



What is “Discipline” in the Age of Children’s Rights?

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Abstract

While the word “discipline” has come to connote control, punishment and obedience, its historic roots are in notions of learning, understanding and gaining knowledge. We trace concepts of discipline through time – from extreme violence to behaviourism to constructivism to relational neuroscience – and arrive at a reframing of discipline as a process of optimising children’s understanding and fostering their evolving capacities to actualise their rights. Drawing on the Convention on the Rights of the Child, we set out a framework for rights-based discipline that is founded on five principles: (1) non-violence; (2) respect for children’s evolving capacities; (3) respect for children’s individuality; (4) engagement of children’s participation; and (5) respect for children’s dignity. We provide examples of evidence-based approaches that implement these principles. Finally, we call for the reclaiming and restoration of the true meaning of “discipline” in order that all children may thrive.

Keywords

discipline – physical punishment – emotional punishment – children’s rights – rights-based discipline

In many places around the world, the word “discipline” has acquired strong connotations of enforcement, control and punishment. It is commonly conceived as actions imposed or threatened by an adult to correct, train and shape the child’s behaviour – as a sculptor would carve or manipulate a piece of clay

into a pre-determined form. But this definition of discipline betrays the word's etymological roots. The Latin word *disciplina* meant instruction, teaching, learning and knowledge (*Online Etymology Dictionary*: <http://www.etymonline.com/index.php?term=discipline>). *Disciple* comes from the Latin *discipulus* meaning "pupil", and *discere* meaning 'to learn, acquire knowledge or skill; get to know' (*The Latin Dictionary*: <http://latindictionary.wikidot.com/start>; *Latdict*: <http://latin-dictionary.net>). Therefore, in its original usage, "discipline" did not connote punishment, obedience or submission. Rather, it referred to the process of gaining knowledge and understanding. In contrast to the image of the sculptor who molds clay into a pre-determined shape, this meaning of discipline conveys an image of an artist who facilitates the emergence of the shape that lies within the medium, through a deep understanding of the medium itself.

In this article, we argue that equating discipline with punishment and obedience training is anachronistic in this age of children's rights. We call for a reframing, reclaiming and restoring of "discipline" as a process of facilitating the development of children's knowledge and understanding, thereby optimising their development and strengthening their evolving capacities to actualise their rights. We will outline the history of child discipline in the West, from ancient Rome to the present day, to demonstrate how this concept has changed in parallel with developments in theory, research and social progress. To simplify this story, we will focus on Canada as a case study with the recognition that it is broadly representative of countries in the Western world.

1 The Age of Violence

Canada's legal concept of discipline has roots in Roman law (McGillivray and Durrant, 2012). In ancient Rome, the *pater familias* (oldest male) held complete power over the members of his household. This power was accorded to him through the law of *patria potestas*. He could buy and sell children, leave them to die of exposure, flog them and execute them. Children had the legal status of slaves and they could be punished with impunity. But in 365, the emperors Valentinian and Valens issued a decree: 'We ... are not willing that the right to inflict extremely severe castigation for the faults of minors should be conferred' (Scott, 1939, *Digest*, Book 9 Title 15). From this point, parental punishment was restricted to actions that were less than 'extremely severe'. This is the first glimpse of a concept of children as having a right to some level of protection from parental punishment, and an early step toward a shift in children's status from property to personhood.

Over the centuries, as Roman law became the foundation of English common law, this *limitation* on parental power was transformed into a *justification* for it. In 1770, the influential jurist Blackstone wrote,

The ancient Roman laws gave the father a power of life and death over his children The power of a parent by our English laws is much more moderate; but still sufficient to keep the child in order and obedience ... Moderate chastisement [is a power of the father to] lawfully correct his child being under age, in a reasonable manner for this is for the benefit of his education.

BLACKSTONE, 1962, BOOK I, CHAP. 16, PARAS. 452–453

Thus, the restriction placed on parental violence in Rome was now a lawful defence for the enforcement of children’s obedience through physical assault.

Under Roman and British common law, corporal punishment was legal, acceptable and justifiable across a wide range of subordinates. In 1771, Blackstone wrote:

The husband also ... might give his wife moderate correction. For, as he is to answer for her misbehaviour, the law thought it reasonable to entrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentice or his children.

