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Quebec francophone Conservative Protestants and youth protection laws: Conflict between secular law and divine law?¹

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Introduction

This article summarizes the results of an extensive study² on how Quebec francophone Conservative Protestants situate themselves with respect to the laws governing punitive parenting practices, including the use of corporal punishment. Specifically this study focuses on a widespread problem, namely abusive corporal punishment against children that occurs in accordance with a strict observance of the Bible. The author looked at this issue from an angle seldom explored, that is how Conservative Protestants consider the compatibility of their religious beliefs about corporal punishment and the laws that govern this practice, and how they resolve any eventual conflicts between their beliefs and these laws.

To clarify the object of the present study, the following paragraphs, will describe who the Conservative Protestants are, their discourse on corporal punishment and the laws governing punitive parenting practices. This section will be followed by a description of the research methodology and the findings.

Conservative Protestantism and its discourse on corporal punishment

¹ **Note:** Info-Cult wishes to thank Debbie Carroll for her work in editing the English version of this text. If there are any questions about the text please refer to the original version in French *Les protestants conservateurs québécois francophones face aux lois de la protection de l'enfance. Conflit entre loi séculière et loi divine ?*, <http://infosect.freeshell.org/infocult/Adriana-Pacheco-FR.pdf>

² Pacheco, A. (2010). *Étude sur le châtimeut corporel des enfants chez les protestants conservateurs francophones du Québec. Conflit entre loi séculière et loi divine ?* Thèse de doctorat, École de criminologie, Université de Montréal, Montréal. Available on <http://hdl.handle.net/1866/4739>

Protestantism is divided into two principal orientations: liberal which advocates a metaphorical reading of the Bible, and conservative, which advocates a very close reading of the text. Conservative Protestants, or members of Conservative Protestant churches who are often called "evangelical Christians", have a very close interpretation, or even literal one, of the Bible. They believe that, because the Bible was dictated by God, it is therefore the fundamental source of all authority and a sufficient guide to direct all human behavior (Ellison and Sherkat, 1993). All conservative churches share the same doctrinal principles, but are not equal in the degree of conservatism which varies according to their interpretation of the Bible: the more this interpretation approaches the text, the more it is considered conservative, the most conservative position being fundamentalism (Bergeron, 1987; Ellison and Sherkat, 1993; Chartrand, 1995). In Quebec, the most common conservative churches are the Baptists, Evangelicals and Pentecostals (Lougheed, 1999).

Because of their interpretation of several Bible verses, including 22: 15 and 23: 13-14³, about the nature of the child, Conservative Protestants consider that the child is inclined to evil and therefore doomed to damnation, and that corporal punishment used as a disciplinary measure, allows to correct the child's nature, which favors the child's salvation. Thereby punishing the child would be a proof of parental love. They believe, moreover, that as Christians, they have an obligation before God to correct the nature of their children and raise them in obedience to the divine law, that is to say the precepts of the Bible (Ellison and Sherkat, 1993; Bartkowski, 1995; Ellison, Bartkowski and Segal, 1996). Therefore, many of them subject their children to frequent and sometimes severe corporal punishment when it is carried out with objects such as sticks (Bartkowski 1995;

³ Folly is bound up in the heart of a child,
but the rod of discipline will drive it far away.
(*The Holy Bible*, Proverbs 22 : 15)

Do not withhold discipline from a child;
if you punish them with the rod, they will not die.
Punish them with the rod
and save them from death.
(*The Holy Bible*, Proverb 23 : 13-14)

Bartkowski and Ellison, 1995). This is common in the case of the fundamentalists, because they make a literal interpretation of the "rod" mentioned in the Bible, but also from Conservative Protestants who are not fundamentalists, but who consider that punishment administered with objects is more "correct" than correction made with the hand (Ellison and Sherkat 1993).

In recent years, these literal interpretations of the Bible led to many legal proceedings under child protection laws, both in the United States, the birthplace of conservative Protestantism, and in Canada and Quebec. Essentially, individuals who adopted these doctrines were reproached for having abused the use of corporal punishment to the point of physical abuse. Moreover, there are times when Conservative Protestant groups formally require their members to administer punishment using objects, and encourage them to defy the laws that limit the use of corporal punishment, as was the case in Quebec, during the 1980s, in the Windsor Baptist Church, a congregation where all the children were beaten with sticks (Pacheco and Casoni, 2008), or in Aylmer, Ontario, in 2001, where children were beaten with chains (Depatie, 2005).

