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Canada's 120-year-old spanking law unlikely to change despite doctors' protest

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While it was once a doctor-sanctioned cure-all for disobedience, delinquency and even psychopathy, child-spanking has received official censure from Canada's leading medical journal, which Tuesday called it an "anachronistic excuse for poor parenting."

"Parents need to be re-educated as to how to discipline their children," wrote John Fletcher, editor-in-chief of the Canadian Medical Association Journal, in an editorial calling for the repeal of Section 43, a controversial passage in the Criminal Code that authorizes spanking provided it is "reasonable under the circumstances."

"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," he wrote, adding that Section 43 is "a constant excuse for parents to cling to an ineffective method of child discipline."

First drafted in 1892, the ever-resilient law has withstood repeated Senate, House of Commons and Supreme Court challenges to keep Canada as one of the world's only developed countries to sanction corporal punishment.

That is unlikely to change, a spokeswoman for Justice Minister Rob Nicholson said Tuesday.

"Parents are in the best position to raise their children," Julie Di Mambro wrote in an email to the *Post*. "We believe it is up to them, not the government, to decide what is best for their children so long as it is within reason."

According to the CMA's own estimates, roughly 50% of parents continue to spank their toddlers.

Canada maintains strict guidelines on what constitutes a legal spank. The child must be between two and 12 years of age, the blows may only be administered with an open palm and the force used must be "transitory and trifling in nature."

"There is a distinct difference between assault and discipline," said Dave Quist, executive director of the socially conservative Institute of Marriage and Family Canada, adding that spanking remains a necessary part of the disciplinary "tool kit," even if it is gradually falling out of favour.

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Frequently, Canadians who skirt the spanking guidelines are handed stiff criminal sentences.

In April, a judge ruled a Fredericton man guilty of three counts of assault after he beat his three children with a wooden fork to resolve a road hockey squabble. "The spanking was done in anger," ruled Court of Queen's Bench Justice Judy Clendening.

The CMA's Tuesday editorial was spurred in part by a February study that examined 20 years of published research on the issue and concluded that spanking can cause children to grow up more aggressive and antisocial.

"We're really past the point of calling this a controversy. That's a word that's used and I don't know why, because in the research there really is no controversy," Joan Durant, a co-author based at the University of Manitoba, said at the time.

While most modern parenting manuals eschew the practice, spanking still has strong acceptance within religious circles. The classic pro-spanking adage "spare the rod, spoil the child" is itself derived from a passage in the Old Testament, "he that spareth his rod hateth his son: but he that loveth him chasteneth him betimes."

In the 1950s, child-spanking was practised almost universally against the Baby Boomers, and the era even saw the occasional case of sanctioned wife-spanking. Famously, in 1945, a B.C. magistrate sentenced a Vancouver woman to be spanked by her husband after she was arrested for drunkenness.

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The advice columnist Ann Landers often promoted the occasional smack to discipline wayward children. In 1966, when a 10-year-old girl wrote in to complain that she had been spanked twice in one day "for nothing," Ms. Landers replied that "some children understand a spanking better than words."

The Canadian Medical Association was among the first to promote spanking-free parenting. In 1939, Dr. Allan Ray Dafoe of the CMA boasted to a conference in Washington State that under his supervision, Quebec's famous Dionne quintuplets had never been spanked.