Student Thesis
Level: Master's
Corporal Punishment

A study about attitudes and opinions to corporal punishment and the connection to children’s rights in South Africa and Sweden

Author: Martin Löfkvist
Supervisor: Jenny Ehnberg
Examiner: Liselotte Frisk
Subject/main field of study: Religious Studies
Course code: RK 3036
Credits: 60
Date of public presentation/examination: 2015-06-05

At Dalarna University, you are able to publish your student thesis in full text in DiVA. The publishing is Open Access, which means your work will be freely accessible to read and download on the internet. This will significantly increase the dissemination and visibility of your student thesis.

Open Access is becoming the standard route for spreading scientific and academic information on the internet. Dalarna University recommends that both researchers as well as students publish their work Open Access.

I give my/we give our consent for full text publishing (freely accessible on the internet, Open Access):

Yes ☒
No ☐
Abstract: Corporal punishment is a worldwide problem. The purpose with this thesis is to promote a constructive discussion about the problem and connect this to children's rights. This gives the possibility to start a discussion about suggestions and measures to reduce the problem. The theory is that corporal punishment is used as a disciplinary method to change behavior. Children’s rights is regulated by conventions and national laws. The method is to conduct an analysis with interpretations and commentaries of the research materials from South Africa and Sweden. The conclusion is that those who are positive to corporal punishment thinks it is an efficient working method, and it is about children’s safety. Those who are negative have experienced that alternative methods works. A suggestion is to involve children in the work with children’s rights and educate them in human and children's rights with focus on obligations and responsibility.

Keywords: corporal punishment, human rights, children’s rights, convention, disciplinary methods
Contents
1. Introduction ......................................................................................................................... 5
   1.1. Background ....................................................................................................................... 5
       1.1.1 Corporal punishment exists ...................................................................................... 5
   1.2. Purpose and research questions....................................................................................... 6
2. Theory and method ................................................................................................................. 7
   2.1. Theoretical framework .................................................................................................... 7
       2.1.1. Children’s rights ......................................................................................................... 7
       2.1.2. Rights theory in relation to children’s rights .............................................................. 8
       2.1.3. Definition of corporal punishment ........................................................................... 9
       2.1.4. Criteria of corporal punishment ............................................................................. 10
   2.2. Method ............................................................................................................................. 10
       2.2.1. Analysis questions .................................................................................................... 10
3. Societies and material .............................................................................................................. 11
   3.1. South African society ..................................................................................................... 11
   3.2. Swedish society ............................................................................................................. 13
   3.3. South African research material .................................................................................... 14
   3.4. Swedish research material ............................................................................................ 16
4. Analysis .................................................................................................................................. 17
   4.1. What examples of attitudes and opinions to corporal punishment can we find among adults in South Africa respective Sweden? ................................................................. 17
       4.1.1. Corporal punishment as a disciplinary method in South Africa ............................... 17
       4.1.2. Parent’s involvement, ethnicity and gender ................................................................. 19
       4.1.3. Honesty and caring instead of violent acts in Sweden ................................................ 20
   4.2. What examples of attitudes and opinions to corporal punishment can we find among children in South Africa respective Sweden? ........................................................................ 22
       4.2.1. Justification and alternative measures as two sides of opinions ............................... 22
       4.2.2. Gender shows differences in attitudes and opinions .................................................. 24
       4.2.3. Learner’s attitude and opinion in Sweden ................................................................. 25
   4.3. Which tendency to use corporal punishment over time is there in the society in South Africa and Sweden? .............................................................................................................. 26
       4.3.1. Tendencies in South African society .......................................................................... 26
       4.3.2. Tendencies in Swedish society .................................................................................. 27
   4.4. What is the prevalence of rights discourse, specifically children’s rights, in the conducted research material from South Africa and Sweden? ......................................................... 27
       4.4.1. Underlying prevalence to children’s rights ................................................................. 27
       4.4.2. A clearer prevalence of children’s rights ................................................................. 28
       4.4.3. A separated prevalence of children’s rights ............................................................. 30
5. Discussion

5.1. Development in the two societies

5.2. Attitudes and opinions to corporal punishment

5.3. The connection to children’s rights

5.4. Conventions and laws

5.5. Discussion of measures

6. Conclusion

7. Summary

Bibliography

Literature

Digital sources
1. Introduction

Corporal punishment is a common problem all over the world. This thesis will examine attitudes and opinions to the existing problem and the connection to children’s rights in two societies, South Africa and Sweden.

1.1. Background

Corporal punishment of children is a worldwide problem. Because it is a problem in most of the societies throughout the world it is necessary to conduct research about this issue. This thesis will focus on attitudes and opinions about corporal punishment in two different societies. The thesis will also contain the relation between children’s rights and corporal punishment and find suggestion to alternative measures to diminish the problem.

I am going to give a short description of the situation and features from both societies. The society itself is not the aim for this study, it is the attitudes within the societies. Therefore is this section of the thesis far from comprehensive. Most important is what the national laws says about corporal punishment and that it exists in both South Africa and Sweden.

1.1.1 Corporal punishment exists

News headlines in South Africa and Sweden tells us that corporal punishment of children exists in different ways in both societies. 22 May 2013 you can read in South African newspaper Sowetan Live “Teacher filmed beating pupil”.¹ In the same newspaper 13 September 2014 the headline says “Kids forced to drink pee - Teacher accused of harsh punishment”.² This is a few examples from South African newspapers. In the Swedish newspaper Expressen – GT you can read 2 February 2009 “Liv Landell: Barn agas ån.” (Eng: “Liv Landell: Children are still chastised.”)³ Aftonbladet 6 March 2015 it says “Högstadielärare smiskade tonårselev.” (Eng: “Secondary school-teacher spanked

---

¹ Sowetan Live, “Teacher filmed beating pupil” (Published: 22 May 2013), http://www.sowetanlive.co.za/news/2013/05/22/teacher-filmed-beating-pupil (2 March 2015)
It is possible to establish that you can find corporal punishment, regardless if it is at home or in school, in both societies. It seems reasonable to argue that the practice of corporal punishment continues to be used in both South Africa and Sweden.

1.2. Purpose and research questions

This study focus on the problems related to children’s rights and the use of corporal punishment. The point of departure in this thesis is that corporal punishment is a global problem. One purpose or goal is to promote a constructive discussion about attitudes and opinions of corporal punishment against children and to find suggestions of measures to reduce or diminish the problem. The reason to analyze two different societies is to emphasize that this is a problem throughout the world. Another purpose is to reflect on the connection between children’s rights and the use of corporal punishment. It is also a way to show how the reality or tendencies can be by looking at the attitudes to corporal punishment despite of cultural backgrounds or efforts and regulations from the governments and international organizations. Through the analysis it is possible to get a better understanding of this global problem. It gives an opportunity to find suggestions of measures to diminish the problem in both societies. The discussion and conclusion from this thesis can lead to further discussions about corporal punishment and children in other societies.

To achieve the purpose to promote a constructive discussion about attitudes and opinions of corporal punishment against children which is one aim with this thesis. And in order to reflect on the connection between children’s rights and the use of corporal punishment and the possibility to find suggestions of measures to diminish the problem I have formulated two main research questions: When it comes to the use of corporal punishment and the connection to children’s rights, what kind of general opinions and attitudes to the issue is it possible to find within the two societies? In what way can we find better disciplinary measures without violence and diminish problems such as corporal punishment against children?

---

2. Theory and method

2.1. Theoretical framework

The theoretical framework for this thesis contains meaning of children’s rights, a general rights theory and definition and criteria of corporal punishment. Children’s rights is described with the intention to put children in the context of the system with declarations and conventions. The following section is to clarify children’s rights in relation to a general formula of rights theory. The definition and criteria of corporal punishment is to clarify the meaning of the concept and the way the concept is used within this thesis.

2.1.1. Children’s rights

United Nation (UN) formulated and adopted the *Universal Declaration of Human Rights* (UDHR) in 1948. This declaration contains civil, political, social and economic rights. UDHR is seen as central document in the work and protection of human rights. UN have followed up this agreement with a number of conventions. In 1989 the *Convention on the Rights of the Child* (CRC) was adopted by General Assembly resolution 44/25. The conventions have to be ratified by the member states. Ratify means that the states accepts and signs the document to approve of the content. It is up to the single state how they deal with the agreement. Elena Namli points out a difficulty or problem with this type of agreements. It is possible for the states to sign and accept the document and at the same time ignore obligations the agreement implies. Therefore it becomes an agreement on an abstract level and it is possible to neglect the responsibility on the practical level. There are no consequences other than international pressure if the states don’t fulfill the obligations in the agreement. UN: s work have been inspirational and a model for other international organizations. The Organization of African Unity (OAU), now called African Union (AU), adopted the declaration *African Charter on Human Rights and Natural Failures*.

