

# An argument against spanking

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## 1. Introduction

It's likely that you, like me, were sometimes spanked by your parents. A 1995 Gallup poll found spanking to be used by 74% of U.S. parents of children aged 17 or younger.<sup>1</sup> But there is ongoing public debate over spanking. A lot of the debate concerns whether it should be legal.<sup>2</sup> I shall not address this question, but rather whether spanking is *morally permissible*. I shall argue that it is not. I shall not argue that it should therefore be illegal. (Even if spanking is wrong, a law against it might constitute an undue intrusion of the state into the private sphere.)

In public debate, spanking is often unhelpfully conflated with severe punishment such as beating with a belt or even child abuse. By 'spanking' (or 'smacking', as it is known outside North America) I shall mean open-handed striking of the buttocks, such as to cause only moderate and short-term pain, and causing no injury or lingering marks.<sup>3</sup> Spanking is thus a mild form of corporal punishment. I shall focus on spanking by parents, but my argument applies to any person who might spank a child, such as school personnel. (See n. 29 for some remarks on a specific issue relating to institutional spanking.)

Within philosophy, the usual argument against corporal punishment stems from the 'liberationist' view that children deserve the same *rights* as adults.<sup>4</sup> This view implies that since adults have a right against being struck, even mildly, then so do children. However, as Laura Purdy says in her case against liberationism,<sup>5</sup> such a policy seems not to be in the interests of children themselves, whose immaturity requires their parents to exert far more control over them than would be required for an adult. Even if children do have a right against severe corporal punishment, it seems unlikely that such a right would extend so far as to rule out spanking. After all, parents need *some* way to control their children, and spanking looks no more harmful than other punishments such as being sent to one's room or going without dessert. So if those punishments

are acceptable, why not spanking? Spanking is, of course, painful; but so is a polio vaccination. Pain is sometimes necessary. Accordingly, even writers with liberationist sympathies are often unwilling to disallow spanking.<sup>6</sup> Given its disciplinary effectiveness and the implausibility of the idea that there could be a right against it, spanking appears morally acceptable.

I do not think matters are so simple. While I doubt that children have a right against spanking, the idea that spanking is justified by its disciplinary effectiveness reflects a simplistic picture of the harms it might cause. The picture considers only whether spanking itself causes direct harm to the child. I agree that such harm, if it exists at all, will indeed be negligible. What is overlooked, however, is the potential for spanking to escalate into more severe corporal punishment, of a sort which plainly *is* harmful.

My argument in this paper is almost anticipated in a remark by Purdy, who notes that “if it turned out that on the whole children do better without physical punishment, prohibiting it could be justified by showing that its use invites abuse.”<sup>7</sup> I would amend her suggestion to say that if corporal punishment invites abuse, then judging it morally impermissible would require only that we show that children do *no worse* without it – not necessarily that they do *better*. I shall argue that analysis of the risks of spanking indeed supports its impermissibility.

My goal, then, is to sketch a non-rights-based grounding for the impermissibility of spanking. I have already implied that I am skeptical about children’s having a right against spanking, but I shall remain officially agnostic on the existence of such a right. I wish only to show that spanking can be seen to be impermissible even without an appeal to such a right. My approach is primarily consequentialist but also has affinities with virtue ethics, for it emphasizes the moral importance of avoiding *bad habits* in one’s behavior towards one’s children.

## **2. Spanking and harm**

First, let me say what I will *not* be arguing. Some say that spanked children are more likely to be aggressive or antisocial as adults.<sup>8</sup> Extensive research, however, has not decided whether cor-

poral punishment is any more likely than non-physical punishments to cause such a long-term outcome.<sup>9</sup> So I shall not rely on a claim that spanking has such effects. Of course, if it *does* turn out to have such effects, my argument will be strengthened.

