

Key messages and Frequently Asked Questions relating to the prohibition on Corporal Punishment.

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The Working Group on Positive Discipline have identified the following key advocacy messages:

- Law reform is required to ensure that children have equal protection under the law. Children should receive more protection than adults from violence not less.
- Government must provide for education and support to parents broadly in society as a preventative measure as well as an early intervention for parents using corporal punishment.
- The prosecution of parents is seldom in the best interest of the child and thus should only be instituted if it is in the child's best interest, where parents use corporal punishment there must be reliance on (early) intervention through child protection and diversion systems in these cases.
- Corporal punishment is linked with significant violence against/abuse of children and with current levels of violence in our society. Prohibition is an attempt to address this.

There are different kinds of arguments **for** corporal punishment:

1 BIBLICAL

The Bible gives parents the right and duty to physically punish their children.

Corporal punishment is strongly recommended in the Hebrew Scriptures (Old Testament). Most of the biblical quotations advocating corporal punishment of children appear in the book of Proverbs¹. Christians interpret these passages in different ways. Religious conservatives generally believe that the book of Proverbs was assembled by King Solomon, circa 1000 BCE. He brought together a group of sayings which were already current in his time; some may have been his own thoughts; others may have been first written down centuries earlier. The passages which deal with spanking presumably reflect his parenting beliefs with respect to his son, Rehoboam.

However, the Bible subsequently records the negative effect that this parenting style had on his son. Rehoboam became a widely hated ruler after his father's death. At one point, he had to make a hasty retreat to Jerusalem to avoid being assassinated by his own people².

Spare the rod and spoil the child.

This phrase is often incorrectly attributed to the Christian Bible. **It does not appear there.** It was first written in a poem by Samuel Butler in 1664. (Holly Rossi, "Sparing the Rod," Beliefnet.com, 2005-FEB, at: <http://www.beliefnet.com/>)

What does appear, among others, is:

¹ Prov 13:24: "He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes (diligently)."

Prov 19:18: "Chasten thy son while there is hope, and let not thy soul spare for his crying."

Prov 22:15: "Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him."

Prov 23:13: "Withhold not correction from the child: for if thou beatest him with the rod, he shall not die."

Prov 23:14: "Thou shalt beat him with the rod, and shalt deliver his soul from hell (Shoel)."

Prov 29:15: "The rod and reproof give wisdom: but a child left to himself bringeth his mother to shame."

² 1 Kings 12:13-14 and 18

Prov 13:24: "He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes (diligently)."

and

Prov 22:15: "Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him."

Those who rely on ancient texts to justify corporal punishment should remember that, in the Hebrew, there are three different words that are translated into English as "rod" and the one used in the often quoted Proverbs text is "Shebet". The Shebet was the large walking staff held by the head of a family, the king's sceptre, or the shepherd's crook which was used to rescue and guide sheep. Guidance was given by the kind and responsible shepherd whose rod was used to guide and protect his sheep, not to beat them. A version of the Shebet is carried by bishops to this day – as a symbol of guiding, not beating their people. It should be remembered that the "rod" referred to in Psalm 23 comforts people.

The term "physical correction" is a term often used by parents and others who believe it to be their Biblical duty to punish their children by using corporal punishment. "Correction" is from the Hebrew word "muwcar" and means "chastening" or "come let us reason together". Reasoning together has nothing to do with physically striking a child.

There is no mandate from God to beat children. Within the entire Law or Torah, where God outlined what he required of his people, there is no instruction to beat children. For an issue proclaimed as so important, there is no instruction within scripture of how or when to beat or even who to beat. Christians look to the example of Jesus for the way to live their lives. Jesus was a teacher and a Rabbi and an expert in interpreting the scriptures. There is no evidence to suggest that he cited the scriptures to justify hitting children. All the recorded encounters between Jesus and children were kind, gentle and respectful and his reported words about causing children to stumble, and the consequences for doing so (Matthew 18:6), are amongst the strongest in the New Testament. Jesus tells us that the kingdom of God is like a little child, and whatsoever we do to the least of these we do to him. That clearly rules out physical punishment and humiliating treatment of children.

2 RIGHTS

My rights as a parent to bring up my children as I see fit / to religious freedom / to cultural expression are being violated.

The rights of all South Africans, including South African children, are protected by the Constitution of South Africa and the Bill of Rights in it. Everyone has the right not to be hurt, and no has the right, in exercising their own rights, to hurt anyone else.

