



## Torture Versus Child Abuse: What's the Difference?

David Allasio, MSW<sup>1</sup>  
Howard Fischer, MD<sup>2</sup>

### Introduction

Just as it is popularly held (in the United States) that there is a difference between "acceptable" physical punishment and child abuse,<sup>1</sup> physicians and child protection professionals appreciate that there is a spectrum of harm inflicted upon physically abused children. At the less severe end of the spectrum one may see a single, isolated slap or loop mark. At the severe end of the spectrum one may see fatal abuse, such as may occur with the shaken baby syndrome.

Not appreciated often enough among medical, legal, and child protection professionals is the range of abusive caretaker behaviors that are too extreme to be simply classified as abuse. Torture is distinctly different in its premeditation, intent, and ongoing nature. The word *torture* usually brings to mind crimes committed by interrogators, jailers, or other agents acting on behalf of some political entity. Some of the victims of political torture are, in

fact, children.<sup>2</sup> We have seen instances of domestic child abuse that qualify as torture. Torture is defined as "any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as . . . punishing [him] . . . when such pain or suffering is inflicted by [a] person acting in an official capacity."<sup>3</sup>

What are the essential elements of torture? First, the torturer has physical control over the victim. Second, the infliction of severe pain and suffering is an integral part of the torture. Third, torture is purposeful and systematic.<sup>4</sup> We would add that torture is continued or repeated. Some instances of child abuse may be considered as torture. This is illustrated in the following patient report.

### Patient Report

A 4-year-old boy was brought to the Children's Hospital of Michigan Emergency Depart-

ment by local police officers who had been notified by the child's paternal grandmother of his suspected abuse. The grandmother had not seen the child, who lived with his father and father's girlfriend, for several months, until 2 days before hospital admission. At that time, she saw that the child had multiple bruises. She notified Child Protective Services, but they did not see the child, because no one answered the door when they visited. The grandmother then called the police, who found the child at home under a bed.

The grandmother also said that the child had had various (unreported) injuries in the past. When she asked the father why he beat his child, he stated that he did not beat the child, he just whipped him with a belt and pushed him down. The father added that the child would get hurt while falling. Police investigation determined that the father hit his child with sticks, boards, a rubber belt, and a ruler. He hit him in the face and knocked out some teeth. He said that he hit his child "twice a day or three times a week."

Physical examination showed a dirty, hungry, thirsty 4-year-old boy with dozens of bruises, abrasions, and loop marks on his face, chest, back, abdomen, and extremities. He had hearing loss and developmental delay and was noted to play in a very aggressive

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<sup>1</sup>Department of Social Work, Children's Hospital of Michigan; <sup>2</sup>Department of Pediatrics, Wayne State University School of Medicine, Children's Hospital of Michigan, Detroit, MI.

Reprint requests and correspondence to: Howard Fischer, MD, Department of Pediatrics, Wayne State University School of Medicine, Children's Hospital of Michigan, 3901 Beaubien Blvd., Detroit, MI 48201.

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