Instead of the effect of spanking on the *child's* behavior, I shall focus on its effect on the behavior of parents and other adults. Spanking's wrongness, I shall argue, arises primarily (if not exclusively) from the fact that by encouraging the corporal punishment of children, it raises the likelihood of *severe* physical punishment – punishment of a kind which even spanking's defenders admit is harmful. While spanking *in itself* may not be substantially harmful to the child, if it can lead caregivers to escalate their punishments then that ought to be given weight in a moral evaluation. The spanking parent him- or herself is at the greatest risk of escalation, but the effect might also occur across individuals. Spanking fosters an environment in which corporal punishment is normal and accepted. Seeing other parents spanking their children may suggest spanking as an option to parents who are not otherwise inclined to spank; and it may reinforce the legitimacy of spanking to parents who already use it, giving them a sense of self-assurance which may lead them to escalate their punishment beyond mere spanking.

My argument has two steps. The first is to argue that spanking can escalate into more severe physical punishment. This step is empirical, so I cannot defend it conclusively; but I will nevertheless make a case in §3 that the risk of escalation is real. The second step is to argue that the risk of such escalation in *some* cases constitutes reason to hold *all* spanking morally impermissible. I make this argument in §4 and §5.

### **3. Spanking and the risk of escalation**

The risk of escalation is greatest for the spanking parents themselves. There is evidence that spanking can escalate into severe punishment and even abuse. A recent meta-analysis found a “medium to large” effect of corporal punishment on a child's likelihood of becoming a victim of physical abuse,<sup>10</sup> supporting the idea that parents can begin with the former but end up in the lat-

ter. Reports from abusive parents suggest that many individual instances of abuse begin with an attempt to control a child's behavior through corporal punishment.<sup>11</sup> Child psychologist Edward Zigler states that "one of the single most important determinants of child abuse is the willingness of adults to inflict corporal punishment upon children in the name of discipline."<sup>12</sup>

The escalation may well be unintentional. The difference between spanking and more severe punishment, even if clear in the abstract, is much less clear at the moment of punishment, which of course usually occurs when a parent is frustrated or stressed. The child may become somewhat inured to milder blows, thus promoting a gradual increase in force in order to 'get the child's attention'. For the parent there will likely be no obvious sign at the time – in the experience of the degree of force used, or in the child's response – that a blow is too severe. If it leaves a mark, the parent may see this later and conclude that she 'overdid it'; but even if the mark is noticed and correctly attributed to the corporal punishment, this might not change the parent's disciplinary behavior. Working against such a change is spanking's immediate effectiveness at stopping misbehavior. The only effect of corporal punishment that the above-mentioned meta-analysis found to be larger than the one for physical abuse was the one for immediate compliance.<sup>13</sup> Spanking *works*, and so its application by the parent is immediately reinforced. Thus the conditions are in place for it to be repeated. And if escalation occurs, the more severe punishments will still be reinforced by cessation of the misbehavior. So a parent who has become used to spanking his or her children may slip over the line to severe or even abusive striking.

Further, it is not just one's *own* disciplinary attitudes and behaviors that may be shaped by one's actions. Both folk wisdom and psychological research say that people 'get used to' things they see regularly. In what social psychology calls the 'mere exposure' effect,<sup>14</sup> repeated exposure to something leads to more extreme attitudes towards it. A stimulus that is initially disliked becomes even less liked, while positively-valenced and neutral stimuli become *more* liked. Thus if a person often sees spanking carried out by other parents, then unless the person already has a negative attitude toward spanking, she or he will likely develop an increasingly favorable attitude

toward it – and perhaps toward corporal punishment in general, since the distinction between spanking and more severe treatment is not a clear one.

Of course, the effect of witnessing spanking as a third-person observer will likely be weaker than the effect of being the spanking agent. Further, most spanking occurs in the home, unseen by non-family members. Nevertheless, one can still see parents spanking their children in supermarkets and malls, which supports an awareness that corporal punishment remains accepted. This awareness may help to maintain the use of corporal punishment. Zigler suggests that when laying blame for incidents in which attempts at discipline become abusive, we should look to the society that accepts corporal punishment.<sup>15</sup> Some philosophers have tried to incorporate such societal influences into their moral theory. Larry May argues that we should attribute a degree of *shared* agency and responsibility for individual actions that have been made more likely by a climate of attitudes in a community or society.<sup>16</sup> It is just this sort of morally-relevant influence that I have in mind. While it is clearly too strong to say that a parent who spans her child is individually responsible for the severe corporal punishment administered by a parent of another child, I would suggest that the first parent does, by her actions, contribute to a climate of acceptance of corporal punishment. If the community is collectively responsible for that climate, then each spanking parent in the community shares in that responsibility, and thus shares some indirect responsibility for any severe corporal punishment that might occur under the influence of that climate.

