

## **The impact of a television current affairs programme on attitudes to physical punishment**

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### **Background**

In early 2005 a father in New Zealand was convicted of assaulting his four-year-old son and was subsequently sentenced to 360 hours community service, required to pay reparation of \$500 and denied further access to the child.

The child's parents were separated. While visiting his father on an access visit the child was seen to have faeces running down his legs. The father "smacked" him with an open hand on a bare bottom and perhaps legs. Later the child's mother, who had custody of the child, found hand marks and bruising on the child's legs and bottom. On the advice of a doctor she made a complaint to the police and the father was charged with assault.

New Zealand has a statutory defence providing parents with some protection in court when they are charged with assaulting children, Section 59 Crimes Act 1961 which reads as follows:

#### ***Domestic discipline***

- (1) Every parent of a child and every person in the place of a parent of a child is justified in using force by way of correction towards the child, if the force used is reasonable in the circumstances.

There is a history of inconsistent decisions being made when section 59 is used in Court as a justifiable "excuse" for assault on a child<sup>1</sup>. What was noteworthy in this case is that the statutory defence did not work for the father and the jury found him guilty. Apparently the jury thought the "punishment" excessive in the circumstance.

The case was subsequently the subject of a television current affairs programme, 20/20. One of the authors of this paper, Beth Wood, appeared in the documentary to argue against the use of physical discipline and for repeal of section 59. An opposing view was also put. The producer of the documentary was adamant that the documentary should be neutral, present the facts of the case and both sides of the physical punishment/repeal section 59 debate. Given this intent we were interested to learn what if any impact the documentary had on the views of people watching it.

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<sup>1</sup> Hancock J, (2003). Review of NZ case law involving section 59 of the Crimes Act 1961 for the Committee on the Rights of the Child. Auckland. Action for Children and Youth Aotearoa. [www.acya.org.nz](http://www.acya.org.nz)

In addition to interviews with a proponent of change (Beth Wood) and a supporter of physical punishment, the programme featured scenes from the court room, and interviews with the father's lawyer, and both parents. It also included graphic photographs of the child's bruises. The documentary disclosed the father's previous history of convictions for violence against the child's mother. It also featured a scene showing the mother's jubilation at her ex-partner's conviction.

The debate about the place of physical punishment and about possible repeal of section 59 Crimes Act 1961 has been a very public one in New Zealand for some time. There has been regular media attention on the issues, with a variety of opinions and information being made public. However little is known about the impact of media publicity on the views of the public. While it undoubtedly draws attention the topic, and perhaps promotes debate, we do not know to what extent the media has played a part in informing the public or changing their views.

The survey reported on below sought to identify the knowledge and views of a small group of tertiary students on physical discipline and the associated law, to identify what informed their views and ascertain the impact of viewing a particular short current affairs programme (about 15 minutes duration).

### **Student survey**

Eighteen students at a tertiary institute volunteered to take part in a survey before and after viewing a video of the current affairs programme. The programme was used with the permission of the television producer. The 18 students gave informed consent. The students were not undertaking study in a field closely related to social policy or child development and would not have previously discussed physical punishment or section 59 as part of course requirements. Students completed a short questionnaire about their views on physical punishment and knowledge of section 59 before viewing the video and completed further questions after the screening to ascertain whether their views had changed and what aspect of the programme made the most impact on them.

The students were aged between 19 and 30. None were parents themselves. One woman was pregnant. There were 7 men and 11 women in the group. The students were not asked to define their ethnicity. The group was observed to be ethnically diverse group and included European New Zealanders, Maori, Pacific and immigrants

### **Student responses before viewing the video.**

***Do you believe that any form of physical punishment – smacking/hitting – has any part to play in disciplining children?***

Four women and one man were definitely opposed to physical discipline of children (one other woman and one other man were uncertain).

*No, I believe that there are other ways of getting around problems. The power of the word is very strong. If a parent starts with giving their child a hit on the bum that child could grow up and believe its ok to give their child a hit on the head.*

Five other students were very clear that smacking was only acceptable in very mild forms.

*I think a smack on a bottom is the absolute last resort to disciplining a child.*

Most participants expressed opposition to harsher forms of physical discipline.

*Abuse is an unnecessary extreme of discipline. The irony is that excess of abuse leads not to good discipline, but to instilling violence, grudge and hatred in the child.*

Those that opposed physical discipline believed it was not necessary and detrimental to a child's behaviour. Other reasons for opposing physical punishment included that physical punishment distressed both parent and child and taught violence.

*Children shouldn't be afraid of their parents.*

Those who supported physical discipline justified it in terms of its value as a child rearing tool or that it does no harm

*I feel that smacking wouldn't go astray every once in a while.*

#### ***What informs these views – why do you hold them?***

Students own experience was a significant factor that informed many views. Of those that opposed physical punishment four had never been physically punished themselves or only very occasionally smacked.

