Physical discipline: is it ever OK?



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VoxBrief August 2016

FamilyVoice AUSTRALIA

In March 2014, an Adelaide father faced court on an aggravated assault charge for smacking his 12-year-old son.

The father – an Air Force pilot "of excellent character and work ethic" – shared custody of his son with his former wife, whose approach to parenting he considered "very laissez-faire".

By contrast, the father set firm boundaries about bed times, TV and computer use, meals and chores. He did this out of love, trying to instil self-discipline to his son – along with values including respect, dignity and integrity.

However his son did not like being corrected. He was adamant that he was right and his father was in the wrong. His father punished him by giving him "time-out" – but was frustrated when this did not work.

Matters came to a head when, over lunch, the boy threw a tantrum about his food and showed disrespect to his father and stepmother.

The pilot then smacked the boy three times — once on his bare thigh, twice on his shorts — saying: "If you're going to act like a four-year-old, I'll treat you like a four-year-old!".

The boy said in evidence that the pain in his leg was not serious. It hurt a little bit for a day, and the redness lasted two days. His thigh did not bruise.

However the boy's mother reported the incident to police. A magistrate convicted the father of assault, discharging him without further penalty.

The conviction seriously damaged the pilot's future career prospects. He appealed to the South Australian Supreme Court, asking for the magistrate's ruling to be overturned.



The Supreme Court of South Australia

He was greatly relieved on 21 March 2016, when Justice David Peek ruled in his favour.

Justice Peek found that the magistrate had erred in 2014. The unreasonable application of force for "malice or revenge" was a criminal act, the judge said, but genuinely disciplining a child of appropriate age and size for the punishment was not.

Justice Peek said the magistrate had correctly noted that the father's motive was genuine, but had incorrectly decided his actions were unreasonable.

"If one can ever safely say that something is as old as mankind, that something might be parental correction of children," he said.

There has long been a fundamental question as to the extent to which the law should intrude into such areas. "While it may be that some children ... may be too old for physical parental correction, such an argument does not extend to a 12-year-old boy," Justice Peek said. The aggravated assault conviction carried significant, life-affecting consequences for the pilot. It was unwarranted.

"Many persons might be unable to comprehend how a parent could even be charged in such a situation," he said. "(They) would believe that a finding of aggravated assault would have to be based on conduct very much more serious than that …

"The plain fact is that individual Magistrates and Judges may not unilaterally abolish or constrain the defence because of personal views they may hold as to the undesirability of any physical parental correction of a child."[1]

'Experts' disagree

Many Australians welcomed Justice Peek's ruling. In a subsequent online poll, an overwhelming 91% voted to support smacking as a valid form of child discipline.[2]

However many social workers and paediatricians have been strident in their opposition. Australian Childhood Foundation chief executive Dr Joe Tucci is not surprised by the public opinion polls on the issue, but says smacking is never OK.

"(Child) discipline is absolutely essential, but not by physical force," he says. "It is impossible to draw a line in the sand to separate smacking and assault. There is much research to highlight that physical punishment can hinder a child's development."[3]

Dr Tucci is not alone. In December 2013, the United Nations Committee on the Rights of the Child tabled a report recommending that Australia abolish the right of parents to use reasonable chastisement when disciplining children.[4]

The Royal Australasian College of Physicians (RACP) agrees. It is actively campaigning against smacking, telling delegates to its 2015 Congress: "Despite the temporary effects [of smacking], there is the risk that a parent may hit harder the next time and the next."[5]

RACP spokesman Dr Kim Oates, an Emeritus Professor of Paediatrics at Sydney University, has called on health professionals to lead the charge against smacking.

"All children need discipline, we're absolutely clear about that," Dr Oates told ABC Radio National program *Life Matters* on 25 May 2015. "But physical punishment is just one form of discipline. All parents who've smacked their children know it works in the short-term, but long-term it's not an effective measure."

