollette in 1980 in the article "Parental Licensing" and he updated it in 2010 in the article "Parental Licensing Revisited". In these articles LaFollette pointed out that the state should introduce licensing for any/all professions in which (1) people can harm those they serve, (2) can perform risky tasks safely only if they are competent, and (3) that the benefits of the licensing program are higher than the potential costs. LaFollette was not the only one to propose a parental licensing program. Besides him, Jack C. Westman (1996, 2013), John E. Tropman (1984) and Michael T. McFall (2009) made concrete proposals for parental licensing programs. The basic idea of all proposals is the same, e.g. to prevent child abuse and neglect before it takes place. In this paper, I will focus only on LaFollette's original parental licensing proposal.

According to LaFollette, licenses should be issued for any profession that fulfills the following criteria:

People are engaged in an activity that may harm those they serve, either directly or by failing to fulfill their fiduciary duties; the harm can be significant and life-altering.

People can safely perform these risky activities only if they are competent.

The benefits of the licensing program outweigh any theoretical reasons against it.
(LaFollette 2010, 328)

For any profession that fulfills the above mentioned criteria, the state should introduce licensing programs. For example, doctors of medicine nicely fit into these criteria. An unskilled surgeon can kill or seriously harm his patient if he does not know what he is doing. In order to perform a routine operation safely, he is required to graduate from medical school, specialize in surgery, do the internship, etc., and all of that takes a lot of time, study and practice. Only after meeting these requirements, he will be issued a license that he can safely practice medicine. Of course, the costs of issuing a license for doctors of medicine are very high and resource-consuming. A whole educational system that is tried, tested and constantly improved needs to be established if we want professionals who graduate from medical school to practice medicine safely, without causing their patients any harm. Although that system is expensive to society and very challenging for potential doctors, a great majority of people would agree that it is necessary if our goal is to have safe medical care and competent doctors that will in most cases help their patients rather than hurt them. The same goes for professional drivers, lawyers, teachers, engineers, pilots, nurses, etc. All of them need to possess certain knowledge, abilities, dispositions, and be able to make appropriate decisions at the right time. Exactly what knowledge, abilities, and dispositions are required varies from profession to profession (LaFollette 1980, 2010).

The same is true of parenting, at least according to LaFollette. Parents are legal guardians of their children for at least 18 years, or in some countries even longer. For the greater period during those 18 years children are entirely dependent on their parents, which means that they are not capable of taking care of themselves, making decisions and choices that will influence their life. In that period, parents are obliged to look after their children in the best possible way and make decisions that will be in the best interest of their children. But there are no guarantees that parents will act in that way. Unlike doctors, professional drivers or lawyers, parents do not have the certificate which gives some guarantee that they will adequately care for their children. And if they do not, 18 years is more than enough time for incompetent parents to cause a lot of harm to their children that will profoundly influence the course of their adult life. It should also be noted that patients, passengers, and defendants are in a better position concerning their doctors, professional drivers or lawyers than are children concerning their parents. For example, if you doubt that your doctor has made the accurate diagnosis, you can ask for a second opinion or change the doctor. Children do not have this option. They cannot just walk to social services and say that they want new parents because the current ones seem incompetent. If parents are incompetent, children are usually stuck with them until they grow up and move out. Circumstances need to be severe for a state to intervene and remove the child from incompetent parents. I think this is sufficient to show that parenting fulfills the first criterion for a profession that should be licensed. Parenting is an

activity that can seriously harm children if it is conducted by incompetent parents (LaFollette 1980, 2010).