In general, the rights outlined in the Constitution are not absolute, and provision is made for the limitation of rights, in clause 36, which provides criteria for the limitation of rights and guidance on decision-making in this regard. Clearly, the rights of children and others to practice their cultural traditions and participate in the cultural life of their communities need to be balanced against the rights to protection, bodily integrity and equality. However, children's right to be protected from maltreatment, neglect, abuse or degradation is non-derogable (clause 37 (5) (c)). In addition, children are more vulnerable than adults: they are smaller in stature, and their developing bones and skeleton are soft and more easily damaged.

In the past slave owners said it was their right to beat their slaves; police and courts said it was their right to beat prisoners; and husbands have said it is their right to beat their wives. The fact that parents say that it is their right to beat their children must be challenged. It is highly concerning that children, who are physically and psychologically the most vulnerable members of our society, are last in line to receive protection of this fundamental human right.

3 THE "EXAMPLE" SET BY OTHER COUNTRIES

We are not ready to ban corporal punishment – it's a first-world notion.

The use of physical punishment as a method of maintaining control was introduced into African states through colonialism. It was entrenched in South African law during apartheid and was deliberately used to strengthen the apartheid system. In contrast there is a Zulu saying that "you don't build a family with a stick" and corporal punishment is also not consistent with the concept of Ubuntu.

We don't want to end up like the UK or US or other developed countries who have banned spanking – look how undisciplined and violent their children are. In the UK, they are thinking of bringing back corporal punishment.

Neither the US nor the UK has banned physical punishment in the home. Corporal punishment of children is banned in New Zealand (2007), the Netherlands (2007), Greece (2006), Hungary (2005), Romania (2004), Ukraine (2004), Iceland (2003), Bulgaria (2000), Germany (2000), Israel (2000), Croatia (1999), Latvia (1998), Denmark (1997), Cyprus (1994), Austria (1989), Norway (1987), Finland (1983), and Sweden (1979). In addition, corporal punishment of children by their parents is considered unlawful in Belgium and Italy, although it is not yet expressly banned. None of the countries listed here could be described as excessively violent, as having high rates of violent crime, or as having citizens who are undisciplined and out of control.

With regard to the countries that have banned corporal punishment in the home, and their rates of violent crime, note the following:

Country	Total population**	Violent Crimes***	%
Austria (1989)	8,199,783	49,242	0.60
Belgium*	10,392,226	59,791	0.58
Bulgaria (2000)	10,392,226	No information	
Croatia (1999)	493,312	No information	
Cyprus (1994)	788,457	176	0.02
Denmark (1997)	5,468,120	16,010	0.29
Finland (1983)	5,238,460	33,355	0.64
Germany (2000)	82,400,996	188,413	0.23
Greece (2006)	10,706,290	9,501	0.09
Hungary (2005)	9,956,108	30,819	0.31
Iceland (2003)	301,931	No information	
Israel (2000)	6,426,679	No information	
Italy*	58,147,733	74,136	0.13
Latvia (1998)	2,259,810	No information	
New Zealand (2007)	4,115,771	47,133	1.15

Netherlands (2007)	16,570,613	101,141	0.61
Norway (1987)	4,627,926	20,325	0.44
Romania (2004)	22,276,056	25,787	0.12
Sweden (1979)	9,031,088	75,758	0.84
Ukraine (2004)	46,299,862	No information	

South Africa 43,997,828 768,932 1.75

*Belgium and Italy have not banned, BUT corporal punishment of children by their parents is considered unlawful

** As at July 2007

***Reported in 2001

In the UK, according to Peter Newell, in an e-mail dated 24th June 2007, "There is no significant or serious talk of bringing back school corporal punishment, and like in South Africa, it has been banned in every other setting including foster care. There will always be a few people arguing for it - but no political party would support".

Murray Strauss, an American psychologist and long-time anti-corporal punishment advocate, found that the higher the "risk" of being beaten at school, the higher the rate of murder committed by children. In a 1999 article entitled *Spanking Teaches Short-Term Lesson, But Long-Term Violence*, Strauss found that "If [those states where it is legal to hit children] are correct, the states that permit the widest use of corporal punishment should have the lowest rate of homicides by children". So he classified all the different states in the US into three groups on the basis of the degree to which they permitted corporal punishment, and found the following:

Classification	Rate of murder by children
The low group (prohibit corporal punishment in all settings* except the home)	13 per million
The middle group (permit corporal punishment in only one of these settings)	19 per million (an increase of 46%)
The high group (permit it in two or more of these settings).	24 per million (an increase of nearly 85%)

*Settings: schools, day care, group homes and foster care (no US state prohibits corporal punishment by parents).

So states using corporal punishment in the greatest number of settings have the highest rates of child violence.

Although corporal punishment is legally prohibited in South African Schools the DoE, estimate that it is still used in at least 60% of South African schools.

