

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE

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Date:	January 16, 2019
Organisation: (if required)	Keep 43 Committee of Canada
Topic of submission:	Submission to oppose the “Children (Equal Protection from Assault) Bill

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EQUALITIES AND HUMAN RIGHTS COMMITTEE

CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) BILL

SUBMISSION FROM Harold Hoff, National Chair, Keep 43 Committee of Canada

Dear Parliamentarians:

1. Definitions:

What the U.K. calls “smacking” is called “spanking” in North America

Regarding the conflation of violence and hitting with spanking / smacking:

What is “hitting”? This has been defined by our Dept. of Justice (website) and equates to assault and violence.

Violence is a conscious and deliberate act, motivated by anger and rage, using excessive force with the intent to cause harm and damage. Hitting can be physical, psychological, emotional and verbal.

Constructive spanking, scientifically proven as the most effective consequence for preteens, is applied with moderate force as a consequence, and with a demeanour and the intent to improve the child and to effectively change behaviour.

2. Forward:

I respectfully submit the following in opposition to the proposed “smacking ban” bill.

In collaboration with experts from the U.S.A., U.K. and Oceania, and under the auspices of my independent research group, Iron Gate Research (“IGR”), I have conducted and published research which uniquely provides empirical answers to many previously unanswered or falsely concluded questions on the anticipated societal effects of the proposed bill.

I am arguably the leading expert in Canada on the deleterious effects experienced by other countries that have used the blunt instrument of criminal law to force a particular parenting approach on everyone.

Further, I chair the federal NGO; Keep 43 Committee of Canada (“Keep 43”) which represents the interests of the 82% of Canadian parents (2012 poll, IGR) who use or have used minor force as part of a normative spectrum of approaches in responsible and effective child-rearing. The purpose of Keep 43 is to:

- (1) Promote the facts about time-tested and scientifically-supported parenting methods which employ minor force in disciplining,**
- (2) Educate the public on what Canada’s specific child discipline laws are (more about this at the “Recommendations” section below), and,**
- (3) Raise awareness of the spectrum of serious harms persistently inflicted on children, families and society when traditional parenting systems are criminalized (which is the full intent of your current Bill).**

3. Parenting System Science

The evidence is now remarkable. Banning non-abusive spanking doesn’t just ban minor force used in salutary child-rearing, it actually bans “Authoritative” parenting styles (as coined and defined by Dr. Diana Baumrind, UC Berkeley) which five decades of parenting system research robustly indicates produces the best developmental outcomes.

Therefore, to be honest, your Bill should be entitled “An Act to criminalize traditional parenting systems”

The intent of this Bill is to presumably coerce parents into “positive” parenting styles. However, scientifically, these styles are only appropriate for about 1-in-5 children who are naturally meek, mild and compliant in demeanour.

When one understands this, it most clearly explains why not one country that has banned traditional parenting styles has shown robustly better outcomes. It’s quite the contrary. Countries that have banned normative spanking (as defined by Canadian law below) persistently experience ten particular harms. I will outline these herein.

So that is Authoritative Parenting?

First, we need to define what the optimum parenting system is. It is called “Authoritative” and from over fifty years of parenting-system research; Dr. Diana Baumrind (UC Berkeley) first coined this term when she deduced seven parenting styles. Others would consider it to be a “traditional parenting” style, or a “loving and firmly guiding” style.

The works conclude that Authoritative parenting produces the best overall outcomes including being the most psychologically and emotionally resilient, most self-disciplined, most likely to desire raising their own family, and least violent, impulsive or self-centred.

This has been separately confirmed by others: as examples, Dr. R. Larzelere (OK State U) and Dr. M. Gunnoe, Calvin College, MI:

The four key features of Authoritative parenting are as follows:

- 1) Highly nurturing (love your children and let them know it continuously)**
- 2) Highly demanding (set age-appropriate limits)**
- 3) Highly responsive (enforce those limits with consistency), and;**
- 4) A high proportion use moderate and occasional spanking as a back-up to a spectrum of other methods.**

To learn how Authoritative Parenting fits into the Parenting-System matrix, I invite you to read the PDF “Understanding why Parental “Spanking Bans” consistently promote increased child abuse rates” linked here:

<https://www.keep43.ca/app/download/7247169165/Parenting+Systems%2C+Spanking+Bans++Child+Abuse.pdf>

- 4. The Bill's title "Equal Protection from Assault" is both deceptive and factually untrue.**

It is deceptive in that it twists and blurs the meaning of "Assault" to make an emotional appeal rather than an objective, reasoned and rational one.

However; what is factually untrue is that the title wrongly infers that adults are protected from an "assault" that children do not have protection from...