---

and Peoples’ Rights (ACHPR) in 1981.8 OAU adopted the convention African Charter on the Rights and Welfare of the Child (ACRWC) in 1990.9

The reason to distinguish children’s rights from the universal rights applicable to all people, is because they are children. Children are vulnerable in the sense that they don’t have economic or political power and they don’t have civil rights the same way as adults in the society. Childhood is a political and social construction.10 It is possible to claim that children’s rights issues falls under the more general human rights in the same way as adults. But the argument to separate them is the lack of political and economic influence. According to Gerison Lansdown there are two advantages to distinguish children’s rights in the form of conventions. The first is that the framework is comprehensive in the sense of need for protection, care, provision and participation. The second is that conventions are binding international instruments and member states have to take an active decision to ratify it.11 Even if it is binding there are possibilities to look at the binding document as an agreement on paper, but ignore the practical responsibility to fulfill the obligations written in the agreement. Both countries in this thesis have ratified CRC. Sweden ratified it in 1990 and South Africa in 1995.12 In addition South Africa, which is a member of OAU or AU, ratified ACRWC in 1997.13 Even if the conventions are a part of international law it doesn’t mean that it is a part of national law in each country.

2.1.2. Rights theory in relation to children’s rights

I have picked the general rights theory from Alan Gewirths essay Are there any absolute rights? from 1984. The general formula is; the right-holder is the subject (A) to the right which is the object (X), the one that have the duty towards the object and subject is the respondent (B) and last one is the base or justification of the right (Y).14 An example; a child (A) have the right not to be assaulted or beaten (X), the state (B) have responsibility for safety of the child in a civilized society (Y). Children’s rights for protection are

---

11 Ibid: p 36
regulated by national laws and conventions.\textsuperscript{15} The participation rights for children are limited or even non-existing. Adults have political and civil rights in a way that children don’t have. The terms of political and civil rights for children is relative in the sense of their capacities and age and also caretakers who have the responsibility for them. CRC provides and nurture the idea of freedom of speech and expression but doesn’t grant children political rights.\textsuperscript{16} In other words children are minors and adults are their legal guardian. The difficulty with the lack of influence and participation is when the rights are violated. The violation of these rights can, for example, occur when legal guardians or caretakers performs corporal punishment and the children becomes vulnerable in their own power to go against it.

2.1.3. Definition of corporal punishment

Punishment can be both psychological and physical. In this thesis I will focus on the physical kind of punishment. I am going to use Susan H Bitensky’s theory about physical punishment of children. Bitensky’s definition is that physical punishment consists of an intentionally infliction or exposure of physical pain, but not injury, to change a behavior as a purpose. It is desirable to cause physical pain to the child from the punisher’s point of view and the expected result is often changing of behavior.\textsuperscript{17} Pain is a criteria for what kind of treatment that can be seen as punishment or not. Pain can be divided into justified and unjustified pain. An example of justified pain against children is when a doctor or nurse gives the child an injection for vaccination. The purpose is to prohibit diseases even if it hurts on the child.\textsuperscript{18} It is justified to cause pain if it prevents the child to suffer even more or if it saves lives. The unjustified pain is when the purpose is to use it as a disciplinary method, change behavior or gain respect. Even if it is justified to cause pain to save life and unjustified to discipline a child with the help of pain, the boundary is difficult to set because pain is an individual experience. Therefore it is necessary to point out the criteria for this thesis the meaning of corporal punishment.


\textsuperscript{16} Ibid: p 219

\textsuperscript{17} Bitensky S H (2006), Corporal Punishments of Children: A Human Rights Violation: p 2

\textsuperscript{18} Ibid: p 2
2.1.4. Criteria of corporal punishment
The criteria of corporal punishment for this thesis is that it is used as a disciplinary method and in form of children’s rearing. The importance is the action and seriousness of this type of unjustified punishment. I am going to give some examples of unjustified actions of corporal punishment; hitting, slapping, pinching, kicking and spanking. Pushing and grabbing are two actions that can be seen as both justified and unjustified depending on situation. For example if a child is pushed or grabbed by an adult when two or more children are physically fighting, the action can be justified to stop them from injuring themselves or each other by fighting. If a child is pushed or grabbed by an adult with intention to hurt to get respect when the child don’t pay attention or listens, the action can be unjustified.

2.2. Method
The method in this study is to use the theoretical framework and conduct an analysis of previously published research materials. The research materials is built on empirical performed questionnaires and interviews from South Africa and Sweden. Therefore, this analysis will be a review of the result from the material along with my interpretations and comments of what the researchers have presented. The interpretation and comments are put in relation to the general formula of rights theory, specifically children’s rights. It is also connected to the use of corporal punishment along with the participant’s attitudes and opinions. All translation from Swedish to English is done by me. Titles to books or articles is written in original language and translated within parenthesis when necessary. All other phrases or quotations are translated directly. Translations are made in order to better understand the issue related to the goal and purpose for this thesis. To do so, I have formulated four analysis questions.

2.2.1. Analysis questions
I have chosen to divide the questions for the analysis into the categories adults and children in the two societies.

- What examples of attitudes and opinions to corporal punishment can we find among adults in South Africa respective Sweden?
- What examples of attitudes and opinions to corporal punishment can we find among children in South Africa respective Sweden?
• Which tendency to use corporal punishment over time is there in the society in South Africa and Sweden?
• What is the prevalence to rights discourse, specifically children’s rights, in the conducted research material from South Africa and Sweden?

3. Societies and material

I want to give a short review about the two societies and a background focused on their presumption to the issue of corporal punishment. As material to analyze I will use surveys conducted by researchers from South Africa and Sweden. It is different surveys about corporal punishment and conducted at different times.

3.1. South African society

South Africa have gone through a transition from apartheid, which means segregation between ethnic groups, to a liberal democracy. The democratic election in 1994 became a rebirth and change of the state in many areas. It was a big focus on human rights in the process of building a new nation. The new constitution was adopted in 1996. The state was changed from a segregated state to a multicultural state. The South African society consists of four major ethnic groups, such as African, Coloured, Indian and White. Each of these ethnic groups can be divided into minority groups. During apartheid the state was ruled by a white minority. In the late 1980:s it opened up a bit towards a possibility for a majority rule in South Africa. The African National Congress (ANC) outlined a vision for a new constitution in a manner of democracy and rule-of-law. It focused on nondiscrimination and equal protection. It started a way to correct the wrongs of apartheid. This opened up for the democratic election in 1994 and the transition to majority rule when ANC won. The new constitution chapter 1 section 12 (1 e) says that every person have the right “not to be treated or punished in a cruel, inhuman or degrading way”. Section 28 (1 ) in the same chapter says that “Every child has the right –

19 Mutua M (2002), Human Rights – A Political & Cultural Critique: p 126
20 Ibid: p 130
21 Ibid: p 133
(d) to be protected from maltreatment, neglect, abuse or degradation.” It is possible to say that any form of corporal punishment against children is illegal according to South African constitution, but there is an exception according to the common law. A South Africa – Country report from 2012 published by the organization Global Initiative to – End All Corporal Punishment of Children says that:

Under common law, parents have the power ‘to inflict moderate and reasonable chastisement on a child’ (R v Janke and Janke 1913 TPD 382), and this power may be delegated to a person acting in the parent’s place (except teachers and others specifically prohibited in legislation from using it in alternative care settings).^24

The South African Law Reform Commission (SALRC), through an issue paper The Review of the Child Care Act from 1998, noticed this part of the common law. Professor June Sinclair argues that this type of parental power doesn’t belong in a modern society and that the law needs to be reformed.^25 In 2002 the recommendation from the SALRC was to abolish the common law that defended the possibilities for parents to use reasonable chastisement against children in their home. SALRC didn’t get any support for the suggestion to ban corporal punishment.^26 This shows that there is strive for a change from some of the legislators when it comes to the issue of corporal punishment towards children in their homes. Corporal punishment in schools was prohibited through the South African schools act (No. 84) from 1996. It says “No person may administer corporal punishment at a school to a learner.”^27 To summarize this we can say that corporal punishment is legal in the South African homes to some extent, even if the constitution can be interpreted otherwise. Corporal punishment is illegal in the South African schools.