According to LaFollette, parenting, like other professions mentioned above, requires certain knowledge, abilities and dispositions if people want to be successful parents with happy and well-raised children. Children have specific needs at specific periods of their development, and parents need to know what those needs are and how they change. Parents also need to possess the knowledge of child development so they can intervene or ask for professional assistance if they suspect that something is not going as it should. If parents do not possess that knowledge, they can seriously harm the child by acting improperly or by not acting at all when they should. But knowledge alone is not enough. Even if parents know what their children's needs are, they also need to know how to fulfill them. They need to have the required skills to fulfill them. If they do not, they could also seriously harm their child. Possession of knowledge and skill by itself is still not enough to be a good parent. It is still required of parents to be capable of assessing individual situations and making the appropriate decisions. Let us say that a 2-year-old child is having a slight fever. What should the parents do? Should they take the child to hospital immediately or not? Is it something that will pass of its own or is it something that they can treat with aspirin, or perhaps even something that requires immediate medical attention? If they ascertain that it is something benign that will pass of its own, and it turns out that it is not, consequences could be fatal. It is important that parents possess certain judgment for them to react appropriately to this and other similar situations. But certain dispositions are required as well. Imagine a parent who has the necessary knowledge, abilities and judgment for being a good parent but also has a short fuse, reacts violently to stressful situations, has the tendency to forget the important duties that require her immediate attention etc. That person, despite all of her virtues, could also harm her child and would be a bad parent. Children can cry a lot, and that can be stressful; also, some of their needs need to be fulfilled with haste. According to LaFollette, all those things, only when taken together, constitute a competent parent and from that it should be apparent that parenting can be a risky activity which, if it is not taken seriously, can result in detrimental consequences for children (LaFollette 1980, 2010).

We still need to see if the benefits of the licensing program outweigh any theoretical reasons against it. Cost-benefit analysis is required to answer this question. The major advantage of introducing a licensing program for parenting would ideally be a complete prevention of child abuse and neglect caused by incompetent parenting. I am saying ideally, because complete prevention of child abuse and neglect would be the result of the parental licensing program in which it could be possible to identify all and only those people who would necessarily commit child abuse and/or neglect at some point of their parenthood. Theoretically, that could be possible since the whole point of a parental licensing program is to prevent child abuse and neglect before it takes place, unlike in the present system in which the state intervenes on occasion and only when child abuse and/or neglect have already happened (LaFollette 1980, 2010).

However, in practice that is highly unlikely, since “no licensing system could be perfect” (LaFollette 2010, 330). And its almost guaranteed imperfection is the first potential

cost of parental licensing. If the criteria for issuing the parental license were set too high, too many good parents would not get their license. On the other hand, if the criteria are set too low, some parents who are likely to commit child abuse and/or neglect would get the license and as a consequence the whole point of the parental licensing program would come into question since it would fail to prevent child abuse and neglect. The second potential cost is the abuse of new parental licensing system from people in influential positions. The third potential cost could be too high a level of intrusion into the parent-child relationship since some level of supervision would be required. There would be a cost in the narrow sense of the term as well. How much would parental licensing system cost? Almost certainly countries that would implement parental licensing would need to invest additional resources in new administration that would be required by the program. The new administration certainly is required since the parental licensing program would work entirely differently from the current social service system. Let's mention some possible additional costs of parental licensing system: parenting courses, supervision and support, tests, costs of issuing the license itself, implementation of penalties for the offenders, costs of potential lawsuits from the children who were victims of child abuse and/or neglect from the parents that were licensed (Bracanović, 2012), and other costs that are impossible to predict now. Theoretically, it is possible to imagine a situation in which parental licensing program works perfectly (child abuse and neglect is completely eradicated from the society), but the cost is so high that even the richest country in the world cannot implement it (LaFollette 1980, 2010).

LaFollette thinks that the cost is acceptable if a limited licensing program is implemented. He suggests the following parental licensing program: “set minimal requirements for a license, then reward those with licenses – say with special tax breaks – rather than punish those without” (LaFollette 2010, 338). Parenting courses should be introduced that would be conducted during high-school education, or as free-standing courses. The intended benefit of parenting courses would be for potential parents to gain knowledge and understanding of “the difficulties of good and safe parenting” (Frisch 1982, 174). People who would pass the test upon completion of the course would be licensed, and those who would fail could take it again later. If people without the license became parents, their children would not be taken away from them, but they would not get tax breaks. That means that parents without licenses would not be in a worse position than they are now. The only difference between unlicensed and licensed parents in LaFollette’s system would be that licensed parents would have slightly more money due to tax breaks they receive. Additionally, some parents support programs could be implemented, such as assigning a nurse to parents with children under the age of five (LaFollette 2010).

