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The institutionalisation of 'TongNian' and 'childhood' in China and Britain: exploring cautious comparisons

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Abstract

This article engages with the question of how theorisation of the social construction of childhood can be applied across cultural contexts, taking China and Britain as examples. The paper draws on collaborative dialogue between scholars from the People's Republic of China and Britain, and literatures from both Anglophone and Mandarin sources. It takes forward emergent work on theorizing childhood from diverse global perspectives by focusing on the institutionalisation of childhood in these countries, with particular reference to language, conceptualisation, and legal frameworks relating to chronological age.

Introduction

Debates on the social construction of childhood have been primarily rooted in Anglophone scholarship, informed by Western ontology and politics (Dahlbeck, 2012; Tisdall, 2012), notably from Scandinavia, Britain and the US (Smith and Greene, 2014). These draw on multi-disciplinary critiques of established psychological approaches to 'child development', and functionalist sociological approaches to 'socialisation' (Mayall, 2013), although some developmental psychological theorising also addresses issues raised by the 'new' childhood studies (e.g. Rogoff, 2003; Walkerdine, 2008). Work has blossomed around the sociology of 'children', constructionist and structuralist accounts of 'childhood', and a new emphasis on the significance of 'generation' (James et al, 1998; Prout, 2004; Qvortrup, 2000).

Scholars from both the predominantly English speaking communities in the global north and the global south increasingly recognise how theorisation and research understandings of society are based only on Anglophone perspectives (Connell, 2008; Guha, 2006), which themselves often reflect power relations around such dimensions as gender, ethnicity and class (Edwards and Ribbens, 1998). While academic interchange does produce some 'travelling theory' (Davis and Lutz, 2000), the ways in which theories travel is often unidirectional (Tomlinson, 2013). This has long been argued by some in relation to developmental psychology (e.g. Twum-Danso and Ame, 2012; Woodhead, 2009) and those concerned with children in the global south (Boyden, 1997). More recently, some researchers have suggested that a full understanding of childhood requires a global approach. Such a perspective is relatively rare, and work that seeks to 'engage in a dialogue

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between Majority World and Minority World childhoods' is lacking (Punch and Tisdall, 2014: 3)¹. Kesby et al. (2006: 186) suggest that research concerning childhoods in the global south is needed to show the diversity of childhoods, but that we cannot simply 'add in the missing children'. Instead, local, culturally specific understandings of childhood also need to be theorised and deconstructed. In this paper we aim to contribute to theorizations of the social construction of childhood informed by diverse global contexts, taking China and Britain as examples, with a particular focus on the institutionalisation of childhood.

Background

As in many countries in the global south, a growing body of Chinese language literature aims to introduce the 'new' childhood studies from Western countries². This includes historical reviews of the construction of childhood (Hsiung³, 2008; Huang, 2010; Tan, 2006), the background and development of the sociology of childhood (Wang, 2011; Zheng, 2012a), and a view of children as active researchers along with methodological discussions of childcentred research (Xi and Huang, 2012; Wang, 2014a). Some articles introduce particular UK scholars' work (e.g. Zheng, 2012b, on Alan Prout's work, and Miao, 2013, on Neil Postman). Inspired by this 'new sociology of childhood', some Chinese researchers contend that in the Chinese literature, concepts of 'childhood' and 'child' are not clearly defined and are often used interchangeably (Yang, 2010; Wang, 2014b), while Hu and Ge (2011) assert that, in China, child sociology has a very weak theoretical foundation. While some authors attempt to clarify the concept of childhood as socially co-constructed by children and adults (Miao, 2013; Wang, 2014b), to a large extent, the Chinese literature on childhood studies focuses on the introduction and translation of Anglophone scholars' work; very few develop a social constructionist perspective from the analysis of Chinese children's lives and the construction and perception of 'childhood' in China. Jiang's (2013) analysis of how children 'left behind' are problematised in the media, and Wang's (2015) in-depth interviews with rural villagers about their conceptions of childhood, constitute rare examples. In sum, given the sparseness of the existing literature critically examining the construction of childhood in Chinese society, it is important to explore the theorisation of childhood, and its relevance for China. It is also important to consider whether constructions of childhood imported from Anglophone communities are relevant to Chinese contexts.

