

# Just who do we think children are?

An analysis of submissions  
to the Justice and Electoral Select Committee, 2006

## Pilot project

April 2007

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Funding:



**Save the Children**  
New Zealand

## Summary

This research asked key questions of a sample of submissions made to the Justice and Electoral Select Committee in 2006 on the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill. Just over one-tenth of the submissions were selected for analysis: a total of 170. An initial reading of all the 1716 submissions enabled us to classify them into five groups: individual submissions in favour of the Bill; individual submissions opposed to the Bill; organisational submissions in favour of the Bill; organisational submissions opposed to the Bill Random; and unclear or unknown. Random selections from within the first four groups yielded 170 submissions for analysis.

The research asked of each submission: What is the submitter's view of children and childhood? What is the submitter's view of parenthood? In the debate about physical punishment, how do people who oppose and support physical punishment conceptualise childhood?

One view of childhood that is widely held is based on medical and psychological approaches which see children as 'developing adults'. In this view, childhood is seen as a time when people are not yet competent, not yet able to reason, not yet knowledgeable, and in need of constant guidance from adults: in Qvortrup's (1994) summary, as 'human becomings'. A more recent view, developed within sociology and associated with the children's rights movement and new understandings about children's capabilities, focuses more on what children can do and what they already are, rather than what they will become, that is, the focus is on the '*human beings*' rather than the '*human becomings*'. In the 'developing adult' view of childhood where children are seen as 'on the road to adulthood,' their status as children *now* is less important than what they will *become* in the future. For those who view childhood as a time when a person is *already* something, already a full human being and not a '*human becoming*,' their status as children *now* is just as important as their future adulthood.

In this research, we aimed to explore these issues in a New Zealand context. The availability of submissions on the Bill provided us with an opportunity to undertake such research in New Zealand, using documents readily available. The research aimed to discover whether it was possible to identify different philosophical positions around childhood from the submissions on the Bill and, if so, whether there was a relationship between different philosophical positions on childhood and opinions on the Bill. Based on the existing literature and following traditional research approaches, we developed an hypothesis to guide the research; in this case, about the relationship between people's view of children and childhood and their support for or opposition to the Bill. Our questions were: do people who view children as 'human becomings' oppose the Bill and support the use of physical punishment? and: do those who view children as 'human beings' support the Bill and oppose physical punishment?

A list of categories was developed by the team of three researchers for this analysis, and tested and refined over a period of weeks. A template was set up using an Excel Spreadsheet. Quantitative and qualitative data are reported.

Of those submissions where it was possible to categorise the submitter's views of children as either 'human becomings' or 'human beings', the results support the hypothesis that people who see children as 'human becomings' are more likely to oppose the Bill and support

physical punishment, and that those who see children as ‘human beings’ are more likely to support the Bill and oppose physical punishment.

Some submitters also conceptualised children either as innately bad or as innocent. Those who saw children as innately bad were likely to support physical punishment; those who viewed the child as innocent saw the need for the child to be protected. This was also reflected in views on parenting practices, some believing that parents needed to have their authority backed up with force while others saw the need for parents to protect children and model good behaviour to them.

We found that submitters who supported repeal of s.59 were more likely to discuss children’s rights and those who opposed repeal were more likely to discuss parents’ rights. There were also gender differences, with the majority of women submitters in our sample supporting repeal and the majority of men opposing repeal.

We discuss the implications of these findings for the promotion of positive parenting practices that do not support the use of physical punishment.

## **Acknowledgements**

The researchers acknowledge that funding from Save the Children NZ helped make this project possible. We thank Mercy Jumo and Sonya Hogan of Save the Children NZ for their support.

We acknowledge the helpful comments and suggestions received from reviewers Beth Wood and Ian Hassall about the report.

We acknowledge the support of Jenny Neale, School of Social and Cultural Studies at Victoria University, in recommending and supporting Sophie Debski for this research project as part of Sophie's studies for the MA (Applied) in Social Science Research.

## **Declaration**

Marie Russell is a founder trustee of EPOCH New Zealand (End Physical Punishment of Children) and Sue Buckley is also associated with EPOCH New Zealand.

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## Background and approach

### A Bill to repeal s.59

In 2005 a Member's Bill in the name of Sue Bradford (Green List Member of Parliament) was drawn from the Ballot in Parliament. The Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill intended to repeal s.59 of the Crimes Act 1961. S.59 stated:

*Every parent of a child and... every person in the place of the 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.*

S.59 thus provides a defence for parents prosecuted for assaulting their child; the defence being that the parent was using reasonable force for the purpose of correction.

The Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill had its first reading in July 2005 and was referred to the Justice and Electoral Select Committee, which called for public submissions by 28 February 2006.

### Responses to the Bill

There was strong public interest in the Bill. A lively debate was conducted through the print and broadcast media, the internet and public meetings. As the process of receipt and consideration of public submissions by the Select Committee continued throughout 2006 it became apparent that New Zealanders had strikingly different views of children, the nature of their relationships with their parents, the duties of children and parents and the place of children in the world.

While there were diverse shades of opinion, two broad views appeared to emerge. We sought to explore them through analysis of the written submissions.

### The nature of the controversy

Although a number of countries have repealed criminal defences for child assault<sup>1</sup> and some have explicitly banned the practice of physical punishment<sup>2</sup> such moves to repeal laws with similar effect to s.59 have also met with controversy. For example, Trocmé and Durrant (2003) describe challenges to Section 43 of the Criminal Code of Canada on constitutional grounds by advocates of repeal who cite the importance of children's rights and also the negative developmental outcomes associated with the use of physical punishment. The two groups opposing repeal of Canada's Section 43 appear to be religious advocates and parents' rights groups who focus the debate on the rights of parents versus the rights of children and the second group is professionals and service providers who are concerned they could be charged or sued if they use any type of physical force to protect themselves or another child from a disruptive child. There continues to be debate in many countries where physical punishment has not been banned, with both proponents of and opponents to law change raising parents' versus child's rights. Other arguments centre on the effectiveness or otherwise of physical punishment and on the question of criminalising caregivers. These arguments also formed the essence of the debate on s.59 in New Zealand.

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<sup>1</sup> Sweden (1957), Finland (1969), Norway (1972), Austria (1977)

<sup>2</sup> Greece (2006), Hungary (2005), Ukraine (2004), Romania (2004), Bulgaria (2004), Iceland (2003), Israel (2000) Germany (2000), Latvia (1998), Croatia (1999), Cyprus (1994), Austria (1989), Norway (1987), Denmark (1997), Finland (1983), and Sweden (1979)

## Physical punishment in New Zealand

There have been number of studies undertaken on the use of and attitudes towards physical punishment in New Zealand. Generally these have found a high level of tolerance of physical punishment. The Ritchies found in their two studies (1963 and 1977) that while the percentage of mothers who never used physical punishment increased from one to 10 per cent over the time between the studies, the numbers of mothers who used physical punishment weekly or more increased from 35 per cent to 55 per cent (Ritchie 1981:27). Maxwell compared findings from the Ritchies' study of 1977 with some of the same questions in her own study in 1993. She found that the overall acceptance of smacking had not changed significantly (87 per cent agreeing that 'there are certain circumstances when it is all right for a parent to smack a child', compared with 89 per cent in the Ritchie study). But there were quite large declines in the acceptance of parents smacking teenagers (for example a drop from 45 per cent to 25 per cent of participants finding it okay for a mother to hit a teenage son) and a drop from 11 to three per cent who thought it okay for a parent to thrash a child (Maxwell 1993: 11). Carswell found 75 per cent of respondents thought a smack that left no mark was 'acceptable' but six per cent found a smack that left a red mark 'acceptable' (Carswell, 2001). A study conducted in 1998 found that 57 per cent of people agreed that there are certain circumstances when it is all right to smack a child, but 69 per cent agreed that there are better ways to discipline a child than smacking. However, this study also found that over the period from 1995 to 1998 there had been a 'significant movement away from physical punishment' in terms of higher levels of non-acceptance of physical punishment (Children, Young Persons and their Families Service 1998). In a 2005 study 45 per cent of parents reported currently using physical discipline, although a total of 51 per cent of parents (and 21 per cent of caregivers) either currently used, or had used physical discipline in the last three months (Ministry of Social Development, 2005). However, this latter study found that in most cases physical punishment was seen as a 'last resort' discipline strategy and was mostly used infrequently.

The Ritchies' study found that while more mothers used physical punishment in 1977, they were less likely to regard it as effective (14 per cent finding it unequivocally effective in 1977 compared with 41 per cent in 1963) (Ritchie 1981: 27). In the 2005 study (Ministry of Social Development), for those parents who used physical discipline but had not done so in the last three months, 19 per cent had not used physical discipline in this time because they perceived it as ineffective. Notably, only three per cent of parents cited the belief that physical punishment is harmful as a reason for not using it in the last three months. The Ritchies commented on the widespread use of physical punishment in spite of a low level of belief in its effectiveness as indicating a 'deeply entrenched belief system...widely supported in other parts of society and by the ideology of punishment' (Ritchie 1981: 27).

Overall, research on physical punishment in New Zealand shows that while the numbers of people who think it acceptable for a parent to smack a child have dropped slightly, there have been significant changes over time in some attitudes towards physical punishment. The numbers of parents never using physical punishment have increased; the percentage that find it acceptable for parents to hit teenagers has decreased; the percentage that find it acceptable for a parent to thrash a child has decreased and fewer parents are convinced of the effectiveness of physical punishment.

## Ill-treatment of children in New Zealand

If we look at parental rights over children in terms of a spectrum, then one extreme of the spectrum that is particularly dangerous to children is the view that parents are entitled to do as they see fit with their children without reference to any standard based on children's rights, religious doctrine or community customary practices and values.

The level of child abuse in New Zealand is outrageous: of 27 OECD countries, New Zealand has the third highest child homicide rate of children up to the age of 14 (Unicef, 2003). In addition, in the February 2007 Unicef Innocenti Report Card, New Zealand ranked very poorly in Child Health and Safety - 24<sup>th</sup> out of 25 for the OECD countries (Unicef, 2007). Maxwell reported that for children aged two years and over, while most were 'only' smacked, 13 per cent were hit or thrashed and two per cent of parents actually reported using a 'really severe thrashing' (Maxwell 1993:16). In a study of 962 26-year old adults interviewed about their experiences of discipline in childhood, Millichamp *et al.* found that 49 per cent reported being hit with an object and six per cent reported extreme physical punishment (recorded when study members reported more than one instance of: hitting with a strap or hard object that left cuts, lasting bruises, or welts; 'beating up' i.e. out-of-control hitting, punching, knocking-out; choking; sitting on; throwing on floor or against wall etc; sexual violation) (Millichamp *et al.* 2006).

Why New Zealand performs so poorly in taking care of children is not well understood. In the past we have taken great comfort from New Zealand being 'a great place to bring up kids', but most would now agree that this is a myth that needs deconstructing. In fairness to our children, it is time to look at our preconceptions about children and the roles of parents.

## A new view of children and childhood

Views about children arise from cultural and social beliefs, and can change over time within a society. Over recent years, both internationally and within New Zealand, views about children have been undergoing some changes. Previously, children were viewed either in terms of their socialisation into an adult world, or in terms of their development, both physical and psychological, into adults. Socialisation is something that happens to the child, generally an adult-directed process whereby the child is shaped and guided to become a well-adjusted member of (adult) society. In the developmental view of the child, the 'growing child' is understood in terms of her/his progress in the acquisition of emotional and cognitive skills and knowledge.

More recently a new paradigm has emerged that views childhood as a social construction and children as active in the construction and reconstruction of both childhood and society generally (Waksler, 1991; Corsaro, 1997; James and Prout, 1997, Qvortrup, 1994). This sociological view of childhood reconstitutes children as social actors:

*Childhood is recognised as a structural form and children are social agents who contribute to the reproduction of childhood and society through their negotiations with adults and through their creative production of a series of peer cultures with other children* (Corsaro 1997: 43).

This more recent way of thinking about children views them as already fully developed human beings, who have rights, who can and do make decisions about their lives and who contribute to society. Qvortrup further argues that if children are indeed social actors, like adults, then the relationship between adults and children is most likely not regulated philosophically, but by power and interests (Qvortrup 1994). Increasing acceptance of these

views has led to such international developments as the United Nations Convention on the Rights of the Child, and within New Zealand the Agenda for Children and the Youth Development Strategy Aotearoa.

These different ways of viewing children have implications for how children should be raised and what sorts of rights children should have within society. In the ‘developing adult’ view of childhood where children are seen as ‘on the road to adulthood,’ their status as children *now* is less important than what they will become in the future. For those who view childhood as a time when a person is *already* something, already a full *human being* and not a ‘*human becoming*,’ their status as children *now* is just as important as their future adulthood.

For those who see children as ‘human becomings,’ childhood is a time when people are not yet competent, not yet able to reason, not yet knowledgeable, and in need of constant guidance from adults.

Those who see children as fully human take a different view. They see children as active social beings, engaged in everyday real life, able to reason and requiring the same respect that adults receive, as full human beings.

We were interested in these two particular ways of seeing children that appear to co-exist within our own society, and which we thought might affect whether people support or oppose the use of physical punishment.

## Research hypothesis

*As Zimring (1982) has sagely framed the problem, the central issue is not whether we should treat children like adults but instead whether we should treat them like people – and I would add, whether we should do so routinely in everyday life. (Melton 2000: 143)*

Viewing children as social actors and childhood as a structural form has implications for the roles and relationships of parents and children. Adults are no longer seen as all-knowing and all-powerful, and children are no longer viewed as incompetent, ignorant and unable or unwilling to reason, or in need of constant adult guidance in their development towards ‘complete human adults’. In a review of the literature on physical punishment, Phillips and Alderson found two underlying reasons for the apparent anomaly whereby in spite of evidence that smacking is unnecessary and dangerous, smacking is ‘widely practised and accepted in Britain’. These reasons were beliefs that children are ‘human becomings’ rather than full human beings, and support for ‘parents’ rights’ over children’s human rights (Phillips and Alderson 2003: 282).

Following traditional social science research approaches, we developed an hypothesis which we would test through an examination of the submissions. The research hypothesis arose from the notion that acceptance of physical punishment in New Zealand is, at least in part, based on particular ideas about childhood, and particular beliefs about the roles and relationships of parents and children.

Our research hypothesis was that people who advocate the use of physical punishment are likely to conceptualise childhood as a phase of development, where the child is on his/her way to becoming an adult. In this view, children need to be

*reared, raised etc. if they are to become adults just like us, if they are to support the world we've made, if they are to 'outgrow' or 'get over' their childish behaviour* (Waksler 1991:64).

If children are viewed as less than adult, not yet competent and reasonable human beings, or even in some cases, as sinful, then adults have a right and a duty to not only guide but chastise if necessary since the child is unable to be reasoned with and is in need of correction.

On the other hand, we hypothesised that people who see childhood as a complete state in its own right are more likely to reject physical punishment. In this view children are capable, competent, able to understand other perspectives and to respond in sensitive and reasoned ways to other human beings. A children's rights perspective fits within this new paradigm, since here children are perceived as full and complete human beings, who therefore command the same human rights as any other group in society.

In summary, our questions were: do people who view children as 'human becomings' oppose the Bill and support the use of physical punishment? and: do those who view children as 'human beings' support the Bill and oppose physical punishment?

