IN DEFENCE OF SPANKING

Timothy Hsiao

Opponents of spanking rest their arguments on the implicit assumption that punishment can only be justified by its corrective or deterrent effects. But this is a questionable assumption. Punishment is fundamentally about retribution: it seeks to give a wrongdoer what he deserves. It is for this reason that corporal punishment is morally permissible, irrespective of whether it corrects or deters future misbehaviour.

Is it ever morally acceptable to spank children as a form of punishment? Polls consistently show that a large majority of Americans think so. Outside the United States, corporal punishment is widely administered. In fact, Brunei and Singapore, which are both developed countries with highly advanced economies, even prescribe it as a form of state-sanctioned judicial punishment for adult offenders.

However, many academics are sceptical of the effectiveness of spanking. Corporal punishment, the experts argue, is bad parenting because it is linked to diminished developmental outcomes in children that can last into adulthood. The American Academy of Pediatrics recently issued a statement saying that parents shouldn't ever spank their children.[1] In fact, they call for spanking to be legally banned.

But not so fast. Does spanking actually work? Well, it depends. Whether something 'works' depends on the purpose you have in mind. So the question of whether spanking works as a form of punishment depends on what you think the purpose of punishment is.

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doi:10.1017/S1477175619000277 © The Royal Institute of Philosophy, 2019
Think 54, Vol. 19 (Spring 2020)

https://doi.org/10.1017/S1477175619000277 Published online by Cambridge University Press

effects in improving life outcomes. But this is a dubious assumption.

The Nature of Punishment

In order to assess the morality of spanking and other forms of corporal punishment, we need first to gain some clarity on the nature and purpose of punishment. Ethicists have traditionally distinguished between three purposes of punishment: retribution, correction, and deterrence. Of these three, retribution is regarded as the most fundamental. This is because punishment is chiefly a matter of *justice*: it is about giving a wrongdoer what he has come to *deserve*. Retribution seeks to balance the scales of morality by inflicting deserved harm upon a wrongdoer. Correction and deterrence, although desirable, are not essential to this goal. Indeed, both of these functions must *presuppose* retributive justice, for we cannot punish someone for the sake of correction or deterrence unless they first *deserve* it.

What this all means is that an act of punishment can be morally justifiable *even if* correction or deterrence is not achieved. So long as retribution is brought about, justice has been served. Now this isn't to say that we shouldn't do our best to bring about these other goals, only that they're secondary purposes that enhance punishment. Ideally, all three elements will be present in an act of punishment. However, in many cases such a goal just isn't feasible. Even so, that doesn't stop us from punishing someone. A recalcitrant criminal may never be corrected or deterred, but that doesn't mean that it would be wrong to punish him.

The Case for Corporal Punishment

With these points in mind, the case for the moral legitimacy of corporal punishment is quite simple and straightforward. Corporal punishment involves inflicting physical pain

https://doi.org/10.1017/S1477175619000277 Published online by Cambridge University Press

in response to an act of wrongdoing. In that regard, it satisfies the retributive purpose of punishment quite plainly. Justice is being done in that the wrongdoer receives a deserved harm as a way of balancing the scales of morality. A child who is spanked gets what he deserves, and that is what serves to make the act of spanking him morally permissible, irrespective of whether the spanking corrects him or deters future misbehaviour.

This is not to say that spanking doesn't correct or deter. On the contrary, physical punishment is a powerful incentive in getting a person to reconsider their actions, both in the past and in the future. Indeed, the mere threat of a paddling is often enough to get children to knock it off, even if only outwardly. In that sense, spanking also serves an educative purpose, in that it seeks to teach children the difference between what is acceptable and what is not. Moreover, inflicting physical pain is an excellent way to instil knowledge about the gravity and significance of wrongdoing.

But let us suppose that the critics are right that corporal punishment is harmful. Why should this serve to make corporal punishment *wrong*? The whole *point* of punishment is to inflict harm, and so in that sense *every* act of punishment is by definition harmful. That's just what punishment *is*.

But more to the point: punishment is *not* about reforming or correcting the individual who is punished. Although it is certainly good if reformation or correction is achieved, this is not essential. As I noted, punishment is fundamentally a matter of retributive justice. The child who is spanked gets what he deserves, and in that respect corporal punishment is *good* even if he is worse off in the future because of it.

