

Bernadette J. Saunders and Chris Goddard

PHYSICAL PUNISHMENT IN CHILDHOOD

The Rights of the Child



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A John Wiley & Sons, Ltd., Publication

This edition first published 2010
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Wiley-Blackwell is an imprint of John Wiley & Sons, formed by the merger of Wiley's global Scientific, Technical, and Medical business with Blackwell Publishing.

Registered Office

John Wiley & Sons Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

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9600 Garsington Road, Oxford, OX4 2DQ, UK
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Library of Congress Cataloging-in-Publication Data

Saunders, Bernadette J.

Physical punishment in childhood : the rights of the child / Bernadette J. Saunders and Chris Goddard.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-470-68256-2 (cloth) – ISBN 978-0-470-72706-5 (pbk.) 1. Corporal punishment of children. 2. Child abuse–Prevention. 3. Children's rights.

I. Goddard, Chris (Christopher) II. Title.

HQ770.4.S28 2010

362.76–dc22

2009033753

A catalogue record for this book is available from the British Library.

Set in 10.5 on 13 pt Minion by Toppan Best-set Premedia Limited
Printed in Singapore by Markono Print Media Pte Ltd

Physical Punishment in Childhood

This book is about the rights of the child, and recognizing that children are important people whose voices should be heard and respected.

We dedicate this book to the children who inspired us through their insights and ideas in this research, and to our own children who have enriched our lives, and brought us so much joy.

Christopher, Lachlan and Elyshia
Tom, Alex, Michael and Julia

Acknowledgements

This book relied upon the willingness of children, parents, grandparents and professionals to reflect upon their experiences and thoughts about physical punishment – a sensitive and controversial issue. We sincerely thank all of the participants, particularly the children, for allowing us to reproduce their insights and ideas. Children's contributions were especially important to us. Their voices motivated us to write this book with a view to influencing parenting practices and societal attitudes. As one eight-year-old said in a focus group:

If adults heard the conversations that we're having I think that they'd be able to see why smacking is bad and why we shouldn't smack.

The Australian Research Council and the Australian Childhood Foundation (ACF) supported the research financially. The ACF also provided support in many other ways; special thanks are extended to the Chief Executive Officer Dr Joe Tucci, and to Dr Neerosh Mudaly, a Senior Counsellor at the ACF and a Senior Research Fellow at Child Abuse Prevention Research Australia. They provided guidance, support and encouragement. We also thank the Faculty of Medicine, Nursing and Health Sciences, and the Department of Social Work at Monash University. We acknowledge the role of the Board of Child Abuse Prevention Research Australia, which provides support for research at our Centre. We also thank Wiley/Blackwell Publishers for their patience during the writing process.

Thank you to our colleagues Lillian De Bortoli, Dr Janet Stanley, Dr Jan Coles and Joy Karton for their support and encouragement. Special thanks

also to Dr John Frederick and Dr Bronwyn Naylor for their time and comments. Last, but by no means least, we owe sincere appreciation to our families and friends. In particular, Bernadette extends heartfelt thanks to her husband Chris, for his constant support and understanding, and to her wonderful children. She also expresses much gratitude to her mother Josephine and late father Kevin O'Toole. Chris would like to thank his wife Lydia for reading almost every word he writes, and their children for their patience.

Contents

Acknowledgements	ix
1 Introduction	1
2 Childhood and physical punishment in historical perspective	11
3 Legal responses to physical punishment	25
4 Conducting sensitive and ethical research with children and adults	49
5 Experiences of physical punishment at home, at school and in public places	63
6 Public and professional perceptions of the effectiveness of physical punishment	93
7 The subjugation of children through language and physical punishment	119
8 The effects of physical punishment	141
9 The persistence of physical punishment	165
10 The morality of physical punishment	203
11 An ideal childhood	229
References	235
Index	261

Introduction

You shouldn't hit people ... because there's a better way than hurting someone. (12-year-old)

This book is about the rights of children to live in environments where they are loved, nurtured and valued as people with important insights. We contend that children must be recognized as individuals with human rights as well as special needs for protection (Goddard, 1993). In complex, adult-centric, materialistic societies, children may be viewed as appendages of adults, and their feelings and experiences minimized. Children's smaller stature and evolving competencies distance them from adults, who perceive themselves to be more advanced and more important. It is 20 years since the United Nations Convention on the Rights of the Child (UNCRC) (1989) was drafted, and perhaps adult-child relationships have changed (Jenks, 1996). Children may now be more visible and audible, but too many children continue to be hurt and silenced by the abuse of adults (Mudaly and Goddard, 2006), and children may still be 'afraid to speak because they fear physical punishment' (Saunders and Goddard, 2007, p. 36).

