



Bill in Canadian Senate seeks to eliminate parents' right to use spanking as discipline

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OTTAWA, June 19, 2007 (LifeSiteNews.com) - In response to a debate on spanking that took place yesterday before the Senate Committee of Human Rights (SCHR), the Institute of Marriage and Family Canada (IMFC) presented a research report indicating their disapproval of the proposed new legislation.

The debated bill, S-207, would take out Section 43 of the Criminal Code (allowing spanking), thereby forbidding parents to spank their children, effectively making it criminal behaviour.

The IMFC report begins by outlining some of the evidence in favour of spanking. After Sweden outlawed it in 1979, for example, links were established between the new policy and a rise in violence. While last year, Dr. Jane Millichamp of the University of Otago in New Zealand released a study that examined 1000 children over 30 years. The study concluded, "Punishing children by spanking does not make them more aggressive or anti-social as adults." Many other past and recent studies have reached similar conclusions.

A 2002 poll in Canada revealed that 72% of the Canadian population wanted to retain the right to spank their children. A total of 57% also admitted that they never actually disciplined them in this way.

David Quist, executive director of the IMFC, underlined the need to distinguish between child abuse and child discipline. While the first is a crime of violence or neglect against the innocent, the second is a necessity for the proper development of the child and his adaptation to society, says Quist.

The IMFC report uses this distinction to support a parent's right to spanking as an acceptable means of training, pointing out that "Children need to learn morals and ethics, right from wrong, acceptable and unacceptable behavior."

"Normative spanking is not abuse and is one of the many teaching and disciplinary tools that many parents need to have at their disposal," says the report.

Each child is unique, the report argues, and needs to be disciplined in a particular way, and who should know how to do this better than a child's parents? As Justice LaForest stated in a Supreme Court of Canada Decision (2006): "Although [the parents'] liberty is not a parental right tantamount to a right of property in children, our society is far from having repudiated the privileged role parents exercise in the upbringing of their children."

"This role translated into a protected sphere of parental decision-making which is rooted in the presumption that parents should make important decisions affecting their children because parents are more likely to appreciate the best interests of their children and because the state is ill-equipped to make such decisions itself."

Quist concludes that rather than eliminating spanking, the government should focus on major areas where proper child-raising could be aided. Among these would be to encourage officials to "lower the tax burden on families," as well as "support childcare programs that meet the needs of all parents," and "bring forward programs that keep moms and in particular dads involved in their children's lives."

"In keeping with the theme of Father's Day," Quist specifically focuses on the crucial role of fathers for children's well-being. Children who are raised with an active, present and supportive father have higher academic scores and a lower rate of delinquency, depression, teen pregnancy, drug use, and other high-risk behavior. Adolescent males are also more likely to maintain a stable marriage in future.

A parent's right to spanking has been challenged for the past decade in Canada. In 2004, due to the action of certain special-interest groups, the Supreme Court of Canada criminalized spanking of children under aged 2 and over 12. In January of the same year, the Canadian Foundation for Children, Youth and the Law, a group of anti-corporal punishment extremists, unsuccessfully argued that spanking should be entirely abolished from the criminal code.

During the debate yesterday, justice department official Gillian Blackell defended the need for spanking, reports the Montreal Gazette. She told the committee, "If Section 43 was simply repealed, any non-consensual force that a parent or teacher uses on a child or pupil could be an assault, given the broad definition under the Criminal Code."

"There would no longer be a statutory defence to criminal charges where the force used is minor corrective force of a transitory or trifling nature." As a result, "parents who physically put a reluctant child in a car seat or remove a child to their bedroom for a time-out are applying non-consensual force and could be convicted of simple assault."

At present, the committee has recommended in an official report that spanking be banned from the Criminal Code by 2009.