To sum up this section: I have suggested that spanking, even if harmless in itself, increases the likelihood of severe physical punishment, both by oneself and by others. This conclusion is tentative, for it is based in empirical considerations that are subject to debate. Nevertheless there is good reason to think that to engage in spanking is to risk setting oneself on a behavioral slippery slope to unacceptably severe physical punishment and perhaps abuse; and also to encourage (directly or indirectly) others to set foot on that slope.

#### 4. The ethics of escalation

The mere existence of a behavioral slippery slope from a relatively harmless action A to a substantially harmful action B does not make A itself impermissible. Even less does it show this if the slippery slope holds only for some individuals; and presumably many or even most parents are capable of limiting the severity of their corporal punishment. However, the existence of such a behavioral slippery slope *can* be morally relevant. One obvious kind of case where it should play a role is in our moral evaluation of addictive behaviors. The wrongness of one's first use of cocaine, for example, plausibly lies largely in the fact that it vastly increases the risk of further use of the drug, and much less in the harm done (if any) by that first use itself. Now spanking, of course, is not addictive. But it is not just addictive behaviors to which the risk of escalation is morally relevant. There are many actions whose wrongness plausibly lies mostly or entirely in the risk that the action will be escalated – either by the agent or by others who witness the action – rather than in any harm resulting from the action itself.

Here is an example.<sup>17</sup> Beth is approaching an intersection in her car. It is a four-way stop. However, it is in the middle of nowhere, and she can clearly see that there are no cars or pedestrians for miles. So she doesn't bother stopping.

Now of course, Beth's action is illegal. But put that aside (though the illegality is hardly an accident – see below) and consider whether her action is *morally* wrong. In terms of its immediate consequences, it might appear not: no harm is done to anyone, and no one's rights have been violated. Indeed, we might be tempted to say that Beth simply did not do anything wrong (assuming that mere illegality does not entail immorality). But this would be incorrect. For one thing, there remains a risk, at least from Beth's epistemic perspective, that her current action *will* be harmful, despite the appearance of safety. For instance, if a car pulls out of a hidden driveway, an accident might result, where it would not have done if she had stopped. But let us assume that she is correct that there are no other cars for miles. For there is a much more significant reason why her action is wrong. When we take a longer view, we see that her action is one

that no one should support or encourage, whether in oneself or in others. Agents should avoid developing habits that, if escalated, could pose a danger to themselves and, especially, to others. Such avoidance involves refraining from carrying out the questionable actions even in situations where such actions clearly seem, and even *are*, harmless.

Even if her failure to stop did not do any actual harm, Beth's action is wrong *primarily because of the potential influence on her own and others' future actions*, and the harm that may result from those future actions. Most of the intersections Beth will encounter in her future driving will not be deserted. Most perilously, some of them may appear deserted but will actually not be. If only for these reasons, Beth should have stopped before proceeding through the deserted intersection. As someone who will face stop signs regularly in future, she has a responsibility to direct her behavior *away* from the slippery slope leading to actions that are much more likely to cause harm.<sup>18</sup> This responsibility is most directly to herself and to other drivers and pedestrians that she will actually encounter. But it is also relevant that Beth is a member of a community which bears a collective responsibility to act ethically – in this case, to drive safely and responsibly – so as to minimize the possibility of harm to its members. By failing to stop, Beth is shirking her share in that responsibility, and implicitly encouraging others to do the same.

Finally, an important feature of Beth's action is that it is *unnecessary*. She has no reason for running the stop sign other than convenience. While there are special circumstances that would excuse her behavior (if, say, she were badly injured and trying to get to a hospital), sheer expediency is no justification.

I now briefly return to the point that running a stop sign is illegal. The above considerations, though not of a legal nature in themselves, will naturally feature in a justification of why the law requires us to stop at *all* stop signs. Letting us ignore the signs when we judged that we could safely do so would inevitably lead to more traffic accidents. Many, perhaps even most, people would begin to ignore stop signs in circumstances where they patently ought to stop, with predictable results. In some drivers this might happen right away, but in others it would be gradual:

they would start out determined to be careful, but become increasingly blasé even at intersections where prudence would recommend stopping. Such is the creeping nature of habit.

