

Introduction

Various individuals and organisations within New Zealand have indicated their intentions to make it a criminal offence for parents to spank their own children. This would give the



Family matters are *family matters*.

government a secure hook into the core of a family's private affairs, a permanent direct line of access through 'the castle wall' of every private home. Family Integrity believes all reasonable people need to oppose this move, not to promote spanking, or even to agree with it, but to stop the government from meddling in areas where it has no business: private family matters.

Family Integrity's objective is to keep the government out of where it does not belong in order to preserve and protect each family's personal integrity. Read on to understand some of the reasons why the anti-spanking lobby has it wrong.

with virtually no reference to the child's parents is to drive itself and its agents between parents and children, thus weakening the family unit. Doctors may be forced by legislation to break confidence with their parent/patients. Teachers may be used to get children to inform on their parents. Children may be tempted to turn in their parents in a moment of childish anger and frustration not being the least aware of the implications of such a move for their family's future. It is common knowledge, for example, that once CYF becomes involved in your family, with all their historic bureaucracy and heavy-handedness, life as you know it comes to an end.

Such a ban would make criminals out of some of NZ's best parents.

Ridiculous laws such as this will cause massive civil disobedience and degrade society's perception of good laws.

Such a ban would be ineffective against those who already abuse children: the incompetent, the violent and the drugged would continue to live undisciplined lives, unaware and uncaring.

There is very little clinical research that focuses on traditional spanking as described by Family Integrity. All researchers every where concede that it is impossible to measurably and accurately separate the effects of spanking from all other factors in a child's life. Robert Larzelere did a review for the American Academy of Paediatrics' conference on corporal punishment in 1996. He found only 35 articles on this subject, and 23 of those showed either positive or neutral outcomes of spanking.

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Family Integrity

Our Home...Our Castle

Why the Anti-Spanking Lobby Has It Wrong



By Craig Smith, Family Integrity, 2004 ©

The anti-spanking lobby is in error because:

They claim that spanking is the same as violence. The two are not the same. (See Family Integrity brochure *Spanking vs. Child Abuse & Violence*.)

They illogically and sensationally equate judicial, controlled, measured and purposeful spanking by responsible parents with the violent beatings of uncontrolled, irresponsible live-in boyfriends.

They ask why parents should be allowed to spank children when they would not try to spank adults. Parents would similarly not try to change another adult's clothes, feed him, bathe him, toilet him, tuck him in at night or confine him to his room for "time out". The child is not autonomous. It is dependent upon its parents, and the parents have many responsibilities toward the child's care, upbringing and welfare, which this minority special-interest anti-spanking lobby group seems to lose sight of too easily.



**Build relationships—
explore the world together.**

They seem driven by an ideology that routinely ignores the total lack of a democratic basis for their proposed ban: a New Zealand Ministry of Justice survey conducted by the NRB in 2001 showed "that 80% of the public agreed that a person parenting a child should be allowed by law to smack the child with an open hand if they are naughty."

They want to use the coercive power of the state to impose their own particular tentative speculations about corporal discipline on the rest of society even though: (A) 80% of NZers oppose the move and (B) no causal link has been demonstrated between corporal discipline and negative social behaviours.

They argue that abuse and violence hides behind the provisions of Section 59 of the Crimes Act 1961. John Hancock of Action for Children and Youth Aotearoa Inc., summarised such cases in a document titled, *Parental Corporal Punishment of Children in New Zealand* for the UN Committee on the Rights of



**Family dynamics are
dynamite!**

the Child and dated 28 August 2003. He listed only 18 cases spanning the 13 years from 1990 to 2002. That is a mere 1.4 Section 59 cases a year. In 10 of those 18 cases the parent was found guilty of abuse; one needed a re-trial; in one the child was removed; and the parent was justified in the remaining six cases, five of which were trials by jury. In other words, when Section 59 cases came up before the courts, the alleged abuser was found to be guilty 56% of the time, which amounted to less than one case per year. So it appears to be a defence rarely used, and abusers don't appear to be hiding behind it very well.

Section 59 of the Crimes Act is an excellent and very adequate provision whereby responsible parents and the family unit's integrity is maintained while at the same time irresponsible and violent abuse can be brought before the courts and duly judged.

For the government to ban spanking sets the precedent that the government may legitimately intervene and impose its will on how parents rear their own children in their own homes. Such a precedent will establish a logical progression for the government (or those minority groups who successfully manipulate the government apparatus as the anti-spanking lobby is trying to do) to dictate how parents may or may not feed, bathe, clothe, medicate and monitor their own children's friendships and reading and viewing habits.

Such a ban allows the government to impose regulations with

no regard, reference or sensitivity toward a family's culture, religion, values, history or traditions. This is a bad basis for law.

Such a ban would therefore bring it into conflict with the religious convictions of many parents who are guaranteed freedom to practice these convictions by Section 15 of the NZ Bill of Rights Act 1990 which says, "Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private."

Such a ban is uninformed, clumsy and simplistic. The anti-spanking lobby has failed to thoroughly investigate the underlying worldview, presuppositions, origins, motivations, aims, objectives, methodologies and outcomes of spanking, which is an institution as old as and as respected as parenting itself. (See the Family Integrity brochure title *A Working Definition of Spanking*.)



**Teach them what you know.
Give them confidence.**

There is no need for such a ban if it is to send a message about child abuse: there are already plenty of laws on the books against child abuse. Some attention to the gratuitous violence displayed daily on TV and videos and the escalating violence of bullying in government funded schools would be far more effective.

The government should be helping the parents to fulfil their parental responsibilities, rather than taking their responsibilities from them, as such a ban would do.

For the government to declare itself the protector of child rights