Before we go to the next part of the paper, four important caveats should be mentioned. First of all, one of the goals of LaFollette's proposal is to identify only those prospective parents that could potentially cause serious harm to their children. He is not trying to determine average parents and deny them the license. So, if we imagine that LaFollette’s proposal is implemented somewhere, only the worst prospective parents would be denied the license, and everybody else would get them. On a similar note, LaFollette’s proposal for introduction of parental licenses has nothing to do nor should be related to any form of

eugenics. LaFollette is not proposing selective breeding of humans nor is he proposing any sterilization of any social group. The only thing that LaFollette says is that a) parenting is a potentially risky activity that can seriously harm children if it is conducted by incompetent parents, that b) children would benefit from the introduction of parental licensing program because, c) ideally, child abuse and neglect would be prevented before they happen. No social group is selected out of procreation, and no social group would be specifically selected for procreation. In his proposal, all prospective parents could have children even if they did not obtain their parental license. The third caveat is in close connection to the first two. In LaFollette's proposal freedom of procreation, which is an important element of all human rights declarations, is not brought into question, since everybody can still have children if they so choose¹.

Also, it is important to note that the idea of parental licensing is not without precedent. The whole system of adoption requires that people who would like to adopt, have to meet certain prerequisites before they can adopt. Their parenting competencies are tested; they need to go through personality testing, they need to be of certain minimal age – in Croatia the minimum age is set at 21 – they must not have a record of certain behaviors that could indicate that potential adopters would be bad parents. Prospective adoptive parents in existing legal practices need to meet much higher standards before they can adopt than biological parents need to in LaFollette's parental licensing proposal (Kušević 2009).

2 Objections to parental licensing

In this part of the paper I will make a short review of the objections to LaFollette parental licensing proposal.

One possible objection to parental licensing, anticipated by LaFollette, is that parenting differs from other paradigmatic professions such as doctors, lawyers, pilots etc. in the number of people they can harm through incompetence. Incompetent parents will harm only their children and that number is relatively small, whereas the above mentioned professionals will be able to harm a large number of their clients if they are incompetent and that is why licenses are required for these professions and not for parenting (LaFollette 2010).

Frisch (1982) points to another important difference between above mentioned professionals and parenting. The point of licensing doctors or lawyers is to ascertain whether candidates for these professions can practice them now, while the point of licensing parents is to ascertain whether people will be good parents in the future. Licensing programs that exist are designed to test present performance and not to make predictions about future performance, while parental licensing program is going for the latter (Frisch 1982). Prospective parents should not be banned from parenting based on the prediction that one day they could harm their child. It is possible to imagine a situation in which parental license would not be issued to a prospective parent who would never actually harm his child because the test showed that the person in question is likely to commit child abuse. I will discuss this in more detail later in the paper.

¹ This is the anticipation of the objection that the introduction of parental licenses would reduce the right to have children.

Another possible objection to the introduction of parental licensing that LaFollette tries to anticipate is that its introduction would be superfluous. The right to have children is conditional on actual child abuse and/or neglect (LaFollette 2010). That means that parents can raise their children without the intervention of the state as long as they do not abuse and/or neglect their children. When and if the state notices that children are being abused and/or neglected, the state will intervene and remove the abused children from such families. With this system in place, additional introduction of parental licensing program is unnecessary.

It is possible that by the introduction of parental licenses parenting would be uniformed. If the criteria that determine good parenting are introduced, there would be two consequences; a) parents would be forced to raise their children in a manner predetermined by parental licensing program, which would in turn reduce the plurality of approaches to child rearing, and that would b) limit parental freedom to raise their children as they think would be in their children best interest (Kušević 2009).