BLACKSTONE, 1962, BOOK I, CHAP. 15, PARA. 432

Over the ensuing decades, the limits on punitive violence against children were increasingly tested in the courts. The defining decision was made in 1860 by the judge in *Hopley’s case*. Hopley was the master of a boarding school – a site of frequent degradation and violence – who had obtained a father’s consent to “severely chastise” a 13-year-old student. Hopley beat the boy for two and a half hours with a heavy brass-tipped stick. The boy died of his injuries. The judge convicted Hopley of manslaughter, ruling that ‘by the law of England, a parent or a schoolmaster ... may for the purpose of correcting what is evil in the child inflict moderate and reasonable corporal punishment, always, however, with this condition, that it is moderate and reasonable’ (Freeman, 1999). This ruling was the basis of Canada’s law on “reasonable force”, which remains in the Criminal Code today, providing a defence to assault in the name of discipline.

Thus, for centuries discipline was confounded with violence. The beliefs that children learn through physical pain, that adults had a prerogative to inflict such pain, and that “good” parents/teachers would do so were firmly

entrenched. While these beliefs certainly still exist today, they eroded considerably throughout the 20th century, as the notion of violence as a tool for correcting adult behaviour came under increasing scrutiny.

2 The Age of Abolition

In 1891, an important ruling constituted a first step toward de-legitimizing assault within the family. An English court ruled that the notion of “necessary violence” against a wife was based on ‘quaint and absurd dicta’, noting that wives were not ‘abject slaves’ (McGillivray and Durrant, 2012). When Canada created its *Criminal Code* the following year, husbands no longer had the power to ‘moderately correct’ their wives. The use of violence as a deterrent to crime had also been recognised as ineffective and/or inhumane – slavery had been abolished, and the stocks, branding and cutting of hands or ears had ended.

Over subsequent decades, the power to administer punitive violence diminished further, in parallel with the increasing awareness of human rights that followed World War II. The adoption by the United Nations of the Universal Declaration of Human Rights in 1948, and the International Covenant on Civil and Political Rights in 1966, established that ‘cruel, inhuman and degrading treatment and punishment’ were violations of international law. In Canada, masters’ power to inflict corporal punishment on their apprentices was ended in 1955. In 1972, corporal punishment (e.g., whipping, strapping, paddling) was abolished as a judicial sentence in response to a report of the Canadian Committee on Corrections, which condemned such a penalty as ‘brutal and degrading both to the recipient and the person imposing it’ (Correctional Service Canada, <http://www.csc-scc.gc.ca/text/pblct/rht-drt/05-eng.shtml>). Hanging was abolished in 1976. When capital punishment for military members was ended in 1998, Canada fully eliminated the death penalty. Reforms were underway that shifted the focus of criminal justice from violent punishment to rehabilitation, reparation and re-integration.

3 The Age of Behaviourism

Whilst violent punishment was being abolished from the lives of adults, it remained normative in the lives of Canada’s children. In a 2000 survey of university students in two Canadian provinces (who would have been born, on average, around 1980), 75 per cent reported having been physically punished as children or adolescents (Ateah and Parkin, 2002). The first Canadian school

board to abolish the strap was the Toronto Board of Education, in 1971 – but it remained in use in most other jurisdictions until the 1990s. Corporal punishment was not prohibited in schools until 2004 (Axelrod, 2010).

Throughout this period, however, North American attitudes began to shift in response to the growing influence of behaviourism (Pitts, 1971), which held that behaviour is the result of reinforcement and punishment contingencies. That is, behaviours that increase in frequency have, by definition, been reinforced. Behaviours that decrease in frequency have, by definition, been either punished or not reinforced. During the behaviourist era, the power of rewards in eliciting children’s obedience (generally referred to as “compliance”) became systematised into “behavior modification” programmes that included sticker charts, contracts and token economies (O’Leary and Drabman, 1971). Reinforcement contingencies were set up such that every time a child complied with an adult directive, the child received something with incentive properties – i.e., something the child liked.