The idea that corporal punishment is somehow unjustified because it leads to diminished future outcomes in children is a puzzling one. We do not take this same approach when it comes to other kinds of punishment. After all, sentencing a hardened criminal to a lengthy prison sentence may diminish or harm his future life prospects, but it would

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be ridiculous to say that his punishment is therefore unjust. He *deserves* it!

Now obviously I'm not trying to compare children to hardened criminals. The point is simply this: the purpose of punishment isn't to improve your life outcomes. It's about inflicting upon you a harm that you have come to deserve. If that harm makes you worse off, well, that's kind of the point.

Perhaps the objection is that corporal punishment is unnecessary. One might argue that we have other ways of punishing children that are just as effective, so corporal punishment is not needed. I have two responses to this.

First, it depends on what is meant by 'effective'. Effective at what, exactly? As far as *retributive justice* is concerned, I'd say that the act of inflicting physical pain is *far* more effective than other kinds of punishment. Maybe other forms of punishment are more effective at correction or deterrence, but as far as *retribution* is concerned, it's hard to beat a good old paddling.

Second, even if corporal punishment is not required, that doesn't mean that it can't be justifiably exercised as a legitimate form of punishment. Nobody is saying that parents are obligated to spank their children, only that they *may* do so.

Corporal Punishment for Adults

And lest you think that my points apply only to spanking children, the points here can be applied to *all* kinds of corporal punishment – including those oriented towards adult offenders. Given all the overcrowding in our modern prison system, perhaps it is time that we bring back traditional forms of punishment such as flogging and caning. Indeed, this is just what Peter Moskos argues for in his excellent book *In Defense of Flogging*.[2] Moskos, a professor at the John Jay College of Criminal Justice, proposes that we give some criminals a choice between a prison

https://doi.org/10.1017/S1477175619000277 Published online by Cambridge University Press

sentence and several lashes from a cane. Such an alternative would be cheaper and more humane than mass incarceration. Philosopher Jason Brennan agrees, arguing that 'Americans should replace incarceration with caning.'[3]

The case for bringing back caning as legal punishment is pretty straightforward. Incarceration is expensive and creates unnecessary bureaucracy. Many criminals continue to commit crimes while imprisoned. The incarcerated are exposed to prison culture, which usually plunges them deeper into criminality (overcrowding exacerbates this). Combined with the lack of advancement (owing to deprivation of freedom), this contributes to high rates of recidivism. All this in turn compounds the problem. Why not, then, allow for low-level offenders to be physically caned, after which they would receive appropriate medical treatment and be set free? The aims of justice would be achieved in swift and simple fashion.

In Singapore, where caning is regularly administered, the procedure is monitored closely. The size and dimension of the cane are regulated, as is the striking procedure. Prisoners must be medically cleared to be fit for caning, and they are evaluated during and after the procedure.

But isn't this inhumane? I doubt it. Of course caning is painful and injurious, but I submit that if we were allowed to choose, most of us would take caning over incarceration. Suppose you're convicted of theft. You're given the choice between half a year in jail or six lashes with a cane. What would you choose? Most of us, I think, would opt for the caning. Compared to what we already do, caning is arguably *more humane*.

Compared to incarceration and all its associated costs, everyone benefits. The taxpayer and state benefit because it will mean a reduction of costs in supporting jails and prisons. That's money better spent elsewhere. Even the criminal can benefit from the lack of exposure to toxic prison culture.

None of this is to say that incarceration should be done away with completely. The point is rather that substituting

https://doi.org/10.1017/S1477175619000277 Published online by Cambridge University Press

incarceration with caning may in some cases achieve justice while reducing unnecessary costs. So why not bring back caning?

Ultimately, we must remember that punishment is a matter of justice, not correction, rehabilitation, or deterrence. Corporal punishment effectively achieves this aim. As such, it still has a place in civil society.

But back to spanking. The next time you're shown a 'study' showing that spanking doesn't 'work', look between the lines. Chances are, there are some dubious non-empirical assumptions about the nature of punishment that are being smuggled in and taken for granted.

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Notes

[1] <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/AAP-Says-Spanking-Harms-Children.aspx>.

[2] Peter Moskos, *In Defense of Flogging* (New York: Basic Books, 2011).

[3] Jason Brennan, 'Corporal Punishment as an Alternative to Incarceration', in Chris W. Surprenant (ed.), *Rethinking Punishment in the Era of Mass Incarceration* (New York: Routledge, 2017), 294–308.

https://doi.org/10.1017/S1477175619000277 Published online by Cambridge University Press