Bracanović (2012) argues that LaFollette's proposal for the introduction of parental licensing is in contradiction with his view of close personal relationships and their importance for the development of impersonal morality. According to LaFollette, "close personal relationships can empower us to act morally, they are the grist for the moral mill" (LaFollette 1996, 207). Personal relationships and morality are not at odds with each other, rather they are mutually supportive. According to Bracanović (2012) the introduction of parental licensing "would probably introduce entirely new and disturbing elements into relationships that are supposed to be the most intimate and personal" (Bracanović 2012, 229) which would in turn be detrimental for the development of the impartial morality.

3 Statistics of child abuse and neglect

One motivation for the parental licensing suggestion from LaFollette is the frequency of child abuse. For that reason, in this part of the paper, I will go through statistics of child abuse and neglect so we can get the picture of (1) the extent of child abuse and neglect, (2) perpetrators of child abuse and neglect, (3) which social groups are at higher risk of committing child abuse and which children are at higher risk of being abused and/or neglected.

In "Parental Licensing Revisited" LaFollette mentions that "there are nearly two million cases of substantiated child abuse and neglect in the US each year" (LaFollette 2010, 331), but he also adds that most likely the real number of cases is three times higher. In nearly 80% of these cases, parents were responsible for child maltreatment.

According to the Office of Child Abuse and Neglect in the USA for the year 2004, there were 3 million reports of child maltreatment (Gelles 2007). Also, Gelles reports the results of the national survey of child victimization in 2002-03 conducted by Finkelhor and his colleagues. 138 per 1,000 children experienced maltreatment with emotional abuse, 15 per 1,000 children were victims of physical abuse and 11 per 1,000 children were victims of maltreatment. "The overall projected extent of maltreatment was 8,755,000 child victims" (Gelles 2007: xv). In 2004 according to National Child Abuse and Neglect Data System

(NCANDS), 2.03 per 100,000 children were victims of fatal child abuse and neglect and nearly 78% of the perpetrators were one or both parents (Gelles 2007: xv).

According to Corby, in 2004 in Britain approximately 2.5 per 1,000 children were on child protection register. When this number breaks down to different categories of abuse it shows that 15% of children were victims of physical abuse, 42% were victims of neglect, less than 10% of children were victims of sexual abuse and 20% of them were victims of emotional abuse (Corby, 2006: 107, 109). Rates of fatal child abuse and neglect in England and Wales are stable at average 78 child fatalities per year which is much better than in the USA where the rate is approximately 8 times higher (Corby 2006, 113).

Information about the extent of child abuse and neglect is important but needs to be supplemented with information about who is more likely to commit child abuse and neglect and what children are at the greatest risk of being the victims of child abuse and neglect.

Corby reports that according to a study conducted by Finkelhor in 1984 in the USA, 95% of girls and 80% of boys who were sexually abused were abused by males. In cases of physical abuse where two parents were living together as abusers, fathers were implicated in 49.1% of the cases and mothers in 36.1% of the cases (Corby 2006; Gelles 2007).

Gelles (2007) reports that families with income that is below the poverty line are also at a higher risk of committing child abuse and neglect, compared to the families with income that is above the poverty line. That finding is also supported by Corby (2006). Other factors that increase the risk of committing child abuse and neglect are: “unemployment, financial problems, being a single parent, being a teenage mother and sexual difficulties” (Gelles 2007, xvii).

When we take family structure into account, it is apparent that children in single-parent families are at a higher risk of all forms of child abuse compared to families with two parents. In the USA, England and Wales children in single-parent families are at significantly greater risk of being abused than children in two parents' families (Corby 2006).

McFall points out that single-parent families are also at a higher risk of poverty when compared to married couples in the first marriage. 67% of all single-parent families live in poverty, 31% of all divorced families live in poverty, 39% of all cohabiting families live in poverty and only 12% of all married in first marriage families live in poverty (McFall 2009). Data tells us that the chances of poverty are by far the lowest in families in which parents are married in the first marriage and highest in single-parent families.

Step-parenting is another family structure with a higher risk of committing child abuse when compared to two parent families. 32% of physically abused children, 15% of neglected children and 36% percent of children who were victims of emotional abuse lived with one natural parent and one step-parent, usually with the natural mother and step-father. Also, children in step-parenting families are at a higher risk of being sexually abused by step-parent than by their natural parent (Corby 2006).