*My own parents never hit me, and they had other ways of teaching good behaviour. Generally I think physical punishment is just the easy way out, without really treating a child as a person or understanding them.*

Students who were opposed to physical punishment also appeared to have thought widely about its use and understood its connection with developmental damage or violence.

*We need to steer ourselves away from the ideas this affirms – the ideology of violence as teaching.*

*Any kind of accepted violence sets a cycle in place; children shouldn't be afraid of their parents.*

*...it might give them a fright and they'll not do it again but it cause serious emotional blocks when they grow up.*

Only one student reported experiencing harsh violence as a child and gave this as a reason not to hit a child. This student reported experiencing fear as a child, a strained relationship with the family and had exhibited rebellious behaviour as a teenager.

Of those who supported the use of physical punishment some had experienced mild physical discipline and believed that had not been harmed by it.

*Because I had little smacks on the bum growing up as a child 'cause I was being naughty. I had been given warnings and I continued to disobey. It put me back on line.*

*I believe children of a young age (2 – 6 years) may need physical punishment – depending on the child. I was hit as a child – no problems. My experience with young children whose parents do not use physical punishment is not good.*

The respondents who saw a place for limited physical discipline in child rearing sometimes justified it as being effective and tended to think about it simply in terms of immediate discipline. One student described it as, *A sure fast way of disciplining a child.*

Another said *It is distressing for a child to be touched in that way for both the child and parent, however the impact usually has the effect of the lesson being learned.*

Two students believed their views were congruent with their cultural values.

Many supporters of smacking were very clear that their support for this form of discipline did not extend to harsh physical punishment or abuse.

*I remember being smacked. Never abused. Abuse is an extreme of the acceptable to me. Abuse is an unnecessary means of discipline.*

*Yes but there is a big difference between a smack and a beating.*

*Not hitting but a little smack on the hand or bum never hurt anyone.*

***What is your knowledge of section 59 Crimes Act 1961 and what are your views about it?***

No student had a good knowledge of section 59. Fifteen students had either never heard of it or said they knew nothing of its provisions. Two students had a little knowledge and one student who claimed knowledge was confused. There was no relationship between knowledge of section 59 and opposition to, or support for, physical punishment.

**Student responses after viewing the video**

***Have your views on smacking or hitting children changed after viewing the video? If yes, please describe how they have changed and how they differ from previously?***

Most students did not change their minds as a result of watching the current affairs programme. There was no relationship between support or opposition to smacking/hitting and the likelihood of changing minds. Of the 5 students clearly against physical punishment one had changed views as a result of viewing the video.

This was change more in favour of physical punishment or personal choice, seemingly brought about by sympathy for the father in the video.

*Although I wouldn't do it, I think it's a matter of personal freedom. When I was smacked occasionally as a child - it was so light it did not even hurt. It was the action of being punished that had the impact – there was no physical violence.*

Some expressed anxiety about parents being prosecuted for smacking a child and or the vagueness of section 59.

*I still feel it needs clearer definition to protect innocent parents and punish guilty ones.*

*Yes I believe section 59 should be properly defined. I still do not believe parents should be judged for disciplining the children, but that bruising, bleeding, hitting around the head or using other implements such as pipes- should be against the law.*

*It needs to be repealed or changed considerably. It cannot remain the same.*

Many reiterated their belief that only mild smacking was acceptable.

*But like I said on the other form, I have a strong understanding of what is a smack, and what is a beating.*

***Do you view section 59 differently after viewing the tape - explain what has changed?***

Seventeen of the students reported an increased knowledge of section 59. One student still felt confused about it. Eleven students believed that it needed to be more specific as to the kinds of force that were regarded as reasonable under the law.

*My understanding of section 59 is a lot more clearer now. I was unaware of the technical jargon that accompanied s59. My initial understanding was that no force could be used. After watching the video I see that it's reasonable force. The question for me now is what is reasonable?*

***What specific aspect of the video made the biggest impact on you and why?***

There was considerable variation in the students' responses to this question.

Eight students expressed concern about the extent of the child's bruising and/or concern for the child's long term well being.

*The impact that had the biggest impact on me was the photo of the child and his bruises. Well it just breaks my heart to see being hurt to that extent.*

*I am interested in what people think needs discipline. This child was smacked very hard for simply soiling himself. In a situation like this the child was*

*probably mortified and embarrassed. He needed comforting more than anything.*

*To know the long-term effect that violence will have on that boy, that little body will hold that experience for many years...its OUTRAGEOUS.*

But many were very distracted by aspects of the parents' relationship and some were critical of the mother's obvious pleasure in her ex-partner's conviction. Others criticised the father having access. (It is very likely that the father's access had been decided by the family court but the students may not have understood that).