---

3.2. Swedish society

Sweden is a democratic society and seen as a respected welfare-state. A Swedish model developed from the 1960:s and forward. Lars Pettersson, a professor in history, describes the Swedish model as a society in the middle between capitalism and socialism. Which means a “combination of a capitalistic production system and a socialistic welfare system.”\(^{28}\) Sweden is well-known for its universal welfare service, such as education, health and social insurance.\(^{29}\) Multiculturalism became a big part in the politic of welfare in the Swedish model in 1975. A tolerant immigrant policy and strive for a social equality amongst the different ethnic groups is well known all over Europe. A goal with this ideology is to show solidarity, integrate and accept refugees in a human manner and to give them political influence. The key concepts in this process is *equality*, *partnership* and *freedom of choice*. *Equality* in the Swedish model stands for giving immigrants the same opportunities when it comes to living standards as the native population. *Partnership* is about co-operation between minority groups and immigrants with the native population. By working together it benefits all different populations groups. *Freedom of choice* is about initiatives of the public to assure linguistic and ethnic minorities living in Sweden a choice between keep and develop a cultural identity and assume a Swedish cultural identity.\(^{30}\) This have been a big part of shaping the Swedish society today and it also shows a focus on integration. When it comes to laws against corporal punishment of children in Sweden it started in 1958. The debate started in 1945 to abolish corporal punishment in schools. It took a while but a law against corporal punishment in schools was adopted in 1958.\(^{31}\) It followed with a debate about corporal punishment of children in every social context. The legislator took away the parts about corporal punishment in schools from the school act in 1985. Instead it was referred to the Swedish constitution and the *code on parents and children* (specific term for Swedish society).\(^{32}\) A new view about bringing-up children began to take form. In 1966 took the legislator away all formulation about parent’s rights to use corporal punishment on children from the code


\(^{29}\) Ibid: p 56


\(^{31}\) Modig C (2009), *Aldrig våld – 30 år av svensk lagstiftning mot aga*: p 10

\(^{32}\) Aftonbladet, “Förslaget: Förbjud barnaga i skolan” (Eng. “Proposition: Forbid child corporal punishment in schools”) (Published: 30 March 2015), [http://www.aftonbladet.se/nyheter/article20548133.ab](http://www.aftonbladet.se/nyheter/article20548133.ab) (31 March 2015)
on parents and children and referred it to the criminal code. Corporal punishment against children was not forbidden yet. In 1979 a unanimous Swedish government took a decision to forbid all types of corporal punishment against children. Today the code on parents and children chapter 6 § 1 says:

Children have right to nursing care, safety and a good nurturing. Children shall be treated with respect for their person and individuality and will not be exposed to physical punishment or other violated treatment

It’s important to say that this law don’t entail any blamableness, if necessary it is possible to refer to the criminal code (chapter 3 § 5). This means that it isn’t possible to be convicted in court to have broken the code on parents and children. The criminal code on the other hand is the same that is used for those who have inflicted bodily harm, sickness or pain to another person and it can give up to two years imprisonment. To summarize this it is possible to say that all forms of corporal punishment against children have been illegal for a long time in the Swedish society.

3.3. South African research material

The first survey is called Corporal punishment in South African schools: a neglected explanation for its persistence conducted in September – October 1998 by Robert Morell from University Natal, Durban. Morell handed out and completed 750 questionnaires divided over 16 schools in Durban, South Africa. The purpose with this research is to examine the persistence of corporal punishment after it was legally prohibited by the law. The research question Morell uses is “Why does corporal punishment persist in schools when law has specifically prohibited it?” The result gives certain statistic of the use of corporal punishment in schools and homes. Even if the survey focus on the use of corporal punishment it is possible to see adults and children’s attitudes and opinions

31 Ibid: p 11
32 Ibid: p 13
34 Modig (2009): p 14
37 Ibid: p 292
about this issue. The experiences the participants have in the survey gives a picture of the situation in South Africa at the time. It is also possible to get the connection between schools and homes because it presents how many children experience punishment and how they are disciplined in their homes. It shows what type of punishment children are exposed to, but the statistic is not divided into different genders.

The second survey is *The Rights of the Child and ‘the Good of the Learners’ A comparative ethnographical survey on the abolition of corporal punishment in South Africans schools* conducted October 2004 – October 2007 as a part of a bigger study financed by the French institute in South Africa and National Centre for Scientific Research (CNRS). It is based on interviews of teachers and learners and written as an article by Jean-Paul Payet and Vijné Franchis 2008.\(^40\) This survey capture the learner’s different points of views when it comes to corporal punishment. An interesting aspect is that it shows an awareness and knowledge, among both adults and children, about children’s rights in relation to corporal punishment. Because of the different attitudes and opinions it is possible to find arguments that are both positive and negative to corporal punishment. It gives a picture of two sides among learners when it comes to corporal punishment. It also contains the difficulty or complexity of the discussion about corporal punishment in relation to official policies. Payet and Franchis survey complements Morells study with attitudes and opinions, among learners, to corporal punishment. It also gives a connection to children’s rights.

The third survey is *Educators’ disciplinary capabilities after the banning of corporal punishment in South African schools* published 2010 by Cosmas Maphosa from KwaZulu-Natal university and Almon Shumba from Free State university. It is based on quality interviews of three educators, one male and two female. The educators comes from three rural schools in Eastern Cape.\(^41\) Maphosa and Shumba uses two research questions to conduct the survey. The first is; “How do educators view their disciplinary capabilities in the post-corporal punishment period?” and second; “How do educators view the usefulness of alternative disciplinary measures?”\(^42\) The survey focus on educator’s points of view when it comes to discipline in schools. It contains how educators are capable to

---


\(^42\) Ibid: p 387
control indiscipline in schools after the abolition of corporal punishment. Another aspect in the survey is how useful the alternative disciplinary measures are. This survey complements the other two studies with focus on educator’s points of view about children’s rights, corporal punishment and alternative disciplinary measures. The last South African material for the analysis is the General Household Survey (GHS)\(^43\) conducted every year from 2002 – 2013, as a statistic complement to the other surveys. This surveys are face-to-face interviews, from 2009 it contains a question about the use of corporal punishment in schools. For this thesis I will use GHS from 2010 and 2013. The number of successfully performed interviews have varied from 25 330 – 32 566 households over the years. I will use this material to support the other three studies from South Africa.

3.4. Swedish research material

The first survey is called *Kroppslig bestraffning och annan kränkning av barn i Sverige – en nationell kartläggning 2011* (Eng: Corporal punishment and other humiliating behavior towards children in Sweden – a national mapping 2011) conducted in April – June 2011 by Common Children House Foundation (Swe: Stiftelsen Allmänna Barnhuset) assigned by the Swedish government. The authors are Staffan Janson, Carolina Jernbro, Bodil Långberg from Karlstad University. The national study is divided in two parts; the first part is a postal survey conducted on parents to 2500 randomly picked children (0 – 12 years of age), 1358 answered the survey; the other part is a classroom survey conducted on 3207 learners in grade 9 and 158 different classes.\(^44\) The learner’s gives their general attitudes and opinions, which can be connected to both schools and homes. The main purpose with this study is to examine if attitudes and existence of corporal punishment have changed since a previous survey from 2006. Another purpose is which background factors there are to violence against children, for example alcohol or economic vulnerability.\(^45\) An important aspect of this survey is that it gives a more general view about corporal punishment among adults and children. It does not pinpoint a specific area such as school or home. The two parts of the survey focus on attitudes and opinions of different types of punishments, for example slapping and hitting.


\(^{45}\) Ibid: p 25
The second survey is, *Barnmisshandel ökar stadigt i Sverige – stämmer det med verkligheten?* (Eng: Increasing number of police reports on child assault – in accordance with reality?), published in “Läkartidningen” (2001) by Christian Nilsson, Kerstin Horgby and Magnus P Borres. The purpose with the article is to look at the increasing numbers of police reports about child assault and to find possible explanations to why this is the case. The reason to use this survey is to establish that it exists abuse and corporal punishment against children in the Swedish society. The survey focus on children’s vulnerability to violence performed by adults and other children.

4. Analysis

Throughout the theoretical framework I will analyze the research material from South Africa and Sweden. The structure will be to use the formulated questions and start with material from South Africa on each question and continue with the material from Sweden.

4.1. What examples of attitudes and opinions to corporal punishment can we find among adults in South Africa respective Sweden?

4.1.1. Corporal punishment as a disciplinary method in South Africa

Morell shows in his research article, *Corporal punishment in South African schools: a neglected explanation for its persistence* from 2001, that newspapers have reported that corporal punishment have continued in schools after 1996. Educator’s saw corporal punishment as an essential tool for their work and used it as a disciplinary instrument. Many changes in the educational system made the issue about corporal punishment to drop down on the agenda. Other issues was prioritized before corporal punishment and better alternatives for discipline were not introduced. Due to lacking alternative disciplinary measures and students challenging the traditional concept of authority in the classroom, the educator’s saw no other way then to continue with corporal punishment.

---

to keep order in the classroom. Corporal punishment for educators is a remaining disciplinary method in a milieu where they feel helpless to the school violence. In this case it will be to use violence to prevent violence. To look at an interview with an educator in Maphosa and Shumbas study, *Educators’ disciplinary capabilities after the banning of corporal punishment in South African schools* from 2010, almost the same opinion occur:

 [...] Look at the gravity of indiscipline in schools today. In the past it was unheard of that a learner would kill another learner within the school premises. Without disciplining, we are killing the future of our country.

This opinion or attitude shows that some adults in schools thinks that the use of corporal punishment as a disciplinary method saves children’s lives. In Maphosa and Shumbas study it is possible to see that the interviewed educators express that alternative disciplinary measures have been suggested and implemented. The difficulty is that all educators in the survey don’t think that the alternative disciplinary measures are enough to maintain discipline. Some of the expressed critique against it is; inefficient, complicated to carry out and time consuming. I interpret the educator’s attitudes towards alternative disciplinary measures as a part of the problem. Another issue is that learners don’t see the alternative disciplinary measures as big consequences, not enough to change their bad behavior. Maphosa and Shumba pinpoints this in their discussion “The revelation in the study that ‘learners had neither fear nor respect for teachers and behaved as they pleased’ signals a recipe for chaos in our schools.” This indicates that the issue about safety in schools lifts up as an argument in the discussion about corporal punishment. One recommendation from Maphosa and Shumba is to staff-develop educator’s to a more co-operative and supportive disciplinary approach. This means that educators need to change angle to approach and work against the problem with corporal punishment.