Among other factors that are in some way related to child neglect and abuse are alcohol and drug misuse, partner problems, birth problems and mental illness. Corby reports that around 50% of the families in the USA and 40% of the families in Britain known to the public welfare system are being affected by alcohol or drug misuse (Corby 2006). Related to partner

problems, Corby reports that a study conducted by “Ben-Tovim et al. (1988) found that half the perpetrators of child sexual abuse and two-thirds of their partners considered that they have relationship problems” (Corby 2006, 144). Related to birth problems, a study conducted in 1981 in Cardiff by Murphy et al., found out that among 80 cases of children who were victims of child abuse more of them had been born prematurely or with lower birth weight. Corby also reports that a similar study was conducted in 1985 in the USA by Benedict and White. They found an association between premature birth, low birth weight and longer stay in the hospital around birth with children who were later abused. Another factor that can be connected to a higher risk of child abuse is mental illness. Corby reports that among families undergoing child protection investigations relatively high rates of depression were found (Corby 2006).

In the general population, the rate of child abuse and neglect is between 2% and 4% and in families where parents were victims of child abuse and neglect it is around 30%. That means that people who were abused as children are also at higher risk of committing child abuse and/or neglect compared to the people who were not (Gelles 2007).

Research on the perpetrators of child abuse is more prevalent than the research on the victims of child abuse, but there is enough research done to see which children are at a greater risk of abuse:

- children with inferior health status,
- children who are deformed and handicapped,
- female children,
- children born in unusual, stigmatized or difficult conditions,
- excess or unwanted children,
- children with disvalued traits and behaviors,
- illegitimate children,
- children born in situations of rapid economic change (Corby 2006, 147).

Before we proceed, one more caveat is in order. The statistical data reviewed in this part of the paper could point in the direction that child abuse and neglect is mainly a problem in the lower classes and that it is underreported in higher classes. That may be so, but I will not discuss it in this paper. This question, though vital, should be addressed by social services. I will use the data in the next part of the paper in two ways: a) to use it for an argument against LaFollette’s proposal for parental licensing and to show b) that social services have a good understanding about who is at higher risks of committing child abuse and neglect and what children are exposed to higher risk of child abuse and neglect. Also, even if LaFollette’s proposal for the introduction of parental licenses were introduced in some country, it would not have any class bias, and it certainly would not be applied only to lower social classes. It would be applied equally to all prospective parents, and that means that if a prospective parent failed a parenting test he would not get a license no matter what social class he belongs to.

4 A non-ethical argument against parental licensing

LaFollette's proposal seems to make a very good sense and one may initially find it very persuasive. When we go through the statistics on child abuse and neglect in LaFollette's papers, we can clearly see that a lot of children suffer because of incompetent parents. Also, the consequences of child abuse and neglect can be severe and last a lifetime. For these reasons, it is imperative to take steps to reduce the frequency of child abuse and neglect. However, literature on child abuse suggests that LaFollette's argument suffers from serious defects. If we take a look at statistical data from a different perspective, it will become apparent that parenting as a profession does not satisfy LaFollette's third criterion for the introduction of licenses. According to that criterion, "the benefits of the licensing program outweigh any theoretical reasons against it" (LaFollette 2010, 328).

To take a look at statistical data from a different perspective, we need to start with the following thought experiment. Let us imagine a world in which (1) child abuse and neglect is as frequent as it is in ours, (2) the only way to tackle child abuse and neglect is to prevent it completely and (3) we have tools that are 100% accurate in predicting who will abuse and/or neglect his/her children when he/she has them. It is not difficult to imagine that such tools could exist. In the paper "Licensing Parents: How Feasible?", Claudia Pap Mangel mentions two tools that are used for purposes of screening people for potential child abuse and neglect: Child Abuse Potential Inventory (CAP) and Family Stress Checklist (FSC). CAP is an instrument designed to assess individuals' potential for child abuse. Although Pap Mangel does not mention the exact percentage of its accuracy, she does say the following:

The Child Abuse Potential Inventory has been refined through extensive research and has proven a reliable instrument for accurately discriminating between abusive and non-abusive parents. [...] The Child Abuse Potential Inventory appears to be a well-researched, reliable predictive instrument which would be appropriate for use in Hugh LaFollette's parent licensing program. (Pap Mangel 1988, 28)

The other tool, FSC, was designed to predict a parent's future risk of maltreating his child. According to Pap Mangel:

80% of the families identified as abusive or neglectful after the birth of their child... had scored high [...] on the prenatal Family Stress Checklist [...], therefore, (it) constitutes a predictive screening instrument appropriate for use in LaFollette's parent licensing program. (Pap Mangel 1988, 28)

But, for the purpose of our argument, let us imagine that these two tools are 100% accurate in predicting who will one day abuse and/or neglect his or her child. By that I mean that all and only people who score high on CAP and FSC will abuse their children one day and that no other people will. That would mean that these tests are 100% accurate and that they also have 0% of false positive or false negative results.

Now let us try to implement parental licensing under the given assumptions, and I think those assumptions portray the best case scenario for LaFollette parental licensing proposal. The first undeniable and beneficial consequence would be that we would identify all and only people who would abuse and/or neglect their children, and we could prevent it from happening altogether. We also want to see at what cost we would get 100% child abuse and neglect prevention. First, let me remind you of some child abuse and neglect numbers: 138 per 1,000 children experienced maltreatment with emotional abuse, 15 per 1,000 children were victims of physical abuse, 11 per 1,000 children were victims of maltreatment, 2.03 per 100,000 children were victims of fatal child abuse and neglect and in Britain approximately 2.5 per 1,000 children were on child protection register. So, in order to screen out all people that would commit child abuse and neglect, under the assumptions that I made, we would need to screen, completely needlessly, the following number of families (single parent, divorced, cohabiting and married): in 1,000 families that were screened for potential emotional abuse, CAP and FSC tools for 862 of them would show that they are at no risk for emotional abuse of children, in 1,000 families that were screened for potential physical abuse, CAP and FSC tools for 985 of them would show that they are at no risk for physical abuse of children, in 1,000 families that were screened for potential maltreatment, CAP and FSC tools for 989 of them would show that they are at no risk for maltreatment of children and in 100,000 families that were screened for potential fatal child abuse, CAP and FSC tools for 99,997.97 of them would show that they are at no risk for fatal abuse of children. So, when we add all these numbers up, it turns out that under best possible conditions for parental licensing proposal, to identify 166.03 families that will commit one of the mentioned forms of child abuse we needed to screen 103,000 thousand families. Now, if we put these numbers in percentages, it turns out that only in 0.16% of the screened families some form of child abuse is committed. And that is the first reason why costs outweigh the benefits of the licensing program, notably, because 99.84% of potential parents, based on the data used, in the best case scenario for the parental licensing program, would be screened for some forms of child abuse while they are at no risk of committing it. I find this to be a highly inefficient way to pinpoint potential child abusers.²

Now let us bring forward the assumptions made earlier, closer to the real world situation, and see how the parental licensing proposal fares then. Let us keep assumptions (1) and (2) intact, but change the third assumption and say that we have tools that are 80% accurate in predicting who will abuse and/or neglect their children when he/she gets them. That is the accuracy rate of FSC mentioned by Pap Mangel, but let us say for simplicity of the argument that CAP has the same accuracy rate. Under these conditions, out of 166.03 families in which one form of child abuse will be committed, 132.8 of them would be identified, and 33.23 would get parenting licenses because FSC and CAP would miss them. These are false negatives, but false positives would be much worse. Out of 102,833.97 families that are at no risk of committing any form of child abuse, because of the imperfect accuracy of FSC and

² I arrived at these percentages by using a specific set of statistical data. These numbers should be understood only as a part of the argument. I still take as a relevant information that the rate of child abuse and neglect is between 2% and 4% in general population as Corby mentions.