This study uncovers some of the current views of a group of people who have already indicated considerable interest in this topic through their submissions. We believed that an analysis of these submissions could provide an insight into the underlying attitudes and conceptualisations of people who have a strong view about the Bill and about physical punishment.

## **Research approach and method**

### **Objectives**

The objectives of the research were to investigate:

1. How is childhood viewed by proponents and opponents of the Bill?
2. How do the submission authors view the roles of parents and the relationships between parents and children?
3. Are there major differences, and if so, what are they, in how proponents and opponents of the Bill conceptualise children and the roles and relationships of parents and children?

### **Ethics**

As almost all of the submissions are in the public domain, ethical approval was not required. Individual submitters' names are not mentioned in this report. Where organisational names are used, individuals submitting on behalf of those organisations are not identified by name.

## **Issues and problems in research approach and method**

Submissions to Parliament's Select Committees are analysed by Parliamentary staff for the quite specific purposes of the Committees, and summarised in Committee reports. The Justice and Electoral Select Committee report on the Bill was published 20 November 2006 (Parliament: Justice and Electoral Select Committee, 2006). Its quantitative analysis is slightly different from ours, both in numbers and areas reported.

In methodological terms the research was not straightforward. We adopted a mixed methods approach, using content analysis with categories derived inductively from repeated scans of the data. We did not carry out an in-depth search for literature on secondary analysis of submissions to legislators; and our cursory search did not yield any information on this mode of research.

Methodologists writing about secondary analysis of qualitative data describe some of the aspects and problems we faced. Hinds, Vogel and Clarke-Steffen (1997:408) write:

*Secondary analysis is the use of an existing data set to find answers to a research question that differs from the question asked in the original or primary study.*

Heaton writes that among other advantages of secondary analysis, it can be used to *generate new knowledge, new hypotheses, or support for existing theories...and allows wider use of data from rare or inaccessible respondents* (Heaton 1998: 3).

Hinds, Vogel and Clarke-Steffen note a type of secondary research where the researchers 'reanalyze all or part of a data set by focusing on a concept that seemed to be present...' (1997:410). This was certainly the case with our research.

One of the problems referred to by Hinds, Vogel and Clarke-Steffen (1997) and by Heaton is the question of 'fit' 'between the purpose of the analysis and the nature and quality of the original data' (Heaton 1998:4). In this study the degree of 'fit' between the data set and the research questions was poor. From reading and re-reading submissions we developed a large number of potential categories and tested these against other submissions. But while some of the submissions could 'answer' the research questions, many did not; leaving large numbers of our categories coded 'No mention' or 'Unclear/ unknown'.

Submitters did not set out to describe their conceptualisations of children and the parenting role; they were aiming to persuade Members of Parliament to vote one way or the other on proposed legislation. How far, then, could submitters' conceptualisations of children and childhood be inferred from what they wrote? When we tried to do this we found ourselves spending inordinate amounts of time almost at the level of discourse analysis, and there was often disagreement within the team about what a submitter meant. Consequently, we decided to treat the material conservatively and confine ourselves to coding specific language only. If certain 'trigger words' were not present, we did not code the material. This meant that the material could be coded more readily and more reliably.

Another difficulty lay with how many different concepts we wished to track in the submissions. After developing a lengthy list, we reduced it after testing to the key items listed in the Appendix. These cover the following concepts under three main headings:

**Nature of children:** the intrinsic nature of children; children can be reasoned with / explained to / have cognitive ability; status of children within the family unit;

**Nature of parents:** what parents should be like or should do; reasons why people use physical punishment;

**Rights and responsibilities:** parents' rights / responsibilities / duties / obligations / authority; children's rights; state intervention with family affairs; and the need for parenting education campaigns / parenting support.

The categories were difficult to identify and we made many changes before arriving at the final list (see Appendix 1).

A key aspect of the research approach was the coding of both quantitative and qualitative information. While some of the quantitative data may be limited owing to the nature of the

project as secondary research, the qualitative data provide rich material of considerable interest.

### **Quality control**

The data were coded by Sophie Debski and spot-checked by Marie Russell and Sue Buckley, who each checked 10 submissions and made minimal changes. The process of reading and coding each submission was made easier through introducing the use of ‘trigger words’.

## **Methodology**

### **Accessing the submissions**

Altogether, as far as we could tell, 1716 submissions were received by the Clerk of the Select Committee. Almost all of these are available publicly through the Parliamentary Library in Wellington. A small number of submitters requested that their submission be treated confidentially by the Committee and these were thus not available to the researchers.

There were many pages of submissions. As the cost of photocopying these at the Parliamentary Library would be prohibitive, the researchers approached the Green Party of Aotearoa New Zealand office, explained the research and negotiated an arrangement whereby we moved the submissions in lots from Parliament to Victoria University of Wellington, photocopied them and returned them to the Greens’ office.

The electronic database of all the submissions received by the Select Committee was forwarded to the researchers. This database contained the submissions’ identification numbers, the submitters’ names, and the names of the organisations on behalf of which submitters were writing.

### **Sample selection**

The submissions received by the Select Committee came from individual submitters (e.g. family members and citizens) and from organisations (e.g. professional bodies like medical centres, church or advocacy groups).

Once the submissions were photocopied, they were filed according to the numbers assigned by Parliament. They were entered in an Excel database in number order. There were originally 1716 submissions listed in our database. We excluded 25 items, because, on examination we found that some were duplicates which had been either counted twice in error or received twice by the Select Committee, and some were missing. This left 1691 submissions.

Of these 1691 submissions, a total of 139 submissions were excluded from the analysis, for the following reasons:

- 54 were unclear concerning the author’s position on the Bill;

- 62 requested an amendment to the wording of the Bill;

- 23 were missing from the collection made available to us by the Greens.

Thus our final dataset comprises 1552 useable submissions (90% of all the submissions).

Table 1 presents the direction of the submissions in terms of support for and opposition to the Bill.

**Table 1. Submissions supporting and opposing the Bill**

Type of submitter	Support the Bill	Oppose the Bill	Total
Organisations	185	25	210
Individuals	194	1148	1342
<b>Total</b>	<b>379</b>	<b>1173</b>	<b>1552</b>

The pilot phase of the project required an analysis of 10% of the submissions. The purpose of the pilot was to develop categories and the thinking behind them; to test and refine the coding process; to help determine whether or not there were sufficient data for meaningful analysis of all the submissions; and to assess whether or not the research would enable a statement to be made against the research hypothesis.

This research project was undertaken with a couple of underlying criteria:

- The researchers wanted both the views of individual submitters and organisations to be represented. Because of the high proportion of individual submissions compared with organisations' submissions, the former were going to be more prevalent in the sample than the latter.
- The researchers wanted to base their research project on submitters who presented an assured opinion on the Bill (i.e. they either supported or rejected it).

A stratified sample (10% of submissions) was randomly selected by running a short program in Excel:

- 75 individual submissions supporting the Bill were selected out of 194 submissions,
- 75 individual submissions opposing the Bill were selected out of 1148 submissions,
- 10 organisation submissions supporting the Bill were selected out of 185 submissions,
- 10 organisation submissions opposing the Bill were selected out of 25 submissions.

The 170 submissions were then saved into a new Excel spreadsheet to enable researchers to work freely with the sample.

The researchers developed a list of categories to identify characteristics of the submitters. These included:

- Individual or organisation
- Support or oppose the Bill
- Support or oppose physical punishment of children
- Demographic details (if available: gender, age and life stage, city or region, etc)
- Submitter's perspective (as a parent, a professional etc)
- Nature of children
- Nature of parenthood
- Rights and responsibilities of children, parents and Government.

The categories were developed from several sources: inductively from an initial scan of submissions; a reading of Durrant *et al.*'s (2006) categories in a similar project in Canada, and the researchers' existing knowledge.

The researchers tested the draft categories by each separately analysing an initial sample of 10 submissions and comparing codes.

### **Information Required and Coding**

After an initial reading of the submissions, a list was drawn up with the two types of information required by the project (i.e. demographic and conceptual information). For details of coding scheme see Appendix 1.

The demographic section of the ‘questionnaire’ comprised a common core for individual submissions and organisations:

- Classification (e.g. individual submitter or organisation), position on the Bill (e.g. support or oppose), position on the use physical punishment (e.g. support or oppose), perspective taken in the submissions (e.g. parent or professional), number of people included per submission, provision of supplementary information (e.g. press release), number of pages of each submission, and potential use of template (if yes, specify).

Apart from this common core, the following demographic information was also required:

- For individual submissions: gender and life stage of submitter, gender and number of children, noted characteristics of children (if applicable), and submitter’s location.
- For organisation submissions: type of organisation and structure.

A common body of questions was developed for both individual and organisation submissions. These revolved around three areas:

- nature of children and childhood
- nature of parenthood
- rights and responsibilities of children, parents, and the state / government.

A mixed methods approach was used for this research project, whereby quantitative and qualitative data were collected for all submissions (see Appendix 1):

- nature of children and childhood: three sections requiring quantitative information (Q1, Q2 and Q3) and one section about qualitative data (free text – Q4),
- nature of parenthood: two quantitative sections (Q5 and Q6) and one qualitative section (Q7),
- rights and responsibilities of children, parents, and the state / government: four quantitative sections (Q8, Q9, Q10 and Q11) and one qualitative section (Q12).

The codes developed for all the quantitative sections were mutually exclusive except for two sections (Q5 and Q9) where it was possible to record different answers from one submitter (See Appendix 1).

### **Data Entry**

An informal initial study was conducted by the researchers with only 10 submissions in order to check and refine the different sections and codes.

Afterward, each submission of the sample was read individually and all the data within were coded and entered into the Excel spreadsheet.

The coding of the quantitative data involved the development of a standard and logical coding schedule with numbers representing possible answers (code 0 was kept systematically to indicate 'no mention or unclear'). A rigorous explanation of this coding schedule was also developed in order to justify what could be coded from the submissions and how it could be coded – this was aimed at coding the data in a consistent and systematic manner.

The qualitative data were recorded in the appropriate cell of the Excel spreadsheet in order to support the codes used for the quantitative data.

It has to be emphasised that these submissions expressed an opinion about the repeal of s.59 and therefore answered the research question only indirectly. As a result, some submissions provided very little about the conceptualisation of children while others were an abundant source of information about the nature of children and parenting. Another important aspect regarded the coding of some information, as it required interpreting. In order to avoid or minimise misinterpreting the submissions, it was agreed that some of the information would be coded according to the appearance of certain trigger words within the submissions.

## Quantitative Results

### (1) General comments about the 170 submissions in the sample

#### Use of a template

Most submissions (140) are original compositions that express views using a personal style. However thirty submissions used a template. Fourteen submitters relied on the submission written by the Royal New Zealand Plunket Society – they copied it in its entirety or made only slight alterations. In addition to these 14 submissions, there were 16 submissions that relied on seven different templates (e.g. two submissions were the same, thus using one template).

#### Number of signatories

A large majority of submissions have either one signatory on them (142 submissions) or two signatories (22 submissions). There are only a few submissions where more than two people have signed:

- 1 submission with 3 signatories,
- 1 submission with 4 signatories,
- 1 submission with 5 signatories,
- 1 submission with 6 signatories,
- 1 submission with 24 signatories,
- 1 submission with 224 signatories.

#### Supplementary information

An overwhelming majority of submitters (143 individual submitters and 17 organisations) did not provide extra information to support their submissions. Only 10 submitters provided extra information, seven of which were individual submitters, while three were organisations. This supplementary information was mainly photocopies of newspaper clippings and articles provided by the media. Some submitters also provided references to and citations of academic publications.

### Number of pages

A lot of submitters (87) wrote a one-page submission. Other submitters wrote longer submissions:

- Two pages long (32 submitters)
- Three pages long (17 submitters)
- Four pages long (21 submitters)
- Five pages or more (13 submitters).

The total number of pages of our sample is 526 pages (submissions and supplementary information combined). Only a couple of submissions contain a lot of material (one submission is 59 pages long and another is 95 pages long).

## **(2) Brief description of the 150 individual submissions**

### Location

Individual submitters mainly come from large cities and towns (30 in Auckland, 24 in Wellington, nine in Christchurch and eight in Hamilton). The rest of the submitters come from provincial towns (36 in the North Island and 13 in the South Island). A number of submitters (16) were listed as Rural Delivery (North and South Islands). The location of 14 submitters was unknown.

### Submitters' gender

There are 121 submissions signed by only one person, 39 of which were signed by a male submitter and 82 of which by a female submitter. There are 21 submissions that have been signed by two people or more, most of them including one male and one female submitter. For eight submissions, the gender of the submitter is unknown.

### Life stage of submitters

Most submitters who specified their life stage are parents (43) and grand-parents (7). A few submitters are children or teenagers (6). The life stage of a large majority of submitters is unclear (94).

### Submitters' perspective

A large majority of submitters expressed their views as citizens (90 submissions). The second largest group of submitters expressed their views as parents or grand-parents (30 submissions). Some submitters related their opinions from a professional perspective only (10 submissions). A few submitters combined both their professional background and parental experiences to explain their opinion (eight submissions). The remaining 12 submitters reflected on their childhood:

- physical punishment had not been used for five of these submitters whereas it had been used for two submitters,
- for five of these 12 submitters, their reflections on their childhood was combined with their parental experiences.

Notes: the following information was asked but the results were not strong enough to provide a robust and meaningful analysis. As a result, this information was not used.

(1) Only 22 submitters out of 150 specified the number of children they had / were caring for. This number varied from one to three children with only a handful of submitters having / caring for four, five, or six children. The highest number of children was nine (one submitter).

- (2) Only five submitters out of 150 specified the gender of their children.  
 (3) No submitter mentioned any special characteristics about their children (e.g. physical or psychological).

### (3) Brief description of the 20 organisation submissions

#### Location

Most organisations in our sample are from large cities or towns (four in Auckland, five in Wellington, and four in Christchurch). The remaining seven organisations are located in provincial towns (four in the North Island and three in the South Island).

#### Type of organisation

Most of the organisations are churches (seven submissions) and child-focused organisations (six submissions – e.g. child care and child advocacy). The remaining organisations are family-focused (three submissions), general health care organisations (two submissions), women’s group (one submission), and disability-focused (one submission).

#### Structure of the organisations

Some submissions came from the national organisation (seven submissions), others from a regional branch (four submissions). For the majority of the organisations, it was unclear (nine submissions).

### (4) Demographic data analysis and results, for both individual and organisation submissions in our sample

**Table 2. Locations of submitters and their position on the Bill**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
Auckland	19 (56%)	15 (44%)	34
Wellington	23 (79%)	6 (21%)	29
Christchurch	7 (54%)	6 (46%)	13
Provincial N.I.	22 (46%)	26 (54%)	48
Provincial S.I.	4 (29%)	10 (71%)	14
Rural delivery	4 (24%)	13 (77%)	17
No mention	6 (40%)	9 (60%)	15
<b>Total</b>	85 (50%)	85 (50%)	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.005.*

Submitters from Auckland and Wellington tend to be in favour of the Bill (56% and 79% respectively).

Submitters who live in provincial towns and cities of the North Island and the South Island tend to oppose the Bill (54% and 71% respectively).

A large majority of submitters who provided a Rural Delivery address tend to oppose the Bill (76%).