Dr Oates conceded that smacking may not cause harm in individual children, but claimed physical punishment teaches

children that violence is an effective means of imposing their will on others.[6]

Are smacking alternatives harmless?

Are claims by these professionals supported by valid evidence? And are alternative methods of child discipline – such as reprimands, shaming, "time out", "naughty spots", grounding and withdrawal of privileges, more effective than smacking as well as free from harm?

A 2013 peer-reviewed Oklahoma State University study examined three recent studies of 12 disciplinary tactics parents could use instead of smacking.[7]

Researchers Robert Larzelere and Ronald Cox found that none of the smacking alternatives "was ever associated with reduced child behaviour problems".

Significantly, seven of the 12 "predicted significantly worse behaviour problems in at least one analysis. Two studies found that two corrective actions by professionals – psychotherapy and Ritalin – looked as harmful as spanking when analysed in the same way."

Other studies showed that grounding, expressing disappointment, yelling or scolding were associated with as many significantly adverse outcomes as frequent smacking. Time-out and shaming were also associated with internalising problems.[8]

Larzelere and Cox found that many studies purporting to show harms from smacking, including non-abusive smacking, had been poorly designed. They were often not randomised. They did not take into account such factors as the child's nature and behaviour before the correctional tactic was applied.

"Parents are less likely to use corrective actions when children do well in school... do not smell of tobacco smoke, are not at risk for precocious sex, demonstrate trustworthiness with non-deviant peers, are cooperative, and respond well to reasoning. Quite simply, parents do not need to use corrective actions when there are no problems to correct," the researchers said.[9]

In other words, a study may observe that a child who has not received any physical discipline is well adjusted – ignoring the possibility that the child by nature was so compliant that even mild discipline was rarely needed.

They pointed out that failure to take such factors into account makes all corrective disciplinary actions look more harmful than they actually are. They found that studies criticising smacking failed to investigate alternative tactics that parents could use in similar disciplinary situations.

"Analyses of the effect of time-out should drop children who are so well behaved that none of their parents ever considers using a negative disciplinary consequence," they said.[10]

Larzelere and Cox conclude: "As a result of inherent selection bias, most longitudinal analyses are biased against corrective actions that parents use to address perceived child problems. This bias can lead to unjustified or even counter-productive recommendations about corrective parental actions."[11]

Positive outcomes from light smacking

A 2007 University of Otago longitudinal study of 1037 children born in Dunedin, NZ, in 1972-3 found that those who were lightly smacked on an arm, leg or bottom had similar or slightly better outcomes in terms of aggression, substance abuse, adult convictions and school achievement than those who were not smacked at all.[12]

Lead author Dr Jane Millichamp said her study "appeared to be the first in the world to separate out those who had been smacked with an open hand".[13]



A large US study reported similar results in 2013, finding that children who are smacked before the age of six perform better at school when they are teenagers. They are also more likely to do voluntary work and to want to go to university than those who have never been physically disciplined.[14]

The Christchurch Health and Development longitudinal study, which followed up 1265 children born in Christchurch in mid-1977, found no difference in outcomes between moderate and no physical punishment. The researchers concluded: "It is misleading to imply that occasional or mild physical punishment has long term adverse consequences."[15]

A 2013 New York study found that the perceived negative effects of harsh physical discipline were offset by the child's feeling of being loved. Maternal warmth has a protective effect.[16]

University of California psychologist Dr Diana Baumrind told the 2001 annual meeting of the American Psychological Association that studies cited by opponents of smacking do not adequately distinguish the effects of smacking as practised by non-abusive parents from the impact of severe physical punishment and abuse. She said she does not advocate smacking, but social scientists have "overstepped the evidence" in claiming that spanking causes lasting harm to a child.[17]

Dr Baumrind analysed data from a long-term study of more than 100 families and found that mild to moderate spanking had no detrimental effects when confounding factors such as abusive parents were separated out.

She commented: "When parents are loving and firm and communicate well with the child, the children are exceptionally competent and well adjusted, whether or not their parents spanked them as preschoolers."