This paper begins a consideration of the complex and multi-faceted issue of the complementarity, or otherwise, of Anglophone and Chinese understandings of childhood. We focus on the specifics of language on children and childhood, and age-related legislation, as features of the institutionalisation of childhood. The discussion is based on secondary literature and collaboration between the cross-national team of authors⁴. We thus attempt to move beyond some of the limitations that arise from drawing on only one set of 'situated knowledges' (Haraway, 2003), associated for each team with our different cultural and political positionings. Our primary method has been to raise questions and seek answers by starting from sources that encapsulate the differing cultural communities of

situated knowledge – although the questions themselves derive from Western theories⁵. Thus we have identified academic and policy literature written in Mandarin by Chinese authors in the People's Republic of China (PRC), and literature written and published in English, including by Chinese scholars. While building on Chinese and Anglophone academic work, the discussion is presented in English, with translations provided by the Chinese authors.

China and Britain are particularly pertinent countries for our exploration, since British scholars have contributed to the development of theorisations of childhood that are beginning to be considered in China, while China is the country with the largest number of children in the world, and children's issues are core to the country's rapidly developing public policy framework (Liu, 2010; Shang and Katz, 2014) at a time of rapid social change alongside historical continuities of childrearing (Chen et al., 2010).

We focus first on the language of childhood and children, before considering the legal institutionalisation of children's lives in contemporary China and Britain by chronological age. We conclude with some observations concerning the similarities and differences between the countries, and the implications for theorising the social construction of 'childhood' in ways that minimise ethnocentricism.

Linguistic challenges

Anthropologists have long known the key significance of language for cross-cultural understandings. Yet, with some notable exceptions, issues of interpretation and translation are often glossed over in contemporary research, despite their central importance for cross-cultural work and globalization theory (Bielsa, 2014). While it is easy to assume that words such as 'child' or 'adult' are so rooted in biological developmental processes that their meanings are universal, global evidence demonstrates that even understandings of when life begins and ends are culturally variable (Montgomery, 2009). Language, linguistic usage, and their implications for taken-for-granted understandings of social life, are thus crucial for understanding 'childhood' and 'TongNian' ($\hat{\Xi}$ 年, literally 'the time of young age').

An even harder task than exploring how language use can alert us to differing understandings, is attending to what is left out in translation (Slavova and Phoenix, 2011). This in itself has been part of the learning trajectory for our collaborative dialogues. A key step has been to acknowledge the significant differences between formal written language and everyday language in China⁶, in itself a key aspect of Chinese culture. Table 1: CHINESE LANGUAGE TERMS⁷

Formal terms		
WeiChengNianRen (未成年人)	Literally, 'people in the not-yet-mature time': first appeared in the Chinese constitution in 1982 ⁶ referring to people under 18; used in legislation for the protection of children ⁷ , but more accurately translated as ' <i>non-</i> <i>adult</i> ' or ' <i>minor</i> '.	
<i>ErTong</i> (儿童)	Literally, 'people of a young age'; widely used, both before and since the 1982 Constitution, in legislation, social policies, and bureaucratic processes.	
<i>QingNian</i> (青年) and	Both meaning 'young'; used frequently with a vague age	
ShaoNian (少年)	range.	
ShaoNianErTong (少年儿童) or	Used mainly to refer to children in primary and junior	
Shaoer for short (少儿)	middle schools.	
QingShaoNian (青少年)	People at the inferior stage of 'QingNian', referring approximately to the age under 18 or 20.	
Informal terms		
XiaoHai (小孩)	Literally, 'people who are still small'.	
HaiZi (孩子)	Everyday term for 'child' sometimes translated as 'kid', literally meaning 'still a seed'.	
DaRen (大人)	Literally, 'grown up'.	

In formal written language, it seems that 'ErTong' is more prevalent than 'WeiChengNianRen' in China. Although the age boundary of 'ErTong' is vague and changeable in usage, it usually encompasses birth to 14 years⁸, and always under 18 years (Yang, 2009).

In China's State sponsored collective life, categories may be used flexibly: in relation to the Youth League, 'ShaoNian' refers to ages 6-14, while 'QingNian' refers to ages 14 to 28, but in relation to the All-China Youth Federation, 'QingNian' seems to range from 18 to 40 (Huang, 2003; Xi and Yang, 2008). Overall, it seems impossible precisely to define the common age references for 'ShaoNian', 'QingShaoNian' and 'QingNian'. The mixed and confused usage of these terms is commonly found in public policies, academic literature, and mass media, with age references being defined seemingly at will (Hu et al, 2011).