**Table 3. Gender of submitters and their position on the Bill**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
Male (only)	14 (36%)	25 (64%)	39
Female (only)	53 (65%)	29 (35%)	82
Mixed (couple)	6 (29%)	15 (71%)	21
No mention / unclear	2 (25%)	6 (75%)	8
<b>Total</b>	<b>75</b>	<b>75</b>	<b>150</b>

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.003.*

Males who are the only signatories on their submissions tend to oppose the Bill (64% against 36%), whereas females who are the only signatories on their submissions tend to support the Bill (65% against 35%). It is interesting to note that the proportion of males who oppose the Bill is equivalent to that of females who support the Bill (64% versus 65%).

When two or more submitters sign together on one submission (most of the time, it is a mixed-gender couple) they tend to oppose the Bill (71%).

**Table 4. Gender of submitters and their position on the Bill and also on the use of physical punishment (PP)**

	<b>Support the Bill</b>			<b>Oppose the Bill</b>			<b>Total</b>
	<b>Sup. PP</b>	<b>Opp. PP</b>	<b>Unclear</b>	<b>Sup. PP</b>	<b>Opp. PP</b>	<b>Unclear</b>	
<b>Males</b>	0	13	1	17	0	8	39
<b>Females</b>	5	36	12	20	0	9	82
<b>Mixed</b>	0	5	1	13	0	2	21
<b>Total</b>	<b>5</b>	<b>54</b>	<b>14</b>	<b>50</b>	<b>0</b>	<b>19</b>	<b>142</b>

*The gender is unknown for 8 submitters.*

Male submitters who support the Bill also oppose physical punishment, and male submitters who oppose the Bill also support physical punishment.

Female submitters who support the Bill tend to oppose physical punishment, although about one-third do not state their position clearly regarding the use of physical punishment and five clearly support it. Female submitters who oppose the Bill tend to support physical punishment.

Mixed-gender submitters, usually couples, who support the Bill, tend to oppose physical punishment – the reverse is true: if they oppose the Bill, they also tend to support physical punishment.

**Table 5. Number of signatories per submission and their position on the Bill**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
1 signatory	77 (54%)	65 (46%)	142
2 or more signatories	8 (29%)	20 (71 %)	28
<b>Total</b>	<b>85</b>	<b>85</b>	<b>170</b>

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.013.*

Submissions that have been signed by two or more people tend to oppose the Bill (71%). The majority of submissions that oppose the Bill tend nevertheless to be signed by only one person (76% against 23%).

**Table 6. Number of pages per submission and position on the Bill**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
1 page	34 (39%)	53 (61%)	87
2 pages	11 (34%)	21 (66%)	32
3 pages	14 (82%)	3 (18%)	17
4 pages	16 (76%)	5 (24%)	21
5 pages or more	10 (77%)	3 (23%)	13
<b>Total</b>	85	85	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

Submitters who write brief submissions (one or two pages) tend to oppose the Bill (61% and 66% respectively) while those who wrote longer submissions: three or more pages, tended to support the Bill.

Submitters who express their views in detail (three pages or more) tend to support the Bill.

**Table 7. Perspective taken in the submission and position on the Bill**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
Reflection on own childhood	6 (86%)	1 (14%)	7
Reflection as a parent / grand-parent	12 (34%)	23 (66%)	35
Reflection as a professional	24 (89%)	3 (11%)	27
Reflection as a citizen	43 (43%)	58 (57%)	101
<b>Total</b>	85	85	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

Submitters who solely reflect on their own childhood while writing their submission, whether physical punishment was used against them or not, tend to support the Bill (86%, but note that the numbers are very low).

Submitters who reflect on the Bill from the perspective of a parent or a grand-parent whether they mentioned their own childhood or not, tend to oppose the Bill (66%).

Submitters who reflect on the Bill as professionals, whether or not they mentioned their parental experience in the submission, tend to support the Bill (89%).

Submitters who reflect on the Bill as citizens tend to oppose the Bill (57%).

## **(5) 'Conceptual' data analysis and results, for both individual and organisation submissions in our sample**

### Preliminary comments:

- Very few submitters provided information about the intrinsic nature of children: 13 submitters thought that children were bad, wilful, and sinful; six submitters thought that children were good and intelligent; 151 submitters did not mention anything about the nature of children.

- For nine submitters, children did not have cognitive ability and could not be reasoned with, whereas 13 submitters thought that children had cognitive ability and could be reasoned with; the situation was unclear for 148 submitters.
- In 41 submissions, children were considered as ‘human becomings’ whereas in 50 submissions, they were considered as ‘human beings’; the position was unclear for 79 submissions.

**Table 8. Submitter’s position on the Bill and their view on children’s status**

	<b>Support the Bill</b>	<b>Oppose the Bill</b>	<b>Total</b>
‘Human becomings’	2 (5%)	39 (95%)	41
‘Human beings’	48 (96%)	2 (4%)	50
No mention / unclear	35 (44%)	44 (56%)	79
<b>Total</b>	85	85	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

Submitters who view children as ‘human becomings’ tend to oppose the Bill (39 or 95%) and submitters who view children as ‘human beings’ tend to support the Bill (48 or 96%). Among the 79 submitters who did not mention their views on children, there is a slightly higher percentage opposing the Bill (56%) than supporting it (44%).

**Table 9. Position on Bill and children’s rights**

	<b>Legal rights only</b>	<b>Human rights only</b>	<b>Legal and human rights</b>	<b>No mention / unclear</b>	<b>Total</b>
Support the Bill	13 (100%)	17 (81%)	23 (96%)	32 (29%)	85
Oppose the Bill	0 (0%)	4 (19%)	1 (4%)	80 (71%)	85
<b>Total</b>	13	21	24	112	170

*Pearson Chi-Square  $p < 0.0001$*

Submitters who support the Bill were more likely to mention children’s legal and human rights than those who oppose the Bill. Of the 13 submitters who discussed children’s legal rights, all supported the Bill and of the 21 submitters who discussed children’s human rights 17 supported the Bill while only four opposed the Bill. Similarly with the 24 submitters who mentioned both legal and human rights, 23 supported the Bill and only one opposed the Bill. For those submitters who either did not mention or were unclear about children’s rights (112), 32 supported the Bill while 80 opposed the Bill.

**Table 10. Status of children and their rights**

	<b>Legal rights only</b>	<b>Human rights only</b>	<b>Legal and human rights</b>	<b>No mention / unclear</b>	<b>Total</b>
‘Human becomings’	1 (8%)	1 (5%)	0 (0.0%)	39 (35%)	41
‘Human beings’	4 (31%)	13 (62%)	22 (92%)	11 (10%)	50
No mention / unclear	8 (62%)	7 (33%)	2 (8%)	62 (55%)	79
<b>Total</b>	13	21	24	112	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 2 cells have expected counts less than 5.*

Among the 91 submitters who stated their opinion on the status of children:

- submitters who mentioned only the legal rights of children (13 in total) were more likely to consider them as ‘human beings’ (four of the 13) than ‘human becomings’ (one of the 13);
- submitters who mentioned only the general human rights of children (21 in total) also tended to consider them as ‘human beings’ (13 of the 21) rather than ‘human becomings’ (one of the 21);
- submitters who mentioned both the legal and general human rights of children (24 in total) tended to consider them as ‘human beings’ (22 of the 24) rather than ‘human becomings’ (none of the 24).

A large majority of submitters who did not mention anything about children’s rights also either expressed no opinion on children as ‘human beings’ or ‘human becomings’ (55%), or tended to consider them as ‘human becomings’ (35%). Only a minority of submitters who did not mention anything about children’s rights tended to view them as ‘human beings’ (10%).

**Table 11. Position on Bill and parental rights**

	Parents have rights as parents	No mention / unclear	Total
Support the Bill	41 (42%)	44 (60%)	85
Oppose the Bill	56 (58%)	29 (40%)	85
<b>Total</b>	97	73	170

*Pearson Chi-Square p=0.0201*

Of submitters who discussed parents’ rights 42% supported the Bill, while 58% opposed to the Bill. Of submitters who either did not mention or were unclear on parents’ rights, 60% supported the Bill and 40% opposed the Bill.

**Table 12. Status of children and parental rights**

	Parents have rights as parents	No mention / unclear	Total
‘human becomings’	33 (34%)	8 (11%)	41
‘human beings’	32 (33%)	18 (25%)	50
No mention / unclear	32 (33%)	47 (64%)	79
<b>Total</b>	97	73	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

It has to be pointed out that no submitter mentioned that parents do not have rights. Most of the submitters (97 or 57%) clearly mention that parents have rights. They are equally divided between the three categories (children are ‘human becomings’, children are ‘human beings’, and no mention of children’s status). The fact that parents have rights does not seem to be clearly connected to the status of children.

Among the submitters who do not mention anything about parents’ rights, there seems to be a slightly higher proportion of submitters who consider children as ‘human beings’ (25%) rather than ‘human becomings’ (11%).

**Table 13. Status of children and the use of physical discipline**

	All non-religious reasons	Religious reasons only	No mention / unclear	Total
'human becomings'	24 (51%)	8 (62%)	9 (8%)	41
'human beings'	3 (6%)	1 (8%)	46 (42%)	50
No mention / unclear	20 (43%)	4 (31%)	55 (50%)	79
<b>Total</b>	47	13	110	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 2 cells have expected counts less than 5.*

Among the 60 submitters who use physical discipline, a small proportion does it for religious reasons (13 submitters or 22%). The remaining 47 submitters (78%) use physical punishment for non religious reasons (e.g. I lose control, it works, it did not do me any harm etc.).

Among the 36 submitters who use physical discipline and also attribute a status to children, the majority (24 or 67%) tend to view children as 'human becomings' and to use physical punishment for non-religious reasons. A smaller proportion of submitters view children as 'human becomings' and use physical discipline for religious reasons (eight or 22%). Submitters who view children as 'human beings' use physical discipline for non-religious reasons (three submitters or 8%) and also religious reasons (one submitter or 3% of 36 submitters).

Among the submitters who use physical discipline for non-religious reasons (a total of 47), there is a large group who do not mention their views on the status of children (43%) compared with submitters who view children as 'human becomings' (51%).

It is interesting to note that the largest proportions of submitters who use physical discipline also view children as 'human becomings' (52% for all non-religious reasons and 62% for religious reasons). A small proportion of submitters who use physical discipline also view children as 'human beings'

#### **The use of physical discipline and views on state intervention**

Submitters who reject state intervention in family affairs (22 in total or 13%) are only a small proportion of the total number of submitters. The 116 submitters who do not mention their opinion about state intervention represent the majority (68%) and the 32 submitters who accept or tolerate state intervention represent 19%. (See Table 15 in Appendix 3 for details of findings on use of physical discipline and state intervention).

#### **Children's rights and parenting programmes**

Among the 58 submitters who mention children's rights, 36 of them (or 62%) also request parenting programmes and the remaining 22 (or 38%) do not mention anything about parenting programmes. (See Table 16 in Appendix 3 for details of findings on children's rights and parenting programmes).

#### **State intervention and parenting programmes**

Among the submitters who reject state intervention, one out of ten requests parenting programmes (9%) and nine out of ten do not state anything about parenting programmes (91%).

Among the submitters who accept or tolerate state intervention, nearly all also request parenting programmes (94%) and the rest do not mention anything about parenting programmes (6%). (See Table 17 in Appendix 3 for details of findings on state intervention in family life, and parenting programmes).

**Relation between certain words used by submitters and the submitters’ views on the status of children:**

- Certain words do not have statistical significance (there is no relation between the submitters’ use of them and the submitters’ views on the status of children). These words are: *love* (used in 24 submissions), *protect* (used in 21 submissions), *raise* (used in 21 submissions), *teach* (used in 14 submissions), *guide* (used in 14 submissions), *care for* (used in 11 submissions), *punish* (used in three submissions), and *educate* (used in one submission).
- Other words have statistical significance (there is a relationship between the submitters’ use of them and the submitters’ views on the status of children). These words are: *discipline* (used in 85 submissions), *smack/spank* (used in 46 submissions), *train* (used in 26 submissions), *control* (used in 26 submissions), *correct* (used in 20 submissions), *give boundaries* (used in 11 submissions), *nurture* (used in nine submissions), *treat respectfully* (used in eight submissions), and *model* (used in seven submissions).

The table below shows:

- Among the submitters who use the following words, more tend to view children as ‘human beings’ rather than ‘human becomings’: *discipline*, *treat respectfully*, *nurture* and *model*.
- Among the submitters who use the following words, more tend to view children as ‘human becomings’ rather than ‘human beings’: *smack/spank*, *train*, *control*, *correct* and *give boundaries*.

**Table 14. The use of words and their relationship to the status of children**

		‘Human beings’	‘Human becomings’	No mention / unclear	Total
<b>discipline</b>	No mention	16	19	50	85
	Use word	<b>34</b>	22	29	85

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.002.*

<b>treat respectfully</b>	No mention	43	41	78	162
	Use word	<b>7</b>	0	1	8

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.001. 3 cells have expected counts less than 5.*

<b>nurture</b>	No mention	44	39	78	161
	Use word	<b>6</b>	2	1	9

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.029. 3 cells have expected counts less than 5.*

<b>model</b>	No mention	45	40	78	163
	Use word	<b>5</b>	<i>1</i>	<i>1</i>	7

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.043. 3 cells have expected counts less than 5.*

<b>Smack/spank</b>	No mention	48	15	61	124
	Use word	2	<b>26</b>	<i>18</i>	46

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

<b>train</b>	No mention	48	20	76	144
	Use word	2	<b>21</b>	3	26

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

<b>control</b>	No mention	49	23	72	144
	Use word	<i>1</i>	<b>18</b>	7	26

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

<b>correct</b>	No mention	50	28	72	150
	Use word	0	<b>13</b>	7	20

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 1 cell has expected counts less than 5.*

<b>give boundaries</b>	No mention	50	33	76	159
	Use word	0	<b>8</b>	3	11

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 2 cells have expected counts less than 5.*

## Limitations and Safeguards

### (1) Secondary analysis

The submissions used for this research project were in support of expressions of opinion about the repeal of s.59. The submissions therefore answer the question: Do you support or oppose the Crimes Amendment (Abolition of Force as a Justification for Child Discipline) Bill?

The research question set out by this project is different: Just who do we think children are? Therefore there are two problems:

- Not all the information provided by the submissions answers our research question;
- Some information relevant to our research project is not mentioned in the submissions, which explains the presence of 'code 0' in a lot of the categories (code 0 is 'no mention or unclear').

### (2) Content analysis

There is no set standard for the submissions, in terms of layout or content although the Select Committee web page suggests a preferred layout format and a way to organise the submission's content. The analysis of the submissions is sometimes tricky:

- One issue relates to the language, syntax, grammar and spelling used by some submitters;
- Another issue is about the content itself, as the extraction of information requires a preliminary analysis of the submissions' meanings.

In order to minimise misinterpreting the submissions, it was decided to use ‘trigger words’ for some questions – if certain words appeared, the submission would be subject to further analysis.

### **(3) ‘Disciplinarian lens’**

Drawing from the two previous points, it has to be emphasised that the findings about the nature of children, childhood and parenting reported in this document must be understood as viewed through a ‘disciplinarian lens’. People who wrote submissions expressed their views on the use of discipline and its implications.

### **(4) Sample size**

The total sample size is 170 submissions and is composed of 150 individual submissions and 20 organisational submissions. Although most analyses combine both individual and organisational submissions, the sample size is too small to undertake other statistical analyses than the ones reported here.