She said that without compelling evidence that spanking is harmful, parents should be free to rear their children in accordance with their own values and traditions.[18]

What happens when smacking is banned?

In 1979, Sweden was the first nation to ban smacking. Since then, more than 40 other countries including Germany, Austria, New Zealand, The Netherlands and Spain have followed suit. Some reports are not reassuring.

Sweden

While Swedish government sources claim that the smacking ban has been successful, an Ohio State University researcher found in 2009:

"One year after the spanking ban, not only were Swedish parents resorting to pushing, grabbing, and shoving more than US parents, but they were also beating their children twice as often.

"By 1988, rates of physical child abuse in Sweden had risen to three times the U.S. rate. Moreover, from 1979 to 1994, Swedish children under seven endured an almost sixfold increase in physical abuse.

"Accordingly, many Swedes do not believe the spanking ban has reduced child abuse. Indeed, researchers are now realizing that permissive parents are the most likely to resort to injurious, 'explosive attacks of rage.'

"Such parents apparently become violent because they feel they can 'neither control the child's behavior nor tolerate its effect upon themselves'."[19]

A 2013 peer-reviewed study in the *International Journal of Criminology and Sociology* has revealed a dramatic rise in cases of criminal assaults on minors since the Swedish smacking ban came into effect in 1979. The assault increases (2010

compared with 1981) included:

- 22 times as many cases of physical child abuse (up 55% in the first eight years after the ban);
- 24 times as many assaults by minors against minors (up 114% in the first eight years); and
- 73 times as many rapes of minors under the age of 15 (up 92% in the first eight years).[20]

It seems that Sweden's ban on smacking has eroded parental ability to use *any* form of child discipline. In 2000, only 31% of Swedish children aged 10 -12 believed their parents had the right to use even "grounding" as punishment. The perceived right of parents to threaten to forbid something decreased from almost 39% to under 4% in the same study.[21]

New Zealand

On 21 June 2007, the New Zealand parliament amended the Crimes Act to abolish the right of parents to use reasonable physical discipline on their children. Section 59 now states:

(1) Every parent of a child and every person in place of the parent of a child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of –

(a) for the purpose of preventing or minimising harm to the child or another person; or

(b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or

(c) preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or

(d) performing the normal daily tasks that are incidental to good care and parenting.

(2) Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction.

(3) Subsection (2) prevails over subsection (1).

(4) To avoid doubt, it is affirmed that Police have the discretion not to prosecute complaints against the parents of a child or persons in place of the parents of a child in relation to an offence involving the use of force against a child, where the offence is considered to be so inconsequential that there is no public interest in proceeding to a prosecution.[22]

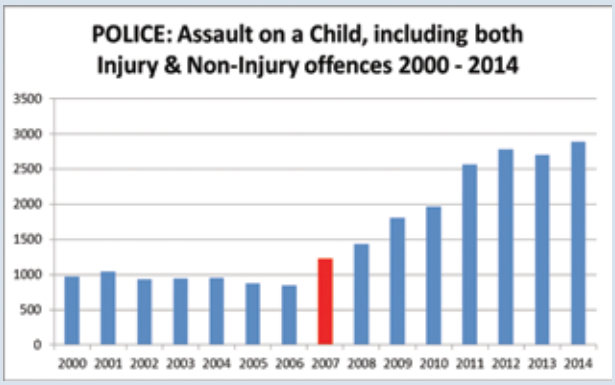
Bob McCoskrie, director of Family First New Zealand, says most NZ parents do not understand the law's confusing and contradictory wording. His 2016 research paper, "Defying Human Nature: An Analysis of New Zealand's 2007 Anti-Smacking Law", documents the widespread confusion, injustice, and disturbing increase in serious child abuse that has followed the change in law.[23]

The 2007 anti-smacking bill was introduced by NZ Green Party MP Sue Bradford and backed by Helen Clark's Labour government and most of John Key's National Party opposition. The Nationals supported an amendment to clarify the bill's confusing wording – making it clear, among other things, that smacking would be an offence only if it caused injury that was "more than transitory and trifling". The amendment was defeated, but the Nationals still supported the bill.

