

JANUARY 2014

SMACKING

DAVID BOWDEN



MOTION:

**“THE UK SHOULD
BAN SMACKING OF
CHILDREN”**

**DEBATING MATTERS
TOPIC
GUIDES**

www.debatingmatters.com

wellcometrust
Strategic Award

PRIMARY FUNDER



HEADLINE SPONSOR

LLOYDS
SCHOLARS

TOPIC GUIDE SPONSORS



THINK BIG. THEN THINK BIGGER.

Lloyds Scholars is a unique social mobility programme run by Lloyds Banking Group. Partnering with leading universities across the UK, we offer students from lower income households a complete package of financial support, paid internships, a business mentor and the opportunity to develop their employability skills.

For more information visit:

 www.lloyds-scholars.com  @LloydsScholars



UNIVERSITY OF
BIRMINGHAM



The
University
Of
Sheffield.

THE UNIVERSITY OF
WARWICK

CONTENTS

Introduction

Key terms

The smacking debate in context

Essential reading

Backgrounders

Organisations

In the news

KEY TERMS

Corporal punishment

Smack

INTRODUCTION

1 of 5

NOTES

1
1
2
3
4
4
5

While corporal punishment of children was heavily restricted in the UK by the Children’s Act of 2004, it remains legal for parents or guardians to use ‘reasonable chastisement’ to discipline under-18s in their care. The continued existence of this provision, however, remains highly contentious. In December 2013 Dr Maggie Atkinson, the Children’s Commissioner for England, re-opened the debate by stating her personal view that the UK government should seek a total ban, on the basis that it was ‘counter-evidential’ to forbid the use of violence against other adults but not children [Ref: [Independent](#)]. Supporters of a full ban on smacking, including campaigns groups such as the NSPCC, argue that the UK’s support for smacking has drawn censure from the UN and that its underlying principle of ‘might is right’ has no place in 21st century parenting [Ref: [Yahoo News](#)]. Yet others argue that parents should feel legitimate in using mild physical force to discipline their children and that a ban would represent excessive interference by the state into private family life. In 2011, following the London riots, Labour MP David Lammy argued that parents’ fears they would be prosecuted for smacking their children had contributed to social breakdown and a crisis in adult authority [Ref: [BBC News](#)]. Other politicians, including Mayor of London Boris Johnson and Justice Minister Chris Grayling, have offered their support for the current law and point towards strong public opinion on the issue [Ref: [Daily Mail](#)]. Should the government follow the lead of 22 other European countries and afford equal legal protection to children from physical force? Or is it important to defend the right of parents to exercise discipline in raising their children as they see fit?



What is ‘reasonable chastisement’?

Under the Children Act 2004 parents, or those acting in loco parentis, are able to administer physical force provided it does not leave grazing, bruising, swelling or breaking of skin and cannot be used as a defence in serious assault charges [Ref: [The Times](#)] – in Scotland the use of an implement is expressly forbidden. In 2010 the Singleton Report tightened this up further, but upheld parents’ right to issue a ‘mild smack’ [Ref: [BBC News](#)]. Campaigners maintain, however, that even this current freedom exposes children to a range of potential harms and impairs child development [Ref: [Al Jazeera](#)], although the extent of this is heavily disputed [Ref: [Herald Scotland](#)]. As one supporter of the ban notes, this is a debate less about the evidential question of harm than it is about the principles: should society endorse and protect the use of force against children as part of modern parenting? [Ref: [New Statesman](#)].

Spare the rod, spoil the child?

Proponents of a ban argue that smacking based upon outdated notions of discipline: pointing towards corporal punishment’s increasing unacceptability in other aspects of life [Ref: [politics.co.uk](#)]. Furthermore it is maintained that it is less effective than other forms of discipline, and that the current law encourages unnecessary uses of force [Ref: [Huffington Post](#)]. As others note, however, there is no strong evidence to suggest the current law allows ‘violent assault’ against minors beyond its current provisions [Ref: [Independent](#)]. It is argued that the ban’s supporters are guilty of elevating personal preferences over parenting styles that are not necessarily any more or less enlightened than the non-violent alternatives they espouse [Ref:

[Telegraph](#)]. Given the government states it does not ‘condone’ smacking as a method, are they justified in allowing it to be used?

The state and the family

For many the debate over smacking is about much more than the act itself. Attempts by politicians to associate restrictions on smacking with the London riots have been criticised by numerous campaigners as being simplistic and opportunistic [Ref: [Guardian](#)]. Nonetheless, several of the writers on both sides express a strong anxiety that the state has gone too far in undermining the authority of parents at the expense of protecting children who, after all, are widely accepted as needing adult supervision and guidance [Ref: [spiked](#)]. In practice, the ban’s implementation would remove what many perceive as a grey area yet would also require considerably more state intervention into child-care and family life. Should the government follow numerous other Western countries in acting to provide equality for potentially vulnerable children at the risk of criminalising adults? Or should society affirm the right of parents to administer appropriate discipline at their discretion, even if many may consider it distasteful?

ESSENTIAL READING

3 of 5

NOTES

Should parents be banned from smacking their children?