Let us now turn back to spanking. Spanking a child, I think, is morally similar to running a stop sign at a deserted intersection. (Though I again stress that I do not argue here that spanking should be illegal.)<sup>19</sup> Spanking becomes a serious moral concern when, and perhaps *only* when, we take into account the risk of escalation to more severe striking. The risk that a parent's first few instances of corporal punishment will cause substantial harm is very small, and perhaps not sufficient to make those instances impermissible in themselves – just as Beth's failure to stop at the deserted intersection carries very little risk in itself. But given that the parent will repeatedly face the opportunity to use corporal punishment, the initial decision to use it takes on a new level of moral import. In using corporal punishment once or twice, he or she tacitly endorses the permissibility of such punishment. The parent thus sets a precedent for his or her own disciplinary behavior, and also contributes to a societal attitude that is accepting of corporal punishment. And the more corporal punishment becomes acceptable to oneself and to others, the easier it will be for oneself and others to use it less cautiously – with greater risk of escalation.

Let me now try to sketch the parameters of the ethics of escalation. I suggest that when the following four conditions are met, a risk of escalation is sufficient to make an otherwise harmless (or relatively harmless) action wrong. First, the action must be of a type that the agent expects (or should reasonably expect) to have the regular opportunity to repeat. Second, the action must be unnecessary, in the sense that there are practically available alternatives. Third, in its escalated form the action must be such as to cause substantial harm, which outweighs any benefits of the action itself, and which is not outweighed by other features of the action (see below). Fourth, it must be difficult or impossible for the agent to tell whether he or she is at risk of escalation, thus making it difficult or impossible for him or her to carry out the action only when escalation does not threaten.



Spanking a child will usually satisfy the first, repeatability, condition. It is rare for a child to be spanked by someone for whom that instance will be their only contact with the child.<sup>20</sup> In the next section I consider the second, third and fourth conditions as they apply to spanking.

## 5. Why spanking is wrong

The second condition is that the action is unnecessary. Is spanking unnecessary? As in §3, my judgment here is hostage to empirical data. But there seem to be alternatives to spanking that are at least as effective in controlling misbehavior, and even perhaps *more* effective in the medium term. The American Academy of Pediatrics recommends that pediatricians discourage spanking because of its negative consequences and because “it has been demonstrated to be no more effective than other approaches for managing undesired behavior in children.”<sup>21</sup> If you are in a position to spank your child, then you are in a position to (e.g.) distract, restrain, or verbally reprimand her. While the alternatives may be less convenient than spanking, that of course does not show they are less effective than spanking. And while spanking may be more *immediately* effective than (say) a verbal reprimand, it may carry a medium-term cost. Corporal punishment has been found to be associated with lower internalization of moral norms.<sup>22</sup> Spanking, along with other disciplinary methods involving overt external pressure, may teach a child to avoid misbehavior in order to avoid being spanked, rather than teaching him why that behavior *in itself* is bad – so that he will learn to avoid the behavior *only when the parent is present*. So compared to less overtly punitive methods, spanking may be less effective at reducing recurrence of misbehavior, because it does less to instill an internal motivation to avoid such behavior. All in all, then, spanking does not seem necessary in order to control one’s child.

The third condition I proposed is that the harm of the escalated form of the action is substantial. It is clear that the harm to a child from severe or abusive corporal punishment is substantial. However, one might still wonder how a merely *potential* harm can count towards establishing the wrongness of spanking. After all, there are many actions that can *potentially* lead to harm

if they are escalated, but which we do not thereby regard as morally wrong. Psychologists Diana Baumrind, Robert Larzelere and Philip Cowan<sup>23</sup> and philosopher David Benatar<sup>24</sup> make an analogy to alcohol consumption. They charge that the escalation argument entails the absurd conclusion that no one should ever drink alcohol – for not everyone can control their drinking, and the consequences of escalation in drinking can be very harmful.<sup>25</sup>

The challenge, then, is this: since we do not think that the potential for escalation in *some* cases from mild drinking to heavy drinking is a reason that *no one* should ever drink, why should the potential for escalation in *some* cases from spanking to severe punishment be a reason that *no one* should ever spank? I think the challenge can be met. This is why I added to my third condition an exception clause concerning ‘other features’ of the action. Several disanalogies between spanking children and drinking alcohol keep the latter permissible even if the former is not.

