

## THE VANCOUVER SUN

### **Time to do away with legal spanking, say doctors, calling it excuse for poor parenting**

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By Mike Blanchfield, *The Canadian Press* and Tara Carman, *Vancouver Sun*

The Canadian Medical Association Journal says it's time to do away with the Criminal Code's so-called spanking law.

A strongly worded editorial in the journal Tuesday calls for the repeal of Section 43 of the Criminal Code, which gives parents and teachers a legal defence when they physically discipline children.

"It is time for Canada to remove this anachronistic excuse for poor parenting from the statute book," editor-in-chief John Fletcher wrote in a [signed editorial](#), which will likely reignite debate on a controversial topic that has inflamed opinion for decades.

The Supreme Court of Canada ruled in 2004 by a 6-3 margin that the provision did not infringe a child's right to security of the person under the Charter of Rights and Freedoms and does not constitute cruel and unusual punishment.

In the editorial, Fletcher argues that parents need to be educated on how to discipline their children. He said the Criminal Code needs to be amended because it tells parents that physical punishment is acceptable.

The editorial said that police already have discretion to decide when an assault is trivial, but argued that "any bias" should be aimed at vulnerable children.

"To have a specific code excusing parents is to suggest that assault by a parent is a normal and accepted part of bringing up children. It is not. While Section 43 stands, it is a constant excuse for parents to cling to an ineffective method of child discipline when better approaches are available."

But using the word "assault" to refer to parents legitimately disciplining their children polarizes the debate and does little to contribute to an informed understanding of the issue, said Dave Quist, executive director of the Institute of Marriage and Family Canada.

The Criminal Code defence is necessary to protect parents from being improperly prosecuted, he said.

**"We already know that there are situations, documented in every province across the country, where a parent has appropriately swatted a child's behind in a shopping mall or a McDonald's restaurant or something like that and somebody has called 911 or children's aid ... and unfortunately in some cases, those children have actually been removed from their parents for a period of time as the whole issue was sorted out," he said. "I can only imagine how difficult it would be if [the defence] was removed from the Criminal Code altogether."**

Susan Turner, a Victoria-based professor at Thompson Rivers University and author of *Something to Cry About: An Argument Against Corporal Punishment of Children in Canada*, said she does not agree with criminalizing spanking, but argues the defence should come out of the Criminal Code so that it "can't be used as one of these ... loopholes in terms of getting away with some of the parenting behaviour you want to get away with."

Turner spanked her own three children, but this was mainly on occasions when she lost her temper and she soon found that it stopped making sense.

"I never did it punitively, so I never in my own mind thought there could be a justification for what I had done. I just felt bad about it," she said. "How do children react? They always react the same way. They're completely shocked that you're striking them."

James Ponzetti, an associate professor of family studies at the University of B.C., agrees the Criminal Code defence should come out, largely because going after parents who spank is a waste of prosecutors' time.

A majority of parents spank from time to time, he said, but most of the time they are not inflicting pain.

"Very few parents are interested in harming one of their children."

While opposed to spanking in principle, Ponzetti said there may be a very few isolated incidences where it is justifiable. He offered the example of a young child running into the street. Trying to have a rational discussion with someone too young to understand the consequences of such behaviour is unlikely to be effective, he said.

"That's absurd because the child doesn't have that level of sophistication to comprehend what the parent's trying to tell them as opposed to 'Well, I got a pat on the rear and I know my parent was very upset with me.' That made an impact."