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BOOK REVIEWS / COMPTES RENDUS

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Spare the Child: Ending Childhood Corporal Punishment

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Spare the Child: Ending Childhood Corporal Punishment is a valuable book, particularly for those, like me, who consider the physical discipline of children to be anachronistic and immoral. The author is a longtime advocate for the abolition of corporal punishment, and this volume is the culmination of her work so far. We will likely hear from her again, because the abolitionist's job, in Canada at least, is not yet done.

Watkinson received funding in the 1990s from the federal Court Challenges Program which supported applicants seeking to show how existing Canadian laws might violate Canadians' equality rights, particularly in light of the passage of the Canadian Charter of Rights and Freedoms. She contended that Section 43 of the Criminal Code infringed upon the rights of children because it permitted adults to use physical discipline in homes, schools, and other institutions, provided the "force does not exceed what is reasonable under the circumstances," a qualification she, and many others, have found overly vague and easily circumvented. The Canadian Foundation for Children, Youth and the Law (CFCYL) took up her case, and after adverse lower-court rulings in Ontario, it proceeded to the Supreme Court of Canada.

In a 2004 decision, the Supreme Court ruled 6-3 to uphold Section 43 of the Criminal Code, which justifies the use of reasonable corporal punishment by parents and guardians. The ruling established that physical discipline can only be used on children between the ages of two and twelve, administered with an open hand, and solely for "corrective" purposes, while ensuring no harm or injury. The decision significantly narrowed the law, making it illegal to use corporal punishment in schools or on children with disabilities. Consequently, the use of the strap (or equivalent) in Canadian schools has been prohibited since 2004, though most provinces had formally banned the practice earlier.

The author briefly tracks the history of corporal punishment in Canada, noting especially its introduction by colonial authorities into residential schools, where teachers, under the auspices of their Christian overseers—themselves empowered by the federal government—brutalized, Indigenous children who had been raised in communities where, as Watkinson explains, physical discipline was not the norm. For documentation, she draws significantly from the report of the Truth and Reconciliation Commission of Canada, and from historian John Milloy, among others.

The book centres on the Supreme Court arguments regarding the repeal of Section 43 of the Criminal Code and the Court's subsequent justification for retaining it. The CFCYL contended that by permitting parents to use physical force, Canadian law violated international UN treaties on children's rights. They further argued that the law breached Section 12 of the Charter, which protects citizens from "cruel and unusual treatment" (74) by state actors. However, the Court ruled that families do not constitute state actors and maintained that "reasonable" discipline is not inherently abusive, noting that existing laws already protect children from battery. While the Court did ban corporal punishment in all schools based on a "societal consensus" (113) against it, teachers retained the right to use reasonable force for restraint or safety purposes.

In the remainder of the book, Watkinson, cites court cases after 2004 which acquitted parents who had physically punished the young, indicating that the law is often poorly understood by citizens and ineptly applied by the courts. She summarizes the findings of numerous international studies on the damaging psychological impact of corporal punishment on children's development. She cites the enlightened actions of other countries (Sweden, Finland, Germany, Cyprus, and New Zealand) which have long banned the practice—in families as well as in schools. And she issues a clarion call to renew the eradication campaign in Canada.

At the same time, the book minimizes one successful part of the movement: the Court decision to ban corporal punishment in classrooms, an outcome that is presented almost as an afterthought. Had the Court not issued this ruling, prosecutions and lawsuits against private, non-government schools would today be harder (than they already are) to initiate. Former students allegedly mistreated before 2004 would have to demonstrate that a teacher's use of corporal punishment was "unreasonable." After 2004, a teacher who hit(s) a student for any reason, according to the law, can be held accountable.

While Watkinson draws on historical sources, this is not a history book and should not be judged against the standards of that discipline. In chapter 4, the author presents the arguments before the Supreme Court in a clear and systematic manner. However, in chapter 5, she reports on the Supreme Court decision *and* critiques it simultaneously. She is particularly critical of Chief Justice Beverley McLachlin whom she faults—among other things—for failing to incorporate scientific evidence in framing the majority position. Watkinson prefers the views of Justice Louise Arbour who wrote a dissenting opinion. As a book of advocacy, *Spare the Child's* overall coverage of the court case seems more partial than comprehensive, which is not surprising, given Watkinson's admirable, decades-long involvement in the cause. The campaign to ban corporal punishment, and the court decisions linked to it, merit a fuller academic treatment. This volume, while not definitive, serves as an important foundation for such future work.