⁶ Under the Constitution (1982), parents have the duty to rear and educate their children who are WeiChengNian (未成年) and ChengNianZiNv (成年子女, adults) have the duty to support and assist their parents (父母有抚养教育未成年子女的义务,成年子女有赡养扶助父母的义务)

⁷ 1992 Non-Adults Protection Law, discussed further below.

Table 2: ENGLISH LANGUAGE TERMS

Adult	Legally generally seen as the 'age of majority', but much more flexible in everyday usage.
Minor	Someone under the age of majority ⁸ , but generally only used in legal contexts.
Child	Appears widely in law and social policy, as well as daily life, where it may often be used to refer to younger, pre-teenage children
Teenager	Someone within the age range – thirteen to nineteen – which in English shares the suffix '-teen'.
Adolescent	May be used instead of 'teenager'; generally refers to a bio-psychological phase associated with puberty.
Young person ⁹	May also be used instead of 'teenager'; generally lacks any clear parameters, and can often refer to people in their twenties or even thirties as well as younger people.

Linguistic fluidity is common – and useful - in everyday language, but may cause difficulties in legal, policy or research contexts, and indeed, in developing understandings across cultural contexts. Thus it is clear that the English language term 'child' can serve in ways both similar in everyday life, but also very different in more bureaucratized life, from Chinese terms that at first sight may appear equivalent. Thus the boundary between 'XiaoHai' and 'DaRen', like that between 'child' and 'adult', is vague, while the term 'HaiZi', like the term 'child', may refer to a parent's sons or daughters of any age. Yet the formal language of WeiChengNianRen cannot be simply equated with the broad concept of 'child', which includes a much wider range of connotations than are denoted by the term 'minor'. Yet 'child' is very much the dominant language of Anglophone international legislation, most notably the UN Convention of the Rights of the Child.

⁸ <u>http://www.legislation.gov.uk/ukpga/1991/50/section/1</u> <u>http://legislation.gov.uk/ukpga/1969/section/1</u> [Accessed 02.10.2014]

While a fuller discussion of linguistic usage, and implications, are beyond our scope, the different linguistic practices and contexts of 'ErTong', 'XiaoHai' and 'TongNian', on the one hand, and 'child' and 'childhood' on the other, illustrate the ways in which 'childhood' is differently socially constructed rather than biologically given in each society. Attention to the usage of particular words highlights how they are embedded in particular discourses within specific linguistic contexts, pointing to the incommensurability of terms across languages. While Chinese written and legal language differs from everyday language, the subtleties of distinctions may be overlooked when international legislation relating to the lives of children is imported from Anglophone linguistic contexts. Furthermore, additional considerations arise with regard to understandings of adulthood (Tu, 1976) and personhood (Ribbens McCarthy, 2012) in (diverse) Chinese and UK social contexts, issues we return to below.

Bearing these linguistic caveats in mind, we next consider 'TongNian' ($ilde{\pm}$) and 'childhood' in terms of legal provisions relating to chronological age and institutionalised generational structures in England and Wales¹⁰, and in China.

The institutional framing of 'childhood' and 'TongNian'

Here we consider 'childhood' and 'TongNian' as a particular life phase that is institutionally and legally framed, and structurally separate from 'adulthood'. While not an explicit part of the discussion, we recognise the ways in which childhood as a structure is co-created over time, in daily lives and interactions involving 'children' and 'adults', differentiated by factors such as racialization, gender and social class.

Generational structuring occurs through legal and State institutional processes (amongst others), most explicitly identifiable through reference to the chronological age of people who are 'WeiChengNianRen', who have not yet become 'ChengNian', or 'children' who have not yet reached the 'age of majority', which in both China and Britain is set at 18 years. This shared emphasis on chronological age as a marker of legal adulthood, however, is based on different historical understandings of the significance of age. In Britain prior to industrialization, childhood entailed a social role of dependency rather than an age status, and chronological age only became significant once the modern view of temporality arose, away from cyclical and towards linear segmented and measurable time (Gillis, 2009). In China, by contrast, age-related legislation appeared more than two millennia ago (Li, 1984), in the context of a bureaucratized and centralized society. Yet this has to be understood by reference to a (predominantly upper class male) life course which was divided into ten phases (Huang 2007), linked to biographical events and cosmology (Chicharro, 2012; Hsiung, 2008).