This is not to say that because of their religious orientation, all Conservative Protestants administer excessive corporal punishment to their children or are prepared to defy the law. Certainly not all conservative Protestant churches preach disobedience to the law. As some researchers have suggested (Ammerman, 1991; Ellison and Sherkat, 1993), although the Conservative Protestants in general have an attitude that is very favourable to corporal punishment, there are differences among them in their practices and in their attitude with respect to the law.

The transgression of the law by Conservative Protestants is, in fact, a paradox; because of their obedience to the Bible, they are bound to obey secular laws. However, this obligation would not apply if a law is considered contrary to the principles of the Bible. Faced with such inconsistency, they feel they have a choice, even the obligation to disobey such a law, because the divine law would take precedence over any human law, as it is enacted by God. In other words, the transgression of laws governing corporal punishment from the

Conservative Protestants would depend, in principle, on their perception of the incompatibility of the laws with Bible verses on the issue.

The legal framework for corporal punishment

In Quebec, punitive parenting practices are governed by Article 43 of the Criminal Code of Canada which authorizes parents and other persons responsible for a child to use physical force to correct the child as long as it "does not exceed what is reasonable ", and by the Quebec Youth Protection Act, in particular Article 38 (e), which protects children against being treated in way that could harm their development, including physical abuse, and Article 39, which makes it mandatory to report to the Youth Protection Branch when there are reasonable grounds to suppose that a child suffers abuse that may compromise the child's safety or development.

As a result of several disputes between Conservative Protestants and child welfare agencies, the Supreme Court of Canada made some clarifications in 2004 with respect to what is not considered reasonable for corporal punishment including unreasonable punitive practices, corporal punishment with objects, and corporal punishment of children under two years of age (Supreme Court of Canada, 2004). These clarifications paved the way to a situation of incompatibility between the laws and the religious beliefs of Conservative Protestants, and to a possible transgression of the law on their part. As we will show in our results, this does not depend exclusively on their interpretation of the verses of the Bible relating to corporal punishment, but also on other variables.

Methodology

The methodology used in this study is a mixed qualitative methodology based on a series of non-participating *in situ* observations of religious services and doctrinal teaching workshops in four Conservative Protestant congregations (two Evangelical Churches, one Pentecostal Church and one Baptist church), followed by a series of interviews with thirty-nine Conservative Protestants belonging to these congregations. This material was complemented by a documentary analysis of the literature produced by these groups.

It should be noted that, due to the delicate subject of the research, the churches that have agreed to participate in our study **are the rather moderate conservative Churches**. Thus, our results are not representative of the entire Quebec Conservative Protestant communities. However, they illustrate the mechanism through which the laws are evaluated with regard to the teachings of the Bible.

Results

Uniformity of discourse

As it has been said, the churches in this study are rather moderate; therefore, none of them advocate a literal interpretation of the proverbs related to "rod of correction". In fact, none of the pastors who lead them prescribe a specific way to discipline children, and considering it to be a matter of parental jurisdiction. Similarly, they consider it is up to parents to decide how they position themselves with regard to any discrepancies between their religious teachings and the law. However, through various channels - sermons, doctrinal workshops, readings, community life, the same message on corporal punishment is conveyed in the four congregations which has a conflictual position in relation to the laws on the subject and, more broadly, in relation to the state.

This shared discourse is actually that of the moderate wing of the American Conservative Protestantism, dominant today⁴. Quite elaborate, it incorporates elements of the conservative traditional approach described above, including the negative perception of the child, the latter being perceived as rebellious and proud, even nasty, because of his nature which is supposedly prone to evil. The main manifestation of the child's evil inclination would be his desire for autonomy, which should be overcome at an early age in order to make him submissive to God, which would allow for his salvation after death, but also for a good life. Left alone, the child would not only be doomed to damnation, but life

⁴ This discourse on corporal punishment has been developed by several authors, of which the most influential is James Dobson, who has devoted several books to the topic (1970, 1976, 1978, 1987, 1992).

would be filled with setbacks (unemployment, substance abuse, etc.). Children with a "strong character", namely a "more rebellious" nature, would even risk becoming delinquents.