Concomitant with the focus on reward systems, “alternatives” to corporal punishment were devised that would decrease noncompliance. Primary among these were “response cost” and “time-out”. “Response cost” refers to the removal or threat of removal by an adult of something the child likes, values or enjoys in response to a particular behaviour. “Time-out” involves temporarily removing a child from a reinforcing environment, such as making the child stand in a corner, sit on a chair or step, or go to a room free of reinforcers (Staats, 1971).

The “isolation room”, if it is to be effective, should be an unpleasant place, providing an atmosphere that is far less enjoyable than that of the study room. A small, poorly lighted closet with a single chair will serve quite well.

BEREITER AND ENGLEMAN, 1966: 88

Soon, parents were taught to send their children to bathrooms or other rooms where no toys or enjoyable activities were available. Schools created time-out rooms or booths, which were spaces devoid of stimulation where children would be isolated as punishment (Morrison, 1976). Chairs were placed so that misbehaving students would sit with their backs to the class.

Of course, it is not uncommon for children to refuse to go into time-out, or to “escape” before the required time is up. In these situations, the prescribed approach to enforcing time-out was the “Hanf model”, developed by Constance Hanf, which recommended striking the child and returning the child to time-out, repeating this until the child remained in time-out for the required length

of time (Forehand, Cheney and Yoder, 1974; Kaehler, Jacobs and Jones, 2016; Lichstein and Schreibman, 1976).

Once a mother made her request, if the child did not (or was not beginning to) comply after 5 [seconds], the TRIAD was used to obtain compliance. The sequence consisted of three consequences: (1) a “Warning”, (2) a “Time Out” (T.O.) period, and (3) a “Spanking”. The Warning was issued as an “if ... then ...” contingency statement, such as “if you don’t [instruction], then you’ll [consequence; typically go to T.O.]”. If the child continued to be noncompliant, the mother was then coached to immediately send the child to Time Out; however, there was not a specified length of time for Time Out. Rather, after the child had “been quiet and on the chair for a very long (to C [child]) time” (Hanf and Kling, 1973: 19), the mother released the child from Time Out and reissued the original command. If the child complied, mothers were coached to respond with a “neutral, yet friendly” comment of “that’s it”. The mother then returned to using positive attention. If the child did not remain in Time Out, the mother was instructed to administer 2 firm spansks to the child’s bare buttocks. Prior to this occurring for the first time, the child was given a single warning of the consequence of leaving Time Out.

KAehler, JACOBS AND JONES, 2016: 241

The behaviourist approach formed the foundation for programmes still widely implemented, such as *Defiant Children* (Barkley, 2013), *Parent–child Interaction Therapy* (Funderburk and Eyberg, 2011), *Parenting the Strong-Willed Child* (Forehand and Long, 2010), *The Incredible Years* (Webster-Stratton, 2005), *The PAX Good Behavior Game* (Embry, Staatemeier, Richardson, Lauger and Mitich, 2003), and *Triple P* (Sanders, 2008). Whilst none of these programmes prescribes spanking today, they do rely on contingent rewards and punishments (e.g., isolation/time-out, taking things away) to increase children’s compliance with adult instructions.

In the behaviourist era, physical pain began to be replaced by emotional loss, to serve the same punitive purpose. The idea that social isolation and other shame-based techniques, such as losing items or activities of value, was a legitimate and effective means of teaching children, became widely normalised (Prochner and Hwang, 2008). Rather than sending children to the principal’s office to be strapped, teachers began to exclude children from recess and instruct them to watch how “good” children play, force children to sit on a “naughty chair” and watch other children having fun, and send children to stand in the hallway to be embarrassed in front of their peers. Instead of

hitting children with hands or belts, parents began to cancel birthday parties, take away beloved toys, or send crying children to sit alone in bathrooms. With the “scientific” legitimization of these “alternatives to physical punishment”, the notion that externally imposed consequences were necessary to children’s learning became a pervasive and largely unquestioned part of the culture.