Despite these historical differences, chronological age is central to contemporary legislative frameworks in both countries. There are many commonalities in how different ages are regarded by the State, and which aspects of social and civil life are implicated, including

voting, employability, schooling, subjection to 'adult'/ parental supervision and jurisdiction, criminal responsibility and treatment, marriage, and driving. Together, these form intricate structures through which 'ErTong' are separated from 'ChengNianRen', 'children' from 'adults'. Given the diversity of historical and cultural backgrounds, questions arise about how such similarities have come about, and whether they are actually equivalent, representing shared contemporary understandings of childhood. There are also differences in the ages at which some of these aspects of social life come into play in Britain and China, and disparate ages at which the passage from childhood to adulthood is recognised *within* each country (e.g. Commission on Families and the Wellbeing of Children, 2005).

	CHINA	ENGLAND AND WALES
Paid work	No paid work permitted under 16. Special regulations for ages 16-18.	Part time employment under special regulations permitted for under 16s. Different age-related rates of minimum wages below 20.
Schooling	9 years compulsory full time education, completed by ages 15 or 16.	Compulsory full time education from ages 5 to 16, plus compulsory part time or full time education to age 18.
Criminal responsibility	Criminally responsible from age 14.	Criminally responsible from age 10.
Parental responsibility and independent residence	Independent residence permitted from age 16.	Independent residence permitted from age 16, but welfare housing benefit levels vary up to age 35: young parents come under different regulations.
Contractual arrangements	Independent contractual arrangements possible from age 16 if maintaining themselves.	Residential or financial contracts cannot be independently entered into below age 18; legal entitlement to homeless status only possible from age 18.
Heterosexual consent	Age 14	Age 16
Marriage	Age 22 for men Age 20 for women	Age 16 with parental consent Age 18 without parental consent

TABLE THREE: AGE RELATED LEGISLATION IN CHINA, AND ENGLAND AND WALES⁹

For contractual arrangements, Chinese legislation prioritises employment status over chronological age as a marker of adulthood, while in regard to marriage but not sexual consent, broader demographic, policy and cultural concerns over-ride chronological age. In contrast, for welfare entitlements in England and Wales, responsibilities for children can over-ride chronological status.

⁹ Sources used to compile this Table include: for England and Wales, BBC, 2015, Childline, 2015, Citizens Advice Bureau, 2016, Department for Children, Schools and Families, 2009, GOV.UK 2015 a, b, c, d, NSPCC, 2015; for China, GOV.CN 1999, 2005a, b, 2006a, b, 2012, 2014; NPC.GOV.CN. 1986, MPS.GOV.CN. 2006.

Further, broader, issues arise in exploring the historical and cultural contexts which have shaped these institutionalized generational features – issues that require much care to disentangle. In Anglophone theorising, it is the exclusion of children from paid work and the introduction of compulsory schooling that are argued to be the two most significant legislative measures by which childhood became institutionalised as normatively separate from adulthood, creating particular childhood sites in both space and time. This structure, however, has developed over very different historical periods and processes in the two countries (Gillis, 2009; Liu, 2010), and even now there is considerable doubt about how far children are fully excluded from paid work and attending school in practice (Ribbens McCarthy and others, in progress).

If we consider childcare, control, and protection, as a particular example foundational to the State institutionalization of 'childhood', legislation in both China and Britain holds parents responsible for the maintenance and supervision of their children under 18. In China, the introduction in 1992 of WeiChengNianRen BaoHuFa (未成年人保护法), the 'Non-adults Protection Law', was seen as a major step following China's involvement in, and 1991 signing of, the UN Convention on the Rights of the Child. This reflected engagement with human rights discourse, differentiated by gender and age, and covering many aspects of children's 'rights and interests' (Keith, 1997). Naftali (2014: 39) concludes that this legislation acknowledged 'that minors... are not ancillary to their families but constitute a separate social group that is entitled not only to protection but also to respect as human beings'. Yet, at the same time, its rhetoric refers to children as the future of collectivism, socialism and patriotism, implicating a view of children, not as individuals with rights, but as the collective future of the nation (a view sometimes espoused in the UK, but generally subordinate to the notion of children as individual rights-bearers in legislation, and childbearing as an individual lifestyle choice in popular discourse). This draws our attention to some of the tensions and contradictions in interpreting such legislation.