---

47 Morell (2001): p 292
48 Ibid: p 293
49 Maphosa & Shumba (2010): p 392
50 Maphosa & Shumba (2010): p 393-395
51 Ibid: p 395
52 Ibid: p 397
4.1.2. Parent’s involvement, ethnicity and gender

The government introduced a policy with “codes of conduct” and parents got extraordinary involvement and influence in school affairs.\(^5^3\) Parents and teachers played a key role when it came to ban corporal punishment and transform the education. Parents were responsible to help with the discipline of their children. The issue about this policy landed in a matter of class. It was easier and more effective in middle class schools than in more problematic schools.\(^5^4\) The involvement leads to a mutual trust between parents and educators. In one visited township school in Morell’s survey is the environment described as excellent and learners attends classes without any disciplinary problems. The reason for that according to the principal and a senior teacher is “Parents were readily consulted and punishment (including beatings) was ‘lovingly’ given. This is a widely held view among teachers as well.”\(^5^5\) It shows that mutual trust and co-operation can lead to good results. Morell points out that this example is a “sharp contrast to other township schools.”\(^5^6\) Maphosa and Shumba gives recommendation to close collaboration between educators and parents.\(^5^7\) If the collaboration works properly, it is a good measure to ensure the learning environment. A difficulty to parent’s involvement is the schools with big social problems. Parents or guardians have a lot of commitment to fulfill every day, and involvement in school affairs can be too much. According to Morell is the difficulty biggest among single black mothers in a minority community.\(^5^8\) Therefore it is possible to see that ethnicity and also gender have significance to the problem with corporal punishment.

In Morell’s examination of the secondary schools in Durban the percentage of learner that have ever been beaten at home is approximately; 92% African, 90% Coloured, 62% Indian and 63% White.\(^5^9\) The research material also shows that the percentage of learners being injured or taken to hospital is; 32% African, 30% Coloured and 0% White.\(^6^0\) This indicate that the positive attitudes and opinions to corporal punishment is substantially higher in the African and Coloured ethnic groups. It also shows a higher grade of beating in these groups. This means that it gives impact on the parent’s involvement in school affairs in different areas. Payet and Franchi establish that every

\(^{53}\) Morell (2001): p 292
\(^{54}\) Ibid: p 294
\(^{55}\) Ibid: p 293
\(^{56}\) Ibid: p 293
\(^{57}\) Maphosa & Shumba (2010): p 397
\(^{58}\) Morell (2001): p 294
\(^{59}\) Ibid: p 297
\(^{60}\) Ibid: p 298
involved part in the schools; parents, learners, teachers and school management, are knowledgeable and informed about the change of disciplinary measures. The interpretation of the actual use of corporal punishment varies between the parts. There are tendencies of denial from teachers and school management and learners reckon that it continues to be used in various proportion depending on establishment. The opinions vary within these groups. Payet and Franchi finds that:

The attitude found among those educators in favour of corporal punishment can be characterized as ambivalent, and sets them firmly aside from those (in the main female educators) who repudiate the practice unequivocally.

This is an indicator that an educated female teacher mainly have the opinion and attitude against corporal punishment. It is also possible to see a more ambivalent attitude within the group of educators. In Morells research it is possible to see that females at home are mostly responsible of the discipline in the African and Coloured ethnic groups. It is more equable within the Indian and White ethnic groups. This creates a contrast between the homes and schools. The same gender have different attitudes and opinions about disciplinary measures. Female educators are against it and mothers at home are in charge of discipline and can be more open to the use of corporal punishment. This is an interpretation of the relation between the statistics of disciplinary responsibility and use of corporal punishment in the homes.

4.1.3. Honesty and caring instead of violent acts in Sweden

In the Swedish society is the view on child-rearing characterized by honesty, caring and non-fighting/teasing/threating. According to the survey by Janson et al. over 60% of the parents think that these issues are most important in the rearing of children. The other less important issues in the survey is times, politeness, justice and wait for your turn (they had the opportunity to choose more than one alternative). This shows that a majority of Swedish parents don’t promote or connect violence to children’s rearing. The attitudes and opinions among parents, when it comes to grab and shake a child, 75%
thinks that it is never ok, 17% thinks it is ok if the child is in danger. The rest thinks it is ok on the occasion of bad behavior or destroying of material things.\textsuperscript{65} The parents with higher education were more negative than parents with lower education to this type of punishment.\textsuperscript{66} The attitudes and opinions when it comes to slapping and hitting 92% think that it is never ok to hit or slap a child. 4% of all the parents are ok with slapping and 2% are ok with hitting. The positive parents to this type of punishment are the ones with lower education and parents with foreign origin.\textsuperscript{67} I connect this positive attitudes and opinions of corporal punishment to economic and social problems. The frustration of the life situation opens up to let out aggression on the children. Another connection is that 5% of the positive parents have been beaten themselves when they were growing up.\textsuperscript{68} The prevalence of corporal punishment according to this survey is that 30.6% of the parents have pushed, grabbed or shook the child in case of a conflict. 2.9% of the parents have hit the child and 0.4% have beaten-up the child with fists, kicks and hitting with objects. The male parents with Swedish origin have pushed, grabbed or shook the child more than the other parents (41.8%), compared to 30.6% among all parents. The lowest percentage in this category is male parents with foreign origin (16.7%). The male parents with foreign origin have hit the child more than other parents (10.9%), compared to 2.9% among all parents.\textsuperscript{69} It shows that the group of male parents have used corporal punishment more than female parents. But overall is the positive attitudes and opinions to corporal punishment higher among both male and female parents with foreign origin. My explanation to this is that it begins with a different cultural standpoint, which strengthens along with the change of culture. In Janson et al. survey the parents was asked questions about how they felt in a conflict with the child. Tired was the most common feeling with 48%, stress was next with 34%, sad with 15% and conflict with partner 3%. Stress was divided into three types, by the child, work situation and life situation, and some parents chose more than one type.\textsuperscript{70} But it is possible to say that the most common feelings were tiredness and some type of stress when the parents were in conflict with the child (82%). According to Janson et al. were stress and conflict with partner strongest connected to corporal punishment, but all of them can be associated.

\textsuperscript{65} Ibid: p 88
\textsuperscript{66} Ibid: p 87
\textsuperscript{67} Ibid: p 88-89
\textsuperscript{68} Ibid: p 90
\textsuperscript{69} Ibid: p 91-92
\textsuperscript{70} Ibid: p 83-84
to corporal punishment.\textsuperscript{71} My interpretation is that a more stress-free environment for children is a solution to diminish the problem further. To reduce the stress among parents or get them to avoid stress will create a more stress-free environment. This will lead to fewer excuses to use corporal punishment.

4.2. What examples of attitudes and opinions to corporal punishment can we find among children in South Africa respective Sweden?

4.2.1. Justification and alternative measures as two sides of opinions

The learners are more open than educators to the fact that corporal punishment exists. Learners are divided into two sides of opinions about its existence. According to Payet and Franchis survey is there one side that condemns that corporal punishment exists, and the other justifies that it exists. The latter means that there are reasons or excuses for conducting corporal punishment.\textsuperscript{72} The learners have the knowledge and awareness about their rights and the policy change.\textsuperscript{73} It is possible to see that opinions and attitudes differs between ethnical groups. In the White school learners comply with the changing policy for three reasons; 1. It benefits them as long as they don’t get physically hit, 2. All the teachers in schools use it, 3. The educational relationship becomes more efficient.\textsuperscript{74} Both learner’s and educator’s understand the purpose with the change. In the areas or schools were the opinions and attitude varies it is different. For example in an African school in Soweto the learner justifies the use of corporal punishment as a needed disciplinary measure even if it gives negative effects. They justify it because it is the common attitude and opinion among educators and there is no alternative to uphold discipline.\textsuperscript{75} Because of this justification it is possible to say that some learners rejects their fundamental rights in favor of corporal punishment. One interviewed boy in Payets and Franchis survey expression about this is:

\textsuperscript{71} Ibid: p 86

\textsuperscript{72} Payet & Franchi (2010): p 160

\textsuperscript{73} Ibid: p 159

\textsuperscript{74} Ibid: p 161

\textsuperscript{75} Ibid: p 161
I think, corporal punishment in moderation is good, but naturally you get people who really take it to the extreme, but if it’s controlled, yeah, I think it’s a good thing because sometimes kids go overboard.\