4 The Age of Constructivism

During the period when behaviourism was most influential in North America, a very different approach to learning was developing elsewhere. Drawing on the work of Jean Piaget (Switzerland) and Lev Vygotsky (Russia), constructivism focused on children’s thinking processes – reflection, interpretation, generation of mental models, and other mental activities in which children engage in order to make sense of themselves, other people and the world. Piaget’s theory described children’s intrinsic drive not only to learn, but to understand – through active mental processes that constantly unfold as children interact with all aspects of their environments and construct their knowledge of the world. For Piaget, behaviour is an outward manifestation of these mental processes. So, whereas the act of dropping food onto the floor might be viewed by a behaviourist as misbehaviour, it would be seen by a constructivist as a reflection of curiosity and a means of exploring objects’ properties. Through a behaviourist lens, the food-dropping misbehaviour would need to be eliminated through punishment (e.g., slapping the child’s hand, taking the food away, or sending the child to time-out). Through a constructivist lens, the food-dropping exploration would need to be understood and encouraged by offering objects with various properties that can be safely dropped as the child discovers gravity and other properties of the physical world. For behaviourists, children need to adapt their behaviour to their environments; for constructivists, environments need to adapt to children’s inherent drive to learn (while, of course, being kept safe and secure). Thus, the lens we apply determines what we consider to be “misbehaviour” and what we deem to be the optimal adult response to it.

Vygotsky introduced the notion of “scaffolding”, which refers to a process of co-construction of knowledge with learning partners – peers or adults – who help children figure things out, develop strategies and become increasingly independent problem solvers. He emphasised the importance of ongoing cooperative and collaborative dialogue with adults or others who have more developed skills or greater knowledge, who can sensitively guide, encourage and facilitate the child’s step-by-step mastery of new challenges. For Vygotsky,

this process is key to the development of competence and higher mental functions.

The concept of scaffolding is antithetical to behaviourism. For behaviourists, children who are unable to sit still, manage their emotions, complete a math test, or control their impulsivity, will benefit most from externally applied rewards and punishments that are assumed to shape their behaviour. For constructivists, these children will benefit most from an adult who sits with them, assesses their current level of understanding and skill, and creates the context in which each child's understanding and competence can be optimised. Constructivists view the environment as the bridge to understanding and to realising one's full potential.

The impact of constructivism has been seen primarily in early childhood education (ECE). Through the 1970s and 1980s, ECE settings strongly encouraged free play, self-directed learning, exploration and experimentation with the guidance of teachers. Physical punishment was increasingly prohibited from preschools and child care centres, reward charts disappeared, and time-out rooms were gradually abolished. Discipline came to be viewed not as punishment, but as providing an environment in which children could fuel their inherent motivation to master challenges and acquire competencies through a gradual process of scaffolding their learning. The constructivist approach encouraged a view of children as agents, rather than objects. It also shifted our view of the role of adults from control to guidance. And it changed our view of children's 'misbehaviour' from 'naughtiness' to an indicator of each child's understanding.

5 The Age of Neuroscience

As the constructivists were developing their theories of the importance of exploration, experimentation and scaffolding to children's development, scientists were uncovering the neurobiology underlying these learning processes. Their research revealed the rapid growth of neural connections in the brain during the early years of life and how children's experiences 'affect the nature and quality of the brain's developing architecture' (Center on the Developing Child at Harvard University, 2016: 7). It was discovered that positive and negative experiences affect the genes at a chemical level, influencing gene expression. This new science of "epigenetics" has contributed to an entirely new understanding of the lifelong impact of early relationships on human development, including motivation, mental health, physical health, friendships, impulse control and conflict resolution. The foundation of relationships

that promote healthy development are “serve and return” interactions; that is, children initiate interactions (“serves”) through vocalisations and actions, and adults “return” them through engaging responsively. The quality of the adult’s response shapes the architecture of the child’s brain, such that the child’s communication and social skills may be strengthened or impaired.