It is 30 years since Sweden prohibited physical punishment, recognizing children's rights to the same protection from assault as adults. Twenty-four countries have since followed Sweden's example. The rest of the world, however, continues to tolerate physical punishment to some degree. In this

context, physical punishment may dampen children's curiosity and spontaneity, and enhance their vulnerability to abuse:

The silencing and powerlessness of children who suffer degrading and unjust treatment by adults responsible for their care and protection is a characteristic of childhood often maintained by sanctioned physical punishment. (Saunders and Goddard, 2008, p. 415)

Defining physical punishment

Defining physical punishment is challenging. The impact on children may be inconsequential or catastrophic. Some researchers differentiate between what they term 'normative' physical punishment, such as a painful slap on the child's backside, and more severe physical punishment. Others argue that 'normative' physical punishment includes severe responses, including the use of implements to hit children (Gershoff, 2002b). For those who do not consider mild physical punishment to be abusive, deciding a threshold of when 'acceptable' physical punishment ends and child abuse begins is both difficult and value-laden: 'the line between legitimate corporal punishment and child abuse is, at best, fuzzy' (Freeman, 1994, p. 21).

Differentiating physical punishment and physical abuse

Definitions of words that may be associated with physical punishment also create confusion. For example, definitions of physical abuse, such as those put forward by the World Health Organization and by the International Society for the Prevention of Child Abuse and Neglect (Butchart *et al.*, 2006) and definitions of corporal or physical punishment, such as those proposed by the End Physical Punishment of Children organization (Nilsson, 2003 and Pinheiro, 2006), suggest a subtle, or non-existent, differentiation between these two responses to children. Yet physical punishment is not consistently defined, either legally or colloquially, as physical abuse. 'Physical abuse' is

the intentional use of physical force against a child that results in – or has a high likelihood of resulting in – harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing. (Butchart *et al.*, 2006, p. 10)

‘Physical punishment’ is

any punishment in which physical force is intended to cause some degree of pain or discomfort: hitting children with a hand, or with a cane, strap or other object, kicking, shaking or throwing children, scratching, pinching, biting or pulling their hair, forcing them to stay in uncomfortable positions, locking or tying them up, burning, scalding or forced ingestion – for example washing mouths out with soap. (Nilsson, 2003, p. 3)

Pinheiro, in the *World Report on Violence against Children*, maintains that

corporal punishment involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). (2006, pp. 52–3)

Actions included in Nilsson’s (2003) and Pinheiro’s (2006) definitions of physical and corporal punishment may well result in injuries which would be condemned as physical abuse if they were not inflicted upon children for disciplinary reasons.

The report by the International Society for the Prevention of Child Abuse (Daro, 2006), which drew on a survey of key informants from 72 countries across Africa, the Americas, Asia, Europe and Oceania, revealed that only 48.6% of all informants felt that physical punishment is considered abusive in their countries:

[P]hysical discipline, although often cited in the research as being potentially harmful to a child’s emotional and physical well-being, remains normative practice within many countries and is not considered, in and of itself, synonymous with child abuse. (Daro, 2006, p. 14)

While injury to a child may differentiate sanctioned physical punishment from illegal physical abuse, common law in countries such as the UK, the US, Canada, and Australia makes clear that even severe injury to a child may be successfully defended as reasonable physical chastisement (Bailey, 2003; Bitensky, 2006; Cashmore and de Haas, 1995; Freeman, 1999; Pollard, 2003; Turner, 2002). The legal notion of ‘reasonableness’ allows the courts to apply standards prevalent in society (Department of Health, 2000), but definitions vary:

Words such as 'due', 'moderate', 'necessary' and 'reasonable' as applied to chastisement are ever changing, according to the ideas prevailing in our minds during the period and conditions in which we live. (Carpenter v. Commonwealth, 186 Va. 851, 44 S.E.2d 419, 424, (Va. 1947))

Straus and Gelles define physical punishment as 'a legally permissible violent act (or acts) carried out as part of the parenting role' (1990, p. 137). In this context, physical punishment and child abuse may be linked as forms of aggression, distinguished only by where they sit on a possible continuum (Rodriguez and Sutherland, 1999). In some cases the mild 'smack' or 'tap' on a child's hand or bottom escalates into severe and sometimes criminal abuse. Even fatal abuse has been linked to physical punishment (see for example Nielssen *et al.*, 2009; Wilczynski, 1995; 1997b), and definitions of fatal abuse (such as this one from Somander and Rammer, 1991) may reflect this:

[T]he killing of a child by one or a series of assaults by a parent or a person with the status of a parent to eliminate a disturbing behaviour of a child without the intention to kill. (p. 47)

'Corporal punishment', physical punishment and 'lawful correction'

The term 'corporal punishment' is typically used in association with physical punishment legally inflicted in schools and children's institutions (Human Rights Watch, 2008). The terms 'physical chastisement' and 'lawful correction' are frequently used in legal documents and the writings of legal researchers. However, the terms 'physical punishment', 'physical discipline', 'physical chastisement', 'lawful correction' and 'corporal punishment' are often used interchangeably. Definitions of these terms typically emphasize the perpetrator's intent to cause pain or discomfort but not to injure the child:

Corporal punishment is the use of physical force with the intention of causing a child pain, but not injury, for the purposes of correction or control of the child's behaviour ... this definition includes the phrase 'but not injury' in order to distinguish corporal punishment from physical abuse [but] causing pain is intentional. (Straus, 1994, pp. 4-5)

Tenuous distinctions and preconditions appear in Straus's (1994) definition. Of significance, Straus (1996) observes that parental self-control may be absent from incidents of physical punishment, and the child may be

unintentionally injured as a result. Moreover, a parent's reason for physically punishing a child may have more to do with the parent's emotional state and living conditions, particularly in situations of domestic violence, than with the inappropriateness of the child's behaviour (Cohen, 1996; Silverstein *et al.*, 2009). Bitensky, subtly modifying Straus's (1994) definition, defines 'corporal punishment' as 'the use of physical force upon a child's body with the intention of causing the child to experience bodily pain so as to correct or punish the child's behavior' (Bitensky, 2006, p. xix). The Committee on the Rights of the Child defines 'corporal punishment' as 'any punishment in which physical force is used and intended to cause some degree of discomfort, however light' (Bitensky, 2006, p. 4).

Defining 'discipline'

Greven (1990) attempts to distinguish physical discipline from corporal punishment by maintaining that the former is a positive and necessary aspect of parenting, while the latter is an infliction of pain on a child both for retribution and parental power assertion. However, punishment of children, especially physical punishment, is not an essential element of discipline. Carey defines 'punishment' as 'one of a variety of strategies a person may choose to use when disciplining' (1994, p. 1006). He defines 'discipline' as 'correcting, shaping or refining the mental facilities or moral character of an individual' (Carey, 1994, p. 1006).

The distinction between punishment and discipline is significant because all children need discipline. McCord (1996) contends that painful punishment actually detracts from discipline as it communicates to children that it is acceptable to inflict pain on others.

Defining 'violence'

Another word associated with physical punishment is violence, variously defined with emphasis either on causing pain/injury or on legality. 'Violence' has been defined in the following ways: 'behaviour' which involves 'physical force' with the intention of hurting, damaging or killing 'someone or something' (Pearsall, 1998, p. 2063), 'an act carried out with the intention, or perceived intention, of causing pain or injury to another person' (Straus, 1994, p. 7), and 'the use of force in a social situation in a way that those in power define as illegitimate' (Dartington Social Research Unit, 1983, in Bullock, 1989, p. 18).