> **'An overwhelming majority of New Zealanders voted "no" to a smacking ban.'**

John Key won the 2008 and two subsequent NZ elections. Despite evidence to the contrary, he claims that the law does not ban light smacks.[24] He has not sought to amend the confusing wording that has led to convictions for mild physical discipline.[25]

An overwhelming majority (87%) of New Zealanders voted No to 2009 citizens' initiated referendum question: "Should a smack as part of good parental correction be a criminal offence?" However the referendum result was not binding, and a subsequent government review of section 59 ignored evidence of significant problems.[26] The anti-smacking law remains unamended.



Child assaults have increased dramatically in NZ since the 2007 smacking ban

Bob McCoskrie's analysis of the impact of the anti-smacking law is disturbing. "According to the police reviews for the five years up to mid-2012, there have been seven prosecutions for a smack on a nappy, smacks on the leg or smacks on the bottom, with no physical injuries at all," he says.

"Other prosecutions have included open hand smacks just above or below the bottom, and even a smack on the back of a hand…

"The other huge concern expressed by police themselves is the increase in false allegations of assault. This may come from neighbours or even the children themselves."[27]

Even when minor penalties are imposed, the ramifications can be severe. They can include loss of reputation, employment, or custody. McCoskrie cites several examples of the impact of the NZ law, including the following two reports:

1) A grandfather was charged and convicted of assaulting his grandson for tipping him out of a bean bag-type chair in order to 'get him moving'.

[The boy] had refused to turn the TV volume down and then refused to turn the TV off when asked. The grandchild rang 111. The grandmother and grandchild pleaded with the police not to take granddad away, yet he was held in prison cells for 2 nights, then bailed back home, despite police objections!

His lawyer advised him to plead guilty to avoid cost and hassle.

An Aussie dad's story[28]

I used to punish my children by verbally abusing them. That cut them to ribbons. I did more damage to my children by shouting at them than physical discipline ever did.

Now I don't shout at my children. I just say, "Do it." If they don't, they receive physical discipline, just enough to hurt.

My wife and I don't do it in anger – even if we have to wait two or three hours. We don't do it in public – we wait until we get home. We do it in love. We pray before, and we pray afterwards. My children are now obeying me quickly and we rarely have to punish them.

Proverbs 29:15 says: *The rod of correction imparts wisdom.* Proverbs 29:17 says: *Discipline your son and he will give you peace.* Proverbs 20:11 says: *Even a child is known by his actions, by whether his conduct is pure and right.*

When I was growing up, people used to call me a ratbag. Well, I lived up to their expectations. I became the biggest ratbag there was. It is important to discipline our children to be obedient, so that we help their conduct to be pure and right.

We don't use rewards any more. We used to. We had an obedience chart – if they did the right thing, they got two ticks. But they got bored with that, so we increased it to ticks and a biscuit and perhaps a nice toy at the end of the week, depending how desperate we were.

But then we realised that for a child, obedience is its own reward. They are rewarded by the attitude of their parents, in their personality and by their inner confidence in the knowledge that they have obeyed their mum and dad.

God himself is their reward. He said: *Honour your father and your mother, so that you may live long in the land…*[29]

2) My daughter went through a difficult patch and became highly rebellious, including wagging school. She was picked up by the Police whilst wagging and taken to the Police Station and was highly belligerent towards them. I took her home in the car and attempted to communicate with her as we drove.

She refused to talk and responded to everything with a "yeah right". To get her attention I smacked her once on the leg with an open hand and said "listen to me – this is serious."

The next day she again wagged school and went instead to CYF [ChildYouth and Family: NZ social services] encouraged by her friend, and told them I had 'assaulted' her. Despite my explanation to CYF, they asked the police to charge me. The officer who had charged me visited me at my home expressing concern about charging me but as I had admitted giving her a smack and the way the law was worded he had very little leeway.