What is the relevance of this new knowledge for discipline? First, it tells us that higher-level skills (attention, problem solving, impulse control, planning, weighing options), develop gradually through a scaffolding process. As children and parents engage in reciprocal interactions, children slowly learn how to coordinate their thinking, emotions, language and behaviour. This coordination is known as “executive function”. The development of executive function rests on the ongoing interconnection of neural circuits throughout the brain, which is nurtured through the serve-and-return process in everyday interactions by sensitive and responsive caregivers. Second, the development of executive function is impaired by threat, pain and stress. When a parent responds to a child by hitting, the child’s stress response system is activated. Rather than gaining skills or understanding, the child’s brain and body “downshift” into self-protective mode (Hart, 1983). It is not only physical pain that causes disruption in the brain; relational pain elicits the same brain activity (Eisenberger, Lieberman and Williams, 2003). ‘Social pain is analogous in its neurocognitive function to physical pain, alerting us when we have sustained injury to our social connections, allowing restorative measures to be taken’ (Eisenberger, Lieberman and Williams, 2003: 292). Therefore, ignoring or isolating a child appears to have the same disruptive effect on the brain as inflicting physical pain. When children’s attempts to restore the connection by crying, reaching or other means are viewed as “defiance” and rejected or punished further, the child’s route to regaining emotional equilibrium is blocked and the parent’s opportunity to support the child’s emotional learning is lost. A response based on neuroscience would involve comforting, connecting and reflecting with the child in order to build neural connections between the parts of the brain involved in emotion and executive function (Siegel, 2001; Siegel and Bryson, 2014). A considerable body of research has shown that children who are engaged in conversations about emotions gain emotional understanding and perspective-taking ability, even at very young ages (Dunn, Brown and Bearsdall, 1991; Laible and Song, 2006; Pillow, Mash, Aloian and Hill, 2002; Tenenbaum, Alfieri, Brooks and Dunne, 2008). Ignoring, isolating, humiliating and belittling them cannot strengthen their understanding or their skills.

Not only has neuroscience demonstrated the importance of supportive, sensitive responding to children’s brain development; it also has revealed the profound impact of stress on the brain. More than 180 studies have found

associations between childhood maltreatment and changes in the structure, function or architecture of the brain (Teicher, Samson, Anderson and Ohashi, 2016). The Adverse Childhood Experiences (ACES) study (Felitti *et al.*, 1998) has documented the relationship between childhood maltreatment and health and well-being across the life course, mediated by the brain's response to that stress. A recent analysis of data from the ACES study found that "normative" physical punishment meets the criteria to be classified as an adverse childhood experience (Afifi *et al.*, in press).

Thus, the age of neuroscience has revealed the biological processes underlying the relative impacts of punishment and scaffolding on children's development. Our view of "positive outcomes" has been vastly broadened by this knowledge. From the behaviourist focus on shaping compliance, we have progressed to a focus on providing environments that allow the child's capacities to evolve, their understanding to deepen, and their brain development to flourish. This perspective has begun to shift the dominant view of "discipline" from one of control, coercion and punishment to one of guidance, scaffolding and collaboration.

6 The Age of Children's Rights

In 1989, the world witnessed a paradigmatic shift with the United Nations' (UN) adoption of the Convention on the Rights of the Child (CRC; UN General Assembly, 1989). For the first time in history, children's personhood was globally acknowledged. From that moment forward, children were to be recognised as full human beings with fundamental rights to dignity, protection and participation. Every UN member state except one (United States) has ratified the CRC, indicating its commitment to implementing its standards. But what does the CRC mean for the moment-to-moment interactions between children and adults that so frequently involve conflict? Does it mean the end of "discipline"? To the contrary, we argue that the CRC provides an ideal roadmap for discipline that affirms 'the dignity and worth of the human person' (UN General Assembly, 1989, Preamble) and that promotes the best interests of children by incorporating all that has been learned about children's healthy development.

6.1 *Principle 1: Discipline is Non-violent*

The minimum standard for rights-based discipline must be Article 19 of the CRC, which guarantees children protection 'from all forms of physical and mental violence'. Any action that hurts a child physically or emotionally is a violation of human rights, not an act of discipline. The Committee on the Rights

of the Child (2006), which monitors member states’ implementation of the CRC, has explicitly affirmed that physical punishment is violence, regardless of its form, intensity or frequency. The Committee defines physical punishment as:

any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices) (para. 11).

Further, the Committee defines emotional punishments as ‘cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child’ (para. 11).