Thus, such Chinese constructions of children as citizens with particular rights are in tension with other core cultural themes, particularly the Confucian idea of Xiào (孝), filial piety, and the need for children's obedience and deference to the larger unit, themes arguably underestimated by some writers on Chinese childhood (Naftali, 2014). These themes are closely interlinked, underpinned by the principle of prioritizing the whole over the parts, the collective over the individual. Thus Xiào demands the obedience and devotion of the son to his father, while Sangang (三纲), the core of Confucian values, says that the children must obey their parents' teaching, usually the father's. Additionally, Sanzijing (三字经), a famous ancient Chinese enlightenment book, says that responsible parents must educate their children to be good people (Yangbujiao Fuzhiguo, 养不教 父之过), with the patriarchal family and authority forming the basis for an orderly society. There is clear evidence that ideals of filial piety remain powerful in China today, across all regions and educational levels, albeit in complex ways (Hu and Scott, 2014). From this perspective, younger

generations are always subject to obligations towards older generations. While in the UK in recent decades, the cultural moral imperative around the care of children emphasises the requirement for responsible adults to put the needs of children first (Ribbens McCarthy et al, 2001), the traditional Chinese moral imperative reverses this, requiring children to be obedient and respectful to their parents.

On the one hand, then, there is personhood understood as social and relational, intrinsically bound up with, and subordinate to, the greater hierarchical whole of family and nation. On the other hand, there is personhood as an individual worker and citizen with a particular sense of selfhood, to whom rights may be attached¹¹. These very different understandings of the person, and their relationship with the collectivity, are apparent in studies of contemporary family lives in China (e.g. Fong, 2007), and constitute core tensions in the legislation concerning WeiChengNianRen.

The Non-adults Protection Law thus also reflects these older traditions; Chinese parents are required to ensure that their children do not engage in undesirable behaviours, including smoking, excessive drinking, wandering, gambling, drug-taking or prostitution. Nevertheless, Chinese parents are only likely to be punished by law in extreme cases, since there is also a view that parental supervision of children is a private matter. Furthermore, there are very different systems of governance in each country. In Britain there is no extensive system, as in China, for public admonishments and local community units to supervise parents' responsibilities, so these issues are dealt with formally within legal and welfare systems. Thus British parents (generally mothers) may be fined or imprisoned for their children's behaviours, or be required to fulfil the terms of a Parenting Order, sometimes including attendance at a specified Parenting Programme (GOV.UK 2015c). These behaviours primarily concern non-attendance at school and anti-social or criminal behaviour of children, constituting a more limited set of issues than parental responsibilities in Chinese law¹². These differences in how parental responsibilities are overseen reflect wider differences in the meaning and implementation of the law, as well as differing constructions of the significance of 'home' and of 'private' space.

Additionally, the child is positioned differently in Chinese welfare policies, with a paucity of child-centred benefits, except for some targeted provisions for particular categories of children. Health care or education assistance programmes, for example, are provided by reference to the family's statutory place of registration rather than the individual child's birth record. In most cases, people apply for income support, housing benefit, and educational assistance in the name of family, not as individuals (GOV.CN, 2012, 2014).

Conclusions

At first sight, there are many similarities between China and Britain with regard to the legal and institutional framing of childhood. These include the shared view of 18 as the marker of adulthood, in line with UNCRC, and 16 as an age at which young people might live apart from their parents. There are, however, striking differences (as well as apparent anomalies within each country), reflecting differing policy concerns. Legal adulthood comes later in England and Wales with regard to financial and civil independence, but it is later in China for marriage, although not for sexual consent. The age of criminal responsibility differs markedly, with British law presuming children know right from wrong by 10. This partly reflects British debate following the Jamie Bulger case (involving two year old Jamie's torture and murder by two ten year old boys, James and Jenks, 1996), demonstrating the significance of historical events in shaping institutionalised childhood.