One obvious point is that adults plausibly have a *right* to drink alcohol, since the risk of doing so is most directly to themselves.<sup>26</sup> It is far less plausible that adults have the right to spank their children, since the risk involved is most directly to the child. When an agent’s action directly affects a person other than the agent, the agent must take into account the other’s welfare. While, unlike some liberationists, I do not deny that parents have the right to discipline their children, such a right obviously does not extend to whatever method of discipline the parent might see fit. For instance, a parent has no right to hit their child with a belt, even if the parent believes such treatment to be acceptable. More particularly (and controversially), I am arguing that a parent’s right to discipline their children does not extend to spanking.

In case it seems that I am now abandoning my pursuit of a non-rights-based argument against spanking, I remind the reader that my aim is only to argue that spanking can be shown to be wrong without appeal to children’s having a right against being spanked. I am not appealing to such a right. I am suggesting that, in contrast to alcohol consumption, adults *do not possess* a right to spank their children. This does not imply that children have a right against being spanked. In general, that *x* lacks a right to do A to *y* does not imply that *y* has a right against A: for *x* might lack the right to do A to *y* for reasons other than that *y* has a *right* against it. Indeed it

might still be *permissible* for  $x$  to do  $A$  to  $y$ . Even if adults lack a *right* to spank their children, it does not follow that children have a right against being spanked by their parents, and indeed spanking might still be permissible under certain circumstances.

Another disanalogy between spanking and drinking is that where spanking inherently involves the infliction of pain, mild alcohol consumption not only routinely causes pain to no one but is a highly enjoyable activity for very many people. Recreational drinking is a source of considerable pleasure, and is usually carried out for that end. Spanking one's children is not a source of pleasure, and does not have pleasure as its end. Hence this is another reason to think that mild drinking might be permissible even if spanking is not. (However, I hasten to point out that the fact that an activity is pleasurable does not *suffice* to make it permissible. Consider, for instance, my earlier example of cocaine use. The fact that mild drinking's pleasurableness distinguishes it from spanking does not entail that alcohol use and cocaine use are morally equivalent, nor that the pleasure of cocaine use makes it morally permissible.)<sup>27</sup>

A third disanalogy lies in the clarity of the contrast between mild and excessive drinking. As I pointed out in §3, a major reason that spanking is prone to escalation is the lack of a salient difference, at the time of punishment, between a spank and a more severe blow. Both inflict pain, and produce qualitatively similar reactions from the child. So neither a spanking parent nor an observer is well-placed to notice if a blow just administered was unduly forceful. By contrast, excessive drinking is typically accompanied by signs that one has crossed a line, as it were. It should be quite clear, to others present even if not to oneself, that one has had too much to drink when one finds oneself unable to walk straight.<sup>28</sup>

So it is not just the risk of escalation that matters, but also its *avoidability*. It is readily possible to interrupt a person's developing pattern of excessive drinking. There are ample signs of such behavior, and even if the person himself is not inclined to stop, there is usually the possibility of intervention by others, and also by laws prohibiting the sale of alcohol to intoxicated individuals. Of course, many countries struggle with a 'drinking culture' that makes the first of these two external checks unreliable, and some individuals drink in private where no external checks

can be brought to bear. But these are reasons to find ways to undermine the cultural standard that approves of drinking to excess, and to tighten the laws surrounding the purchase of alcohol; not to judge *all* drinking impermissible. By contrast, we cannot exert comparable control over corporal punishment. Most punishment occurs in private and is thus not easily amenable to legal regulation. (There can be no corporal punishment analog to a law against selling alcohol to intoxicated individuals.) So in most cases, it is up to the parent to realize that he or she is beginning to hit harder than is acceptable. But as I have said, such a realization may be made difficult by the paucity of immediate cues about the level of force being used.