### **(5) Purposive sample**

The submissions that were selected represented the views of people who either supported full repeal or opposed the Bill. Submissions that supported an amendment, or did not state a position clearly, were discarded.

### **(6) Creation of categories for data analysis**

The creation of categories to extract the data from the submissions required refinement throughout the various stages of the project (e.g. data entry and data analysis). Many categories were created and in view of the type and amount of information that was in the submissions, these categories were re-adjusted.

### **(7) Peer review**

In order to avoid mistakes, each step of the process was reviewed by the researchers. Communication was open and potential problems were discussed and solved.

## **Qualitative results**

Under the three key headings in our list of categories: nature of children; nature of parents; and rights and responsibilities of parents, children and government, we selected short, apt sections of text representing the submitters’ views in a pithy statement. Quotations were not selected from every submission, as some submissions did not say anything that addressed our research questions, and others were very short. Thus we chose quotations from 113 of the 170 submissions.

These quotations were then sorted by hand and key themes were identified. These themes are discussed below, and illustrated by selected quotations. The complete set of quotations is included in Appendix 2.

The themes identified are:

- The essential nature of children
  - Children as vulnerable
  - Children as ignorant and unreasonable
- How children learn
- The purpose and methods of child-rearing
  - The need to control and train children, using force if necessary

- Outcomes of child-rearing
- Views based on religion
- Other views on physical punishment
- Positive, non-violent parenting
- Violence
- Rights
  - Parents' rights
  - Parents' roles
  - Children's rights
  - The roles, rights and responsibilities of government

## The essential nature of children

Submitters arguing on both sides of the issue made many comments about what children are like. These ranged from views of children as sinful and wilful, to reasonable and responsive.

*...it is self-evident how very young children tend to lie, steal, disobey authority, be selfish and self-centred, act in ways destructive of the property of others, without anyone having had to teach them to do such.*

*We believe that every child is born with a sinful (rebellious) nature, and that one of the duties of the parent is to curb rebellious expressions by the child....*

*Children respond to reasoned argument, calm passivity.*

*Small children are not deliberately naughty; they behave in ways that might seem unacceptable because they are ignorant, not having yet learned proper behaviour; because they are curious to find out how things work; because they are yet unable to think rationally about the effects on others of what they do; because they are adventurous; because they are unwell, and physical misery makes it hard for anybody to be sensitive towards others' feelings.*

### Children as vulnerable

Submitters in favour of the Bill and some opposed to it mentioned the vulnerability of children as a special characteristic of childhood. For some this vulnerability indicated a need for adults to protect and defend children.

*Children should not be seen as lesser than adults. They are more vulnerable and therefore more deserving of protection.*

*Children are more vulnerable than most adults, and require care and protection to be provided by their parents and other responsible adults.*

*A child is the most fragile stage of being a human yet section 59 allows adults to use violence against them.*

*We have a responsibility to speak up for those who cannot speak, who are vulnerable and powerless.*

*The concept of children as dependents can have a negative outcome if they are viewed as 'not being whole or complete'.*

*Children are defenceless and dependent on their families and care givers for love and support.*

*Children are... not mature in their development as people and need the protection and guidance of their parents until such time as they are mature enough to fend for themselves in the adult world. This natural authority of parents extends to their discipline also.... It is cruel to children to govern themselves when they are nowhere near ready to do so.*

### **Children as ignorant and unreasonable**

Submitters expressed beliefs about the inability of children to reason and understand, in the context of their needing to be taught how to behave through the use of physical discipline.

*Children do not have the cognitive ability to reason with matters from an adult concept. They must learn how to reason.*

*Children by nature lack the wisdom and self-control needed to survive and prosper in this life, and in the life to come. In fact, they naturally tend to the opposite.*

*How do you reason with a one year old, or 18 months to two and a half? The answer is you can't.*

*Children are children because they haven't yet learned how they ought to behave.*

*Children by definition have not reached maturity nor are they independent or self-governing. They are dependent upon their parents who are responsible to train and discipline the children toward this happy state of independence.*

### **How children learn**

Given the varying views of children's essential nature and cognitive abilities, it is not surprising to find submitters expressing a range of views on how children learn to behave. Some submitters who favour physical punishment indicated that the use of physical pain has a key role in children's learning.

*From the moment babies are born they feel pain and learn to do something about it. They learn cause and effect. Even young children can be gently smacked and they soon learn that their previous action was not acceptable. This response is learned long before they have the ability to think logically and discuss what is right or wrong.*

*Children, from being smacked, will learn boundaries. They will learn these boundaries if they have rules set when they are young.*

Other submitters were clear that children learn from observing, from experimenting, and from the explanations and modelling of appropriate behaviour by their parents:

*Children model themselves on us as parents.*

*Children learn mostly from example, so if they are hit, they will hit others. If they are listened to and treated with respect, they will listen to and respect others.*

*The children are exploring boundaries, making decisions, learning about how friendship works, testing relationships, and developing appropriately as any and every child does. Children learn through imitation.*

*To allow children the 'dignity of risk' to express themselves and challenge boundaries, including boundaries of behaviour, is a natural part of growing up for all children. Disabled children are more likely to be denied that dignity of risk.*

## **The purpose and methods of child-rearing**

Submitters commented on how to discipline children, why this should be done and their reasons and beliefs about it.

### **The need to control and train children, using force if necessary**

Submitters provide an insight into the view that children need to be controlled and trained and that parents can and should use physical force to do this.

*It is a fact that children need physical/corporal discipline for the purpose of correction and training.*

*They [children] should be taught to respect others and to take responsibility for their own actions. This requires bending their wills, which in turn requires force.*

*To teach them and train them some type of limitation and force is necessary. If this is not available to us how can we get our children to do what is in their best interests such as eating good food and putting their seatbelts on.*

*...children need to be forced to do the right thing again and again so that it becomes habitual.*

*Parents will have more control over their children if they are allowed to smack them. They will have more control because yelling at children doesn't always work as the children know you don't always carry out your threat/punishment. Also, people don't always discipline their children by smacking them, so they won't be expecting it.*

*If you cannot use force, you cannot back up your authority.*

*I look at those who do not control their children well as poor parents.*

*Consequently parents will routinely follow up their verbal commands and requirements and prohibitions with physical guidance, restraint, manoeuvrings, manipulations, warnings, pinches, taps or smacks as required.*

### **Outcomes of child-rearing**

Some of the submitters who favoured the use of 'reasonable force' and physical discipline in child-rearing noted the ultimate objectives of child-rearing and child discipline. These ranged from developing 'good citizens' who respect authority, to children who know right from wrong, and who grow up to become 'responsible members of society'.

*Disciplining a child using reasonable force ensures that the child grows up to respect authority and ultimately results in developing a contributing member of society.*

*Respect for those in authority, obedience to the laws of the land, and consideration for other people, are best taught in the home. If children are not taught to respect and obey their parents, they will not respect or obey their teachers at school, or the laws of the land, which will result in more people going to jail.*

*Do not further undermine family... by passing legislation which removes the rights of parents to take authority appropriately in the lives of their children, to shape them as future citizens who know right from wrong and behave responsibly.*

*Parents need to have authority over their children to bring them up to be responsible, functioning members of society.*

There appears to be some ambivalence in submissions opposing repeal of s.59 about the role of the state in family life. On one hand submitters who oppose repeal see themselves as raising children to become responsible, law-abiding citizens. On the other hand numerous submitters object to the State's involvement in their family life, in the form of potentially repealing s.59 and thus telling parents how they may or may not raise their children.

Submitters who favoured repeal wrote of developing people who can think ahead, and be reasonable, loving, responsible and successful.

*If parents calmly and reasonably explain to children why they should not behave in ways that hurt others, endanger themselves and so on, rather than smacking them for being naughty, the children learn to think ahead about how to behave, and a sound basis for life-long reasonableness is early established.*

*All of that scientific evidence [on how to raise a child who becomes a loving, caring, healthy, well-behaved, high-achieving, responsible adult] says that consistently kind treatment is the best way to produce such a person.*

An organisational submission supporting non-violent child-rearing noted a well-known *whakataurangi* about the flax plant as a metaphor for family, and the central place of the child in the family as a current stabiliser, and a channel to the future:

*the survival of the harakeke, a metaphor for whanau, hapu, iwi (family and community) rests upon the protection of the rito or central shoot, which sees the child not only as the progenitor of future generations but central to the stability of the family's structure.*

### **Views based on religion**

Among the submitters opposing the Bill, a considerable number were motivated by Bible-based beliefs about the centrality of physical punishment in child-rearing. Reference was made to 'God's teaching' and to the Bible requiring parents to use force to train their children.

*The Bible clearly upholds the principle of parental authority and the proper use of physical discipline.*

*Use of reasonable force is at times necessary to discipline children and is mandated by God.*

But not all Christian submitters supported this view, having a different view of God, of children's natures and of the use of force:

*Progressive Christians are reclaiming a new theological anthropology that stresses the blessing of children, not their sinfulness. We have particular responsibility to guide them into a mature relationship with God and we cannot do that by fear or violence.*

For some Christian submitters, the right or requirement to use physical punishment with children is so fundamental to the practice of their religion, that they saw the proposal to repeal s.59 of the Crimes Act as posing a threat to their 'freedom of religion'.

*Freedom of religion entails the freedom to practise our faith in our daily lives, including in the way we raise our children.*

### **Other views on physical punishment**

Submitters who see the use of force as necessary in raising children expressed other views about physical punishment. These included justifications of it by an appeal to the antiquity and tradition of physical punishment; its widespread use; and its effectiveness.

*Thousands of families around the country will testify to the fact that the wise use of physical discipline is not an impediment to a loving parent child relationship, but in fact it may well enhance it.*

*Reasonable force has been a time honoured traditional tool for effective child rearing.*

*A controlled, firm and loving process of discipline is necessary for good parenting. Historically this has always included (but by no means limited to) appropriate spanking.*

*[Smacking] has been shown to be effective in curbing disobedient, unruly or potentially delinquent behaviour, especially in children aged 2-6 years, who are not necessarily equipped to process reasoned arguments from their parents.*

Submitters also described when, to whom and how physical punishment should be administered:

*Because the rod is for acts of rebellion, it is not an everyday tool of parenting, but one used only as needed to meet those serious occasions. [...] Smacking is done in private, with the full co-operation, understanding and acquiescence of the child, with judiciously administered, agreed number, measured and purposeful swots to the clothed backside.*

Other submitters who favoured the Bill noted some negative effects of physical punishment, including long-lasting psychological impacts.

*Resorting to violence when the children do something 'wrong' doesn't teach them what it is that I expect from them, it only serves to teach them that violence is an acceptable way to treat others in society.*

*I believe physical punishment either teaches children to use violence to solve problems or in some cases, like mine, destroys the child's feelings of self-worth for a very long time.*

### **Positive, non-violent parenting**

Submitters who favoured the Bill wrote about the advantages of positive, non-violent parenting, in which parents avoid the use of physical punishment and seek other ways to guide their children toward appropriate behaviour. Some of them also explained how to do this:

*We use other forms of discipline to establish clear boundaries and have found even the most difficult children respond to this.*

*Based on our personal experience we can say that physical force is totally unnecessary.*

*If parents calmly and reasonably explain to children why they should not behave in ways that hurt others, endanger themselves and so on, rather than smacking them for being naughty, the children learn to think ahead about how to behave, and a sound basis for life-long reasonableness is early established.*

*I was raised by parents who did not resort to destructive methods of child management. [...] I feel safe and secure in their company. I was taught via the Basic Golden Rule 'treat others as you would have others treat you'. That attitude fostered empathy and personal responsibility for myself and my environment.*

But not all submitters commenting on smack-free discipline found it useful:

*The alternative methods being promoted all create much more resentment in children because they take so long to get over with. A smack deals immediately with the bad behaviour, the correction is given and the relationship restored. Life can go on.*

### **Violence**

Submitters supporting the Bill commented about violence in relation to physical punishment, and people's judgements about reasonable force.

*All the parents I interviewed who have beaten their children believed they had the right to do this. All the parents I interviewed, without exception, said they were disciplining the child.*

*The belief that people are reasonable and as parents can discriminate between assault and discipline is not backed up by evidence. New Zealand has never been a safe country for woman or children.*

*It is high time to send a message to parents and caregivers that all violence against children is unacceptable.*

*Once the status of the child is established as inferior / unworthy, any form of abuse whatsoever is deemed to be acceptable.*

## Rights

### Parents' rights

Submitters mentioning parents' rights were generally advocating physical punishment and opposing the Bill. They discussed the dimensions of parents' right to use physical punishment, some seeing it not only as a right but also as a duty.

*Every parent has had the right since time began to smack their children and bring them up to mind.*

*Every parent, ipso facto, has the right and duty to exercise a correction towards their own child(ren) as the current legislation sensibly defends.*

*We believe this is part of our right and responsibility as parents and is an effective and necessary form of discipline.*

*It is therefore the right of every parent to exercise authority over their children to maintain discipline for their growth and ultimately self-disciplined adults.*

*Adults have a right (and, indeed, a duty) to discipline their children. However, this right is not unrestricted. For instance, adults are not permitted to punish their children in a way that would be considered abusive.*

*We believe this is part of our right and responsibility as parents and is an effective and necessary form of discipline.*

A submitter taking the contrary view noted the disparity in strength and power between parent and child, and the danger in the notion of parents' right to hit:

*Children are in a potentially dangerous situation when a parent thinks they have the right (or duty) to punish by hitting. Surely it is not alright to send children the message that ruling by force is okay, as long as the other is smaller or weaker. It is an absolute abuse of the powerful over the powerless.*

### Parents' roles

Submitters discussed parents' roles. Some opposing the Bill commented on the need for parents to be in authority over their children.

*Parents naturally bear a teacher-student, trainer-trainee, mentor-discipline, greater-lesser relationship to their children.*

*Parents must exercise authority over their children. It is their duty and everyone in society expects them to do so.*

*Parents have a responsibility to bring up their children with guidelines and boundaries. Parents are to be in charge.*

Other submitters, favouring the Bill, noted ways in which parents have moral and legal responsibilities.

*We know that parents are children's first educators and should be teaching their children non-violent ways to express anger or resolve conflict, and lead by example.*

*Though parents are legal guardians of their children and are held responsible for their behaviour, we do not own our children.*

### **Children's rights**

Other submitters wrote of children's rights – rights to the integrity of their own bodies and to be raised in a non-violent way; rights that are equal with those of adults and animals; and rights promulgated in national and international covenants. Some pointed out that children are human beings:

*Children are not property or a commodity but human beings who, while young, need respectful nurture and protection.*

*Children have the right to be protected from physical abuse as much as adults.*

*Children have a right, under New Zealand Human Rights Legislation, to grow and prosper as valued individuals not beaten, suffering trauma.*

*This [NZ signing up of UNCROC] sets out agreed rights to protection, entitlements and freedom for children and covers everyone under 18 years of age.*

*Our children deserve the same rights currently afforded to adults and animals in New Zealand.*

*They are dependent on others to enact their rights, and they have autonomous and additional rights because of their vulnerability.*

Child submitters wrote that they have a right to express their point of view:

*As a child we should have a right to say what we think as adults are not the ones getting abused, we are.*

But some submitters disliked the notion of furthering children's rights:

*Children today do not need more rights. They need more respect for authority and realise consequences for their actions.*

### **The roles, rights and responsibilities of government**

Some submitters who opposed the Bill and favoured physical punishment expressed the view that Government should not interfere in family life.