Therefore, our starting point for rights-based discipline is the elimination of acts that humiliate, scare or inflict pain on children. The inherent message of these acts is that adults can arbitrarily assert power over children at any time, which creates an environment of fear and threat. In order for children to process information, acquire skills, accomplish deep learning and build neural connections that promote executive function, they must feel physically and emotionally safe (Hart, 1983). Fear interferes with learning, promotes anxiety and avoidance, and contributes to dysregulation of the stress response system (Field, 2006; Field and Lawson, 2008; Gray and McNaughton, 2003). Constructive discipline rests first and foremost upon a foundation of safety and security, respecting children’s basic rights to protection.

6.2 *Principle 2: Discipline Respects Children’s Evolving Capacities*

Articles 5 and 14 of the CRC sets out the responsibilities of adults to provide direction and guidance that is consistent with the evolving capacities of the child. Thus, it is recognised that children are continuously acquiring understanding and skills, and that their level of understanding must be respected by those who are teaching them. Discipline, then, must be founded on knowledge of developmental processes. We argue that such knowledge must go beyond that of developmental “milestones” to encompass an understanding of the underlying themes of development. These include the unrelenting drives for mastery

and autonomy, the tension between attachment and individuation, the development of an understanding of “self”, and the architecture of neural network formation underlying successful navigation of these processes. Each of these themes is strongly evident at every age from infancy through adolescence, and they drive much of what behaviourists would view as “misbehaviour”.

Self-determination theory provides a framework for understanding children’s simultaneous drives for autonomy, competence and social relationships (Ryan and Deci, 2000; Ryan, 2016). According to this theory, children are innately and intrinsically motivated to understand their worlds and to master challenges. Learning is, therefore, a natural outcome of children’s spontaneous curiosity, interest and exploration through play. But these drives can be inhibited by external controls. Adult behaviour that is not sensitive to children’s psychological experience, that inhibits their play, or that invalidates their emotional expression, can stifle autonomy and impair mental health (Barber, 1996; Barber and Harmon, 2002; Van Petegem, Soenens, Vansteenkiste and Byers, 2015). Psychologically controlling behaviours such as withdrawal of love and attention, instilling anxiety, and invalidating children’s perspectives constitute a ‘consistently negative and inhibiting experience for children’ (Barber, 1996: 3314).

When we engage with children as persons with their own perspectives, even when those perspectives differ from ours, we can guide and teach them in a way that scaffolds their learning, values their contributions, respects their participation and promotes their healthy development. Therefore, rights-based discipline requires an understanding of, and respect for, children’s cognitive, emotional and neurobiological development.

6.3 *Principle 3: Discipline Respects the Child’s Individuality*

Under Article 29 of the CRC, ‘the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential’. Thus, adults are obligated to recognise each child’s individuality. Systems of rewards (e.g., sticker charts) and punishments (e.g., time-out or taking things away) are a one-size-fits-all approach to adult-child conflict. Such simplistic prescriptions are based on an assumption that the same punishment will “work” regardless of the underlying reasons for the conflict, the context, the relationship history, the child’s temperament, the child’s age and abilities, the adult’s own experiences of punishment, or the adult’s contribution to the conflict.

Behaviourist discipline also inhibits the development of children’s unique talents and creativity by inhibiting risk-taking. Both artistic/technological creativity and the everyday creativity needed to construct personal knowledge

and social understanding require trial and error, a willingness to take risks, flexible thinking, generation of unusual ideas and intrinsic motivation to do things in a novel way. Rewards and punishments undermine these processes by focusing children’s attention on achieving an extrinsic reward or avoiding punishment, rather than on the internal creative process, which requires the space to try, fail and try again (Beghetto, 2005). Some research has found that student behaviours that reflect the creative process (e.g., unique answers) may be seen by teachers as distracting or disruptive and are therefore dismissed or punished (Beghetto, 2007; Kennedy, 2005; Scott, 1999).

Timidity is not conducive to creativity. Fear is ... a major reason why children hesitate to express their ideas, especially perhaps unconventional ones ... Fear of failure, fear of exposing one’s limitations, and fear of ridicule are powerful deterrents to creative thinking.

NICKERSON, 1999: 413–414

Therefore, rights-based discipline is based on respect for children’s intrinsic motivation to seek information, and creatively responding to challenges through problem solving. Rather than aiming for conformity and immediate compliance, it builds on children’s unique strengths, creates a safe environment for trial and error, and calls upon adults to provide mentorship and developmentally-appropriate encouragement in the face of challenges, rather than punishment for failure.