Let me recap the last few paragraphs. Although a person's alcohol consumption can indeed escalate out of control and cause substantial harm, several points block the conclusion that no one should ever drink alcohol. There is the fact that there is plausibly a right (in adults) to drink – but not a right to spank. There is the inherent pleasurable nature of mild drinking – which spanking lacks. There is the fact that social and legal restraints can be brought to bear in order to limit drinking – which is far less the case for corporal punishment. All in all, then, my argument does not generalize as easily as Baumrind et al. and Benatar suggest. It does not threaten to show that all drinking is morally impermissible. In general, an action may be permissible even if it carries a significant risk of escalation to substantial harm – especially if the harm is most directly to oneself, and if it is readily possible to forestall the escalation.

The fourth condition I proposed is that the agent cannot tell when or whether a given instance of the action might actually lead to harm – so that the agent has a very limited ability to tell when he or she has 'gone too far'. As I pointed out in §3, a major reason that spanking is prone to escalation is the lack of a salient difference, at the time of punishment, between a spank and a more severe blow. It is easy to slip from one to the other precisely because in practice they are not easily distinguishable. Both inflict pain, and produce qualitatively similar reactions from the child. So neither a spanking parent nor an observer is well-placed to see if a blow was unduly forceful; they simply see an appropriate punishment for misbehavior.<sup>29</sup> (The person best placed to notice

the escalation is probably the child. But complaints from the child would likely be taken simply as a sign that the punishment has been effective.)

I therefore do not find useful the suggestion by Baumrind et al. that *some* parents – “those with a low tolerance for frustration, an inordinate need to control others, and those who are impulsive, narcissistic, and immature” – should avoid spanking their children, while those who are able to control their corporal punishment may go ahead.<sup>30</sup> This rule would work only if parents are reliably able to *tell ahead of time* whether they are able to keep their corporal punishment to a safe minimum. But there is no reason to think that parents can make such a self-assessment. Researchers have some clues about which parental characteristics are predictors of abuse, but it is neither feasible nor justifiable for all parents to be screened for such predictors; and even if such screening were done, it would not be perfect, and would certainly miss some parents who would later become abusive. It would thus be better if *everyone* refrained from spanking – or so I am arguing.

## 6. Conclusion

I have argued that the risk of escalation makes spanking wrong for anyone who can reasonably expect to be in a position to regularly spank a child in future – most notably, but not exclusively, the parents. The key elements of my argument are that the risk of escalation is real, and that spanking is unnecessary. If there were no risk of escalation, then spanking might be permissible even if strictly unnecessary. If spanking were sometimes the most effective disciplinary method, making its use a practical necessity, then it would be permissible unless the risk of escalation were of sufficient size and severity to outweigh its disciplinary effectiveness. However, no calculation of costs and benefits is required, for there is little reason to think that spanking is any more effective than other available methods of discipline. (Even its defenders typically do not claim that it is; rather they claim that it is *no less* effective.) Given this point, *any* significant risk of substantial harm will suffice to make spanking impermissible. The risk might not exist in all

cases; some parents might be capable of spanking safely without escalating. But since one cannot be sure in advance whether one is at risk of escalation – and given, again, the fact that alternative methods of punishment exist – the best policy is not to spank at all.

The practical upshot is that the stance of the American Academy of Pediatrics, noted in §5, is correct: parents should be discouraged from spanking. Even if children have no *right* against spanking, they nevertheless *ought not* to be spanked. While spanking is convenient, mere convenience does not justify an unnecessary action that carries a significant risk of substantial harm.

Of course, spanking is only very mildly blameworthy. As I said at the start, it is not at all equivalent to severe beating or child abuse. Spanking is not an appalling moral lapse, and parents need not overburden themselves with guilt if they happen to use it, especially if they do so in the sincere belief that it is safe, justified, and even necessary. (While the maxim ‘spare the rod, spoil the child’ is less often taken literally nowadays, many parents still believe that refusal to use corporal punishment is not in a child’s best interests.) After all, most instances of spanking will not in fact lead to serious harm. Indeed, this fact makes it easy to understand why spanking is commonly seen as permissible even if, as I have argued, it is not.<sup>31</sup>

## Notes

<sup>1</sup> Reported in Corina Benjet & Alan E. Kazdin, “Spanking children: the controversies, findings, and new directions,” *Clinical Psychology Review*, 23 (2003): 197-224.

