

Spare the rod, spoil the child? A literature review of outcomes of physical punishment in relation to recent changes to Maltese Law

Kevin Borg, Deborah Hodes

Abstract

A literature review of outcomes of physical punishment in children confirms the polarised views resulting from various studies. This is mainly attributed to the limitations in the methodology and study designs used, confounding factors that were unaccounted for and the different ways in which physical punishment was defined by researchers. Researchers that provide evidence to discourage the use of physical punishment highlight the risk that this mode of discipline can easily cross over to physical abuse. This is challenged by other researchers who argue that alternative disciplinary techniques investigated with similar analyses to physical punishment have similar outcomes. Malta recently became one of the 39 countries worldwide that outlawed the use of physical punishment in children, in keeping with the United Nations Convention of the Rights of the Child. The focus of legally banning the use of physical punishment is not to increase the number of parental prosecutions but to safeguard children and adopt a policy of zero tolerance towards any violence against them.

Our role as health professionals should be in supporting and educating parents, including those from a different cultural background, in becoming authoritative parents that are able to discipline their children in an effective and nurturing manner, away from using any form of violence. Successful evidence based parental intervention programmes exist that may help provide these necessary skills. Health professionals should also adopt a child centred approach whereby the child's views are considered and any allegation made taken seriously.

Training in safeguarding children is recommended for all professionals who come into contact with children and families.

Keywords

parental discipline; physical punishment; children's rights

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Background

Physical punishment can be defined as a parental act which aims to correct or control a child's behaviour by deliberately inflicting physical pain but not causing injury.¹ The use of physical punishment in children has been a common yet controversial research topic with some countries still widely supporting its use, others that defend 'reasonable chastisement' whilst others, including Malta, that have legally banned its use. A literature search on this topic was deemed relevant with the aim of understanding better the outcomes of physical punishment, with special reference to the United Nations Convention of the Rights of the Child (UNCRC) and the implications of this for clinical practice.

A structured literature search was conducted through PubMed, Psych-info and ASSIA using appropriate critical appraisal checklists.² Another source for identifying relevant articles was to retrieve studies from the reference section of the papers chosen from the

Kevin Borg MD MRCPCH*

Paediatric Registrar and Clinical fellow in Safeguarding Children.

University College London Hospital,
Great Ormond Street
Hospital for Children
United Kingdom
Mater Dei Hospital
Msida, Malta.
kevin.d.borg@gov.mt

Dr Deborah Hodes FRCPCH.

Consultant Community Paediatrician.
Designated Doctor for Safeguarding,
London Borough of Camden
University College London Hospital (UCLH)
Royal Free Hospital London,
United Kingdom.

*Corresponding Author

initial literature search. The main concepts used in the search strategy were corporal and physical punishment, children's rights, law and culture. The search was confined to English language papers which is a limitation to this review. Published research from the last 20 years was sought in order to present the latest evidence available and which also reflects the change in cultural attitudes over the recent years. The papers chosen for this review were from peer-reviewed journals and had to measure at least one outcome of physical punishment. Studies which grouped physical punishment with disciplinary techniques that are known to cause severe injury to the child (i.e. techniques that are in themselves abusive such as whipping, punching or shoving) were excluded in order to keep with Straus' definition of physical punishment.¹

Physical punishment through the eyes of the child

Statutory UK guidance emphasizes the importance of adopting a child-centered approach and considering the child's view; a concept that is often neglected by professionals.³ Qualitative studies in England and New Zealand have adopted this approach with children aged 5 to 14 years.^{4,5} They reported that children did not view physical punishment as being something gentle or light but as a very negative and painful experience; *"it hurts and it's painful inside – it's like breaking your bones"*. A number of participants reported that they were hit around the face, head and back which are areas that may cause significant trauma. Although the number of children interviewed was small, the findings confirm how physical discipline is far from what many adults describe as being 'gentle'.⁶ It is important to remember that certain vulnerable groups such as infants and disabled children are difficult to include in these studies. A meta-analysis of 17 studies report that children with disabilities are 3.6 times more likely to experience physical violence, including physical punishment, than children without disabilities.⁷

Children's rights and change to the Maltese law

The UNCRC was established in 1989 to ensure that children have human rights and are protected. Of the 192 member nations that signed the convention only Somalia and the United States of America have not ratified it. Article 19 of the convention states that every state should ensure that children are protected 'from all form of physical and mental violence'.⁸ The Committee on the Rights of the Child (CRC), reported that countries supporting physical punishment are breaching the UNCRC. Adopting a child's right approach has been put forward by scholars as a measure to prevent child maltreatment.⁹ In February 2014, Malta has become one of the 39 countries that outlawed physical punishment of children, with Sweden being the first country to do so in 1979.¹⁰ This was done through an amendment to Article