6.4 *Principle 4: Discipline Fosters Children’s Participation*

Discipline imposed from above assumes that children are not agents in their own learning – the agent is the adult who holds access to the rewards or has the power to administer punishment, and who decides how and when they are to be dispensed. The child is assumed to learn “appropriate behaviour” from the pattern of consequences imposed. This approach gives adults complete power to interpret children’s behaviour, define it as “appropriate” or “inappropriate” and decide the consequences. Imagine, for example, a three-year-old child who is having an emotional outburst. A parent who defines this behaviour as “inappropriate” and meriting a consequence might implement the Hanf procedure, instructing the child to stay in the bathroom until she is calm and slapping her if she comes out early – repeating this until the outburst ends, which will eventually happen due to the child’s exhaustion. The parent is likely to believe that the procedure “worked”.

But what actually happened? The child has learned nothing of value; no skills were acquired, her understanding was not enhanced. Her stress response

has been amplified for no constructive reason. The parent does not know what triggered the outburst, so no actual problem solving can take place and the parent's understanding of the child has not grown. The child feels misunderstood, frightened, rejected and unloved. The relationship has been eroded. If this process continues over time, the child will learn that the parent is not a source of support, comfort or understanding, but rather someone with the power to punish without regard for the child's perspective or needs.

If we view the child through a rights-based lens, as having inherent personhood and agency, we will be inclined to consider her perspective and address her outburst as a sign of emotional distress. We will understand that there is a reason for her distress, and our role as the adult is to help her identify it and solve the problem with her. A parent who views an emotionally distraught child as a full person will provide comfort and, when the child is soothed, help her to identify the source of the distress. Was it pain? Hunger? Fatigue? Fear? Frustration? A lost toy? By engaging the child in the resolution of the problem, we begin to scaffold the child's understanding of her own emotions, and foster connections between her brain's emotional centres and pre-frontal cortex, supporting the gradual development of executive function. Through a simple conversation, we can promote the child's evolving capacities, respect her intrinsic motivation to master challenges, strengthen the parent-child relationship, and model empathy, respect, and constructive problem solving.

Several approaches designed for parents and teachers are based on the concept of discipline as a process of engaging, understanding and supporting, rather than punishing, the child. Examples are *Emotion Coaching* (Ramsden and Hubbard, 2002), *Collaborative and Proactive Problem Solving* (Booker, Ollendick, Dunsmore and Greene, 2016; Greene, 2011), *Interpersonal Neurobiology* (Farber and Siegel, 2011; Siegel and Bryson, 2014), *Positive Discipline in Everyday Parenting* (PDEP; Durrant, 2015) and *Tuning into Kids* (Havighurst, Wilson, Harley, Kehoe and Prior, 2013). These approaches are yielding positive results. For example, in a 13-country study of parents' perceptions of the impact of PDEP across regions classified as low-, middle- and high-income, most parents perceived the programme as helping them to use less physical punishment (82 per cent), understand their children's development (92 per cent), communicate better with their children (93 per cent), understand their children's feelings (94 per cent), control their anger (87 per cent), and build better relationships with their children (96 per cent; Durrant *et al.*, in press). In a randomised control trial (RCT), *Tuning into Kids* led not only to reduced child behaviour problems, but also to greater emotion knowledge in children, and greater empathy and emotion coaching skills in parents (Havighurst *et al.*, 2013). In another RCT, Greene *et al.* (2004) compared the effectiveness of collaborative

problem solving (CPS) and a behaviourist parent training programme in improving the functioning of children diagnosed with Oppositional-Defiant Disorder. The CPS programme led to greater improvements than the behaviourist programme, both immediately after treatment and at four-month follow-up – and mothers in the CPS programme reported improved relationships with their children.

Under Article 12 of the CRC, ‘the child who is capable of forming his or her own views [has] the right to express those views freely in all matters affecting the child’. Therefore, rights-based discipline engages the child as an active participant in the learning process.

