

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I would like this response to be anonymous (the response may be published, but no name)

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Fully opposed

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Please explain the reasons for your response

Thousands of loving parents currently use physical punishment as an appropriate means of discipline for their children. It is indisputable that physical punishment is currently used by loving parents intelligently, wisely and sparingly in a desire to train their children to know right from wrong, enabling them to grow up to be happy, wise, upright and socially balanced individuals. The consultation document makes it very clear that there is ongoing and legitimate debate over the most appropriate ways of disciplining children. The proposed Bill, however, seeks to use legislation in the worst possible way, by seeking to criminalise the legitimate beliefs and actions of those with whom they disagree. This is foolish and illiberal. It is a wrong use of public money and legislative power. It will criminalise thousands of parents.

Q2. Could the aims of the proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Yes (if so, please explain below)

Please explain the reasons for your response

This is a legitimate debate about parenting methods and styles. Loving parents should be free to choose the methods they believe to be best for their children, including physical punishment. If a majority of MSPs believe physical punishment is never the best means of discipline then they should seek to convince the public and parents through official statements backed up by tangible evidence. Legislating for one point of view over another legitimate point of view is an illegitimate use of power and illiberal.

Q3. What do you think would be the main advantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

There is no advantage to a blanket ban on the use of physical punishment.

There is no advantage in widening the definition of "assault" to include legitimate reasonable physical punishment of children by their loving parents.

To argue for this Bill on the basis of equality, or "equal protection", is disingenuous and does a real disservice to brave men and women who have laboured hard to promote true equality.

Q4. What do you think would be the main disadvantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

I am a parent with young children. But you don't need to be a parent to know that children are children and need to be treated differently from adults in many regards. To redefine "assault" to include legitimate physical punishment of children by their parents would damage the wellbeing of many children.

It would represent an illegitimate use of legislative power. Invading family life and criminalising parents. The state has no legitimate jurisdiction here and, recognising this, many loving parents will continue to use reasonable physical chastisement for their children regardless of any change in the law.

It would leave many other parents handicapped in fulfilling their parental responsibilities to train or restrain their children. The use of loving physical punishment is the method many parents were brought up with themselves. They know how it works, they know it's had long term beneficial effects in their own lives and they anticipate the same benefits to their own children. Without this quick, decisive, and reasonable method available to them many parents will be unable to train and restrain their children effectively. This will be damaging to the parent child relationship, damaging to the child's character and happiness, and damaging to society.

Q4. What do you think would be the main disadvantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

This proposed Bill is illiberal and would do great damage to the cause of true equality. This so called "equal protection" would interfere in loving family relationships. True equality dictates that all loving parents should be equally free to bring up their children in the way they see fit. The use of reasonable physical chastisement has always been and should continue to be a legitimate method of discipline available to parents.

Page 11: Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

Significant increase in cost

Please explain the reasons for your response

The majority of parents in this country use physical chastisement as a means of discipline, per the consultation document. To police the implementation of the Bill will be costly as it will require significant additional interference in family life. Where parents currently use unreasonable physical punishment it can be spotted outside the home when children have marks or obvious emotional effects. This is not the case for reasonable physical punishment as children have no marks and continue to be happy, well adjusted and emotionally close to their loving parents. To pursue cases through the courts where loving parents have continued to use physical chastisement will have cost implications.

Page 12: Equalities

Q6. What overall impact is the proposed Bill likely to have on the following protected groups (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Negative

Please explain the reasons for your response

Christians will be criminalised and their beliefs discriminated against if this Bill is passed. The Bible contains much advice about how to bring up children and sets out clearly the roles and responsibilities which God expects of parents and children. Christians believe that parents are ultimately responsible to God and not to the state for the nurture, education and discipline of their own children. The use of reasonable physical punishment is given in the Bible, along with many other methods, as a legitimate and sometimes necessary means of discipline. This Bill will discriminate against Bible believing Christians by criminalising their legitimate and reasonable beliefs and practice.

Q7. Could any negative impact of the proposed Bill on any of these protected groups be minimised or avoided?

No the negative impact would be inevitable if the Bill went ahead. The passage of the Bill would represent an attempt of one belief system (basically secular humanism) to suppress the operation of another belief system (Biblical Christianity). The Bill directly criminalises the reasonable beliefs and practices of Biblical Christians.

Page 14: Sustainability of the proposal

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

No

Please explain the reasons for your response:

The social impacts will be negative as family life in Scotland will suffer. The passage of the Bill would represent the further progress of authoritarian statism. It would require greater machinery of social control in order to police and enforce the Bill. There are significant economic and social implications in this.

Page 15: General

Q9. Do you have any other comments or suggestions on the proposal?

The vast majority of people in this country know that it is not "assault" or "child abuse" for parents to smack their children. Most people oppose a ban of the use of reasonable chastisement per a 2014 ComRes poll.

The countries that continue to allow reasonable physical chastisement include UK, USA, Canada and Australia. These are progressive modern countries with a strong history of political and economic stability and the rule of law. These countries are admired by many for having had a healthy concept of personal liberty and an appropriate limitation of state power. To introduce this Bill would represent a departure from our historic liberties with a move towards an interfering authoritarian state.

The Christian religion requires parents to love their children and forbids harshness. It, nevertheless, expects and requires that physical discipline be used when appropriate. There are serious religious liberty implications associated with this Bill.