The Dartington definition suggests that physical force such as the lawful chastisement of children may not be violence, whereas the former definitions of violence would include all types and degrees of physical punishment. Physical punishment's broad manifestations and community approval led Graziano *et al.* (1996) to suggest a continuum of violence beginning with 'sub-abusive' violence. 'Sub-abusive' violence includes 'appropriate' well-meaning disciplinary responses such as 'spanking, hitting, whipping and so forth, at all levels of violence too low to be considered abusive' (Graziano *et al.*, 1996, p. 413). Other writers refer to 'child rearing violence' (Hemenway *et al.*, 1994, p. 1011), 'ordinary violence' (Straus, 1983, p. 213), 'normal violence' (Gelles and Cornell, 1990, p. 21) and 'primordial violence' (Straus, 2009, p. 1314). Indeed, Steinmetz and Straus refer to the family as the 'cradle of violence' (1973, p. 50). Almost two-thirds of children in Mullender *et al.*'s study perceived 'threats to hurt' and physical aggression as equally violent (2002, p. 47).

Physical punishment and 'domestic violence'

A related term, not usually associated with physical punishment, is 'domestic violence', generally defined as 'violence between adults in the home' (Mullender *et al.*, 2002, p. 36). 'Domestic violence' is usually perpetrated by a man against a woman with whom he has some relationship (McGee, 1997). The so-called 'witnessing' of 'domestic violence' is considered a form of child abuse (see, for example, Bedi and Goddard, 2007). However, the term 'domestic violence' does not typically incorporate adults' violent responses to children (Lansdown, 2000).

In the study by Mullender *et al.* (2002), 95% of children understood 'violence/hitting', 'fighting' and 'arguing' to be constituents of 'domestic violence', with a small percentage of children also including child abuse in their definition. McGee (1997) describes children witnessing, over-hearing, feeling responsible for, and seeing the effects of adult-to-adult violence occurring in their homes. Children who have lived in violent families predominantly express sadness and fear, though they may simultaneously feel anger, distress, fear and confusion (Mullender *et al.*, 2002). Parental physical punishment is a form of domestic violence requiring recognition and research. Lansdown states that 'violence involves a lack of respect for the victim, and a belief that the perpetrator is entitled to behave in ways that are not reciprocal'. We have started, she observes, to challenge 'these assumptions in respect of violence against women' but they persistently influence 'the large majority of parents in the upbringing of children' (2000, p. 417).

Colloquialisms

Pollock (1983, pp. 200–201) reveals that prior to the 19th century, when the euphemisms ‘spanking’ and ‘smacking’ appeared in the diaries of Louisa Alcott and Frances Shelley, the word ‘whipping’ was probably an umbrella term for various means of physical punishment, with or without an implement. Primary sources indicate that children were ‘whipped’ with a parent’s ‘palm’ and with a ‘stick’; a ‘whipping’ may not have described parental brutality (Pollock, 1983, p. 200). The nature of the physical punishment to which children were subjected historically may therefore be unclear. Words may be misleading and ‘ambiguous’ (Straus, 1994, p. 5). In the US, Straus observes, many people in poorer communities refer to all physical punishment as ‘beating’, although some of these people would use ‘spanking’ to refer to hitting the child on an exposed bottom. In contrast, middle-income Americans ‘spank’ their children by ‘slapping or hitting any part of the child’ (Straus, 1994, p. 5). In Canada, Turner defines ‘punitive spanking’ as

the bringing down of the hand or an object once or more than once on the clothed or bare buttocks of another with a degree of force to convey the spanker’s real disapproval or anger with some aspect of the other’s behaviour or character ... to be an effective punishment, the degree of force used must cause the other pain. (2002, p. 194)

In Australia and the UK, parents commonly refer to physical punishment as ‘smacking’. When parents’ views on ‘smacking’ are sought in polls, a range of responses may be included and understood, such as ‘single smacks, spanking, beating with a slipper or wooden spoon or whipping with a belt’ (Leach, 1999, p. 4).