I was convicted of assault but discharged without further penalty. My daughter never thought it would go so far and has admitted to CYF that it was purely "I'll get you"-based.

"The proposal to ban smacking was motivated by a commendable desire to reduce child abuse – a desire we all share," McCoskrie says.[30] "But since the anti-smacking law was passed in 2007, child abuse reports have increased significantly. In addition:

- The mental wellbeing of youth in terms of suicide and self-harm continues to be a huge concern.
- A survey in 2011 – four years after the law was passed - found that almost a third of parents of younger children say that their children have threatened to report them if they were smacked. Also, almost one in four parents of younger children say that they have less confidence when dealing with unacceptable behaviour from their children since the anti-smacking law was passed. There has been a number of organisations expressing concern about children physically threatening their parents.
- Two out of three New Zealanders say they would flout the law, and three out of four New Zealanders want the law amended.
- The overwhelming majority of New Zealanders reject the notion that the anti-smacking law will reduce rates of child abuse in any significant way.
- Australia, with five-times the population of NZ, has just over double the incidence of child abuse – without a smacking ban.

"In summary, there is not a single social indicator relating to the abuse of children that has shown significant or sustained improvement since the passing of the law. They've continued to get worse, in some cases a lot worse.

"Those working on the frontline in our communities are not seeing any significant improvement – in fact, they're concerned about the ongoing unacceptably high levels of abuse, and believe that child abuse is still significantly under-reported."[31]

Conclusion

As emeritus professor Kim Oates has said, "All children need discipline."[32]

But there are many forms of child discipline – including reprimands, shaming, withdrawal of love, time-out, grounding and chores, as well as smacks. All of these forms can be abusive, especially if used to excess. Is it helpful to ban just one form of child discipline such smacks, even mild ones, in order to prevent or minimise child abuse?

Valid research increasingly says no. Evidence from Sweden and New Zealand shows that abuse rates – including child-on-child abuse – have soared following the introduction of smacking bans.

Moreover, a re-evaluation of studies purporting to find smacking harms has indicated poor research design – a failure to distinguish between mild smacks and frequent abusive beatings, and a failure to take into account the personalities and family environments of children studied – and whether the method of discipline was administered calmly and consistently, or angrily and arbitrarily.

Gold standard longitudinal research has shown that mild smacks during childhood do not cause harm and may help children develop into well-adjusted, successful adults.

Parental love is also important. A recent US study found that maternal love and affection ameliorated the harmful effects of harsh child discipline.

Before June 2007, New Zealand law, like current Australian common law, allowed parents to use reasonable physical discipline when correcting their children's misbehaviour.

Nine years later, New Zealand's smacking ban has not produced the intended decrease in child abuse, and has unfairly branded some loving parents as criminals. Sweden's smacking ban has likewise failed to lower abuse rates, and has even eroded parents' ability to enforce any form of discipline.

Australia should firmly reject any call to ban reasonable physical discipline by parents.