*New Zealand parents are capable of determining what is reasonable force and that this is not the business of government.*

*The discipline and upbringing of a child is the responsibility of parents, not the State, and it needs to remain so.*

*The raising of children must remain the responsibility of loving parents, and not become the responsibility of the State.*

On the other hand, submitters seeking repeal of s.59 of the Crimes Act wanted government to intervene, and to take responsibility for positive, non-violent parenting programmes.

*The government should be making laws to support children to have positive and safe upbringings.*

*It would send a clear message that the Government expects parents to learn how to discipline their children in a positive way and that violence towards children is unacceptable.*

*Governments should convey consistent messages about the unacceptability of physical punishment.*

## **Discussion**

We expected that in general those submitters who advocated physical punishment would oppose the Bill and those who supported the Bill would oppose the use of physical punishment, so that stance on the Bill could be used as a proxy for stance on physical punishment. This is borne out in the submissions as none who opposed the Bill opposed physical punishment and only five who supported the Bill clearly stated that they also supported physical punishment – see Table 4 above.

## **Position on Bill and demographics**

Looking at some of the demographic features, submitters who lived in large cities were more likely to support the Bill and the majority of those who lived in small towns and provincial cities opposed the Bill. Males who submitted alone were more likely to oppose the Bill (64% cf. 36% support), while females who submitted alone were more likely to support the Bill (64% cf. 35% oppose). When males and female submitted together, they were more likely to oppose the Bill. Where there was more than one signatory to a submission, most were opposed to the Bill (29% supported and 71% opposed).

A number of explanations can be ventured for the geographic differences. Possibly those living in smaller towns and cities felt more threatened than those living in large cities by what they considered to be state involvement in their lives and certainly some of those who opposed the Bill expressed views about the raising of children not being the business of government. However, only a small number of submitters mentioned this, and further research would be required to explain these differences. The gender differences are interesting, particularly given that women are generally still the primary caregivers and spend more time with children than do men in most families. Assuming that many of the female submitters are also, or have been, caregivers of children, there was a significant majority happy to see physical punishment removed from the range of available parenting tools. The reverse numbers for men supporting physical punishment would seem to indicate that either there are other reasons for men wanting to retain the use of physical punishment, or that they are more likely to want to retain the use of physical punishment in their parenting ‘toolbox’.

Other research has found comparable gender bias in support of physical punishment. In their 1977 survey the Ritchies found that twice as many fathers as mothers saw physical punishment as ‘unequivocally effective’ and that 50 per cent of men considered they were doing the right thing in using physical punishment compared with 29 per cent of the women (Ritchie 1981:28). In Maxwell’s study, there were similar numbers of men and women who thought it was okay for a parent to smack a child (88 per cent of men and 87 per cent of women) but greater numbers of men thought ‘hitting/thrashing was okay sometimes’ (40 per cent of men, 21 per cent of women) and more women than men thought ‘smacking was okay but not hitting or thrashing’ (49 per cent of men, 66 per cent of women) (Maxwell 1993:11).

More submitters reflected on their position as parents or grandparents than on their own childhoods or status as professionals and those who presented their arguments as parents or grandparents were much more likely to oppose the Bill than support it. This is not surprising given that people are likely to reflect on their own experiences as parents for an issue that so closely affects parents. However, more women than men supported the Bill, and currently more women than men tend to be the primary caregivers. Some research highlighting gender differences has been undertaken (for example Ritchie and Maxwell above) but further investigation that looks specifically at the relationships between gender, involvement in caring for children, and the use of discipline (with and without physical punishment) may prove interesting. Of those who reflected on their own childhoods, while only a small number, by far the majority supported the Bill. These submissions often spoke of the very damaging after-effects from physical punishment on them and their family relationships, so it is not surprising that they should feel the need to become politically involved in the issue.

Professionals were much more likely to support than oppose the Bill, possibly indicating that their work prompts them to recognise the imperative for change. The largest group argued as ‘citizens’ and were more likely to oppose than support the Bill.

## **Children’s status**

Our original hypothesis was that people who advocate the use of physical punishment are likely to conceptualise childhood as a phase of development (‘human becomings’), where the child is on his/her way to becoming an adult, while people who see childhood as a complete state in its own right (children as ‘human beings’) are more likely to reject physical punishment. We found this was supported in the data with most of those who viewed children as ‘human becomings’ opposing the Bill. Conversely, most of the submitters who viewed children as ‘human beings’ supported the Bill.

Similarly, we found that submitters who mentioned children’s legal rights, human rights or both, were far more likely to support the Bill. Moreover, the majority of submitters who did not mention children’s rights (or were unclear) opposed the Bill.

While there was still a large number whose submissions did not reflect any position on children’s status (79/170), the clear differences in views on children’s status amongst those who supported and opposed the Bill indicates that view on children’s status is strongly correlated with position on physical punishment. Moreover, for those submitters who stated a position on the legal and human rights of children, supporters of the Bill hold a ‘rights’ view of children in society which is not held by those who oppose the Bill .

The relationship between these two views of children – a ‘rights’ view and the view of children as ‘human beings’ - was also investigated. We looked at submitters’ views of

children and their comments on children's rights. We found that submitters who mentioned children's rights (human and legal) were far more likely to have also written about children as 'human beings' than 'human becomings'. In particular, of those who mentioned both human and legal rights for children, almost all viewed children as 'human beings'.

We looked at status of children and religious/non-religious reasons for supporting the use of physical punishment and found that of those submitters who supported the use of physical punishment for religious reasons only (13 submissions in total), most viewed children as 'human becomings'. Of those who supported the use of physical punishment for all other (non-religious) reasons (42 submissions in total), most viewed children as 'human becomings' and very few viewed children as 'human beings'.

Submitters who viewed children as 'human becomings' sometimes saw them as 'innately bad' or sinful and that parents must apply discipline by force if necessary in order to alter their behaviour or character. Others saw children's natural state as one of innocence.

Submitters who viewed children as 'human beings' were more likely to see children as vulnerable, and to discuss children's rights.

## **Parental rights**

Of the submissions that discussed parental rights most opposed the Bill and of those that did not mention parental rights, most supported the Bill. No submission stated that parents do not have rights and many submissions mentioned parents' rights. Those who mentioned parental rights were equally split between viewing children as 'human beings' and 'human becomings,' although those who did not mention parental rights were more likely to view children as 'human beings' than as 'human becomings'.

Nothing useful can be drawn from this in making a distinction between our two hypothesised groups. However, it is an interesting commentary on the relative status of children and adults that 57% of submissions should mention parents' rights while only 34% of submissions mentioned children's rights, on a topic that has such significance for children.

Submitters who supported physical punishment often saw the use of physical punishment in terms of parents' rights, that it is part of parental authority over children – an authority that was seen to have historical and religious legitimacy.

## **Role of the State**

Only a small proportion of submitters stated that they reject state intervention; most submissions did not give an opinion about state intervention. Of those that did reject state intervention, the majority supported the use of physical punishment for religious reasons. Submitters who opposed the Bill for religious reasons sometimes discussed a religious imperative to use physical discipline and how this would contradict any state measures that prohibited physical discipline.

Submitters who were opposed to 'state intervention' argued that the government or politicians had no business in parenting. Others who supported physical punishment sometimes saw the state (through s. 59 of the Crimes Act) as protecting parents' rights to use physical punishment. Submitters who supported repeal saw a role for the state in protecting children.

## Parenting programmes

We were interested in whether submitters mentioned parenting programmes and whether they supported the need for them. Most submitters did not mention parenting programmes, but of those who did say they were needed, most also mentioned children's rights. Unsurprisingly, of those submitters who stated that parenting programmes are needed, only two submissions also rejected state intervention.

## Use of language

In order to analyse the submissions we categorised people's views on themes according to certain 'trigger' words used in submissions. We found that there was a relationship between the use of some of the 'trigger' words and submitters' views on children as 'human becomings' or 'human beings' (Table 17). More submitters who expressed views of children as 'human beings' used the words 'discipline', 'treat respectfully', 'nurture', and 'model', while more submitters who expressed views of children as 'human becomings' used the words 'smack/spank', 'train', 'control', 'correct' and 'give boundaries'. The use of these words appears to reflect a different view of what needs to be done with children.

In the qualitative analysis we found that some submitters expressed strong views of children as 'sinful' or 'rebellious' by nature, while others found them to be 'vulnerable' or 'defenceless' and in need of protection. Most times those who saw children as 'sinful' by nature went on to argue in support of the use of physical punishment. However, while there was a relationship between support for the use of physical punishment and views of children as 'human becomings', there were also submitters who discussed children as 'human becomings' but did not support physical punishment. There was also a view of children as exploring, adventurous, still ignorant, but needing guidance or education rather than punishment in order to learn how 'they ought to behave'.

There appear to be two dimensions to adult attitudes towards children, one about the essential nature of the child, whether good or bad, and one about the status of the child, whether a potential adult or already a complete human being. Further research that looks at adult views of the child – whether children are viewed as neutral, neither good nor bad, or as 'bad/sinful' and needing correction – and subsequent beliefs about the roles of parents and parenting techniques could be a fruitful avenue to follow. In addition, the relationship between views of the child as a developing adult or a complete human being also warrant further exploration for their implications on parental roles and parenting techniques.

## Raising children

Those submitters who supported physical punishment often regarded children as too young or not yet able to 'think logically' or to understand 'reasoned argument'. However children could understand pain and cause and effect, and smacking was necessary to show them boundaries of behaviour. Other submitters, who also saw children as not yet able to understand, saw them as vulnerable, in need of protection, and as using exploration and testing of relationships in order to find out about the world. Both views reflected the child as a 'developing adult' but had quite different views about how children went about learning to become adult.

Views on how children learn were reflected in views on the purpose and methods of child-rearing. Some submitters saw the need to 'correct' or 'bend the wills' of children, to 'force' them to do the right thing and several discussed the need for parents' 'authority' to be backed

up with force. Others however discussed the need and duty of parents to ‘protect’ their children, and their responsibility to ‘praise and encourage good behaviour’ with parents acting as ‘good role models’ and ‘leading by example’.

There were also views of child-rearing that clearly attributed ‘reasonableness’ to children. These were expressed in support of non-physical methods and suggested children were well able to understand explanations about proper behaviour: ‘if parents calmly and reasonably explain to children why they should not behave in ways that hurt others, endanger themselves...the children learn how to think ahead about how to behave...’ and ‘by using approaches such as encouragement and praise to reward the behaviours I want them to repeat, my children know exactly what I as their parent expect’.

While most submitters who described religious views found these supported the use of physical punishment there were alternative views, with some arguing that fear or violence has no part in a ‘mature relationship with God’.

There were differing views expressed on the desired outcomes of child-rearing, with those opposed to the Bill more commonly describing the good outcome as the adult who ‘respects authority’, is ‘obedient to the laws of the land’, a future citizen who knows right from wrong and behaves responsibly. Those who favoured repeal were more likely to describe ‘lifelong reasonableness’ or ‘a loving, caring, healthy’ adult. Sometimes views on the outcomes of child-rearing seemed to express almost a fear that chaos will ensue unless parents are able to exert authority over their children, that such parenting would lead inevitably to irresponsible, disrespectful, aggressive and even criminal adults.

Others who were opposed to the use of physical discipline expressed equally strong views that children should be protected from the negative effects of physical punishment, that they should be treated with the same respect as adults and animals.

Submitters who opposed the use of physical punishment sometimes commented on the relationship between violence and physical punishment, either viewing physical punishment as a form of violence like any other, or seeing physical punishment as a risk factor for assault and abuse of children.

Those who supported the use of physical punishment often commented on the need to use force ‘in its many forms’ including physical punishment, to exert their authority, but also believed that smacking was a preferable method to many others; arguing that it dealt immediately with the behaviour or even improved the child-parent relationship.

### **Implications of the findings**

The analysis we used in this study focused on looking for adult views of children, childhood and the rights and roles of parents. We found that our hypothesis that people who view children as ‘human becomings’ are more likely to support the use of physical punishment and those who view children as ‘human beings’ are less likely to support physical punishment is supported by this research. Moreover, those submitters who were opposed to repeal of s.59 were more likely than others to discuss parents’ rights, while those who supported repeal were more likely to discuss children’s rights.

New Zealand is a signatory to the United Nations Convention on the Rights of the Child (UNCROC). One of the key principles for government policy and practice as outlined in the

Ministry of Social Development's (2002) Agenda for Children is that policies and practices should be consistent with the Convention. The UN Committee on the Rights of the Child has on two occasions (1997 and 2003) recommended that New Zealand repeal s.59 (Global Initiative to End all Corporal Punishment of Children). To meet our international obligations and to recognise that physical discipline harms children (Smith *et al.* 2004), there is a clear need to promote non-violent methods of child-rearing.

There are implications from our findings for people who work with families and children. The first of these is the potential for promoting views of childhood as a state of being rather than a state of becoming. If children continue to be viewed as in a state of 'becoming', they are more vulnerable to abuse and also to treatment that is less respectful than that which is available to adults. Children who are viewed as full 'human beings' are more likely to command the same respect as adults. Waksler (1991) describes how the view of the child as developing into something implies that children are lacking (language ability, maturity etc.), have less experience, and are less serious, less important etc. than adults. Such a view of children as 'less than adult' has implications for how parents might treat children, how they might interpret children's behaviour and for the sorts of parenting techniques they might find appropriate.

It also has rights implications. A view of children as 'not yet something' or as 'developing adults' is likely to imply that children's rights are somehow lesser than adults' rights. This was confirmed in the findings that those who support the repeal of s.59 were more likely to consider children's rights than others and that those who oppose repeal were more likely to consider parents' rights. Save the Children New Zealand and many other child- and family-support agencies advocate for children's right to live free from violence and abuse, in accordance with UNCROC. They see physical punishment and the law that provides an excuse for hitting children as part of the spectrum of violence inflicted on children.

The Agenda for Children notes 'the concept of 'children's rights' is not well understood. For example, children's participation rights are often seen as undermining parents' power' (Ministry of Social Development, 2002:14). Our findings suggest that the promotion of children's rights as being at least equal with those of adults is likely to develop alongside a view of children as complete 'human beings' who make equal contribution with adults to the on-going development of society.

There were significant gender differences in the findings with women much more likely than men to support repeal and oppose physical punishment. This is particularly interesting in view of the fact that women are still the primary caregivers in most families. It also has implications in that there is clearly a need to address men's beliefs about children and child-rearing and to work specifically with men if positive, non-physical parenting techniques are to be promoted.

Janet Fanslow, in her report on key issues and directions for family violence work, suggests that to make advances in preventing family violence, one of the tasks for research is to 'unpack core beliefs that can underpin violent behaviour' and 'help to work through conceptual issues' (Fanslow, 2005:86). Fanslow reports the 'Community Readiness Model', which identifies stages of community preparedness for change in terms of social marketing. It 'provides a framework for assessing the social contexts in which individual behavior takes place and measuring changes in readiness related to community-wide efforts' (Kelly *et al.* 2003:411-2). Nine stages of community readiness are listed:

- No awareness
- Denial/ resistance
- Vague awareness
- Pre-planning
- Preparation
- Initiation
- Stabilization
- Confirmation/ expansion
- High level of community ownership.