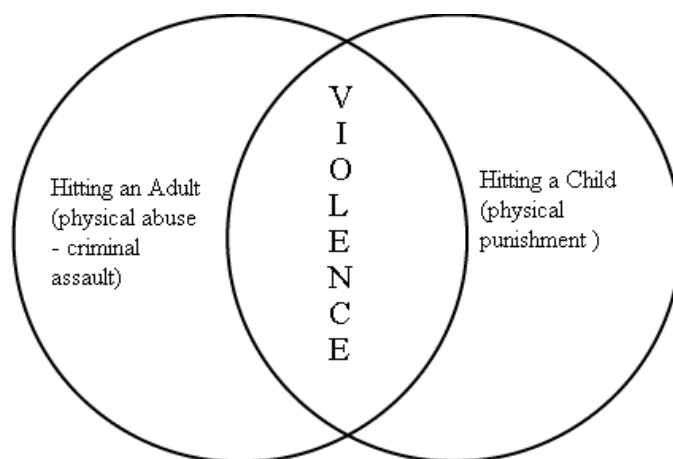
339 of the Criminal Code which previously allowed for the use of physical punishment, as long as it did not exceed 'the bounds of moderation'. The Criminal Code (Amendment No. 3) Act 2014 now provides legal clarity in stating: "...physical punishment of any kind shall always be deemed to exceed the bounds of moderation."¹¹

Arguments against physical punishment

Physical punishment and physical abuse

Many societies justify physical punishment in children but do not accept violence against adults.⁶ Violence is however the common theme between physical punishment and physical assault (Figure 1).

Figure 1: Violence is the common theme for any form of physical assault



Many speak of physical punishment and physical abuse as two separate entities. In reality there is no fine line that delineates the one from the other as reflected in many serious case reviews published in the UK.¹² One of the strongest findings of a meta-analysis of 88 studies reviewing physical punishment and associated behaviours in children found that its use was significantly associated with the risk of parents physically abusing their children.¹³ Since then, a number of other studies have confirmed that the majority of cases of physical abuse occurred as a consequence of the child being physically punished in a way that was retrospectively deemed inappropriate.¹⁴⁻¹⁵ A major UNICEF study of child discipline in more than 30 low- and middle-income countries found that on average 75% of children experienced violent discipline, with 17% experiencing severe physical punishment including being hit with an implement.¹⁶

Many of those who advocate for the use of physical punishment argue that despite them being physically chastised as children, they do not consider themselves to be negatively affected by it'. In a study of 11, 600 adults, 74% of those who were severely physically punished (e.g. kicked, choked or punched) failed to

recognise these acts as being physically abusive which questions the mode of discipline they would use on their own children.¹⁷

Physical punishment as an outlet of parental frustration

Research shows that physical punishment is linked with parental anger and frustration.^{5,18-19} This makes physical punishment very subjective to what the parent is going through during the time the child is misbehaving. Graziano (1996) reports that 85% of a cohort of parents expressed moderate to high anger, remorse and/or agitation during or after physical punishment. Although the majority of parents seemed to justify their actions, 85% of them reported that they would consider an alternative method of discipline.¹⁵

Negative outcomes associated with physical punishment

Gershoff's meta-analysis reported that, although immediate obedience is usually obtained as a result of physical punishment, the child does not learn the desired behaviour and thus it has to be repeated, at times at greater intensity, in order to achieve similar results. Physical punishment has also been associated with a number of other negative outcomes including an increased risk of anti-social behaviour and mental health problems as adults as well as an increased risk of physical abuse to one's partner and/or children.^{1,13,20} The methodological weaknesses in these studies include the fact that researches had to rely on reports from parents rather than from observations. Moreover, there are a number of confounding factors that are not controlled for in these studies. These include the child's initial temperament and other contextual variables such as whether the child is hit repeatedly by a rejecting parent or whether the parent is a loving one who only uses physical punishment occasionally and with reasoning. These factors make it difficult to conclude that physical punishment on its own is a cause of these negative outcomes.

Culture and physical punishment

Culture and religion also play an important role in the use of physical punishment. In America, physical punishment is prevalent amongst 90% of parents especially in the African-American population.²¹ Culture should never be an excuse to under-investigate cases of children who might be victims of physical abuse. This echoes the concern of Lord Laming in his report on the death of Victoria Climbié in 2003 in the UK.²² Many professionals involved failed to act as they attributed her suspicious behaviour and physical evidence to the fact that she came from an Afro-Caribbean culture.