This boy justify corporal punishment if it doesn’t get out of hand. He also put the responsibility on the children if educators use corporal punishment. The use of the word *moderation* is possible to relate to parents rights to use corporal punishment in moderation in the homes. But this right is not applied on educators in schools. The boy have a sense of ambivalence in his attitude and opinion of corporal punishment. The most common attitudes and opinions among those learners who justify corporal punishment is fairness and effectivity when it comes to uphold discipline and to keep the class in order. It is also the opinion that this task is called upon the educator. My interpretation is that learners give educators full responsibility and disclaim their own fundamental rights. The reason is that both parts sees the efficiency and it works to maintain discipline. It is also easy to be positive or justify corporal punishment from those learners who behaves. These learners afflicts by the disturbance in another way. They can’t fulfill their education in a proper way and in a healthy environment because of those learners who misbehaves. According to Payet and Franchi is this pattern common in “more underprivileged schools (Black, Coloured and Indian schools).”\n
In Morells survey is it possible to see another opinion among learners who don’t justify corporal punishment. White learners express that the alternative disciplinary measure can be efficient. Corporal punishment is replaced with, for example “detention, kneeling for long periods, silence and writing lines.” Some alternative measures can be questioned if it is corporal punishment or not. Kneeling can cause physical pain depending on how long the period is. My explanation is that the learners have discovered and experienced a positive result with alternative disciplinary measures. It is a result of communication and mutual respect between educators and learners. It can also be connected to maturity because the two white learners giving the response to this, in Morells survey, are 17 - 19 years old.\n
---

76 Ibid: p 163  
77 Ibid: p 162  
78 Ibid: p 163  
79 Morell (2001): p 296  
80 Ibid: p 296
4.2.2. Gender shows differences in attitudes and opinions

Another issue when it comes to attitudes and opinions among children are their gender. It is possible to see differences between boys and girls experiences in the actual effectuation of corporal punishment. A statement in Payet and Franchis interviews is that “Some teachers if you’re a girl they hit you on the hand, if you’re a boy they hit you in the face.” Boys are more exposed to the fact of corporal punishment. Payet and Franchi pinpoint this group:

[...] a highly exposed group: the male learners in higher grades, from underprivileged backgrounds and with learning difficulties.\footnote{Ibid: p 165}

It means that boys in a difficult social environment experience corporal punishment negatively and don’t like it. An African boy in Morell’s survey points out the differences between boys and girls:

Girls are not really the same as boys and their way of being brought up is not the same so girls get a different discipline than the boys ... if maybe you discipline a boy by using a sjambok (my comment: heavy leather whip) then you should use a stick or a belt for a girl.\footnote{Morell (2001): p 297}

My interpretation is that disciplining boys and girls in such different ways gives an impact on their attitudes and opinions. The circumstances and the level of exposure affects if the attitudes and opinions are positive or negative. Male learners can accept corporal punishment to a certain level, but if it goes over that level they won’t accept it. Female learners on the other hand seeks a more equality between boys and girls even if it exists corporal punishment. They can see the injustice in the level of using corporal punishment. One female learner says that “I think they should change the discipline so it can be equal amongst boys and girls.”\footnote{Payet & Franchi (2010): p 165} It means that female learners want the disciplinary measures to be equal between boys and girls. Female learners know that they are spared from most of the visual corporal punishment. It is important to say that female learners are exposed to more hidden assaults such as “harassing, stroking and

\footnote{Payet & Franchi (2010): p 165}
It is important to mention, but this issue is not included in the agenda for this thesis. According to Payet and Franchi learners are willing to accept and justify corporal punishment if it don’t “departs from the policy of care.” An interpretation is that love and care combined with communication can create mutual respect. If the degree of violence gets out of hand it is possible that it creates disrespect between adults and children.

4.2.3. Learner’s attitude and opinion in Sweden

Swedish learner’s attitudes and opinions when it comes to grabbing and shaking a child is that 65% thinks it is never ok to do that. This means that 35% thinks that it can be alright with this type of corporal punishment in some cases. The most common answer is when the child is in danger (22%). Around 10 % thinks that the corporal punishment is ok to prevent bad behavior and material damages. When it comes to slapping and hitting 81% of the learners think that this type of corporal punishment is never ok. Those 19% that thinks it can be ok is the boys with foreign origin that are most positive to this type of punishment. My interpretation is that boys with foreign origin have another cultural standpoint when it comes to give more physical reprimands to bad behavior. Another interesting fact is that those learners that have experienced hitting or slapping are more positive than those who never have been hit. It is also a fact that those who have been exposed to violence among adults or others are more positive to this type of corporal punishment. This can create a notion that violence and corporal punishment solves disciplinary problems. When it comes to other types of punishment such as different kinds of sanctions is approximately half of the learners positive. The most common type of sanction that could be accepted is to withdraw the allowance. 15% of the learners don’t accept any type of sanction as a punishment. When it comes to ethnical and gender aspects are boys with foreign origin most positive to any use of corporal punishment. On the other hand are girls with Swedish origin most negative to any use of corporal punishment. An example is that 28% of the foreign born boys thinks it is ok with slapping and 4% of the Swedish born girls thinks that slapping is ok. Between boys with

85 Ibid: p 166
86 Ibid: p 170
87 Janson et al. (2011): p 101-102
88 Ibid: p 103
89 Ibid: p 105-106
Swedish origin and girls with foreign origin it is a more even percentage.\(^{90}\) Therefore it is not possible to say that only one aspect, such as ethnicity or gender, can explain learner’s attitudes or opinions to corporal punishment.

4.3. Which tendency to use corporal punishment over time is there in the society in South Africa and Sweden?

4.3.1. Tendencies in South African society

Morell conducted the survey in 1998 in the province of Kwa-Zulu-Natal. In the result it is possible to see that over 50% of the learners can see a change over the last three years when it comes to discipline within the schools.\(^ {91}\) It indicates that abolishing of corporal punishment in schools have some impact on the society. In the result it is also possible to see that over 50% of the learners have been beaten at some point. It can be at home or in school. Morell points out that “Where corporal punishment is frequently used domestically it is likely to be accepted in a school context by those receiving it at home.”\(^ {92}\) A high number of children have experienced some sort of corporal punishment or violence in the late 1990:s.

To go about 10 years forward and look at one question asked in the General Household Survey (GHS) conducted 2010. The question is about learner’s experience of corporal punishment in schools. According to the diagram it shows that the area of Kwa-Sulu-Natal experiences of corporal punishment in schools have gone from 24.5% in 2009 to 21.1% in 2010. It decreased in the same way as the percentage for the whole nation. In 2009 16.8% experienced corporal punishment and 14.4% in 2010. Other areas increased between 2009 and 2010, such as Northern Cape (5.6% - 17.5%) and North West (12.7% - 21.7%).\(^ {93}\) In the GHS from 2013 it is possible to see a diagram that shows experiences of corporal punishment from 2011 – 2013. Here it shows that the percentage is decreasing almost all over the nation, from 16.7% in 2011 to 13.5% in 2013. In Kwa-Zulu-Natal the percentages is steady around 21 – 22%.\(^ {94}\) Even if it shows differences between areas over the years the tendencies is that experiences of corporal punishment in school is decreasing in the South African society.

---

\(^{90}\) Ibid: p 103  
\(^{91}\) Morell (2001): p 296  
\(^{92}\) Ibid: p 297  
\(^{93}\) Statistics SA (GHS 2010): p 13  
\(^{94}\) Statistics SA (GHS 2013): p 22
4.3.2. Tendencies in Swedish society

In the Swedish society the attitudes to corporal punishment have changed since the 1960s. A diagram in Janson et al. survey shows that 53% of the parents were positive to corporal punishment of children in 1965. Over the years it has steadily decreased. In 1981 were 26% of the parents positive and this is at the time when it became forbidden with corporal punishment in the homes. After that it drops down to 11% in 1994. In the period 1994 – 2011 it varies between 7 – 11%. Looking at attitudes to corporal punishment among learners between the years 1994 – 2011, it is different in some sense. In 1994 was 32% of the learner’s positive to corporal punishment. From 2000 to 2011 it varies from 10 – 12%. The most interesting fact is that learners seems to be more positive than parents when it comes to corporal punishment. An explanation is that parents usually knows that it’s wrong to use corporal punishment and learners (children) usually wants explicit consequences for bad behavior. A tendency from both learners and parents is that it goes up a little from 2006 – 2011. 

Another aspect is that the number of reported child assaults have increased during the 1980:s and 1990:s. All of these reports are not connected to only corporal punishment performed by adults, but it indicates that children are exposed to more violence in their everyday life. The connection to corporal punishment in the article is that it tends to increase along with the changes in society and the more multicultural influences. The latter is meaning that immigrants from other cultures have other values or views when it comes to bring up children.

4.4. What is the prevalence of rights discourse, specifically children’s rights, in the conducted research material from South Africa and Sweden?