Findings from our research suggest that while many of the submissions reviewed show their authors are aware of and concerned about child abuse, those opposed to repeal of s.59 consider physical punishment is entirely distinct from, and does not in any way lead to, child abuse. Many consider physical punishment is absolutely necessary in child-rearing. If we are to move towards positive, non-violent ways of child-rearing, these findings suggest such submitters could be considered in the denial/ resistance stage. Kelly *et al.* suggest strategies to address denial/ resistance, and no or vague awareness, including ‘interpersonal contacts and media advocacy to build awareness, legitimacy and a core group of supporters within the community’ (Kelly *et al.* 2003:417). In view of the gender differences we found in the support of physical punishment, these strategies should also be addressed to men in particular.

There were some submitters who had a view of children as ‘innately bad’ or as sinful. Others viewed children as ‘innocents’. These views of children clearly have implications for the promotion of non-physical child-rearing. One can easily see how viewing a child as naturally naughty logically and easily leads to the belief that he/she ‘deserves’ to be smacked. However, a view of the child as both exploring and actively and creatively contributing to the development of the social world around them, leads easily to quite different parenting approaches.

Some submitters reflected on their own childhoods in support of their opposition to physical punishment. They reflected on the great harm it had caused to them and their family relationships. The reflections of this group sometimes described how they had felt as children when being hit by their parents. These were descriptions that were not tempered by ‘adult’ interpretations, but sprang fresh from the child’s feelings at the time. We suggest that reflection on one’s own childhood, particularly on the ‘feelings’ of being a child, might be an illuminative process for taking people back into the worlds of the child. It is easy as adults to impose an adult interpretation on our own upbringings, such as: ‘it never did me any harm’, and ‘I probably deserved it’. However, finding the child’s feelings in this reflection is more likely to encourage parents to understand the world from children’s points of view, and lead to greater respect for and understanding of children.

Currently government and non-government parent education programmes support ‘positive parenting’ approaches. These explicitly or implicitly emphasise alternatives to physical punishment and encourage parents to avoid smacking or hitting children. The programmes generally aim to persuade parents to use alternative methods on the basis that they work well in terms of creating happy family life and well-disciplined children. In general, these programmes assume that parents *want* to find new ways of disciplining children. While the positive parenting approach might work well with such parents, it does not address those parents and community members who believe that children need to be physically disciplined.

In order to shift public opinion we need to understand more about why people hold the views they do, and whether they are amenable to new information about non-violent approaches in parenting. For those parents currently reluctant to forgo physical punishment, an educative approach that appeals to their deepest conceptualisations about children and parenting is likely to have greater success than one that concentrates solely on changing behaviour.

In their review of parenting programmes for the Families Commission, Kerslake Hendricks and Balakrishnan (2005) cover geographical communities and different types of parenting programmes but do not address communities of interest such as religious groups where parenting is promoted which involves or requires physical punishment. They note, however, that '[p]arenting programmes in isolation cannot address well-established patterns of inappropriate parenting....' (Kerslake Hendricks & Balakrishnan, 2005:4). We suggest that the active promotion in society of a view of the active, creative, contributing child would make a major contribution to changing the place children have in society as well as to the patterns of parenting.

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## Appendix 1: Categories and Coding

<p><b>Research questions</b></p> <ol style="list-style-type: none"> <li>1. What is the submitter's view of children and childhood?</li> <li>2. What is the submitter's view of parenthood?</li> <li>3. In the debate about physical punishment, how do people who oppose and support the Bill conceptualise childhood?</li> </ol>	<p><b>Sample for the pilot study</b></p> <p>Total of <b>170 submissions</b> (about 10% of the total number of submissions received):</p> <ul style="list-style-type: none"> <li>▪ 150 individual / family submissions (75 in favour of repeal and 75 against)</li> <li>▪ 20 organisation submissions (10 in favour of repeal and 10 against)</li> </ul>
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### Categories and coding

**A Submission number**

**B Classification**

- 1 Organisation
- 2 Individual / family submission (as opposed to organisation)

(1) Organisation submission	(2) Individual submission
<p><b>C Position on Bill</b></p> <ol style="list-style-type: none"> <li>1 in favour of repeal / Bill</li> <li>2 oppose repeal / Bill</li> <li>3 amendment / rewording of s.59</li> <li>0 no mention / unclear</li> </ol> <p>D Position on physical punishment/ smacking</p> <ol style="list-style-type: none"> <li>1 oppose smacking</li> <li>2 in favour / support smacking</li> <li>0 no mention / unclear</li> </ol> <p><b>K Organisation – type</b></p> <ol style="list-style-type: none"> <li>1 church</li> <li>2 human rights etc</li> <li>3 health Care</li> <li>4 child focus – childcare/advocacy</li> <li>5 family focus</li> <li>6 education</li> <li>7 legal</li> <li>8 women's groups</li> <li>9 men's groups</li> <li>10 other (specify)</li> </ol> <p><b>L Organisation – structure</b></p> <ol style="list-style-type: none"> <li>1 national office</li> <li>2 regional/ Branch</li> <li>0 no mention / unclear</li> </ol>	<p><b>C Position on Bill</b></p> <ol style="list-style-type: none"> <li>1 in favour of repeal / Bill</li> <li>2 oppose repeal / Bill</li> <li>3 amendment / rewording of s.59</li> <li>0 no mention / unclear</li> </ol> <p><b>D Position on physical punishment/ smacking</b></p> <ol style="list-style-type: none"> <li>1 oppose smacking</li> <li>2 in favour / support smacking</li> <li>0 no mention / unclear</li> </ol> <p><b>E Gender</b></p> <ol style="list-style-type: none"> <li>1 male</li> <li>2 female</li> <li>3 other (group)</li> <li>0 no mention / unclear</li> </ol> <p><b>F Life stage of submitter</b></p> <ol style="list-style-type: none"> <li>1 Parent</li> <li>2 Grand-parent</li> <li>3 Step-parent</li> <li>4 Foster parent</li> <li>5 Child/ Youth (under 20)</li> <li>6 Sibling</li> <li>7 Aunt/uncle</li> <li>0 no mention / unclear</li> </ol> <p><b>G Gender of child/ren</b></p> <ol style="list-style-type: none"> <li>1 male</li> <li>2 female</li> <li>3 mixed gender</li> <li>0 no mention / unclear</li> </ol> <p><b>H Number of children</b></p> <p>Write the number If unknown/unspecified, write NA</p> <p><b>I Noted aspects of child/ren</b></p> <ol style="list-style-type: none"> <li>1 Disabled, behavioural and clinical issues</li> <li>2 Perception of “normal” child</li> <li>3 Both</li> <li>0 no mention / unclear</li> </ol> <p><b>J Location</b></p> <ol style="list-style-type: none"> <li>1 Auckland (incl. surrounding “suburbs”)</li> <li>2 Hamilton</li> <li>3 Wellington (incl. L. Hutt, U. Hutt, Porirua)</li> </ol>

	4 Christchurch 5 Dunedin 6 Provincial city / town North Island 7 Provincial city / town South Island 8 RD Rural delivery 0 Address unknown
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**M Perspective**

- 1 Reflection on own childhood – physical punishment used
- 2 Reflection on own childhood – physical punishment not used
- 3 Reflection on own childhood AND as a parent/grandparent etc
- 4 Reflection as a parent/grandparent etc
- 5 Reflection as professional
- 6 Reflection as professional AND parent
- 7 Reflection as citizen (by default)

**N Supplementary information**

- 1 yes
- 2 no

**O Total number of pages in the submission (including supplementary info)**

**P Number of people included in one submission**

**R Type of template used, if applicable**

- 1 template X (to specify later when all templates have been sorted out)
- 2 template Y
- 0 no template used (personal writing)

**CATEGORIES**

**Nature of Children**

**1. Intrinsic nature of children**

- 1 They are bad, wilful, sinful, naughty, disrespectful, they deserve physical punishment...
- 2 They are good, intelligent, eager to learn, knowledgeable, they want to please their parents...
- 0 No mention / unclear

**2. Children can be reasoned with / explained to / have cognitive ability**

- 1 Yes (they know right from wrong, good from bad)
- 2 No (they don't know right from wrong, good from bad)
- 0 No mention / unclear

**3. Within the family unit, children have the following status**

- 1 they are "objects" ("human becomings")(see below for trigger words)
- 2 they are "subjects" ("human beings") (see below for trigger words)
- 0 No mention / unclear

<p><b>Children as object</b>  <i>Children need training</i>  <i>Children can't be reasoned with</i>  <i>Children can't think for themselves</i>  <i>Children need punishment to learn</i>  <i>Children don't know right from wrong</i>  <i>Children are bad/ sinful / wilful</i>  <i>Children need to be controlled</i>  <i>Children deserve physical punishment</i>  <i>Children don't know what's good / bad for them</i></p>	<p><b>Children as subject</b>  <i>Children can reason</i>  <i>Parents can explain things to children</i>  <i>Children know right from wrong</i>  <i>Children can learn</i></p>
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**4. Free text section: other comments not elsewhere coded about nature of childhood**

## Nature of Parenthood

### 5. Parents should (*look for the following trigger words*):

- 1 Control their children
- 2 Give their children boundaries (e.g. between what is acceptable and what is not)
- 3 Train their children
- 4 Discipline their children
- 5 Punish their children
- 6 Love their children
- 7 Guide their children
- 8 Teach their children
- 9 Model (good behaviour) to their children
- 10 Have fun with their children
- 11 Treat their children respectfully
- 12 Raise their children
- 13 Nurture their children
- 14 Protect their children
- 15 Educate their children
- 16 Smack / spank their children
- 17 Other – specify
- 18 Correct
- 19 Care for
- 0 No mention / unclear

### 6. It is okay for parents to use physical punishment with children

- 1 For all non-religious reasons
- 2 For all religious reasons
- 0 No mention / unclear

### 7. Free text section: other comments not elsewhere coded about nature of parenthood

## Rights and Responsibilities of Parents, Children and Government

### 8. In raising children, parents have rights / responsibilities / duties / obligations / authority

- 1 Yes
- 2 No
- 0 No mention / unclear

### 9. In raising children, children have “rights”

- 1 UNCROC or other UN document (e.g. report)
- 2 Other legislation, act, bill
- 3 General human rights
- 4 Special rights as children (because of their size, developmental stage)
- 5 Right to be raised with discipline (e.g. children must not miss out)
- 6 Rights of food, shelter, clothing, safety and security (basic necessities of life)
- 7 No rights
- 0 No mention / unclear

### 10. In regards to state intervention with family affairs, submitters:

- 1 Accept it (no mention, or very brief mention of potential negative effects of intervention)
- 2 Tolerate it (they reluctantly accept it but also mention the negative side effects of such intervention)
- 3 Reject it
- 0 No mention / unclear

### 11. In their submissions, submitters also mention that parenting education campaigns / parenting support is necessary:

- 1 Yes
- 2 No
- 0 No mention / unclear

### 12. Free text section: other comments not elsewhere coded about rights and responsibilities

## Appendix 2: Quotes from the submissions

### Nature of Children and Childhood

#### 1. Children as 'human becomings'

Training a child requires parents to correct and protect him/her by forcing the child to do or endure many things he/she would otherwise choose not to.

(1) From the moment babies are born they feel pain and learn to do something about it. They learn cause and effect. (2) Even young children can be gently smacked and they soon learn that their previous action was not acceptable. This response is learned long before they have the ability to think logically and discuss what is right or wrong.

Section 59 reflects the Biblical Christian concept of children as being corrupted by original sin that must be disciplined, and as possessing hearts full of foolishness that must be driven out with the rod of correction.

(1) Children are not born with an inbuilt sense of right and wrong, rather this is something learned throughout childhood. (2) [smacking] has been shown to be effective in curbing disobedient, unruly or potentially delinquent behaviour, especially in children aged 2-6 years, who are not necessarily equipped to process reasoned arguments from their parents.

Children by nature lack the wisdom and self-control needed to survive and prosper in this life, and in the life to come. In fact, they naturally tend to the opposite.

Like most children, ours are strong-willed. [...] their wills are untamed and often applied in ways that can be disruptive or dangerous.

Such skills and desires [e.g. self-discipline, ability to look after oneself, and serve others] do not come of their own accord, but children need to be forced to do the right thing again and again so that it becomes habitual.

Children are children because they haven't yet learned how they ought to behave.

Children by definition have not reached maturity nor are they independent or self-governing. They are dependent upon their parents who are responsible to train and discipline the children toward this happy state of independence.

The idea is to get the foolishness, the sinful rebelliousness out of the child's heart and mind and personality and attitudes before it becomes a permanent fixture. If foolishness is allowed to dwell and settle in a child's personality, the child grows up to be a fool. This is a state of affairs Christian parents work hard to prevent.

(1) Children, because they are much smaller, are considerably more vulnerable to the effects of physical assault. Neither are they able to defend themselves, nor protest effectively. (2) Once the status of the child is established as inferior / unworthy, any for[m] of abuse whatsoever is deemed to be acceptable.

Children do not have the cognitive ability to reason with matters from an adult concept. They must learn how to reason.

A disciplined life begins with a disciplined upbringing. Any real child expert, and any parent, will tell you that children need boundaries. They will also tell you that they must be enforced.

Children are not equal to adults in the sense that they are not mature in their development as people and need the protection and guidance of their parents until such time as they are mature enough to fend for themselves in the adult world. This natural authority of parents extends to their discipline also, to deny parents this right is to sow the seeds of destruction and rebellion in the lives of children. It is cruel to children to govern themselves when they are nowhere near ready to do so.

The earlier a child is disciplined, the less force is required to ensure correct patterns of behaviour. Respect for those in authority, obedience to the laws of the land, and consideration for other people, are best taught in the home. If children are not taught to respect and obey their parents, they will not respect or obey their teachers at school, or the laws of the land, which will result in more people going to jail.

## **2. Children as 'human beings'**

(1) To allow children the "dignity of risk" to express themselves and challenge boundaries, including boundaries of behaviour, is a natural part of growing up for all children. Disabled children are more likely to be denied that dignity of risk. (2) the survival of the harakeke, a metaphor for whanau, hapu, iwi (family and community) rests upon the protection of the rito or central shoot, which sees the child not only as the progenitor of future generations but central to the stability of the family's structure.

Children are human beings

Children are not property or a commodity but human beings who, while young, need respectful nurture and protection.

Small children are not deliberately naughty; they behave in ways that might seem unacceptable because they are ignorant, not having yet learned proper behaviour; because they are curious to find out how things work; because they are yet unable to think rationally about the effects on others of what they do; because they are adventurous; because they are unwell, and physical misery makes it hard for anybody to be sensitive towards others' feelings.

The children are exploring boundaries, making decisions, learning about how friendship works, testing relationships, and developing appropriately as any and every child does.

Children respond to reasoned argument, calm passivity.

Trusting a jury or judge to say what is an acceptable form of physical punishment assumes the child is chattel. Children are not.

As a child we should have a right to say what we think as adults are not the ones getting abused, we are.

We believe it important that as young people we claim the right to express our opinions on issues directly affecting all children and young people.

Children need to feel safe and learn how to express worry, anger or frustration in acceptable ways.

Our children deserve the same rights currently afforded to adults and animals in New Zealand. Our children are our future and deserve primary consideration during the deliberation of this Bill.

The existence of S59 provides the most graphic proof in my view, of the true extent of the poor standard of competent parenting extant within NZ, the continuing lack of respect for children as a separate (although integral) social grouping, and the gutlessness within the House for not putting an immediate end to it. Children are served very poorly indeed, by a society which refuses to recognise them as worthy citizens in every, meaningful sense of that term.

