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Smacking adults

A zero-tolerant world can be a nasty place for kids and adults alike.

For years, I have been collecting head-shaking stories - such as the one of a Colorado mother who was supposed to understand when her six-year-old son was suspended for giving a classmate candy, because school officials concluded that 'a child who brings candy to school is comparable to a teen that takes a gun to school'. And the story of a Canadian student who was charged with assault after his water-filled balloon accidentally hit a teacher.

These stories hint at the serious issue of violence, but they aren't about violence. The candy was a gift; the balloon was a prank. These incidents should be the stuff of laughter, shrugs or disapproving looks.

But in our intolerant, 'take-no-prisoners' world, such responses are often deemed inadequate and old-fashioned. If there's a behaviour we don't like, we outlaw it. We have done it in the workplace under the banner of harassment, and in schools with anti-bullying slogans.

Until a few weeks ago, anti-smacking activists - who had appealed to the Supreme Court of Canada to overthrow Section 43 of the Criminal Code which permits parents and teachers to use 'reasonable force' when disciplining children in their care - expected that we would do it in the home too. Their appeal was, I think, another aspect of society's naively well-intended zero-tolerance approach to violence.

When an American tourist was arrested on Canadian soil 10 years ago for spanking his daughter's bare bottom after she slammed the car door on her sister's fingers, a debate erupted in Canada over physical discipline.

Then, in summer 2001, an Ontario case re-ignited the controversy. Families belonging to the Church of God claimed that it was their religious and parental right to discipline their children as they saw fit. Wanting to raise them to be responsible, happy, law-abiding citizens, they believed that corporal punishment served to achieve this goal. Welfare workers from the Children's Aid Society (CAS) saw it differently, and seized the children; they later let them return home under close CAS supervision.

The Ontario case brought like-minded parents and religious groups head-to-head with anti-smacking advocates, who saw the case as a platform to argue that all forms of smacking are 'assaults' and should be banned. The Canadian Foundation for Children, Youth and the Law argued, first in the Ontario courts, then before Canada's Supreme Court, that Section 43 was unconstitutional and should be repealed. While their arguments sounded legal, their reasoning was mostly psychological.

The experts, just like the public, are divided in their opinions. So two scholarly reviews, one by Dr Elizabeth Gershoff at Columbia University's National Center for Children in Poverty, a researcher who opposes smacking, and one by a researcher, Dr Robert Larzelere of the University of Nebraska Medical Center, who does not, came to polarised conclusions. Gershoff found 10 negative effects associated with corporal punishment, while Larzelere found that non-abusive smacking produced no harmful effects and reduced misbehaviour.

There is nothing unusual about dueling experts; what is notable in this controversy is the shared vision of healthy, happy children becoming well-adjusted adults in a peaceful society.

While portrayed as 'spare the rod, spoil the child' fanatics, most of those who favour smacking don't speak of fire and brimstone. They are just ordinary parents who believe that, when applied with care and concern, not in anger and meanness, occasional smacking teaches discipline and builds character - something they consider has been lost in our permissive society that favours self-esteem over self-control. This position has been under attack recently, not only in Canada but in many Western nations.

In 2000, when the British government was debating legislation that would allow for 'smacking and slapping', psychiatrist Alice Miller, author of *Prisoner of Childhood*, wrote an open letter to politicians declaring that 'hitting children has serious political consequences'. In smacking children, she believes, 'we teach them violence, ignorance and hypocrisy', while in her utopian smacking-free world she imagines 'responsible adults (who) will not turn to vengeful actions such as wars'.

She goes on to explain that those in disagreement with her views are actually hindered from seeing the truth because of 'the suffering of their own childhood', a condition that would be remedied by 'a new law that would clearly forbid parents to spank their children in any way would open their eyes'.

More recently, two influential UK parliamentary committees (on health and human rights) urged that parents should be banned from smacking their children following the death of eight-year-old Victoria Climbié, who died at the hands of her great aunt and her great aunt's boyfriend.

Murray Straus, a sociologist at the University of New Hampshire and the most cited North American anti-smacking expert, shares these opinions. He blames spanking for a host of psychological and social ills, including 'domestic violence, child abuse, incest, depression, lower earnings and even masochistic sexual practices'.

This was the crux of the argument that the Canadian courts faced. Should government intervene and establish absolute and intolerant laws that rely on psychologised theories of violence and emotional damage? Or should parents be respected for their ability to make good decisions regarding their children?

On 30 January 2004, the Supreme Court of Canada decided against declaring an absolute ban on smacking; within limits, parents would continue to be allowed to resort to corporal punishment. Within minutes, critics of the court's decision complained that it put Canada out of step with other developed nations. Already Sweden, Austria, Italy, Germany, Norway and Israel have bowed to pressures, instituting laws that prohibit all forms of corporal punishment. But is following in lock-stepped fashion such a good thing?

The court showed wisdom, I think, in refusing to become swept up in the dubious, scientific-sounding rhetoric that would further blur our understanding of what constitutes real violence and delude us into believing that by intruding into child-rearing we are being progressive.

Perhaps the confusing age of heavy-handed zero-tolerance, in which kids are punished for just being kids and adults are punished for trying to be good parents, is coming to an end in Canada. That may be wishful thinking on my part. But maybe, instead of declaring Canada to be out of step, it is worth considering the possibility that Canada, with this recent decision, could lead the way.

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