4.4.1. Underlying prevalence to children’s rights

Morells article, Corporal punishment in South African schools: a neglected explanation for its persistence from 2001, emphasize on the banning of corporal punishment by law in

95 Janson et al. (2011): p 90
96 Ibid: p 107
97 Nilsson et al. (2001): p 2299
98 Ibid: p 2300
1996. After the law is changed South African schools continued to use corporal punishment. Morell talks about the historical context of corporal punishment. One side argued about the serious damage, emotionally, corporal punishment have on children. The other side, mostly teachers, argued that corporal punishment was needed to maintain discipline. The response to the argument is that corporal punishment have nothing to do with education and the wrong-doers is seldom reformed by this type of disciplinary measures. The prevalence of children’s rights in Morell’s survey is not apparent. It is possible to see arguments referring to the law and the transition into a new school policy. The first time Morell referring to human rights is in the conclusion. Morell means that it is a big gap between human rights policy and the currently disciplinary practice. This gap have to be diminished to resolve the problem with corporal punishment. The awareness of rights among adults and children is not mentioned. I want to interpret the reason that children’s rights is not apparent in Morells research to the lack of knowledge about children’s rights, among both adults and children. And also the time the research was conducted (1998). The government in South Africa ratified and accepted the Convention on the Rights of the Child (CRC) in 1995 and African Charter on the Rights and Welfare of the Child (ACRWC) in 1997. The implementation of these conventions to the public takes time. The knowledge and awareness of the content in the conventions have not been set at the time the survey was conducted in 1998. Therefore Morell is concentrating on the law and the issues around the actual rights. It is possible to read between the lines and find out that corporal punishment is not only illegal but also violates children’s rights.

4.4.2. A clearer prevalence of children’s rights

The prevalence of children’s rights is more obvious in the other two South African surveys treated in this thesis. According to Payet and Franchis survey, The Rights of the Child ‘the Good of the Learners’: A comparative ethnographical survey on the abolition of corporal punishment in South African Schools from 2008, is the South African Constitution very well respected over the world when it comes to human rights, both individually and collectively. It shows clearly in the interviews that all participants have the knowledge and awareness of the right’s discourse that applies. The expression

100 Ibid: p 298
“rights of the child” is used frequently by the interviewed. It means that the implementation of the conventions have taken a step further. The focus in Payet and Franchis study becomes more about the approach, experiences and interpretation of this notion. The existence or use of corporal punishment tended to be denied by the adults in the schools, on the other hand the learners were open with the fact that corporal punishment still is being used in various proportion. The teachers have objection to the learners use of the notion of ‘rights’ in the sense that “they speak only about their rights, not about their duties”.

The same issue is also possible to see in Maphosa and Shumbas study Educators’ disciplinary capabilities after the banning of corporal punishment in South African schools from 2010. In this study corporal punishment becomes very prevalent to children’s rights, but in a way as a problem. One male interviewed educator have the opinion that “The child has more rights than a teacher. [...] Learners are not only aware of their rights but very sensitive to them.” This expresses a view on the disciplinary capabilities as a frustrated matter because of the rights of the child. It can also be interpreted as lacking of teachers rights to maintain discipline. A female educator’s formulation is:

I believe the issue of rights has been taken too far. Learners now feel completely liberated and as teachers we now feel powerless because the learners we teach have rights and they know.

The key issue in the discussion about children’s rights and lacking of the use of corporal punishment is the matter of possibilities to maintain discipline. Maphosa and Shumba asks the educator’s about alternative disciplinary measures. All of the three interviewed educator’s knows about alternative disciplinary measures but they don’t think that they are useful. The arguments against alternative disciplinary measures is that it is not efficient enough and time-consuming. One educator even claims that it complicates the issue about disciplining learners further. But every educator in the survey sees the value and importance in children’s rights. At the same time as the educator’s wants to protect children’s rights, they are missing their own rights to maintain discipline.

---

102 Ibid: p 160
103 Maphosa & Shumba (2010): s 392
104 Ibid: p 393
105 Ibid: p 394
Maphosa and Shumba states that “one important observation is that an individual’s rights should not interfere with the rights of others.”106 My interpretation of the prevalence of children’s rights in these surveys is that it creates another problem. Now it is about to deal with children’s rights and still maintain discipline without using corporal punishment. Maphosa and Shumba ends their research with three suggestions or recommendations; 1. Staff-develop the educator’s to approach the disciplinary problem together in a co-operative and supportive manner. This gives them the opportunity to administer discipline at all time without the use of corporal punishment. 2. Teach the learners Human Rights as a single subject and emphasize on how to behave and responsibility. 3. Collaboration between educators and parents to make sure that self-discipline is developed.107

4.4.3 A separated prevalence of children’s rights

In the Swedish survey, Kroppslig bestraffning och annan kränkning av barn i Sverige – en nationell kartläggnings 2011 (Eng: Corporal punishment and other humiliating behavior towards children in Sweden – a national mapping 2011), the prevalence of children’s rights is separated from the actual surveys. Children’s rights are presented in an own section. The section about children’s rights presents the Convention on the Rights of the child (CRC) and how Swedish society deals with the convention. Even if Sweden have ratified the CRC it isn’t incorporated in Swedish law, instead is the regulations in the convention transformed and remodeled into the Swedish constitution.108 Article 19 in CRC is about to protect children from all kinds of violence and also to build up social programs for children in need.109 Janson et al. mention article 19 and also that Sweden have a legislation close to CRC: s intentions. The review from United Nations (UN) commission points out some flaws in the legislation. Some examples of the critique are protection of children experience violence in their homes (about to improve), incomplete statistic of abuse and honor related violence.110 This shows how Sweden deals with children’s rights through the constitution and UN is monitoring the eventual progress. Nothing is mentioned about the knowledge and awareness about children’s rights among adults or children. The issue about children’s rights isn’t integrated in the two conducted

106 Ibid: p 396
107 Ibid: p 397
108 Janson et al. (2011): p 44
110 Janson et al. (2011): p 45
surveys in Janson’s *et al.* research material. For example it isn’t possible to see the knowledge and awareness about their own rights among those learners (children) that have a positive attitude and opinion to corporal punishment. I can see two reasons or explanations to separate children’s rights from the actual conducted surveys. 1. Children’s rights are imbedded in the Swedish constitution and legislation and therefore the Swedish government’s responsibility to create possible ways to fulfill these commitments. 2. Children’s rights are seen as common knowledge and it is taken for granted that parents and learners are aware of them. Either way the prevalence of children’s rights are presented in a separate section. Therefore it is not possible to see if the participants in the surveys have knowledge and awareness of children’s rights. In the discussion and finishing comments after the conducted surveys there are no prevalence of children’s rights. The connection between children’s rights and corporal punishment is left out at the end of this research.

5. Discussion

I want to start with a reminder of the two main research questions for this thesis: *When it comes to the use of corporal punishment and the connection to children’s rights, what kind of general opinions and attitudes to the issue is it possible to find within the two societies? In what way can we find better disciplinary measures without violence and diminish problems such as corporal punishment against children?*

5.1. Development in the two societies

The development in the two societies have been different from each other. South Africa have gone from a segregated society, with apartheid, to a liberal democracy in 1994. The transition implies changes in many areas within the society. An issue to change is the abolishing of corporal punishment in schools. The law to abolish corporal punishment is from 1996. Corporal punishment is still possible to be used with moderation in the homes. At the same time South Africa signed international agreements, such as *Convention on the Rights of the Child (CRC)* in 1995 and *African Charter on the Rights and Welfare of the Child (ACRWC)* in 1997. The ratifications of these documents means that South Africa wants to go with the international community and protect children’s rights.
The development in Sweden is different in many ways. “The Swedish model” is a term established from the 1960: s, and is something between capitalism and socialism. The focus in the Swedish society at this time is democracy along with social security and welfare. During the 1970: s many working immigrants comes to Sweden and the integration of the different ethnic groups becomes a part of the Swedish model in 1975. The intention is to integrate instead of segregate the ethnic groups into the existing society with democracy and welfare system in focus. The law to abolish corporal punishment in schools is from 1958 and in the homes from 1979. This means that Sweden have totally abolished the use of corporal punishment. They signed and ratified CRC in 1990, but it is not used as a law. The Swedish government have used CRC to adapt the constitution and legislation. The Swedish legislation have been criticized by United Nations (UN) in their reviews. I don’t have the intention to compare the two societies more than that they have developed in different ways. My intention is rather to establish that both South Africa and Sweden lies almost on the same level when it comes to legislation and ratification of international agreements. The exception is the possibility to use corporal punishment with moderation in the homes in South African society.

5.2. Attitudes and opinions to corporal punishment

Along with Bitensky there are other scholars that define corporal punishment in the same way as used for this thesis. In the anthology Corporal Punishment of Children in Theoretical Perspective the definition is:

the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correcting or controlling the child’s behavior.