It has become a cultural and accepted norm for many parents and adults to view children as beings of a lesser status and species and beholden to them at the drop of the adults whim and mood.

## **3. Children as vulnerable**

Children are the most vulnerable and the most precious sector of society and yet they receive less protection than adults, criminals and even animals.

Children are human beings who happen to be smaller, less experienced, more fragile and more vulnerable, however they have the least protection of any sector of our society.

Children have the right to be protected from physical abuse as much as adults. Indeed, even more so as they are more dependent on adults for their wellbeing.

(1) Children are a vulnerable group. They are dependent on others to enact their rights, and they have autonomous and additional rights because of their vulnerability. The concept of children as dependents can have a negative outcome if they are viewed as "not being whole or complete". This is especially true for children with a disability. (2) Without such [specific] support, a disabled child is particularly vulnerable, and their rights may be compromised, and they may be unnecessarily harmed.

Children should not be seen as lesser than adults. They are more vulnerable and therefore more deserving of protection.

(1) Children are more vulnerable than most adults, and require care and protection to be provided by their parents and other responsible adults. Because they are vulnerable, they require a higher standard of protection in law and in daily life, not less. (2) [children] are physically and emotionally more vulnerable, and in need of care and protection by adults.

[Children are] the weakest and most vulnerable members of our society

Children are defenceless and dependent on their families and care givers for love and support.

A child is the most fragile stage of being a human yet section 59 allows adults to use violence against them. You can't beat an animal, but by being able to beat children, what does this say - are we children of lesser value than animals?

Children [...] are defenceless.

Children are less able to protect themselves, more vulnerable to injury and more likely to suffer psychological damage. Therefore they need equal, if not greater, protection.

Children are utterly dependent on their caregivers for their lifelong physical and emotional well-being. I believe it is a travesty that children should be afforded any less protection from physical assault than what adults are afforded.

An ethical imperative to protect everyone from violence does exist. This is particularly so for children, who are unable to physically defend themselves from adults.

We have a responsibility to speak up for those who cannot speak, who are vulnerable and powerless. In this case, we speak for the rights of children to bodily integrity, believing as we do that that [sic] it is for the benefit of adults as well.

#### **4. How children learn**

Most training and correction of young children, and a substantial amount of that of older children too, requires parents to insist on behaviours that children naturally resist.

Children, from being smacked, will learn boundaries. They will learn these boundaries if they have rules set when they are young.

Children need firm boundaries for security and will always test the adults in their lives to see if they are strong enough to lead them. Reasonable force is the most effective tool for out right defiance.

The first [conviction] is the conviction that children need to be corrected and trained by rigorous discipline, a discipline to keep standards to which children do not naturally aspire. The second is to use the "rod of correction", a short sharp painful smack with a rod-like instrument in order to drive foolish rebellion out of their hearts, their personalities and attitudes.

Children learn best when they have clear guidelines about how to live their lives and are guided in a consistent, authoritative and supportive manner.

We use other forms of discipline to establish clear boundaries and have found even the most difficult children respond to this.

(1) children learn through imitation. (2) children need direction, not physical punishment to learn about how the world works.

Wee children may tell lies and purposely break things as they experiment with words, ideas, objects. But once they have had these concepts explained to them and it is clear to the parents that they

understand the issue, the act is no longer one of childishness or immaturity, but one of wilful rebellion (doing what they know is wrong).

Kids who are physically punished learn that it is fine to hit those weaker than themselves.

How do you reason with a one year old, or 18 months to two and a half? The answer is you can't.

Children model themselves on us as parents.

Children learn mostly from example, so if they are hit, they will hit others. If they are listened to and treated with respect, they will listen to and respect others.

### **The purpose and methods of child-rearing**

It is a fact that children need physical/corporal discipline for the purpose of correction and training.

(1) it is self-evident how very young children tend to lie, steal, disobey authority, be selfish and self-centred, act in ways destructive of the property of others, without anyone having had to teach them to do such. (2) physical discipline is the appropriate means for curing our children of their innate tendency to self-destruction through bad behaviour and thinking.

Children come in different shapes and sizes when it comes to testing the will and the authority of the parent. Therefore, one size does not fit all when considering the authority of the adult up against the child who tends to push limits and boundaries.

I am aware as a parent that children can take their caregivers to the edge - and sometimes beyond the edge - of their coping skills, and that there is a temptation at these times to use force to compel our children to comply with our wishes.

If you love a child, you hug them... you don't hit them. Any violence causes the some [sic] emotional distress and scars - violence is violence.

They [children] should be taught to respect others and to take responsibility for their own actions. This requires bending their wills, which in turn requires force.

It is totally impossible to parent without using force.

To teach them and train them some type of limitation and force is necessary. If this is not available to us how can we get our children to do what is in their best interests such as eating good food and putting their seatbelts on.

Thousands of families around the country will testify to the fact that the wise use of physical discipline is not an impediment to a loving parent child relationship, but in fact it may well enhance it.

(1) Parents will have more control over their children if they are allowed to smack them. They will have more control because yelling at children doesn't always work as the children know you don't always carry out your threat/punishment. Also, people don't always discipline their children by smacking them, so they won't be expecting it. (2) By use of force, the parents can protect their children from potential harm.

Reasonable force has been a time honoured traditional tool for effective child rearing.

(1) Because the rod is for acts of rebellion, it is not an everyday tool of parenting, but one used only as needed to meet those serious occasions. [...] Smacking is done in private, with the full co-operation, understanding and acquiescence of the child, with judiciously administered, agreed number, measured and purposeful swots to the clothed backside. (2) Pragmatism has little place in the area of child training and discipline.

Parents who expect their child to know what to do without having been taught or shown what is required may resort to punishment, thinking the child is wilfully disobeying.

Creative parents choose methods that address the issue, deal with it, and all move on.

The most effective way to guide behaviour is considered to be praising and encouraging good behaviour with parents acting as good role models and by leading by example.

Based on our personal experience we can say that physical force is totally unnecessary.

(1) More and more young parents are beginning to use these constructive techniques with enormous positive impact on their children and on themselves. (2) Unfortunately some parents still using physical and mental force to discipline their children do not know or will not accept that there are better ways, as is also the case with some who are past being active parents.

If parents calmly and reasonably explain to children why they should not behave in ways that hurt others, endanger themselves and so on, rather than smacking them for being naughty, the children learn to think ahead about how to behave, and a sound basis for life-long reasonableness is early established.

(1) I have proved children can be raised with respect towards their minds and their bodies; and can be taught good behaviour without the use of smacking or hitting. (2) A child's disciplining so often depends on the adults' moods.

(1) We note now that these incidents [smacking from time to time] happened when we as parents were feeling stressed, not because the children deserved a smacking any more than at other times when we handled the situation better. (2) Research over the last thirty plus years has clearly shown that positive reinforcement is more effective.

As a parent, I know the value of utilising alternative techniques to discipline (guide) my children. By employing positive parenting techniques in my family life, such as those identified by the SKIP (Strategies with Children, Information for Parents) programme, there is no need to use violence to gain control over my children's behaviour. Instead, by using approaches such as encouragement and praise to reward the behaviours I want them to repeat, my children know exactly what I as their parent expect. Resorting to violence when the children do something "wrong" doesn't teach them what it is that I expect from them, it only serves to teach them that violence is an acceptable way to treat others in society.

Children like getting small rewards for behaving well, they would then try to be well behaved to get a reward. This will continuously keep the child in line and well-behaved. This also gives the child praise for doing something good instead of hitting them if they have done wrong.

The belief that people are reasonable and as parents can discriminate between assault and discipline is not backed up by evidence. New Zealand has never been a safe country for woman or children.

(1) Parenting skills is what should be taught. (2) If you discipline correctly and consistently, you should not have to physically discipline your child after the age of four.

A large majority of young parents wish to use alternatives to physical discipline and are hungry to get the information on how to achieve this.

We know that parents are children's first educators and should be teaching their children non-violent ways to express anger or resolve conflict, and lead by example.

A controlled, firm and loving process of discipline is necessary for good parenting. Historically this has always included (but by no means limited to) appropriate spanking

As parents it is sometimes necessary to smack our children, (obviously done so in love, not in anger.) In return, our children have a deep love and respect for us that is mirrored to their whole community of friends. My professional and private experience is that loving consistent discipline including spanking improves the parental relationship with the child. It restores it more quickly than [sic] other means - such as time out (potential rejection), verbal correction (often becomes just vented anger) or withdrawal of privileges [sic] etc.

The alternative methods being promoted all create much more resentment in children because they take so long to get over with. A smack deals immediately with the bad behaviour, the correction is given and the relationship restored. Life can go on.

All the parents I interviewed who have beaten their children believed they had the right to do this. All the parents I interviewed, without exception, said they were disciplining the child.

The keys to effective discipline so research shows are warmth, emotional security, always being loved, unconditional love and respect for a child's developmental level. Those key elements are very difficult to achieve if a child is living in fear of being hit.

## Outcomes of child-rearing

Children are more likely to become aggressive and cause assaults as minors when physical discipline has been absent.

It is the child who receives inadequate discipline (physical or otherwise) who grows up to become disrespectful of authority and self-willed. We clearly see a generation of self-willed people arising who now already show a lack of care for others as they are self-focused.

One would easily come to the conclusion viewing history that the disrespectfulness of children towards their elders, teachers/parents has been due [to] the lack of discipline and consequences at school.

The more lasting pain was emotional; it destroyed my relationship with my mother permanently and resulted in loss of confidence and self-esteem which has affected me all my life.

If we children us [sic] violence to solve our problems with other children at school - we get into big trouble.

Children are prisoners of their parents / caregivers / older siblings. Their reaction to hitting by these adults is not one of love but loathing.

Repealing this act would lead our society ever deeper into the quagmire of criminal irresponsible behaviour from our young people who grow up never knowing the consequences of unacceptable conduct.

Disciplining a child using reasonable force ensures that the child grows up to respect authority and ultimately results in developing a contributing member or [sic] society.

Good parents only want the best for their children and act in good faith in order to train children to be constructive New Zealand citizens.

The reason that many parents use physical discipline as a means of correcting their children is because they want them to grow up with limits in life, to know right from wrong, and parents are prepared to sacrifice a moment of their child's love for them when disciplining their children now to want to see them grow up doing what is right later.

I believe physical punishment either teaches children to use violence to solve problems or in some cases, like mine, destroys the child's feelings of self-worth for a very long time.

All of that scientific evidence [on how to raise a child who becomes a loving, caring, healthy, well-behaved, high-achieving, responsible adult] says that consistently kind treatment is the best way to produce such a person; none of the evidence says that violence towards a child (even at the mildest end of the scale) is of any help in producing such a good adult, and that at the more severe end of the scale it is far more likely to produce an adult who has learned to be violent too.

As parents are frequently bad parents because of early bad parenting by their parents, the cycle in each individual case has to be broken with specific therapy training.

People who have been hit by others stronger than themselves will often look for a smaller victim to vent their rage on.

When our parents get really angry at us we get very frightened of them. They don't use physical force against us - if they did - we would be absolutely terrified.

Studies indicate that children who do well as good productive members of society come from homes where there are clear boundaries

Children disciplined well in a loving home, with the use of reasonable force, grow up to become responsible members of society, whereas time and time again it is those who have not received adequate discipline or care who go on to rebel against the law.

As parents it is sometimes necessary to smack our children, but we do so in love, not in anger. In return, children have a deep love and respect for us that is mirrored to their whole community of friends.

My mother may have had good reasons to hit me, but if I knew what they were before the smacking, afterwards all I knew was that I'd been assaulted by someone who had total control of my life

I was raised by parents who did not resort to destructive methods of child management. [...] I feel safe and secure in their company. I was taught via the Basic Golden Rule "treat others as you would have others treat you". That attitude fostered empathy and personal responsibility for myself and my environment.

The reason that many parents use physical discipline as a means of correcting their children is because they want them to grow up with limits in life, to know right from wrong, and parents are prepared to sacrifice a moment of their child's love for them when disciplining their children now to want to see them grow up doing what is right later.

## Nature of Parenthood

(1) ...in their [parents] responsibility to discipline and train their children. (2) This [enforcement of authority over their children] would effectively destroy parental authority over their children.

Most parents are sensible enough to recognize that discipline in love actually works.

The government's responsibility is to allow parents to do these unpleasant tasks, as long as they do them responsibly using force that is "reasonable in the circumstances".

(1) We do believe that physical discipline within a loving family environment is a part of positive parenting. (2) As long as a parent-child relationship is characterized by high parental involvement and/or expressions of parental warmth, the use of physical discipline is not necessarily associated with negative outcomes.

(1) The parent who does not practise such discipline for whatever motive, is acting against the well-being of the children.

Parents naturally bear a teacher-student, trainer-trainee, mentor-discipline, greater-lesser relationship to their children. The Bill fails to recognise this basic self-evident reality.

Parents need to be comfortable with being an authority and also being under authority themselves [sic]. They are therefore comfortable and free to be good parents [sic].

Children who cannot be chastised by their parents with love and concern have already been shown to be completely beyond the bounds of acceptable behaviour.

The nature of the relationship between parents and children is such that parents are required to teach children behaviours that most children would not learn if left to their own ways.

I look at those who do not control their children well as poor parents.

We train dogs and many other pets, yet in our society it is becoming increasingly difficult to train our own children. I understand training children is very different from training animals, and I would never treat my children like I would my dog (who is treated very well!)

Responsible parenting actually reduces crime, abuse, lack of education, poverty, all of which lead to a safer and more peaceful society.

(1) Parents need to be able to use reasonable force at times to get children to do what's necessary.

(2) This Bill will make it very difficult for many parents to parent their children effectively. It will shift the power of control from parent to child.

(1) If you cannot use force, you cannot back up your authority. [...] This Bill will destroy all real parental authority over their own children. Responsible, hands-on parenting will become a criminal activity. (2) Parents do a lot more than gesture toward their children or make suggestions: they issue orders and make requirements of their children as part of their unique task to train a sense of orderliness, responsibility, propriety, work ethic, duty, etc., into their children. Paid baby sitters and/or teachers and/or other professional helpers are not expected to be responsible for this training, whereas parents are. Consequently parents will routinely follow up their verbal commands and requirements and prohibitions with physical guidance, restraint, manoeuvrings, manipulations, warnings, pinches, taps or smacks as required. (3) Virtually every parent has strong convictions about the need to use force in its many forms [...] while engaged in the business of child rearing, convictions borne of religious faith, family traditions, ethnic backgrounds, cultural practices, philosophical

commitments, common sense and the like. They are all backed by thousands of years of successful parenting practises [sic] that utilise force. This huge sector of society will suddenly have their beliefs and convictions criminalized if Section 59 is repealed.

The raising of children must remain the responsibility of loving parents, and not become the responsibility of the State.

Good parents only want the best for their children and act in good faith in order to train children to be constructive New Zealand citizens.

Thousands of families around the country will testify to the fact that the wise use of physical discipline is not an impediment to a loving parent child relationship, but in fact it may well enhance it.

[The Bill] fails to recognise or acknowledge the special relationship of dependency and responsibility for training that exists between a parent and the child.

The existence of S59 provides the most graphic proof in my view, of the true extent of the poor standard of competent parenting extant within NZ, the continuing lack of respect for children as a separate (although integral) social grouping, and the gutlessness within the House for not putting an immediate end to it. Children are served very poorly indeed, by a society which refuses to recognise them as worthy citizens in every, meaningful sense of that term.