Yet the differences also go deeper. In China, unlike Britain, the (individual) child is institutionally embedded in their family context, both culturally and legally. For example, children's access to welfare, education and benefits largely depends on their family *hukou* i.e. their household registration and so is bound to the particular region of their parent's registration, rather than their individual birth registration as in the UK. Processes of governance also work differently, with much greater reliance in China on community structures such as quasi-bureaucratic neighbourhood committees for regulating social order, and thus on localised cultural understandings of appropriate child and parental behaviour. In Britain, by contrast, national policies are formulated for a (limited) range of parental behaviours, with local authorities using legal processes to penalize parents/mothers failing to meet these.

This paper has asked whether the terms in which childhood is constructed and debated in Anglophone communities, might or might not apply in diverse Chinese contexts. If we focus on the similarities, we might draw an overly simplistic conclusion that childhood has been institutionalised in many parallel ways in each country, and that their respective languages of childhood and youth are commensurable and easily translatable. In doing so, we would render invisible crucial differences in the linguistic and legal framing of childhood, indicative of deep historical, cultural and structural differences in the social constructions of 'childhood' and 'TongNian'. In China, for example, discourses and legal frameworks for children's rights are deeply in tension with other cultural values, which continue, albeit in complex and changing ways, to have central importance for Chinese understandings of appropriate generational relationships, and how personhood is embedded in the collective. In terms of the institutionalisation of 'childhood' as a social construction we can see that, while the similarities both reflect and contribute to the globalisation of childhood through aspects of international law, international agencies, migration, and the power of Western discourses of childhood, attending to the differences provides scope for exploring the ways in which 'childhood' is culturally embedded, historically located and so dynamic, changing over time and as different systems encounter each other and incorporate international conventions.

This article argues that an attention to such differences, and their historical and cultural embeddedness, potentially opens up, rather than closing down, a further vista of issues and questions. In the process, we hope to have illuminated, and perhaps encouraged others to engage with, the value of what Punch (2015) calls nuanced 'cross-world' analyses, where

attention is paid to commonalities and differences across contexts rather than treating the global north as the norm against which countries in the global south are compared. This approach both challenges the 'false universalism' that treats Minority world perspectives as all the same (Punch 2015), and provides local understandings (Kesby et al., 2006) that are necessary to situating research and interpretations of the institutionalization of childhood.

ENDNOTES

¹ Recent debates have reconsidered some earlier features of this framework, beyond our present discussion (Tisdall, 2012).

²Broad historical, cultural, and political differences are often described in development studies as emanating from the 'global north'; Chinese literature refers more to 'Western countries', 'developed countries in the Western world'.

³ Work by Hsiung was published in English within the US, but also subsequently published in Mandarin within the Chinese educational system under her Chinese name of Xiong.

⁴ This paper arises from a larger set of ongoing collaborative activities, dating from 2012, involving academics from UCL Institute of Education, London, The Open University, and Renmin and Beijing Normal Universities. In the course of these activities we found much scope for misunderstandings and need for clarification, as we go on to discuss. We did not find these issues led to contentions, but rather, to great interest in exploring our different perspectives. We are grateful to these institutions, and to the Sino British Fellowship Trust, for their financial support.

⁵This paper does not address the important issue of 'the extent to which theories developed in Majority World environments can enhance or speak to Minority World data' (Punch and Tisdall, 2014: 6).

⁶ This fundamental insight was provided by a UK lecturer in Mandarin, moving us beyond some initial misunderstandings about language terms.

⁷ The discussion of language terms is drawn largely from the authors' experiences of language use in their respective countries supplemented, where indicated, by published discussions.

⁸ This may be changing in current government policies to include under 18s http://www.people.com.cn/GB/paper503/6697/654177.html

⁹ Both 'adolescents' and 'young people' are much less frequently used terms than 'teenagers' in everyday life, and are associated with particular discourses (Gillies, 2000).

¹⁰ Legislation differs in complex ways within the UK; sometimes England and Wales differ from Scotland and Northern Ireland; sometimes England has its own specific legislation.

¹¹ See Ribbens McCarthy 2012 for further discussion of different meanings of personhood across and within varying cultural contexts.

¹²Other matters, such as children's purchase of alcohol, or 'adult' videos and games, are regulated in Britain through the responsibility of retailers rather than parents.

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ENGLISH LANGUAGE

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