Correcting and controlling behavior is an argument among South African educators. They see the use of corporal punishment as a disciplinary method. Without functional alternative disciplinary measures to withhold order in the classroom, the educator’s feel obligated to continue to use corporal punishment. Because of the harsh environment the attitudes and opinions is that it saves and protect children’s lives. This issue occurs

112 Janson et al. (2011): p 44-45
113 Donnelly M & Straus M A (ed.) (2005), Corporal Punishment of Children in Theoretical Perspective: p 3
among some of the Swedish parents. Almost a fifth of the participant parents in the Swedish survey thinks it is alright to use corporal punishment if children are in danger. I can understand this type of justification when it comes to safety and protection of children. But I’m not convinced that the use of corporal punishment is the way to go. The effect can be opposite to the intention of changing bad behavior. I think it should be consequences of bad behavior, but it doesn’t mean that it have to involve violence. The justification of corporal punishment is possible to see among learners and children as well. The argument about discipline is the same among learners and children in South Africa. If children are in danger more than a fifth (22%) thinks it is alright to use corporal punishment. This is 5% more than the parents or adults attitudes and opinions.

It is possible to see that ethnicity and gender have significance when it comes to positive and negative attitudes and opinion to corporal punishment. The African and Coloured ethnic groups in South Africa have more positive attitudes and opinions to corporal punishment. I want to say that there are other social problems amongst these ethnic groups living in townships. In Sweden there are more positive attitudes and opinions in the families that have lower education and can be related to lower economic standard. I think that external issues such as social or economic problems have a big impact on the attitudes and opinions to corporal punishment. The analyze show that tiredness, stress and frustration is an issue related to the use of corporal punishment, in both societies.

5.3. The connection to children’s rights

The scholar Michael D. A. Freeman have argued through the essay *Taking children’s rights more seriously* the importance to treat children equal and “as autonomous beings.”\(^{114}\) The importance of rights for children, according to Freeman, can be divided into three arguments. 1. Despite moral values such as friendship, love and compassion are children “particularly vulnerable and need rights to protect their integrity and dignity.”\(^{115}\) 2. This argument is about the assumption that adults or caretakers relates to children with care, love and altruism. At heart the adults and caretakers already have the best interest of the child. It is like children’s rights is through the adults or caretakers possession of rights. 3. This argument is called upon a myth that childhood is a wonderful time filled with love, compassion and care. It is an innocent time with no need of rights.

\(^{115}\) Ibid: p 55
But the reality of many children is the opposite, a childhood filled with diseases, poverty, abuse and exploitation.\textsuperscript{116} I want to bring up an issue connected to the second argument. It is about the relation and dependency between adults and children. The scholar Patricia M. Crittenden points out, in the essay \textit{The Origins of Physical Punishment – An Ethological/ Attachment Perspective on the Use of Physical Punishment by Human Parents}, that relationships between parents and children are a dominant hierarchy. The dominant part is the parent with wisdom, is strong and responsible to protect the welfare of the child. The child is weaker, unexperienced and vulnerable.\textsuperscript{117} I think this is important to take into consideration in the discussion about corporal punishment. Therefore is children’s rights needed and it is important to take them seriously. The connection to children’s rights is possible to see in the analyzed research material. It is more evident and included in the actual survey in Maphosa and Shumbas interviews of educator’s in the study \textit{Educators’ disciplinary capabilities after the banning of corporal punishment in South African schools}. The educator’s show an awareness and knowledge about children’s rights. They also mean that learners are aware and have the knowledge about their rights. The educators are not glad of this awareness and knowledge amongst learners. The problem is that learners uses and handles their rights in a wrong way, according to the educators. The educators mean that learners have more rights than themselves, the rights issue have been taken too far and learners feel liberated in the sense of making educators powerless.\textsuperscript{118} I think that this is good because now the discussion is on a more practical level. Awareness and knowledge is needed by every involved part. At the same time it is about how to deal with the rights. Children’s rights comes with obligations and responsibilities to handle and deal with them in a proper way. I think that the discussion about awareness and knowledge of children’s rights is needed in Sweden as well. In the analyzed Swedish research material it is difficult to see if the parents and learners have this awareness and knowledge. Janson \textit{et al.} handles the issue separately from the actual survey. They take awareness and knowledge of children’s rights for granted and ignore to include it in the actual survey. I think this is a mistake. The difficulty for the Swedish scholars have been that corporal punishment is a negative subject to talk and answer questions about. Some of the parents sees the

\textsuperscript{116} Ibid: p 55-56
\textsuperscript{117} Crittenden P M: Donnelly M & Straus (ed.) (2005), \textit{“The Origins of Physical Punishment – An Ethological/ Attachment Perspective on the Use of Physical Punishment by Human Parents”}, \textit{Corporal Punishment of Children in Theoretical Perspective}: p 74
\textsuperscript{118} Maphosa & Shumba (2010): p 392-393
questions anachronistic and negative, and sets the positive things aside.\textsuperscript{119} It is almost as the subject is taboo to discuss. I think this shows the importance to lift the discussion about children’s rights and corporal punishment in Sweden, and be aware that the problem exists.

5.4. Conventions and laws

Freeman argues that children’s rights are only taken seriously on an international level with agreements such as the \textit{Convention on the Rights of the Child} (CRC). This have recognized children’s need of individuality and autonomy.\textsuperscript{120} I think that we have gone a bit further by taking children’s rights more serious, but it is possible to develop it even further. Both South Africa and Sweden have ratified CRC. The problem with CRC is that single states can deal with the agreement in their own way. This means that CRC is an agreement on paper without consequences if the obligations are not fulfilled. Both South Africa and Sweden shows that they take children’s rights seriously by adapting constitutions and legislations. There are examples of discussions for improvement in both societies. In South Africa is the discussion about to abolish the opportunity to use corporal punishment with moderation in the homes. In Sweden have the Children’s representative (Specific Swedish term: Swe: Barnombudsmannen) suggested, in the report \textit{Välkommen till verkligheten} (Eng: Welcome to the reality) from 2015, the need to reinstate and clarify in the school act that “children should be protected from all sorts of violence and force from the school staff.”\textsuperscript{121} This part have been removed from the school act in the 1980:s.

It takes time to implement document such as CRC in the society, at least on a practical level. The scholars Kombe Temba and Alex de Waal argues, in the essay \textit{Implementing the Convention on the Rights of the Child}, that “implementing the CRC requires citizens’ action.”\textsuperscript{122} I think that this can be combined with the need of awareness and knowledge to deal with children’s rights practical, serious and in a proper way, both from children and adults. In Temba and De Waals conclusion it says that it still is challenging to fulfill rights and to meet the needs of children, even if it is more than 10 years after adopting

\textsuperscript{119} Janson et al. (2011): p 69  
\textsuperscript{120} Freeman: Alston et al. (1992): p 52  
\textsuperscript{121} Barnombudsmannen (2015), \textit{Välkommen till verkligheten} (Eng: Welcome to the reality): p 59-60  
the CRC. They describe the situation and progress as a disappointment.\textsuperscript{123} Now it is 25 years ago since CRC was adopted and it is still possible to see the discouraging fact of disappointment when it comes to children’s rights and corporal punishment. I think it needs substantial and efficient measures to prohibit corporal punishment.

5.5. Discussion of measures

I mention in the analysis that Maphosa and Shumba have given recommendation at the end of their study. I am going to use these recommendations and develop and discuss them further along with my own and other scholar’s reflections about measures and development.

The first recommendation from Maphosa and Shumba is to staff-develop the educators to change their approach to a more supportive and co-operative disciplinary method. The reason is to give them skills to handle discipline at all time without using corporal punishment.\textsuperscript{124} This recommendation is focused on educators, but I think that it can be developed to involve children or learners as well. Temba and De Waal talks about participation and the difficulty youth and children can have to participate when it comes to children’s rights. They discuss the difficulties on a higher level, if it is possible to grant children and youths more participation rights, such as civil and political rights.\textsuperscript{125} They also mean that this type of participation can begin in schools. A statement from Temba and De Waal is “democracy is learned by those who practice it, and democratic participation can start at secondary school.”\textsuperscript{126} I think that children’s participation and involvement in the process of children’s rights, obligations and responsibilities and to include it in the disciplinary measures is a good way to go. The involvement in disciplinary measures can include negotiating to set limits and to come up with reasonable consequences for bad behavior. This don’t only have to be rules at schools, it can also be rules at home or at other institutions. I think this will create mutual respect between adults and children.

The second recommendation from Maphosa and Shumba is “There should be the teaching of Human Rights Education as a separate subject with emphasis on responsible behaviors.”\textsuperscript{127} I think this is an interesting suggestion and to have it as a separate subject.

\begin{footnotesize}
\footnote{123}{Ibid: p 232} 
\footnote{124}{Maphosa & Shumba (2010): p 397} 
\footnote{125}{Temba & De Waal: De Waal & Argenti (ed.) (2002): p 219} 
\footnote{126}{Ibid: p 220} 
\footnote{127}{Maphosa & Shumba (2010): p 397} 
\end{footnotesize}
can maybe be done in South Africa. In Sweden I think it is more possible to integrate issues of human and children’s rights in the existing subjects. I want to draw a parallel to the environmental work going on in Swedish schools. Many schools have integrated the environmental work in the existing subject and everyday teaching. I think this can be done with rights issues as well. Even if it is a separated subject or integrated with other subjects the awareness and knowledge will increase. It is important to include obligations and responsibility to this work. If the children get this education in schools, it will spill over and influence the homes as well.