Nermin Oomer *Yahoo News* 7 January 2014

Smacking children should be illegal, says Children's tsar Maggie Atkinson

Emily Dugan *Independent* 27 December 2013

'Nearly half' of parents back corporal punishment
BBC News 16 September 2011

FOR

Ban smacking of children...now

Lindsay Whittle *Huffington Post* 10 September 2013

Smacking: an acceptable form of child abuse
Siobhan Courtney *Al Jazeera* 16 March 2013

Dear Chris Grayling: I was smacked as a child and it did do me harm

Glosswitch *New Statesman* 4 February 2013

Why David Lammy is wrong about smacking
Zoe Williams *Guardian* 30 January 2012

AGAINST

Chris Grayling: I smacked my children when they were badly behaved

Gerri Peev *Daily Mail* 4 February 2013

So smacking kids is wrong – and doping them is right?
Cristina Odone *Telegraph* 3 February 2013

I was smacked as a child. It shouldn't be illegal
Ellie Rose *Independent* 5 October 2012

Parents should be free to smack – David Lammy
BBC News 24 January 2012

IN DEPTH

How the nationalisation of parenting stoked the riots
Jennie Bristow *spiked* 17 July 2012

Slap happy
Vicky Allan *Herald Scotland* 7 November 2010

This had the smack of good sense my lords
Simon Jenkins *The Times* 7 July 2004

BACKGROUNDEERS

4 of 5

NOTES

Smacking your child – a place for the law?

Alicia Jones *Current Legal Issues Blog* 13 January 2014

'I do not smack my sons' Nick Clegg

LBC 12 December 2013

'One year on: assessing the state of the nation'

Battle of Ideas 20 October 2012

Does smacking kids make them mentally ill?

NHS Choices 3 July 2012

Physical punishment of children

Department of Education 1 June 2012

Should smacking be banned?

Bonnie Gardiner *YouGov* 22 February 2012

Smacking ban led to riots - Lammy

LBC 29 January 2012

The Chief Adviser on the Safety of Children

Sir Roger Singleton *HM Government* March 2010

Is it legal? A parent's guide to the law

Family & Parenting Institute October 2007

Sweden's smacking ban: more harm than good

Christian Institute 2004

Children Act 2004

HM Government 2004

A Generation Without Smacking: the impact of Sweden's ban on physical punishment

Save The Children January 2002

Issue brief: Corporal Punishment

Politics.co.uk

ORGANISATIONS

Family & Parenting Institute

NSPCC

The Children's Commissioner for England

IN THE NEWS

5 of 5

NOTES

Mother filmed smacking child admits assault

Guardian 10 January 2014

Scottish ministers have 'no plans to ban smacking'

Scotsman 29 December 2013

Nick Clegg: I do not smack my sons

Daily Mail 12 December 2013

Child smacking: dispute over opportunity for Wales ban

BBC News 21 June 2013

Smacking does children no harm if they feel loved, study claims

Telegraph 18 April 2013

Smacking breaches international law, charity claims

Telegraph 22 January 2013

Boris hints at government support over smacking

Total Politics 30 January 2012

Liberal elite stigmatize the working class for smacking, says David

Lammy

London Evening Standard 30 January 2012

Should the law on smacking be relaxed?

Channel 4 News 29 January 2012

School smacking loophole to be closed

BBC News 30 March 2010

'Missed chance' on smacking ban

BBC News 25 October 2007

ABOUT DEBATING MATTERS

Debating Matters because ideas matter. This is the premise of the Institute of Ideas Debating Matters Competition for sixth form students which emphasises substance, not just style, and the importance of taking ideas seriously. Debating Matters presents schools with an innovative and engaging approach to debating, where the real-world debates and a challenging format, including panel judges who engage with the students, appeal to students from a wide range of backgrounds, including schools with a long tradition of debating and those with none.

DEBATING MATTERS
**TOPIC
GUIDES**

www.debatingmatters.com

FIND OUT MORE

Debating Matters engages a wide range of individuals, from the students who take part in the debates, the diverse group of professionals who judge for us, the teachers who train and support their debaters, and the young people who go on to become Debating Matters Alumni after school and help us to continue to expand and develop the competition. If you enjoyed using this Topic Guide, and are interested in finding out more about Debating Matters and how you can be involved, please complete this form and return it to us at the address below.

Debating Matters Competition
Academy of Ideas Ltd
Signet House
49-51 Farringdon Road
London
EC1M 3JP

- Yes, I'd like to know more. Please send me further information about the Debating Matters Competition:
- I am a teacher and would like further details about events in my area and how to enter a team
- I am a sixth form student and would like further details about events in my area
- I am interested in becoming a Debating Matters judge
- I am interested in sponsoring/supporting Debating Matters
- Other (please specify)

First name

Surname

School/company/
organisation

Professional role
(if applicable)

Address

Postcode

Email address

School/work phone

Mobile phone

**“A COMPLEX
WORLD REQUIRES
THE CAPACITY
TO MARSHALL
CHALLENGING IDEAS
AND ARGUMENTS”**

**LORD BOATENG, FORMER BRITISH HIGH
COMMISSIONER TO SOUTH AFRICA**