4 CORPORAL PUNISHMENT IS NOT NECESSARILY ABUSE

There is a big difference between loving correction / reasonable corporal punishment and child abuse.

In some cases, hitting the child may stop the behaviour immediately; but it does not necessarily stop children from doing the same thing in the future. This is because they are less likely to learn from this punishment and more likely to resist the parent and to find ways to avoid getting caught in future. This is why some children are "always in trouble" and repeatedly given hidings.

Corporal and humiliating punishment allows the parent to express their frustration and anger but it does not teach the child about the logical consequences of their behaviour. It results in fear, resentment and a breakdown of the relationship of trust with the parent. We cannot hit adults just because we don't like what they are doing, so why can we do this to our children?

Children who have been humiliated and hit are more likely to humiliate and hit other children. They are more likely to engage in violence themselves when they grow up, or are more likely to be physically, emotionally and sexually abused in adult relationships.

These forms of punishment cause physical and psychological harm to the child; they undermine the child's self confidence and self esteem, leaving them feeling helpless and humiliated.

Because corporal punishment is generally ineffective in teaching self-discipline and responsibility, it tends to escalate over time. Small slaps become more serious hidings and so on. Parents charged with assault often say that they were disciplining their children. Many of the beatings that children suffer at the hands of adults would be considered completely unacceptable if committed against an adult. Child welfare organisations estimate that 80 to 90% of physical abuse cases are committed in the name of corporal punishment.

Trying to define "acceptable" levels of violence is an exercise that will be impossible to control, and continue to make children vulnerable to physical and psychological harm.

5 LEGAL PROCESSES

Children will be able to run to the police for every little slap. We will clog up the courts with children who do not need the court's attention, and children who are really being abused will slip through the cracks

Even children who are seriously assaulted do not report this to the police, and it is very unlikely that will change, especially regarding minor assault. The focus of law reform should be on prevention and early intervention to protect children, and not on prosecuting parents unless the assault is particularly violent. Prosecution of parents is seldom in the best interest of the child it is important for systems to be available for the family to receive support, diversion to parenting programmes can be used to achieve this.

In addition, South African law operates on the principle of *de minimas curat lex* - the law does not concern itself with that which is trivial - which applies equally to adults and children who have been subject to less serious assaults.

The law must not get involved in the family sphere

Where the potential for harm to any citizen is in the family/home sphere, it is necessary for the law to get involved. The laws against sexual offences and domestic violence for example are largely concerned with protecting people in the family/home setting.

6 CULTURE

Corporal punishment is part of my culture.

Children are hit in the name of discipline in every corner of the world, and no culture has the right to claim it as its own. Africans themselves have questioned the idea that corporal punishment is part of African culture. For example, **Jean-Baptiste Zoungrana**, Chairperson, African Committee of Experts on the Rights and Welfare of Children said: *"...not much has been done to end corporal punishment administered to children by their families, in their homes, where violence seems to be culturally accepted. In fact, thousands of homes have become real laboratories of violence against children and the media have reported many cases. That is unacceptable."*

Mrs Zyneb Jammeh, First Lady in The Gambia said: *"Discipline, without doubt, is quite cardinal in raising children. Nevertheless, policy makers and parents should all make sure that the enforcement of disciplinary values does not marginalize or brush aside the rights of the child. Similarly, violence against children has no place in society and should not be entertained. Violence would only make children become social misfits and a menace to society and its development"*.

Traditionally African communities and cultures have an integral and progressive approach toward disciplining children. As examples, two isiXhosa sayings state: *"Imbeko ayikhiwa ngoswazi"* (Respect cannot be built with a stick) and *"Induku ayinamzi"* (Beatings do not build a home). In isiZulu a proverb says *"umntwana akakhuliswa ngoswazi"* (you cannot raise a child with a stick) In xiTsonga *"nhonga a yi aka muti"* (you do not raise a family with a stick).

7 IT'S NECESSARY – CHILDREN NEED TO LEARN

Children don't learn anything unless you hit them.

Children learn the wrong things when we hit them. They learn that people who are bigger and stronger can hurt those who are smaller and weaker, and that the way to sort out problems and differences is to hit someone. They learn to avoid getting caught doing the "wrong" things when the person doing the hitting can see or find out about it. They do not learn to not do the wrong things in the first place.

It seems that, instead of being a deterrent, corporal punishment provides an example for children. Corporal punishment also creates resentment and anger in many children, which further increases the probability of violence (Murray Strauss, 1999).