6.5 *Principle 5: Discipline Respects the Child’s Dignity*

Dignity refers to the innate right to be treated ethically and as worthy of respect. Many of the punishments that were common in previous decades, when examined through a human-rights lens, can easily be seen as violations of children’s dignity – striking them with hands or objects, isolating them in time-out rooms, forcing them to stand in corners, taking away their personal items, school suspensions and expulsions, and similar punishments humiliate children and are designed to strip them of their dignity.

There are many ways to teach children important social values while demonstrating respect for their basic humanity. For example, social-emotional learning is a neuroscience-based approach that aims to promote the development of executive function through mindfulness practices, self-reflection and prosocial activities. In an RCT conducted in elementary schools, this approach led to increased emotion regulation, empathy and perspective-taking; more positive school self-concepts; and decreased depression and aggression in children (Schonert-Reichl *et al.*, 2015). RULER (Yale Center for Emotional Intelligence, <http://ei.yale.edu/ruler/ruler-overview/>) is a social and emotional learning programme aimed at enhancing students’ academic engagement and promoting positive social relationships. In this programme, students learn about emotions and strengthen their skills for managing them through activities built into the standard curriculum. It is based on the theory that emotional understanding develops through experience, acquisition of knowledge and skills in a safe and supportive environment, opportunities to practise skills and consistent modelling of those skills by adults. An RCT of this programme in 62 schools found that, compared to control classrooms, RULER classrooms had more positive emotional climates – that is, more positive interactions and personal connections, greater teacher regard for students’ perspectives and more activities focused on creativity, group problem solving, conflict resolution and empathy (Rivers, Brackett, Reyes, Elbertson and Salovey, 2013).

Restorative practice approaches also are based on the principle of mutual respect and dignity. They are based on Vygotsky's idea that understanding is achieved through social interaction and stretching children's thinking incrementally (scaffolding), as well as Kolb's (1984) theory of experiential learning, which promotes the integration of different perspectives actively to arrive at a solution. Approaches that involve the child in joint problem solving (e.g., Greene, 2016) or that are based on interpersonal neurobiology (e.g., Farber and Siegel, 2011) inherently respect children as active participants in their own learning and as persons of worth. Such approaches prioritise dialogue, relationships, agentic capacity, inter-dependence and social responsibility over attainment of individual goals. 'By viewing "problems as problems", rather than "people as problems", individuals are able to talk with each other in a respectful manner, and talk with themselves in ways that support their responsibility and their accountability' (Macready, 2009: 217).

Conclusion

Approaches to child discipline in the Western world have come a long way since ancient Rome. The 21st century alone has already witnessed abundant advances in our knowledge of neuroscience, our understanding of the critical role of relationships in human learning, and global recognition of human rights standards. In 2015, the world celebrated the CRC's 25th anniversary – a quarter century of recognition of children's rights to personhood, dignity and respect. With one exception, every UN Member State has committed to implementing the CRC's standards. Fifty-two countries have abolished all physical punishment and other humiliating and degrading treatment of children. However, Freeman (2011:22) reminds us that,

We must get beyond rhetoric. Rights without remedies are of symbolic importance, nothing more. And remedies themselves require the injection of resources, a commitment on behalf of all of us that we respect the institution of rights, that we want them to have an input on the lives of all people, and not just on the lives of the powerful and the privileged.

This paper is a call to action; a call to move beyond rhetoric. We have presented five principles upon which rights-based discipline can be built. But we recognise that the ability to act respectfully in moments of conflict with a child is a universal challenge. Article 18 of the CRC calls on ratifying governments to 'render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities'. Parents, teachers and

caregivers must be supported and empowered to view conflict through children’s eyes and respond in ways that help them to learn, acquire knowledge, and strengthen their skills.

The time has come to shut the door on the dark ages of archaic punishments disguised as discipline. It is time to turn our backs on the naughty chair rather than on children, and to strengthen children’s agentic capacity, rather than imposing controls from above. It is time to put an end to legalised violence against children, and challenge justifications put forth to humiliate and frighten children into obedience. By doing so we will reclaim and restore the true meaning of discipline – to facilitate the development of children’s understanding – so that all children may thrive, actualise their rights to participation, and live free of punitive violence.

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