*The revelation that the offender had been violent towards his partner – and then allowed access to her son. I found that foolish, shocking and disgusting. I cannot understand why any woman would let an abusive ex get anywhere near her child.*

*I find it interesting that the mother would stay with a man who had abused her in the past, have a child with him and then act surprised that history is repeating itself.*

*I think the mother was fighting a battle of her own and was not for the benefit of her child.*

Some participants indicated some sympathy for the father and felt he was discriminated against because of his past. (The jury would not have had access to the father's history at the time they found him guilty although the judge would have when sentencing).

*Probably the accused partner. I think there is an element of discrimination against men. I wonder if she ever hit him back. I think the court case was more about a broken family.*

*I can understand the parent's point of view who did use punishment and I sympathise with him because I think his punishment was too much.*

*I'd hate to be in that guy's position. I'd be more inclined to use education over regulation.*

Only two respondents referred directly to the father's responsibility for his behaviour.

*...it (the bruises) made it obvious that the man had taken his frustrations out on the boy.*

*How can a grown man presume it is 'reasonable' to exert violence on his son for the good.*

One student believed that the child needed to be physically disciplined.

*The boy was punished for an unhygienic and dangerous action – completely justifies the smacked bottom. I completely agree with the man saying children*

*should not be treated as mini adults – the consequences would be disastrous for children.*

Two expressed discomfort with interference with parent's right to discipline a child.

*I believe the idea of smacking is a parent's prerogative. This was stated by someone in the video. I thought it excessive that people wanted this act to be removed.*

*The bit where the father is talking about his right as a parent to discipline his own child. I too am a believer in this. The child is his and I firmly believe that he does have a right to discipline his own children as does any parent in any form they think fit.*

Other students referred to the need for parent education.

*This child was smacked very hard for simply soiling himself...he needed comforting more than anything...I think a lot of people simply don't know how to deal with children.*

Some students referred to other cases mentioned by the lawyer in the trial and one to the power of the media to "shape" a story.

## **Discussion and Conclusions**

This current affairs programme did not change the views of participants on physical discipline. Neither discomfort with the child's treatment or either parent's behaviour, nor information from presenters led to a change of views in regard to the use of physical punishment.

Student's knowledge of section 59 Crimes Act 1961 increased and when students understood the options for reform there was more support for amendment to define reasonable force than support for full repeal of existing legislation.

Responses from the students that viewed this particular current affairs programme suggested that they were very distracted by the personalities and circumstances of the parents, and the child's predicament. Students were affected by the "human" story that formed a significant part of the documentary. Many appeared uncomfortable about aspects of the story but the focus of the discomfort varied and responses were inconsistent.

The 'sample' of young people was not large, consisting of only 18 in total, nor was it intended to be representative in any way of any particular group of young people. It would be interesting to survey or interview a larger number of more randomly selected young people for an investigation into their views on smacking and the removal of Section 59, and particularly to look at how they are influenced by media presentation of these issues.

Current affairs television is a form of entertainment and it is likely that the goal of "entertaining" with an interesting story will take precedence over the goal of

providing full and balanced information on a topic. In this case an effort was made to briefly present relevant information and views. However, very few students made any reference to discussion points made by commentators and the presenter either for or against physical punishment and repeal of section 59.

It would be of interest to conduct a similar survey with a group of students and expose them to a different media form, say a well informed written opinion piece on physical discipline and section 59.

The authors of this paper were particularly interested in the apparent lack of understanding of the dynamics of male violence<sup>2</sup>, including partner blaming and minimisation, and a readiness on the part of some students to excuse or feel sympathy for the offending parent. This is perhaps a timely reminder of the need to change attitudes and understanding about family violence so that no violence is tolerated and excused. For instance, promoting awareness of the conceptualisation of male violence against women as being grounded in power imbalances between men and women and that research now clearly links spouse abuse and child abuse<sup>3</sup>.

Also of interest is that a significant proportion of the young people, who will form small part of the next generation of parents, approved of physical punishment reminding us of the need for ongoing parent and public education about non-violent discipline and raising questions about timing of such education.

The video of the current affairs programme might form a valuable teaching tool where a group leader had the time to work through the issues it raised with group participants and give further information about the risk factors associated with physical discipline and about the dynamics of family violence, but viewed in isolation the programme did not change views of the participants in this survey.

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<sup>2</sup> Pence E, Paymar M (1993). *Domestic Violence Information Manual: The Duluth Domestic Abuse Intervention Project*. [http://www.eurowrc.org/05.education\\_en/12.edu\\_en.htm](http://www.eurowrc.org/05.education_en/12.edu_en.htm). last accessed 31 Jan 06.

<sup>3</sup> McKay, M (1994). *The link between domestic violence and child abuse: Assessment and treatment considerations* Child Welfare Jan 1994. Vol 73, Iss. 1. P. 29 and Edleson, J (1995) *Mothers and Children: Understanding the Links between Woman Battering and Child Abuse* 1995 Minnesota Center Against Violence and Abuse, (<http://www.mincava.umn.edu/documents/nij/nij.html>) last accessed 30 Jan. 06