<sup>2</sup> Corporal punishment is illegal in a number of European countries. For a listing, see pp. 170-171n of Joan E. Durrant, “Legal reform and attitudes towards physical punishment in Sweden,” *The International Journal of Children’s Rights*, 11 (2003): 147-173. Sweden led the way in 1979. My own interest in the issue arose when my home country, New Zealand, effectively outlawed corporal punishment in 2007.

<sup>3</sup> Thanks to David Benfield for prompting me to be more explicit about this definition.

<sup>4</sup> E.g., Howard Cohen, *Equal Rights for Children* (Totowa, NJ: Rowman and Littlefield, 1980); Richard Farson, *Birthrights* (London: Collier Macmillan, 1974).

<sup>5</sup> *In Their Best Interest? The Case Against Equal Rights for Children* (Ithaca: Cornell University Press, 1992).

<sup>6</sup> David Archard, *Children: Rights and Childhood* (2<sup>nd</sup> ed.; New York: Routledge, 2004), p. 198; and C. A. Wringer, *Children's Rights: A Philosophical Study* (London: Routledge & Kegan Paul, 1981), p. 116.

<sup>7</sup> Purdy, *op. cit.*, p. 135.

<sup>8</sup> E.g., Murray A. Straus, "New evidence for the benefits of never spanking," *Society*, 38 (2001): 52-60.

<sup>9</sup> See the papers collected in the October 1996 issue of *Pediatrics*. For dueling meta-analyses, see Elizabeth T. Gershoff, "Corporal punishment by parents and associated child behaviors and experiences: a meta-analytic and theoretical review," *Psychological Bulletin*, 128 (2002): 539-579; and Robert E. Larzelere & Brett R. Kuhn, "Comparing child outcomes of physical punishment and alternative disciplinary tactics: a meta-analysis," *Clinical Child and Family Psychology Review*, 8 (2005): 1-37.

<sup>10</sup> Gershoff, *op. cit.*, p. 544.

<sup>11</sup> E.g., Phyllis D. Coontz & Judith A. Martin, "Understanding violent mothers and fathers: assessing explanations offered by mothers and fathers of their use of control punishment," in G. T. Hotaling, D. Finkelhor, J. T. Kirkpatrick, & M. A. Straus (eds.), *Family Abuse and Its Consequences: New Directions in Research* (Newbury Park, CA: Sage, 1988).

<sup>12</sup> "Controlling child abuse: do we have the knowledge and/or the will?" in G. Gerbner, C. J. Ross, & E. Zigler (eds.), *Child Abuse: An Agenda for Action* (New York: Oxford University Press, 1980), p. 27.

<sup>13</sup> Gershoff, *op. cit.*, p. 547.

<sup>14</sup> E.g., Robert F. Bornstein, "Exposure and affect: overview and meta-analysis of research, 1968-87," *Psychological Bulletin*, 106 (1989): 265-289.

<sup>15</sup> Zigler, *op. cit.*, p. 28.

<sup>16</sup> *Sharing Responsibility* (Chicago: University of Chicago Press, 1992), pp. 52-54.

<sup>17</sup> Thanks to Rick Anderson for suggesting this example. Thanks also to a reviewer for this journal for pushing me to come up with a more effective example in this section.

<sup>18</sup> Someone might say that Beth's action is not wrong but merely *imprudent*, because it raises her chances of doing wrong in future. Perhaps, that is, when we say that Beth *should* have stopped, we are saying that while she has not done anything morally wrong (again, I ignore the illegality of her action), she has unwisely increased the chance of her doing so on future occasions.