A crucial concept that differentiates a peaceful well-functioning modern society from others is that of "Legitimate Authority". Society conveys Legitimate Authority to certain branches and people in order to maintain order and peace, and we, through our elected officials, support that authority.

In so doing, Legitimate Authority is conveyed upon such as: Police, riot control, military, customs officers, licenced body guards, as a few examples. They can and do use force (or assault) for a legitimate purpose.

Adults can be restrained, punched, handcuffed, thrown to the ground, placed into a vehicle or cell, hit with batons, pepper sprayed, or shot, as examples. Physical force including lethal force can be used on adults for a legitimate purpose.

Parents are the first educators of their children, as the UN explicitly affirms. Parents have legitimate authority over the caring, education, welfare and raising of their children. While the degree of force used is much more limited, this illustrates that Legitimate Authority does entail the use of physical force for a beneficial purpose, whether an adult or child. Therefore, one cannot conflate legitimate authority using force with "assault".

5. Laws which criminalize traditional parenting systems induce 10 known harms

The last 10 years has yielded a mountain of unconnected research which in sum total is showing a robust relationship between forcing parents into scientifically inferior parenting systems (positive, permissive, disengaged) by removing the tools for optimal Authoritative Parenting systems.

The evidence is now overwhelming: Wherever non-abusive spanking is banned, and the longer it has been banned, these TEN harms are persistently observed:

- (1) Increased rates of serious assaults of children by parents and caregivers.**
- (2) Increased child & youth violence rates**
- (3) Increased bullying / violence at school**
- (4) Increased CAS/CPS seizures of children from safe & loving homes, which facilitates increased trafficking into the state/foster-care & adoption industry**
- (5) Increased criminal prosecution of good parents, which facilitates parental alienation; negatively impacting child-development**
- (6) Increased mental health, behavioural & emotional disorders requiring medication or hospitalization**
- (7) Increased substance abuse & drug-induced death rates in later years**
- (8) Increased child rape rates**
- (9) Criminalization of normative parenting is one material factor deterring childbirths and collapsing societal fertility rates to extinction levels**
- (10) EU country comparisons show children growing up into adults under these bans exhibit double the domestic violence rates vs. children raised with traditional parenting.**

A discussion of each including sources and citations is summarized in the PDF:

“SWEDEN - The Canary in the Coal Mine: How the abolition of Traditional Parenting Ultimately Destroys a Society” linked below

<https://www.keep43.ca/app/download/7245738500/Sweden+-+The+Canary+in+the+Coal+Mine.pdf>

6. My personal parenting experience illustrates why these “smacking bans” are bad policy

All my extended family was raised in safe and loving home environments, which in every case used some non-abusive spanking as appropriate. We all became successful well-adjusted conscientious contributors to society, many holding degrees including many PhDs. Nowhere in our family do we have criminality, domestic violence, substance abuse, mental health issues, or any of the negative factors generally affecting society.

In 2006, we gave birth to a beautiful healthy baby boy. Our parenting was a “Good Enough” style. But, our son was oppositional-defiant: that’s not a condition requiring treatment; it’s simply a strong-willed personality type. As consequences, we tried confinements like time-outs and sending to the bedroom. These proved futile as he responded angrily to them and refused to observe them. We also used moderate spanking which worked well.

However, my wife and I studied many "positive parenting" styles (Attachment Parenting, P.E.T., Gorilla love, etc.) and while our son was still four, we agreed to go completely "Positive" in style: Heightened preventions and no punishments.

What ensued was the following: It took only 14 months for this to become a disaster. Our child quickly learned there were no consequences. The more positive we became the more defiant and obnoxious he became. The result was a formerly happy well-adjusted child degenerating into an angry, aggressive, insolent and defiant brat. He also began causing problems at school. All of this created a dysfunctional home environment for everyone.

This culminated in my wife, having reached her limit of tolerance, being at risk of lashing out in frustration; as Sweden now often exhibits. So to avert disaster, as he turned six, we agreed that she leave the country for a few months and visit her parents overseas. I would take proactive steps to fix the harm that positive parenting had inflicted on our family.

I declared to our son that the experiment with “Positive Parenting” had ended, and we’d consciously move into Authoritative parenting. We sat down together and jointly negotiated “Our House Rules and Code of Discipline”, and consequences for breaking them – which was prominently posted on our wall. At first he didn’t believe me, so it took two good spankings in the first two weeks. Then it all changed, like magic! When my wife returned, she was astonished to have a helpful, happy, well-adjusted and polite child, who cheerfully did what we asked. And, I only had to ask once! Imagine that. The household environment transformed into a peaceful, loving and co-operative family again. Isn’t that what YOU would want?