CAP tests, as many as 20,567.9 of the families would be identified as being at risk of committing some form of child abuse, and they would be denied parental licenses. Even if the accuracy rate of FSC and CAP tests would be 90% as McFall (2009) suggests, that would still be 10,283.4 families wrongly identified as being at risk of committing some form of child abuse with denied parental licenses. As we can see, in the scenario closer to the real world situation, parental licensing proposal fares even worse, and that is the second reason why costs outweigh the benefits of the licensing program. The number of families that would be denied parental licenses on the whole population would be huge if we had the tools that are 80 or 90% accurate in identifying potential child abusers. Child abuse and neglect are a problem, especially for victims, and we should take measures to reduce it, or ideally eliminate it. Still, its frequency in the general population is so low that the application of parental licensing with a test that would identify 80% of potential child abusers would exclude unacceptably high number of families from parenting. If, on the population of 103,000 families, it would unjustly exclude a bit more than 20,000 families from parenting, imagine what the numbers would be on the scope of 1 million or 10 million families. I think that the number of false negatives would be unacceptably high.

This argument brings me to the second point. Since the goal of parental licensing is a complete prevention of child abuse and neglect, all prospective parents would have to go through some form of testing. If we assume that the rate of child abuse and neglect in the general population is between 2% and 4%, that would mean that between 96% and 98% of potential parents would have to go through testing entirely unnecessarily, since they are not at risk of committing child abuse. It is true that we would not know who are not the potential abusers before the tests are conducted, but there has to be a more efficient way of identifying potential child abusers than carry out tests on all prospective parents, especially when we know that a large majority is not under any risk of committing child abuse when they become parents.

From these results, I think it is apparent that parenting as a profession is fundamentally different from other professions such as lawyers, doctors, nurses, pilots, professional drivers, etc. When we go through the statistics of child abuse and neglect, it is apparent that vast majority of parents do not abuse or neglect their children, only a small portion of them do it. Most likely a majority of them never went to any particular parenting school, like doctors went to medical school. And I think this is where parenting is fundamentally different from the other mentioned professions. Very few people would be competent doctors, lawyers, pilots or professional drivers without receiving education for their profession, but as we can see, very few people are bad parents, even without a single day of parenting school. The difference between parenting and other professions is in the fact that parenting skills are biologically hard-wired to a great majority of us. Each and every living person today has had a long line of ancestors who did a good enough job at parenting that their descendants managed to survive and have their children who had their own children, etc. It should not be forgotten that we are the result of a long evolutionary process and parenting is one of the key

skills required for our survival and reproduction.³ On the other hand, being a lawyer, doctor, professional driver, pilot or a nurse are professions that necessarily need to be learned to practice them safely. The reason is that, for all these professions, certain skills and knowledge have to be acquired that are not hard-wired into our brains as a result of natural selection. The existence of these skill sets is also contingent on the society and technological advancement. Piloting as a profession did not even exist before the early 20th century, and no one is born with knowledge of how to safely control an aircraft.

Let us perform one more thought experiment. Let us imagine that we live in a society in which everybody can fly a plane without any special permissions or schools or any other pre-requisites. Try to imagine what the number of crashes, deaths, and injuries caused by aircraft accidents would be? I am sure that it would be so high that implementation of some licensing program would be required. In comparison, let us imagine that people can have children without any parental licenses in the same society. The consequences of unlicensed parenting would be that between 2% and 4% of parents would commit child abuse and neglect while the consequences of unlicensed flying would be that almost everybody who would fly a plane for the first time, without any training, would have some form of an accident. That is why parenting is not comparable to the professions mentioned above.

There is one more problem with the suggestion of parental licensing. It is not accurate enough. It is aiming to prevent child abuse and neglect by testing everybody who wants to become a parent and, as I have pointed out, that is highly inefficient since a large majority of potential parents will do a good job at parenting. I think that the inefficiency of the suggestion is even more apparent when we take into consideration research and studies of child abuse and neglect. It is evident that people involved in that field of research have a good understanding of what social groups are at a greater risk of committing child abuse and neglect - families below poverty line, unemployed parents, single parents, parents with financial problems, step-parenting families, parents with mental illnesses, parents with alcohol and drug problems – and which children are at greater risk of abuse - children with inferior health status, children who are deformed and handicapped, female children, children born in unusual, stigmatized or difficult conditions, excess or unwanted children, children with disvalued traits and behaviors, illegitimate children, children born in situations of rapid economic change. Instead of parental licensing, a much better approach to the prevention of child abuse and neglect, I think, is to deepen our current understanding of perpetrators as well as victims of child abuse.

