

The Common Sense of Parents

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The Trudeau government has announced that it intends to prohibit the spanking of children in Canada.

This decision is based on Trudeau's commitment, even before the recommendations were made public, to comply with the 94 recommendations of the Truth and Reconciliation Commission (TRC) on residential schools. Among the recommendations was Item #6 which was to remove Section 43 from the *Criminal Code*.

This provision permits physical punishment by teachers and parents if it's reasonable under the circumstances. However, the terrible experiences of aboriginal children in residential schools bear no relation to the day to day parenting in ordinary homes by parents who deeply care for their children.

This removal of Section 43 will make parents' lives even more difficult, as they already do not have an easy time raising their children.

To remove Section 43 from the *Criminal Code* is to render parents vulnerable to an outsider making complaints to the authorities so that parents may be investigated by social services for ordinary, common sense application of minor discipline to their children.

In caring for children, it is not just the physical demands that are so taxing, but also the necessity of being constantly alert to one's children's emotional and psychological needs. Meeting these needs is critical to children so that they can learn how to cope, in their lives as adults, with the inevitable disappointments and hurts that occur. In short, parents want their children to grow up to be strong, independent and resilient in order to manage the adult world with its many ups and downs.

For this to occur, parents must give their children both love and some measure of reasonable discipline applied with common sense. This allows children to understand that there are limits to their behavior, determined by their parents who are in charge, and later, limits determined by teachers and employers, etc.

It is parents who know their children best, and care deeply for them and therefore, they are best positioned to know how to teach their child the rules of life.

This takes place gradually in mundane, day to day matters, such as putting a resisting child into a car seat, requiring the child to remain at the dinner table, insisting the child remain in bed once placed there for the night, preventing the child from harming other children, or destroying property, or not allowing the child to run out onto a busy street. By insisting on specific

behaviors, in a variety of circumstances, the child gets the message that there will also be limits placed on his/her behavior in other circumstances as well.

Some parents may decide, from time to time, to enforce their lessons by moderately spanking their child. Other parents, at their discretion, may choose other methods of discipline, depending on the child and the circumstances. These alternatives may not be as effective as considerate spanking, but it is each parent's right, using his/her common sense to decide this.

In 2004, the Supreme Court of Canada reviewed the spanking law set out in Section 43 of the *Criminal Code*. It upheld the constitutionality of this provision, describing Section 43 as balanced, in that it protects both children and families by preventing the unreasonable abuse of children, but also preventing the criminalization of parents and teachers who apply their legitimate authority in a reasonable manner. Since this decision, there has been no evidence before any court, of the improper use of Section 43.

Significantly, there is no science that shows loving parents who may occasionally and moderately spank, cause any measurable harm of any kind. Such evidence simply doesn't exist. On the other hand, there is a high price to pay in terms of increased violence in countries that have prohibited spanking. For example, Sweden banned spanking in 1979, and child-on-child violence in Sweden has increased 2,500% since then. Within ten years of the spanking ban, child abuse rose to triple the per capita rate and is currently up 1,400%. The World Health Organization found, in a 2002 study, that Austria, which banned corporal punishment in 1977, now has the highest bullying rates of all 27 countries examined.

The Supreme Court, in its 2004 decision, also stated that "children need a safe environment and must depend on parents and teachers for guidance and discipline to protect them from harm and to promote their healthy development within society." This is precisely what Section 43 of the *Criminal Code* provides.

Trudeau's commitment to enforce all the recommendations of the TRC without even knowing what they include, will create a risk of harm to children, parents and society, by the removal of Section 43 from the *Criminal Code*.