Now at 11, this astonishingly effective technique served its purpose and we've moved beyond it. Would I still spank? Absolutely, but since expectations are clear and observed, there's no longer a need for it. That's how excellent techniques work. He knows this story and thanks me for being a loving parent who did the right things for HIM, not for me. So, my goal is now to ensure his future ability to raise great kids with the variety of excellent tools as we had, and to use them conscientiously in love and unmolested by the State and CAS.

7. Human Rights Issues

Is constructively and non-abusively enforcing children's behaviour a Human Rights Issue?

The United Nations Convention on the Rights of the Child (1989) Article 37 states: *"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."*

Constructive discipline, as narrowly defined by Canadian law, is not a violation of the Rights of the Child (and in 2004, our Supreme Court agreed). The methods inflicting minor physical or mental deterrence as allowable under law are nowhere near this definition.

If they were, then it would be equally illegal to place your child in a time-out, confinement to their bedroom, being grounded, or taking video game/TV privileges away. All of these operations inflict mental pain and can cause anger, resentment, and even violent outbursts in children, yet they are all considered constructive enforcements just like transitory and non-abusive spanking.

IF it were true (and it is not) that the infliction of temporary pain for the betterment of the child is a Human Rights violation, then by the same definition, all of these operations equally violate Children's Rights: vaccinations, doctor / emergency room visits, and dental work, and must be equally criminalized. It either is an absolute "Right" or it is not; a "Right" cannot be selective to someone's particular whim.

The UN has no mandate to instruct parents on parenting systems or disciplining methods as cited by the SUN. *"There is no paragraph or subsection devoted to ridding the world of spanking in its entire 13,338-word length"*. If it did, no one would have signed it at the time and the UN Convention would never have existed.

8. The Parent-Child Relationship is Unique

One advocate for criminalizing parents once stated *"If any member of Canadian society were to smack another on the bottom for any reason it would be assault. Unless, of course, the recipient of the assault is a child between the ages of 2 and 12."*

That statement exemplifies a worrying detachment from reality. The parent-child relationship is unique, and this is why even the UN recognizes the necessity to protect it, even as some governments work to undermine parental authority.

There are many aspects to parenting that are inappropriate in any other context. For example, it would also not be appropriate to force your neighbour to bed at 8 sharp, demand they eat their vegetables, wash and wipe and change them, or check their bottom to be sure they're clean.

It is perverse logic to advocate prohibiting operations of parenting on the basis of what is acceptable interaction with a neighbour. Anyone who has actually raised children should intuitively recognize this. Children are not adults, and have unique developmental requirements to raise them into productive adults.

Consider, as an example, that we enforce anti-social adult behaviour with imprisonment. Unless someone is proposing that children should be sent to prison in the name of "equal treatment with adults", we must fundamentally recognize that consequences must be age and context-appropriate and not solely based on what society does with adults.

9. Recommendations:

Honourable Parliamentarians. In January 2004, our Canadian Supreme Court ruled on the legality, constitutionality and Human Rights aspects of Canada's parental spanking law, which was previously too loosely worded under Sec. 43 of our criminal code, so as not to protect children from actual "assault".

The result was a thoughtful balanced series of objective tests which most specifically differentiated minor force used constructively as a child-centred consequence vs. harsh or abusive force. We believe that we now have the most empirically correct and evidence-based laws on the planet in this regard. This is the sum total of the rulings.

The force...

- 1) may only be used with children between the ages of 2 and 12. Science shows children under 2 cannot cognitively benefit from
- 2) may not use an object (spanking is allowed with the open hand only)
- 3) must be transitory and trifling, further defined as "No more than a temporary reddening of the skin". (Any lasting harm, bruises, or worse, is excessive and is not protected by law)
- 4) must not be used on the child's face or head (the intent is to limit a smack to an extremity or normative open-handed spanking of the seat)
- 5) must not be applied in anger (meaning the intent must be child centred, not as retribution)
- 6) must not be used on a child who is developmentally incapable of benefitting from it
- 7) must not exceed what is outlined above. (The seriousness of the child's offence is irrelevant).

We humbly suggest that rather than imposing a law which criminalizes the vast majority of parents who use loving-and-firmly-guiding or traditional "Authoritative" parenting systems, that you use the above as a template and explicitly codify this in Scottish Law.

I would sum up by saying, "Working in the best interests of children and families requires an optimal balanced approach because everything in social science is nuanced. There is no extreme black & white solution to anything, including child-rearing. This Bill ignores this truism to the peril of children, families and society at large."

Respectfully, Harold A. Hoff

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