I will close with one more thought experiment. Imagine that we copy-paste parental licensing suggestion into the field of medicine. Let us say that we want to cure a particular disease that is caused by specific bacterial strain that antibiotics can cure, which is present in only 2% of the population. The equivalent of parental licensing, in this case, would be that we round up the complete population and start them all on some broad spectrum antibiotics, without taking into account who is sick and who is not, which bacterium is causing the disease and what targeted antibiotic would be the most efficient at eliminating that specific

³ For more detailed discussion of important biological findings for parental licensing debate see the paper by Tomislav Bracanović (2012).

bacterium. Would we cure the disease? Most likely yes, but how many people would get the antibiotic entirely unnecessarily and how many antibiotics would we need? A bit of research and a targeted medicine would be a much better approach than treating people who do not need treatment and wasting lots of resources that could be better spent elsewhere.

Conclusion

Parental licensing is not the way to go if we want to prevent child abuse and neglect for several reasons. The first reason is that if parental licensing were implemented, too many people - all prospective parents - would be forced to take unnecessary tests to identify between 2% and 4% of potential child abusers in the general population. Secondly, the number of families that would be unjustly denied parental licenses in the whole population would be huge with the tools that are 80% accurate in identifying potential child abusers, and these are the best tools currently available to us. Also, parenting, after all, is not comparable to other professions such as doctors, lawyers, pilots, professional drivers, etc. Nobody can be a doctor or a pilot without training, but between 96 and 98% of people can be non-abusive parents without parental training. Finally, social workers have a good understanding of the social groups in which there is a greater risk of child abuse and neglect being committed, and correspondingly which children are at an increased risk of abuse. With that knowledge, it is much better to continue with research so we can deepen our understanding of the causes of child abuse which can later be used to deal with the issue more efficiently, rather than implement the inefficient and imprecise instrument of parental licensing.

References

- Bračanović, T. (2012): "Parental Licensing Meets Evolutionary Psychology," *Ethical Perspectives* 19(9): 207–233.
- Corby, B. (2006): *Child Abuse: Towards a Knowledge Base*, Berkshire: Open University Press.
- Frisch, L. E. (1982): "On Licentious Licensing: A Reply to Hugh LaFollette," *Philosophy & Public Affairs* 11(2): 173–180.
- Gelles, R. J. (2007): "Introduction: Child Abuse – An Overview." In: Clark, R. E., Clark, J. F., Adamec, C. (eds.) *The Encyclopedia of Child Abuse* ix-xxv. New York: Facts on File.
- Kušević, B. (2009): "Parenthood licensing – a potential reality or a utopian vision?" *Pedagogical Research* 6(1-2): 191–202.
- LaFollette, H. (1980): "Licensing Parents," *Philosophy & Public Affairs* 9(2): 182–197.
- LaFollette, H. (1996): *Personal Relationships: Love, Identity, and Morality*, Oxford: Blackwell Publishers.

- LaFollette, H. (2010): "Licensing Parents Revisited," *Journal of Applied Philosophy* 27(4): 327–341.
- Mangel, C. P. (1988): "Licensing Parents: How Feasible?" *Family Law Quarterly* 22(1): 17–39.
- McFall, M. T. (2009): *Licensing Parents: Family, State and Child Maltreatment*, Plymouth: Lexington Books.
- Tropman, J. E. (1984): "A Parent's Licence," *Journal of Policy Analysis and Management* 3(3): 457–459.
- Westman, C. J. (1996): "The Rationale and Feasibility of Licensing Parents," *Society* 34(1): 46–52.
- Westman, C. J. (2013): *Parent Power: The Key to America's Prosperity*, South Carolina: CreateSpace Independent Publishing Platform.

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