A challenge for many Western countries today, including Malta, is the integration of migrant families

who come from diverse cultural backgrounds and who may have an alternative method of child rearing. Some of these migrants come from war torn countries and may be traumatised in a way that can affect their ability to parent effectively (e.g. being previously tortured or witnessing the death of close relatives) unless provided with adequate support. Thus, a cultural competent approach should be adopted in these situations by trying to understand the family's background and avoid making false assumptions or stereotypes that are not in the child's best interest.²³ One should aim at engaging and educating vulnerable ethnic minority groups. This includes making them aware of what is accepted or not by the legislation of the country they are residing in.

Arguments in favour of physical punishment

Most of the studies that argue in favour of physical punishment report sharp contradictions to the findings of those who advocate against it. A meta-analysis of child outcomes of customary physical punishment showed that non-abusive spanking enhances child outcomes if used within certain boundaries and that the apparent detrimental outcomes of physical punishment have been found for every alternative disciplinary tactic when investigated with similar analyses.²⁴⁻²⁵ A meta-analysis of 70 studies involving over 47,000 participants who were disciplined by physical punishment, did not appear to be at statistically significant risk of developing cognitive, affective and behavioural problems yet the researcher still concludes that as professionals we are ethically obliged to raise the concern of escalation to physical abuse with parents.²⁶ Researchers who advocate that physical punishment can be an effective and needed disciplinary tool, make it clear that in order to do so, it should not reach levels of abuse or neglect which in practice is difficult for parents to understand if not given clear guidance.²⁷

Implications for clinical practice

The results from the published research on outcomes of physical punishment is contradicting, making it difficult to arrive to definitive evidence based conclusions. Some still argue that "no amount of research can undermine parents' right to act on their instincts".²⁸ On the other hand the American Academy of Paediatrics, the Canadian Paediatric Society and the Royal College of Paediatrics and Child Health have all issued recommendations against the use of physical punishment (especially in the younger age group) due to the risk of escalation to physical abuse and instead emphasise on promoting other modes of discipline that are equally effective.²⁹⁻³¹

In a similar manner to how the majority of countries that today do not tolerate any form of violence amongst adults, the 39 countries that have banned the use of physical punishment through the use of necessary

legislation are sending a strong message of zero tolerance towards violence against children. The initiative that started in Sweden back in 1979 has today decreased the incidence of physical abuse and has created a change in mentality.¹ In Malta, this change in law has been a very positive step towards taking a child's right approach against violence in children. However the next challenge will lie in effective implementation of this law whilst also bearing in mind that other modes of discipline can amount to equally damaging forms of abuse such as emotional abuse or neglect if not used appropriately. The ultimate aim in changing the law is not to increase prosecution of parents for minor assaults but to create more awareness towards children's rights and to create a society which does not tolerate any form of violence.⁶

One of our roles as health professionals has to be supporting and engaging all parents, including those from a different cultural background, by educating them on what to expect at different childhood developmental stages and how to use discipline and boundary setting in an effective and nurturing manner. Baumrind's research on the dimensions of parenting has provided evidence in supporting the authoritative parenting model where the child's basic needs are met through care and control. This model aims at achieving the child's maximal potential through high parental affection and expectations in a developmentally appropriate manner.³² Evidence based interventional programmes can help parents achieve this aim. Amongst these one finds individual/group training programmes, self-administrative and multilevel programmes. A successful example of the latter is the Triple P-Positive Parenting Programme that has been established with success in a number of countries that aims to equip parents with the necessary skills to become independent problem solvers with realistic expectations.³³ Through positive parenting, one is promoting the child's overall development within an environment that is non-threatening.

Another key role we have as professionals is to listen carefully to what the child is really trying to tell us. The child making an allegation of being hit must be taken seriously not only from the physical health aspect but also from the safeguarding point of view. This involves delving deeper into what is happening in the context of the home setting, whether other siblings are effected and whether there are any other safeguarding concerns include exposure to domestic violence or other concerning parental factors.

Training in safeguarding children is essential for all professionals who come in contact with children and families and should not be limited only to paediatricians who usually have a leading role. This is especially relevant in Malta where mandatory reporting for child maltreatment has been put forward in a recent Bill

entitled the Child Protection Act, 2014 (out of home care) making safeguarding children everyone's responsibility.

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