I was hit as a child and today, I am a better person for it / I turned out okay

You don't really know whether being hit as a child has harmed you or not; maybe you would have turned out okay without being hit. And we do know that children who are subject to strict discipline grow up to be more violent and less tolerant than those who are not.

And there are some arguments against corporal punishment

If we want to address the high levels of violence in our society, we need to stop teaching children that it is OK for bigger and stronger people to hurt smaller and more vulnerable people. It is especially important to teach children that it is NOT OK to hurt someone else just because we don't like what they are doing.

There is a wealth of evidence that living with violence teaches children to be violent. South Africa is an especially undisciplined and violent society. We have, for instance, among the highest rates on earth of:

- baby rape³
- rape⁴
- family violence⁵
- rape homicide⁶
- intimate femicide⁷
- family murder⁸
- community violence⁹.

If we are to address this situation, and look to a time when we will become a less violent and more caring society, then we have to look at the context in which our children are raised, and what it is we are teaching children as we raise them.

Spanking children is NOT the only way to teach them good behaviour and discipline¹⁰.

Studies into the effects of spanking and corporal punishment over the last fifty years have shown that spanking does sometimes work in the short-term. However, this research also shows that non-violent methods of discipline work just as well. So there is no need to use corporal punishment.

But what about the long-term effects? Studies conducted prior to 1997 provided evidence suggesting, but not proving, that children also learn violence and other antisocial behaviour when they are spanked. However, 1997 marked a turning point in research on spanking.

Since 1997 five studies in particular have used the amount of misbehaviour that led to the corporal punishment as the baseline. These studies then re-examined children after a year, two years, or five years to determine if things had stayed the same, changed for the better, or gotten worse. All the pieces of research found that, on average, the behaviour of the children of parents who spanked got worse.

Of course some spanked children improved and some whose parents used other modes of discipline got worse. But on the average, spanking boomeranged bad behaviour. These studies are especially important because all were based on large and representative samples of families, and all took into account many other factors that affect the behaviour of children, such as the education level of the parents, and whether the parents were also emotionally warm and supportive.

There are other, more effective, things that we can do to teach children discipline

³ Jewkes, R. (2003). *Baby Rape and Virgin Cleansing*. Presentation to the South Africa - United States Consultation on Child Sexual Abuse Research, unpublished.

⁴ Interpol web site, www.interpol.int

⁵ <http://health.iafrica.com/psychonline/articles/familymurders.htm>

⁶ Martin, L (1999): Report on research conducted at the Salt River Mortuary

⁷ Mathew, S, Abrahams, N, Martin, L, Vetten, L, Van der Merwe, I and Jewkes, R. (2004). *Every six hours a woman is killed by her intimate partner: A National Study of Female Homicide in South Africa*. MRC Policy Brief Number 5.

⁸ <http://health.iafrica.com/psychonline/articles/familymurders.htm>

⁹ Cape Argus. (2005). *West Cape Crime Down*, Cape Town.

¹⁰ This section based on Straus, Murray. (1999). *Spanking Teaches Short-Term Lesson, but Long-Term Violence*

Corporal punishment and discipline are not the same thing. If what we want is disciplined children (and adults!!), we are not getting it right – we only have to look at our high levels of violence and high-level corruption to realise this.

According to Gershoff¹¹, promoting the development of children's internal controls (self-discipline) is more important to long-term socialisation and behaviour than immediate compliance. She says that "*moral internalization*" is the taking over the values and attitudes of society as one's own so that socially acceptable behaviour is motivated not by anticipation of external consequences but by intrinsic or internal factors. Children's internalization of morals is enhanced by parental discipline strategies that use minimal parental power, promote choice and autonomy, and provide explanations for desirable behaviours – in other words, by parenting and discipline which is not about might and hurting children.

Violence begets violence and a whole host of other problems¹².

There is a strong association between corporal punishment and children's aggression, their mental health, and their anti-social behaviour as children and as adults.

In her very thorough and landmark study, Gershoff found that parental corporal punishment is associated with the following undesirable behaviours and experiences:

- decreased moral internalization,
- increased child aggression,
- increased child delinquent and antisocial behaviour,
- decreased quality of relationship between parent and child,
- decreased child mental health,
- increased risk of being a victim of physical abuse,
- increased adult aggression,
- increased adult criminality and antisocial behaviour,
- decreased adult mental health,
- increased risk of abusing own child or spouse.

Corporal punishment was associated with only one desirable behaviour, namely, increased immediate compliance.

¹¹ Gershoff, E (2002). *Corporal Punishment by Parents and Associated Child Behaviours and Experiences*. Psychological Bulletin, 128 (4), pp 539 – 579.

¹² This information was all obtained from the Gershoff study (above).