I want to mention the third recommendation from Maphosa and Shumba, but it can be connected to the first and second recommendation. The recommendation is “there should be close collaboration between parents and educators to ensure the development of self-discipline.”

I want to say that there are other problems in a society that influence on the use of corporal punishment. It can be social problems, economical problems, stress and frustration over life-situations. This is issues society have to deal with if we want to put children’s welfare first.

6. Conclusion

The first research question for this thesis is: When it comes to the use of corporal punishment and the connection to children’s rights, what kind of general opinions and attitudes to the issue is it possible to find within the two societies? My conclusion is that it is possible to find both positive and negative attitudes and opinions to corporal punishment. The positive side in South Africa, justify the use of corporal punishment as an efficient disciplinary measure that works. Another opinion is about safety and that corporal punishment saves life. This is also an attitude and opinion that is possible to find in the Swedish society. The negative side to the use of corporal punishment have experienced that alternative disciplinary measures can work. It can also be related to awareness and knowledge about children’s rights. The difficulty is how the children use their rights. Adults or educators have the attitudes and opinions that children handle or deal with their rights in a wrong way. They mean that children only see to the rights and

128 Ibid: p 397
forgets the obligations and responsibility that comes with it. In Sweden it is more difficult to see the connection between corporal punishment and children’s rights. It is like children’s rights are taken for granted. I think that children’s rights needs to be implemented on a more practical level in both South Africa and Sweden.

The second research question for this thesis is: *In what way can we find better disciplinary measures without violence and diminish problems such as corporal punishment against children?* A way to find better disciplinary measures is to involve the children in the process. By working together it is possible to create mutual respect for each other and find proper consequences in case of bad behavior, without turning to corporal punishment. This can be complemented with education and teaching of Human and Children’s Rights, integrated to existing subject or as a subject on its own.

We have to bear in our minds that there are other problems in the society that affect the use of corporal punishment. There can be social, economic and stress related problems to deal with. The most important thing is that Human Rights and Children’s Rights do not only concerns people far away, it concerns us all.

7. **Summary**

This thesis starts with the claim that corporal punishment is a problem throughout the world. The two societies processed in this study is South Africa and Sweden. It is possible see through headlines in big newspapers in both countries that corporal punishment exists. Therefore it is reasonable to argue that the practice of corporal punishment continues to be used in both South Africa and Sweden.

One purpose with this thesis is to promote a constructive discussion about attitudes and opinions of corporal punishment against children. It is also a purpose to find suggestions of measures to reduce or diminish the problem and to look at the connection between children’s rights and corporal punishment. To obtain the purpose I have formulated two main research questions: *When it comes to the use of corporal punishment and the connection to children’s rights, what kind of general opinions and attitudes to the issue is it possible to find within the two societies? In what way can we find better disciplinary measures without violence and diminish problems such as corporal punishment against children?*
The theoretical framework and method to analyze the material for this thesis is closely connected to each other. The theoretical framework is the meaning of children’s rights and to put children in the context with the system of declarations and conventions. I have used a general formula of rights theory. It can be described as; children have rights not be assaulted or beaten, the state have the responsibility to safety of the child in a civilized society. Children’s rights for protection are regulated by national laws and conventions. The definition of corporal punishment is that physical punishment consists of an intentionally infliction or exposure of physical pain, but not injury, to change a behavior as a purpose. The criteria is that corporal punishment is used as a disciplinary method to change behavior or gain respect. Some example of unjustified actions within these criteria is hitting, slapping, pinching, kicking and spanking.

The method is to use the theoretical framework to analyze and review the result from the research material. I will give my interpretations and comments of what the researchers have presented. To do that I have used four analysis questions. The first two is about attitudes and opinions to corporal punishment among adults and children in South Africa and Sweden. The second two is about tendencies over time and the prevalence of children’s rights in the research material.

South Africa and Sweden have developed differently within the society, therefore they have different presumption to the issue of corporal punishment. South Africa have gone through a transition from apartheid, a politic based on segregation, to a liberal democracy. Sweden have developed a Swedish model with focus on welfare service and integration of ethnical groups in the society.

For the analysis I have used three conducted surveys by other scholars in South Africa. The participants to these surveys have been learners and educators from different schools in South Africa. I complemented this with statistic material from conducted General Household Surveys. The Swedish material is a national mapping about corporal punishment, conducted on parents and learners. I have complemented this with an article about the increasing numbers of police reports about child assault and to find possible explanations to why it is like this.

The analysis shows that it is possible to find both positive and negative attitudes and opinions to corporal punishment, in both South Africa and Sweden. The justification of corporal punishment in South Africa is that it is seen as an efficient measure to maintain discipline. This is a view that is possible to find among both adults and children. Children adds that the use have to be with moderation and not get out of hand. Another
argument among adults in South Africa is safety and that corporal punishment can save lives. This is a view that is possible to see among Swedish adults as well. In Sweden it is possible to see that ethnicity, gender and other social problems have an impact on positive attitudes and opinions to corporal punishment. This is also possible to see in South Africa as well. But in Sweden it is more marginal and in South Africa it is more substantial. Those who are negative to corporal punishment have experienced that alternative disciplinary measures works. The female learners in South Africa seeks more equality between genders when it comes to disciplinary measures. Over all females are more negative to corporal punishment then males are. The ethnical aspect can derive from a cultural view on the problem. Some cultures can have a higher tolerance to the issue of corporal punishment. Another interesting finding is that those who have experienced violence in their surrounding or themselves are more positive to corporal punishment.

The prevalence of and the connection to children’s rights is possible to see in the research material, even if it is in different ways. When the children’s rights is more apparent it is easier to discuss alternative disciplinary measures. It is also possible to see the awareness and knowledge about children’s rights among both adults and children. The problem that occurs is how the children deal or handle their rights. The view from adults is that children don’t consider that there are obligations and responsibility to have rights. In the Swedish material is children’s rights separated from the survey. It makes it difficult to see the awareness and knowledge among the participants. The scholars deal with this as children’s rights are taken for granted and that everyone have the awareness and knowledge.

In the discussion I have added to take children’s rights more seriously. It is important to consider that children are beings with integrity, dignity and autonomy. This can reflect on the attitudes and opinions to corporal punishment. The seriousness of children’s rights is possible to see on an international level through declarations and conventions. Now it is time to make it a reality on a practical level. It is possible to see that the development have gone forward. The end of the discussion is about how to find better disciplinary measures. One way is to make children participate and be involved in the process of children’s rights, obligations and responsibilities, and to include this in the disciplinary measures. This can be complemented with education about human and children’s rights as a subject or integrated with existing subjects.
My conclusion is that it is possible to find both positive and negative attitudes and opinions to corporal punishment in both South Africa and Sweden. An argument in South Africa is that corporal punishment is a working efficient disciplinary method to maintain discipline. The safety issue is an argument in both societies, some adults means that corporal punishment can save lives. Those who are negative to corporal punishment have experienced that alternative disciplinary measures can work. The connection to children’s rights is possible to see in both societies, but in different ways. In South Africa it is easier to see the awareness and knowledge about children’s rights. In Sweden it is more taken for granted. A suggestion and recommendation is to involve adults and children in the work with children’s rights, in schools and homes. To develop the awareness and knowledge a measure can be to educate the children in human and children’s rights, in a subject on its own or integrated in existing subjects.

There can be other problems in the society that affect the use of corporal punishment, such a social, economy and stress. This is something the societies have to deal with. It is important to say that Human and Children’s rights concerns us all and not only people far away.

**Bibliography**

**Literature**


**Digital sources**

African Charter on Human and Peoples’ Rights 1981,  
http://www.achpr.org/instruments/achpr


Aftonbladet, ”Förslaget: Förbud barnaga i skolan” (Eng. “Proposition: Forbid child corporal punishment in schools”) (Published: 30 March 2015),  
http://www.aftonbladet.se/nyheter/article20548133.ab (31 March 2015)
Aftonbladet, “Högstadielärare smiskade tonårselev” (Eng: “Secondary school-teacher spanked teenage learner”) (Published: 6 March 2015),
http://www.aftonbladet.se/nyheter/article20424986.ab (9 March 2015)


Convention on the Rights of the Child 1989,


Föräldrabalken kap 6 § 1 (Eng: Code on parents and children),

Ratification table of African Charter on the Welfare of the Child,
http://pages.au.int/acerwc/pages/acerwc-ratifications-table
Ratification table of Convention on the Rights of the Child,


Sowetan Live. "Teacher filmed beating pupil" (Published: 22 May 2013), http://WWW.SOWETANLIVE.CO.ZA/NEWS/2013/05/22/TEACHER-FILMED-BEATING-PUPIL (2 March 2015)


Statitics SA, “General Household Survey” (2010, 2013),
http://WWW.STATSSA.GOV.ZA/?PAGE_ID=1866&PPN=P0318&SCH=6005 (29 March 2015)