There are actions on which this would be the correct judgment. For example, I tell students that while there is nothing wrong with their not taking bibliographic source notes while drafting a paper, not doing so is very imprudent, as it raises their likelihood of committing accidental plagiarism when they submit their completed work. But in cases like this the initial action (e.g., the lack of note-taking) is *not of the*

*same type* as the harmful action to which it can lead (the plagiarism), and therefore may not in itself be harmful. By contrast, my concern is with cases in which the initial action is of *just the same type* as the harmful action to which it can lead. As such, the initial action will itself carry some risk of harm, albeit much less than its escalated followers. Thus while the *main* risk of Beth's current action is that she may in future engage in escalated versions of it which carry *significant* risk of causing harm, I have already noted that there remains *some* risk that the current action will be harmful in itself.

<sup>19</sup> For one thing, laws against unsafe driving are far less of an imposition on the private sphere than are laws against spanking. Relatedly, there is the question of how to enforce a law against spanking, given that so much of it happens in private.

<sup>20</sup> My argument does not entail, and nor do I claim, that spanking is therefore permissible for adults who are *not* going to be in a regular position to spank again. But I do think that it would be, at the least, much less morally problematic for such a person to spank a child.

<sup>21</sup> American Academy of Pediatrics; Committee on Psychosocial Aspects of Child and Family Health, "Guidance for effective discipline," *Pediatrics*, 101 (1998): 723-728, p. 726.

<sup>22</sup> Gershoff, *op. cit.*, p. 547.

<sup>23</sup> Diana Baumrind, Robert E. Larzelere, & Philip A. Cowan, "Ordinary physical punishment: is it harmful? Comment on Gershoff (2002)," *Psychological Bulletin*, 128 (2002): 580-589, p. 585.

<sup>24</sup> "Corporal punishment," *Social Theory and Practice*, 24 (1998): 237-260, p. 241.

<sup>25</sup> Actually, Benatar says that the worrying entailment is that "the consumption of *any* alcohol by anybody *prior to driving* would have to be condemned" (p. 241, second emphasis mine). Yet many would say that the consumption of any alcohol prior to driving indeed *should* be condemned; so as Benatar states the objection is of uncertain force. I therefore generalize it to the worry (which Baumrind et al. voice) that my argument entails that drinking *at any time* is wrong – which I take to be a far less plausible position.

<sup>26</sup> Cf. Douglas N. Husak's *Drugs and Rights* (Cambridge: Cambridge University Press, 1992), where it is argued that adults have a moral right to the recreational use of drugs.

I should point out that granting a right to alcohol use is not inconsistent with my allusion, early in §4, to the moral relevance of the behavioral slippery slope into addiction. As Husak says, the existence of a moral right to recreational drug use "does not entail that drug use is beyond moral reproach" (p. 254). Whether the use of a given drug – be it caffeine or alcohol or cocaine – is morally reprehensible must be decided by looking at the relevant empirical details: the steepness of the slippery slope to abuse for that drug, the harm that can result from abuse of it, and so on.



<sup>27</sup> As I remarked in the previous note, I think the moral status of drug use depends on the empirical details of how a given drug affects users. On those details, cocaine may well turn out morally worse than alcohol – though see Husak (1992) for some surprising empirical details on this score.

<sup>28</sup> I say “*should* be quite clear” because, sadly, in some ‘drinking cultures’ it is a mark of achievement to be so drunk that one cannot walk straight. But celebrating being in that state is obviously not the same as not knowing that one is in it – indeed, celebrating it *entails* knowing that one is in it.

<sup>29</sup> A reviewer for this journal suggests that some institutional spanking (such as in schools) might not meet the fourth condition, and would therefore be allowable – if the spanking were carried out under clear and strictly-enforced rules, thus lowering the risk of escalation. Perhaps so, especially if the rules required that the punishment be observed by a third party. As the reviewer rightly notes, however, it would be hard to be sure that the risk of escalation were really eliminated, given the tendency for institutional rules to come to be regarded more as guidelines than strict rules. So I am still inclined to say that even in institutions, spanking should not be used.

<sup>30</sup> Baumrind et al., *op. cit.*

<sup>31</sup> Thanks to Andy Jorgensen and Alice Jorgensen for the discussion that ultimately led to this paper. Thanks also to audiences at the Felician College Ethics Conference in May 2008 – especially my commentator, David Benfield – and at the International Social Philosophy Conference at the University of Portland in July 2008. Finally, I am grateful to two reviewers for *Public Affairs Quarterly* for their very helpful comments.