

Hitting Bottom:

Why America should outlaw spanking

By Emily Bazelon

Sally Lieber, the California assemblywoman who proposed a ban on spanking last week, must be sorry she ever opened her mouth. Before Lieber could introduce her bill, a poll showed that only 23 percent of respondents supported it. Some pediatricians disparaged the idea of outlawing spanking, and her fellow politicians called her crazy. Anyone with the slightest libertarian streak seems to believe that outlawing corporal punishment is silly. More government intrusion, and for what—to spare kids a few swats? Or, if you're pro-spanking, a spanking ban represents a sinister effort to take a crucial disciplinary tool out of the hands of good mothers and fathers—and to encourage the sort of permissive parenting that turns kids ratty and rotten.

Why, though, are we so eager to retain the right to hit our kids? Lieber's ban would apply only to children under the age of 4. Little kids may be the most infuriating; they are also the most vulnerable. And if you think that most spanking takes place in a fit of temper—and that banning it would gradually lead more parents to restrain themselves—then the idea of a hard-and-fast rule against it starts to seem not so ridiculous.

The purpose of Lieber's proposal isn't to send parents to jail, or children to foster care, because of a firm smack. Rather, it would make it easier for prosecutors to bring charges for instances of corporal punishment that they think are tantamount to child abuse. Currently, California law (and the law of other states) allows for spanking that is reasonable, age-appropriate, and does not carry a risk of serious injury. That forces judges to referee what's reasonable and what's not. How do they tell? Often, they may resort to looking for signs of injury. If a smack leaves a bruise or causes a fracture, it's illegal. If not, bombs away. In other words, allowing for

"reasonable" spanking gives parents a lot of leeway to cause pain.

Who should we worry about more: The well-intentioned parent who smacks a child's bottom and gets hauled off to court, or the kid who keeps getting pounded because the cops can't find a bruise? This U.N. report on violence against children argues that "The de minimis principle—that the law does not concern itself with trivial matters" will keep minor assaults on children out of court, just as it does almost all minor assaults between adults. The U.N. Committee on the Rights of the Child has been urging countries to ban corporal punishment since 1996. The idea is that by making it illegal to hit your kids, countries will make hurting them socially unacceptable.

The United Nations has a lot of converting to do in this part of the world. Its report cites a survey showing that 84 percent of Americans believe that it's "sometimes necessary to discipline a child with a good hard spanking." On this front, we are in the company of the Koreans, 90 percent of whom reported thinking that corporal punishment is "necessary." On the other side of the spanking map are 19 countries that have banned spanking and three others that have partially banned it.

The grandmother of the bunch is Sweden, which passed a law against corporal punishment in 1979. The effects of that ban are cited by advocates on both sides of the spanking debate. Parents almost universally used corporal punishment on Swedish children born in the 1950s; the numbers dropped to 14 percent for kids born in the late 1980s, and only 8 percent of parents reported physically punishing their kids in 2000. Plus, only one child in Sweden died as the result of physical abuse by a parent between 1980 and 1996. Those statistics suggest that making spanking illegal contributes to making it less prevalent and also to making kids safer. On the other hand, reports to police of child abuse soared in the decades after the spanking ban, as did the incidence of juvenile violence. Did reports rise because frustrated, spanking-barred parents lashed out against their kids in other ways, or because the law made people more aware of child abuse? The latter is what occurred in the United States when

reports of abuse spiked following the enactment of child-protective laws in the 1970s. Is the rise in kids beating on each other evidence of undisciplined, unruly child mobs, or the result of other unrelated forces? The data don't tell us, so take your pick.

A similar split exists in the American social-science literature. In a 2000 article in the *Clinical Child and Family Psychology Review*, Dr. Robert Larzelere (who approves of spanking if it's "conditional" and not abusive) reviewed 38 studies and found that spanking posed no harm to kids under the age of 7, and reduced misbehavior when deployed alongside milder punishments like scolding and timeouts. By contrast, a 2002 article in *Psychology Bulletin* by Dr. Elizabeth Gershoff (not a spanking fan) reviewed 88 studies and found an association between corporal punishment and a higher level of childhood aggression and a greater risk of physical abuse.

This is the sort of research impasse that leaves advocates free to argue what they will—and parents without much guidance. But one study stands out: An effort by University of California at Berkeley psychologist Diana Baumrind to tease out the effects of occasional spanking compared to frequent spanking and no spanking at all. Baumrind tracked about 100 white, middle-class families in the East Bay area of northern California from 1968 to 1980. The children who were hit frequently were more likely to be maladjusted. The ones who were occasionally spanked had slightly higher misbehavior scores than those who were not spanked at all. But this difference largely disappeared when Baumrind accounted for the children's poor behavior at a younger age. In other words, the kids who acted out as toddlers and preschoolers were more likely to act out later, whether they were spanked occasionally or never. Lots of spanking was bad for kids. A little didn't seem to matter.

Baumrind concluded that it is "*reliance* on physical punishment, not whether it is used at all, that is associated with harm to the child." The italics are mine. While Baumrind's evidence undercuts the abolitionist position, it doesn't justify spanking as a regular punishment. In addition, Baumrind draws a telling distinction

between "impulsive and reactive" spanking and punishments that require "some restraint and forethought." In my experience as a very occasional (once or twice) spanker, impulsivity was what hitting my kid was all about. I know that I'm supposed to spank my sons more in sorrow than in anger. But does that really describe most parents, especially occasional spankers, when they raise their hand to their children? More often, I think, we strike kids when we're mad—enraged, in fact. Baumrind's findings suggest that occasional spankers don't need to worry about this much. I hope she's right. But her numbers are small: Only three children in her study weren't spanked at all. That's a tiny control group.

Baumrind argues that if the social-science research doesn't support an outright ban on spanking, then we shouldn't fight over the occasional spank, because it diverts attention from the larger problems of serious abuse and neglect. "Professional advice that categorically rejects any and all use of a disciplinary practice favored and considered functional by parents is more likely to alienate than educate them," she argues. The extremely negative reaction to Lieber's proposed ban is her best proof.

It's always difficult and awkward—and arguably misguided—to use the law as a tool for changing attitudes. In the case of corporal punishment, though, I'm not sure we'd be crazy to try. A hard-and-fast rule like Sweden's would infuriate and frustrate some perfectly loving parents. It would also make it easier for police and prosecutors to go after the really bad ones. The state would have more power over parents. But then parents have near infinite amounts of power over their kids.