

## Case 4: Spanking

Democratic assemblywoman Sally Leiber of Mountain View, California has proposed legislation to prohibit spanking a child three years old and under.<sup>1</sup> The offense would be considered a misdemeanor with punishment including child-rearing classes, fines or even jail time. While such legislation is rather novel in many U.S. jurisdictions, spanking laws have become the norm in Europe. Seventeen European countries ban corporal punishment in school and in homes.<sup>2</sup> Most of these countries consider the law an educational tool. Parents who violate the law the first time are sent to classes that help them learn to discipline children more effectively without spanking. Only two European countries, the Czech Republic and France, have no legislation banning spanking.

Proponents of the legislation argue that it will make prosecuting child abuse easier. Another reason to support the legislation is the claim that a child three years old and under cannot connect the spanking with his or her problematic behavior. Leiber believes that American society in general seems to embrace violence and wants to establish legislation that will move away from this approval of violence. Nadine Block, the director of the Center for Effective Discipline, states, “A hundred years ago it was considered a novel idea for the law to say you couldn't hit your wife... Today, we can't hit slaves, wives or military personnel. Children are the only class that is unprotected.”<sup>3</sup>

Those who object to the proposed legislation claim that parents have a right to determine punishment without government interference. They cite the government's increasing violation of citizens' privacy. Some also claim that the law would be difficult to enforce. Others state that spanking consists of swats of a parent's hand on a child's fully clothed behind and is not child abuse. It is a simple tool to get the child's attention. Child abuse is severe mistreatment and in a different category altogether, so there is no need to outlaw spanking in an attempt to stop child abuse.

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<sup>1</sup> Jennifer Steinhauer, “A Proposal to Ban Spanking Sparks Debate,” *The New York Times*, Jan. 21, 2007, [http://www.nytimes.com/2007/01/21/us/21spank.html?\\_r=1](http://www.nytimes.com/2007/01/21/us/21spank.html?_r=1).

<sup>2</sup> B.A. Robinson, “Child Corporal Punishment: Spanking; Legal Status of Spanking,” *Religious Tolerance.org*, Feb. 2, 2010, <http://www.religioustolerance.org/spankin2.htm>.

<sup>3</sup> Carolyn Sayre, “Should Spanking Be Banned?” *TIME*, Jan. 24, 2007, <http://www.time.com/time/nation/article/0,8599,1581853,00.html>.