The *New Oxford Dictionary of English* (Pearsall, 1998, p. 1756) and *The Australian Pocket Oxford Dictionary* (Moore, 2002, p. 1040) define a ‘smack’ as ‘a sharp slap or blow’. Pearsall suggests that a ‘smack’ is characteristically applied ‘with the palm of the hand’ (Pearsall, 1998, p. 1756). Children have defined a ‘smack’ as ‘a hard or very hard hit ... usually on the bottom, arm or head [and] smacking hurts’ (Willow and Hyder, 1998, p. 11). Willow and Hyder assert that children’s perspectives refute adults’ contentions that ‘smacking’ is not the same as hitting. They maintain that adults prefer to equate ‘smacking’ with a ‘gentle tap’ or a ‘loving slap’ yet ‘in all group discussions children said ‘smacking’ was hitting’ (Willow and Hyder, 1998, p. 89). Indeed, one child observed, ‘A smack is parents trying to hit you, [but] instead of calling it a hit they call it a “smack”’ (Willow and Hyder, 1998, p. 27).

The significance of sanctioned physical punishment

It seems clear that 'much violence is learnt at home, home therefore is surely where we should begin to arrest the process' (Goddard, 1994, p. 12). Physical punishment was permitted in all Australian schools until 1983 (Ware, 1983). It was banned in UK state schools in 1986 and in private schools a decade later. Although schools prohibit corporal punishment, common law and statute still permits parents to punish children physically, even with an implement, such as a belt, a wooden spoon or a stick. While the acceptability of hitting children is increasingly questioned (see, for example, Tucci *et al.*, 2002; 2006), attitudinal changes are not reflected in, or encouraged by, current laws. Parents are expected to discipline their children, even physically, with forethought and self-control. Many children, however, have been seriously injured, or even killed, in the name of discipline (Korbin, 1989; Nielssen *et al.*, 2009; Wilczynski, 1995; 1997b), and when charged with assault, parents may sometimes defend their actions as lawful correction.

Questions about what is and what is not acceptable behaviour towards children, and when physical punishment ends and child abuse begins, elicit considerable public and professional controversy. Child protection professionals struggle when confronted with conflicts between children's rights and parents' rights. Yet, legally permitted physical punishment exposes children to a physically threatening environment, violates children's rights to physical integrity and to protection from harm, promotes violence as an acceptable means of resolving conflict, and reinforces the misconception that physical punishment is an effective form of discipline. Countries such as Australia, the US, the UK and Canada lag behind many other countries that have taken positive steps to enhance the status and human rights of children by prohibiting physical punishment.

An overview of this book

In Chapter 2 we discuss the literature on children, childhood and parenting with a particular focus on the part physical punishment and child abuse have played in silencing children and denying them rights as human beings. Chapter 3 explores some legal perspectives on physical discipline of children, and reviews differing common law and legislative responses to physical punishment. Chapter 4 briefly outlines the practical and ethical process undertaken to gather, analyse and report the contributions of the

children and adults who participated in the research upon which this book is based.

Chapter 5 begins with reference to research that indicates the current nature and incidence of physical punishment in the US, the UK, Canada and Australia. We then extend our analysis of language, exploring the different meanings attributed to words commonly associated with physical punishment and discipline and highlighting differences between them. This analysis serves to enhance understanding of the descriptions that follow of participants' physical punishment at school, at home and in public. In Chapter 6 we extend our exploration of the meaning given to words associated with physical punishment, particularly the descriptors 'violent', 'violence' and 'child abuse'. We then explore participants' understanding of these and whether they associate them with parents' disciplinary responses to children. Professionals' concerns about physical punishment are then presented in the context of differing perceptions of its effectiveness.

Chapter 7 completes our language analysis through an exploration of language associated with children's sanctioned physical punishment, and language used to refer to children and to characterize childhood. Attention is focused on the power of words both to minimize and challenge violent actions directed at children. Some adults' and children's perceptions of children's status in contexts that sanction physical punishment are then documented. Chapter 8 explores some of the literature on the effects of physical punishment. The insights of the children and adults in this research are then presented.

In Chapter 9 we ask what motivates parents to punish children physically and, in contexts where physical punishment continues from one generation to the next, how it is explained and justified. Discussion focuses on different parenting styles as well as some theoretical understandings of the reasons why physical punishment persists. We then present the perspectives of the adults, families, and children from this research.

Chapter 10 focuses on arguments about the morality of physically punishing children. We present participants' views on current legal responses and law reform, along with children's comments on alternatives to physical punishment and their ideas about channels through which children's feelings and views could be communicated. Finally, Chapter 11 briefly considers what needs to change in order for children to be granted the right to the physical integrity that they deserve.