Some families with children with challenging behaviour believe they need a wider range of disciplinary options available to them than do most other parents, and face more extreme pressures than most other parents.

It is high time to send a message to parents and caregivers that all violence against children is unacceptable

As adults it is our role to develop and nurture our children, protect and develop them.

The family is, in miniature, a functioning, rational society. Further, it is, and always has been, and couldn't be anything other than, the nucleus and cradle of all societies everywhere. The parents are, by Divine right, by their very human nature, and also by any sane legal and civil acknowledgement, the initial primary governing body over their own children.

(1) I am concerned that any communication with a child from birth to legal adulthood be carried out in a civil mode. (2) It has become a cultural and accepted norm for many parents and adults to view children as beings of a lesser status and species and beholden to them at the drop of the adults whim and mood.

It's parents that need to teach them how [to express worry, anger or frustration in acceptable ways]. Forcing them will not teach them the powers of negotiation, respect for others and how to influence a situation to reach a solution that is fair and acceptable for everyone involved.

There is already a fair amount of stress involved with responsible parenting.

The very seeds we wish to assist through their development into a beautiful rose will be hindered into a withered abused flower if we choose to physically abuse.

We do not own our children.

If parents did not ensure, by force when necessary, that their children were fed, clothed, washed and rested properly, but only relied on their children going along with parental suggestions in these areas, [the parents would be charged with neglect under Section 152 of the Crimes Act.]

Bringing up children is not easy and it will not get any easier in the future if politicians, in their wisdom, vote for this Bill.

(1) Parents have been systematically disempowered [sic] in our day. (2) Parenting is a hard enough job without living in fear of the law.

All the parents I interviewed who have beaten their children believed they had the right to do this. All the parents I interviewed, without exception, said they were disciplining the child.

Most parents in this country use reasonable force on their children at times because it is necessary.

As a soon parent to be [sic] I am very disturbed at the potential for the proposed changes to encroach on sound parenting whereby a responsible parent has a range of 'tools' including smacking and restraining a child physically etc to select from.

(1) though parents are legal guardians of their children and are held responsible for their behaviour, we do not own our children. (2) Parents always have the responsibility to provide guidance and control of their children and adolescents. As indicated above, this requires teaching and training in ways and in areas relevant to the child's age and stage of development.

We parents have a moral obligation to raise our children the best way, not the easiest way

It is the obligation of the parent to protect their child against any physical or mental violence.

Parents and caregivers are not in the same position as everyone else when it comes to caring for and raising children. Parents and caregivers have obligations and responsibilities to raise their own children. While the state and others in the community may monitor or oversee the raising of children by their parents, neither the state nor the community has been equipped or otherwise prepared to take on the role that parents or caregivers currently have raising their children. Consequently, parents and caregivers are in a unique position and need specific legislation to protect them exercising their responsibilities that others do not have.

### **Views based on religion**

The Bible (God's Word) makes clear the parents' responsibility for the child and gives them direction in parenting. One element of this is the appropriate use of force in training the child.

1) He [God] created mankind, but mankind (in Adam) rebelled against God's authority over him, and ever since then every human being is born sinful (i.e. with a sense of rebellion against God's authority over him). (2) We believe that every child is born with a sinful (rebellious) nature, and that one of the duties of the parent is to curb rebellious expressions by the child, and encourage God honouring behaviour in its place.

(1) It has been an assumption of Protestant theology, since its inception, that children are born sinful and disobedient and that parents must use physical discipline in order to save them from their depravity. (2) Breaking the wills of children has been considered a central task of evangelical parenting. From the seventeenth century to the present, protestant theology has reflected an understanding that self-will is evil.

(1) Freedom of religion entails the freedom to practise our faith in our daily lives, including in the way we raise our children. (2) The Bible says that parents are to bring up their children in the discipline and instruction of the Lord.

Progressive Christians are reclaiming a new theological anthropology that stresses the blessing of children, not their sinfulness. We have particular responsibility to guide them into a mature relationship with God and we cannot do that by fear or violence.

God, who knows the human psyche better than anyone else teaches us to "bring up our children in the way that they should go..." and to use physical smacking to keep children in the way that they should go.

Christian parents are obligated to conform their lives to the Bible. Many such parents believe the directions on child rearing in the Bible oblige them to use [sic] force in loving chastisement and firm discipline with their children.

(1) The Bible clearly upholds the principle of parental authority and the proper use of physical discipline. In fact in some cases it actively encourages it. (2) There is a broader issue at stake here. That is, the right of families to bring up their children as they see fit without unnecessary government intervention.

With the use of reasonable force swept from the law books, many Bible-believing Christians will be unable to correct, train and discipline their children, a duty their Christian faith enjoins upon them, for the task appears impossible without using force.

[The repeal of Section 59] would destroy the God-given rights of parents in raising children. Use of reasonable force is at times necessary to discipline children and is mandated by God; no human authority can overturn God's law. The repeal of Section 59 would be a direct attack on God and the traditional teaching of the Catholic Church.

## **Rights and Responsibilities of Parents, Children and Government**

It is not satisfactory that parents always be subject to breaking the law, in the process of carrying out their responsibilities as parents.

[Section 59] protects parents in the faithful exercise of their God-given right and responsibility.

Section 59 is there to protect parents who lovingly discipline their children out of a desire for their children's well-being and to re-enforce their developing moral conscience.

[Section 59] only allows parental authority to fulfil responsibilities in tasks wherein they have to correct and discipline and train their children.

(1) Parents need to have authority over their children to bring them up to be responsible, functioning members of society. (2) A parent needs to force a child to do things everyday.

By removing Section 59 of the Crimes Act, parents will no longer have the legal ability to properly train and care for their child/ren.

It is our responsibility, as parents, to train our children and nurture them so that they can become responsible members of society.

As a parent I have a certain amount of authority with my children that I am expected to exercise in order to correct them when necessary.

(1) [God] gives authority to parents over children. (2) It is therefore the right of every parent to exercise authority over their children to maintain discipline for their growth and ultimately self-disciplined adults.

Every parent has had the right since time began to smack their children and bring them up to mind.

(1) In the course of raising children to become mature and responsible adults, parents must require their children to do certain things which the latter do not want to do. They must also prevent their children from doing certain things which they want to do but which are dangerous or harmful. This is simply a parent's duty and responsibility. It is also essential to keeping our children safe and healthy. (2) Thus parents are expected by law to ensure their children's health and safety, yet often this requires the occasional use of force, especially in the case of small children. (3) Parents have a moral obligation to responsibly raise their children according to their ethnicity, culture, traditions, religious convictions, and also plain common sense. And parents must be allowed this freedom.

Repealing Section 59 of the Crimes Act 1961 will take away a parents' [sic] right to discipline their children using reasonable force, and therefore their authority to guide and bring up their children in the way they see fit.

Christian parents are obligated to conform their lives to the Bible. Many such parents believe the directions on child rearing in the Bible oblige them to use [sic] force in loving chastisement and firm discipline with their children.

(1) The Bible clearly upholds the principle of parental authority and the proper use of physical discipline. In fact in some cases it actively encourages it. (2) There is a broader issue at stake here. That is, the right of families to bring up their children as they see fit without unnecessary government intervention.

(1) Parents have the responsibility to train their children. (2) It is parental responsibility to use correction for the child - not against him.

Parents must exercise authority over their children. It is their duty and everyone in society expects them to do so. They can only do this effectively because they are able to back up their requirements and their prohibitions with the use of force; as required, in its many forms: the force of moral persuasion, the force of expectation of obedience to verbal commands, physical movement, smacking, intimidation, warning of negative consequences, appeal, to family tradition or conscience or culture or religious commitment, withholding privileges, physically restraining, imposing restrictions, time-out, confinement to room, etc.

Do not further undermine family [...] by passing legislation which removes the rights of parents to take authority appropriately in the lives of their children, to shape them as future citizens who know right from wrong and behave responsibly.

Having been a Ward of the State and now parenting my own children it is my observation that parenting is best done by parents and not by the State. Fathers and Mothers are the best care givers because they share a common affinity with there [sic] children and a bond that is not easily broken. Despite the despicable acts of some parents against children I think the majority love there [sic] children and want the best for them.

New Zealand parents are capable of determining what is reasonable force and that this is not the business of government.

We believe families are so incredibly important. The government should be making laws to support children to have positive and safe upbringings.

All actions relating to Children's safety and freedom from violence in the New Zealand Action Plan on Human Rights and all challenges in the "Every Child Counts" pledge card be implemented by government.

It would send a clear message that the Government expects parents to learn how to discipline their children in a positive way and that violence towards children is unacceptable.

Children have a right to a life that is free from violence, just as we believe that adults have a right to live a life free from violence.

(1) The proposed amendment is in essence the denial of the very nature of humankind as a thinking, reasonable social creature. (2) Every parent, ipso facto, has the right and duty to exercise a correction towards their own child(ren) as the current legislation sensibly defends.

It is important that as a society, we give the message loud and clear that our children/tamariki have absolute equal rights to be free from physical punishment and violence - the same rights we already have for all adults and animals.

(1) We all have a moral responsibility to protect children from parents who are clearly unable to limit physical punishment to a non-injurious degree. (2) We have a responsibility to speak up for those who cannot speak, who are vulnerable and powerless. In this case, we speak for the rights of children to bodily integrity, believing as we do that that [sic] it is for the benefit of adults as well.

Children have a right, under New Zealand Human Rights Legislation, to grow and prosper as valued individuals not beaten, suffering trauma.

Children today do not need more rights. They need more respect for authority and realise consequences for their actions.

Children have the right to a non-violent upbringing.

Children in New Zealand, like adults have the right to be protected from physical assault.

I think children are entitled to the same protection as adults.

This [NZ signing up of UNCROC] sets out agreed rights to protection, entitlements and freedom for children and covers everyone under 18 years of age.

Procreators and/or carer, de facto family add-ons to hold a certificate honouring their obligations and understanding that the child entity before them is a "being" with rights covered under an Act.

Governments should convey consistent messages about the unacceptability of physical punishment.

(1) It is ironic therefore that in the case of parents being allowed to smack children, some animals are given *more* protection than humans. (2) The law is therefore inconsistent and discriminatory in not protecting the interests of all sentient creatures in the same way.

As a democratic nation parents should continue to have the right to discipline their child(ren).

(1) All children have the right to be raised in a non-violent environment free from the use of any form of corporal punishment. (2) We believe all citizens of our community, especially children, have the right to live a life free from assault and violence.

S59 of the Crimes Act 1961 condones parental rights to physically violate their children in an attempt to enforce modes of behaviour that parents have, sometimes arbitrarily, deemed appropriate.

Children are in a potentially dangerous situation when a parent thinks they have the right (or duty) to punish by hitting. Surely it is not alright to send children the message that ruling by force is okay, as long as the other is smaller or weaker. It is an absolute abuse of the powerful over the powerless.

In some such instances where a man has assaulted his female partner and a child, the man will be charged with male assaults female but not assault against the more vulnerable child. This seems to me to be an appalling statement about the way in which our society now views children who have suffered abuse from an adult who is supposed to protect them.

We believe it important that as young people we claim the right to express our opinions on issues directly affecting all children and young people.

Bringing up children is not a Government role, yet it seems that politicians continue to find ways of interfering with family rights and responsibilities.

Parents and caregivers are not in the same position as everyone else when it comes to caring for and raising children. Parents and caregivers have obligations and responsibilities to raise their own children. While the state and others in the community may monitor or oversee the raising of children by their parents, neither the state nor the community has been equipped or otherwise prepared to take on the role that parents or caregivers currently have raising their children. Consequently, parents and caregivers are in a unique position and need specific legislation to protect them exercising their responsibilities that others do not have.

Adults have a right (and, indeed, a duty) to discipline their children. However, this right is not unrestricted. For instance, adults are not permitted to punish their children in a way that would be considered abusive.

Parents have a responsibility to bring up their children with guidelines and boundaries. Parents are to be in charge. How will they nurture [sic] and grow the next generation without this authority.

The discipline and upbringing of a child is the responsibility of parents, not the State, and it needs to remain so.

Some parents may choose to not use any physical correction whatsoever. This is a personal choice made by them and undoubtedly they will use other correctional methods as they see fit. The parent however maintains responsibility for their child or children and removing or limiting what reasonable methods they can use, undermines the natural authority of the family.

## Appendix 3: Additional tables of findings

**Table 15. The use of physical discipline and views on state intervention**

	Accept or tolerate state intervention	Reject state intervention	No mention / unclear	Total
Non-religious reasons	4 (9%)	7 (15%)	36 (77%)	47
Religious reasons	0 (0%)	10 (77%)	3 (23%)	13
No mention / unclear	28 (26%)	5 (5%)	77 (70%)	110
<b>Total</b>	32	22	116	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 2 cells have expected counts less than 5.*

Among the submitters who use physical discipline for non-religious reasons, a high proportion does not mention anything about state intervention (77%). There are 15% submitters who reject state intervention and 9% who accept or tolerate it.

Among the submitters who use physical discipline for religious reasons, the highest proportion rejects state intervention (77%), a smaller proportion of submitters (23%) does not mention anything about state intervention. No submitter who uses physical discipline for religious reasons also accepts or tolerates state intervention.

Looking only at the 21 submitters who have an opinion about state intervention and use physical discipline:

- 10 submitters (48%) reject state intervention and use physical discipline for religious reasons,
- 7 submitters (33%) reject state intervention and use physical discipline for non-religious reasons,
- 4 submitters (19%) accept or tolerate state intervention and use physical discipline for non-religious reasons.

**Table 16. Children's rights and parenting programmes (PP)**

	PP are necessary	No mention / unclear	Total
Legal rights only	4 (7%)	9 (8%)	13
Human rights only	11 (18%)	10 (9%)	21
Legal and human rights	21 (34%)	3 (3%)	24
No mention / unclear	25 (41%)	87 (80%)	112
<b>Total</b>	61	109	170

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000. 1 cell has expected counts less than 5.*

Most submitters do not state their views on parenting programmes (109 or 64%). Among them:

- a majority does not mention anything about children's rights (80%),
- a small proportion mentions only human rights (9%),
- another small proportion mentions legal rights (8%)
- an even smaller proportion mentions a combination of human and legal rights (3%).

Among the submitters who request parenting programmes (36% or 61):

- most of them do not mention anything about children’s rights (41%),
- about one third mentions both legal and human rights for children (34%),
- a smaller proportion mentions only human rights (18%)
- an even smaller proportion mentions only legal rights of children (7%).

**Table 17. State intervention (SI) and parenting programmes (PP)**

	<b>PP are necessary</b>	<b>No mention / unclear</b>	<b>Total</b>
Accept or tolerate SI	30	2	32
Reject SI	2	20	22
No mention / unclear	29	87	116
<b>Total</b>	<b>61</b>	<b>109</b>	<b>170</b>

*Pearson Chi-Square, Asymp. Sig. (2-sided) 0.000.*

Among the submitters who mention parenting programmes (61 or 36%):

- most of them also accept or tolerate state intervention (49%),
- a high proportion does not mention anything about state intervention (48%),
- a small proportion of submitters reject state intervention (3%).

Among the submitters who do not mention parenting programmes (109 or 64%):

- the majority does not mention anything about state intervention (80%),
- slightly less than one fifth rejects state intervention (18%)
- the remaining submitters accept or tolerate state intervention (2%).