References

1. Sean Fewster, "Smacking a child does not transform a parent into a criminal, SA Supreme Court rules", *The Advertiser*, 21/3/16.
2. Ibid. Poll question: "Is smacking your children ever justified?" Yes: 91.44%. No: 8.56% (total votes 2,687, 11/7/16).
3. Jackie Sinnerton, "Smacking Children OK with Nearly 90 Per Cent of Queenslanders, State of Families Survey Finds", *The Sunday Mail*, 7/11/10.
4. Sarrah Le Marquand, "To smack or not to smack your children", *The Daily Telegraph,* 13/12/13.
5. "Taking a Stand Against Physical Punishment of Children", Media Release, Royal Australasian College of Physicians, 26/5/15, available at https://www.racp.edu.au/docs/default-source/pdfs/150526takingastandagainstphysicalpunishmentofchildren.pdf?sfvrsn=2
6. "Life Matters", *ABC Radio National*, 26/5/15: http://www.abc.net.au/radionational/programs/lifematters/is-it-time-to-ban-smacking/6497130
7. Robert E Larzelere and Ronald B Cox Jr, "Making Valid Causal Inferences About Corrective Actions by Parents from Longitudinal Data", *Journal of Family Theory & Review*, vol 5, issue 4, pp 282-299, December 2013: http://onlinelibrary.wiley.com/doi/10.1111/jftr.12020/abstract
8. Ibid, p 283.
9. Ibid, p 284.
10. Ibid, p 286.
11. Ibid, p 282.
12. Simon Collins, "Smacking study hits at claims of harm", *NZ Herald,* 7/10/06; Submission to Select Committee considering the anti-smacking law by Dr Jane Millichamp and colleagues http://bobmccoskrie.com/wp-content/uploads/2015/12/Otago-medical-School-research.pdf
13. Ibid.
14. Gunnoe, M L (2013) "Associations Between Parenting Style, Physical Discipline, and Adjustment in Adolescents' Reports", *Psychological Reports: Disability & Trauma,* 112(3), pp 933-975.
15. Fergusson, D and Lynskey, Michael T (1997), "Physical Punishment/Maltreatment During Childhood and Adjustment in Young Adulthood", *Child Abuse and Neglect,* Vol 21, Issue 7, July 1997, pp 617-630. http://www.sciencedirect.com/science/article/pii/S0145213497000215
16. Miguelina Germán, Nancy A. Gonzales, Darya Bonds McClain, Larry Dumka, Roger Millsap (2013), "Maternal Warmth Moderates the Link between Harsh Discipline and Later Externalizing Behaviors for Mexican American Adolescents", *Parenting,* 2013; 13 (3): 169 DOI: 10.1080/15295192.2013.756353
17. Erica Goode, "Findings Give Some Support to Advocates of Spanking", *New York Times,* 25/8/01.
18. Ibid.
19. Fuller, Jason M, 2009, "The Science and Statistics Behind Spanking Suggest that Laws Allowing Corporal Punishment are in the Best Interests of the Child", *Akron Law Review,* Vol 42, Issue 1, Article 47, p271: http://ideaexchange.uakron.edu/cgi/viewcontent.cgi?article=1192&context=akronlawreview
20. Robert E Larzelere, Taren Swindle and Byron R Johnson, 2013, "Criminal Assaults against Minors since Banning Spanking, 1981-2010", *International Journal of Criminology and Sociology*, 2, 129-137: http://www.baylorisr.org/wp-content/uploads/swedish_spanking.pdf
21. Janson, Staffan, 2001, "Children and Physical Abuse: A Report about Corporal Punishment and Other Physical Abuse in Sweden at the End of the 20th Century" (SOU 2001: 18), Stockholm, p 58.
22. New Zealand Crimes Act, section 59, passed 21/6/07: http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM328291.html
23. Bob McCoskrie, "Defying Human Nature: An Analysis of New Zealand's 2007 Anti-Smacking Law", Family First New Zealand, February 2016: http://bobmccoskrie.com/wp-content/uploads/2016/01/Defying-Human-Nature-FULL-REPORT.pdf
24. "Smacking law appropriate as is, says Key", *New Zealand Herald,* 7/12/09.
25. Bob McCoskrie, "Defying Human Nature, An Analysis of New Zealand's Anti-Smacking Law," p 9.
26. Ibid, p 30.
27. Ibid, p 29.
28. Condensed from "Does physical discipline work?", Light, May 1997, p 10.
29. Exodus 20:12.
30. Bob McCoskrie, "Defying Human Nature, An Analysis of New Zealand's Anti-Smacking Law," p 2.
31. Ibid, p 3.
32. "Life Matters", *ABC Radio National,* 26/5/15: http://www.abc.net.au/radionational/programs/lifematters/is-it-time-to-ban-smacking/6497130