Unlike the traditional discourse centered on the need to aggressively hit the child to correct his nature, this one advocates moderation in punishment; the focus is more on the need to make the child more compliant rather than on the means to achieve it. In this sense, corporal punishment is touted as the best way to make the child submit to authority figures, notably the father, to later promote submission to the authority of God. The use of objects is recommended, but not because of a literal interpretation of the Bible, but a ritualized procedure for making the punishment "acceptable". This helps the parent to control anger and to gauge the amount of punishment that prevents the child from associating the hand of the parent to the punishments, etc.

This discourse is accompanied by a rather negative perception of Quebec society, perceived by the interviewees as corrupt because of the growing rejection of religion and of a vertical, patriarchal social order they consider to be established by God. The state, in particular, would be under the influence of groups trying to establish an anti-Christian society; therefore it would enact laws contrary to the Bible, including those that support women's rights, the freedom of adolescents, those related to sexuality, or those designed to prohibit the use of corporal punishment. The purpose of these laws would be to erode the family, and more specifically, to reduce man's authority within the family in order to educate new generations according to non-Christian values.

This discourse is surprisingly similar in the four congregations in this study despite their different denominations, although it varies considerably among respondents according to their degree of conservatism. The more conservative they are, the more they have a negative perception of the child and therefore they consider corporal punishment more necessary, even indispensable to change the child's nature. Also, they have a negative view of the state and of its laws. Conversely, the views of the less conservative are very

nuanced. However, most interviewees remain very favorable to corporal punishment, although many regard punishment administered by a hand as correct.

Ignorance of the law

Since most of the interviewees do not make a literal interpretation of the Bible verses, one would expect that interviewees who consider that there is an incompatibility between their religious beliefs and laws are few. Surprisingly, we found that in general, the perception of an incompatibility between these laws and the Bible was, to a greater or lesser extent, dependant on the interviewee. Even more surprising, we found that most of them did not know the laws governing the use of corporal punishment.

In fact, even though all interviewees emphasized their duty as Christians to respect the laws, except in cases where they are contrary to the Bible, 20 of the 39 interviewees, about half, **did not know the laws** with regard to punitive parenting practices. Eleven of them were convinced that corporal punishment was prohibited in Quebec and nine had no idea of the content of these laws. So how did they decide that these laws were incompatible with the Bible?

Method for determining the compatibility between secular law and divine law

We discovered a rather complex manner in the way interviewees determined the compatibility between secular and divine law. Two aspects can be evaluated together or separately: the fact that the state enacts laws relating to corporal punishment and the content of these laws. According to the interviewees, these two aspects are related to several biblical principles that the state is supposed to follow when making laws:

1. - *The duty of allegiance of secular authorities to God.* According to the Bible, temporal power was established by God to represent his authority on earth. In this way, he is supposed to ensure that divine law is being observed. In this regard, what is being assessed

is whether or not the state fulfills its duty to God by trying to limit punitive parenting practices and, more broadly, if it respects divine law.

2. - *The institutional order created by God.* The interviewees are convinced that God established an institutional hierarchy destined to provide a framework for humans: first the family, then the Church, and finally the state. In this way, they evaluate whether the state has the right to legislate on a practice they consider to be under family jurisdiction, and if its laws favour the family or not.

3. *The right of parents to punish their children as conferred by God.* Here, the interviewees evaluate whether the state, through legislation on corporal punishment, infringes on this right of parents, and if so, whether such interference is acceptable or not.

4. *The obligation of parents to correct their children,* Here, they evaluate whether restrictions imposed by the secular law allow them to fulfill their obligations as parents.

5. - *The teachings related to the administration of punishment.* Finally, if these laws respect what the Bible prescribes for punitive practices, namely their interpretation of proverbs that deals with corporal punishment.

Based on their understanding of these principles interviewees establish whether or not these laws undermine the Bible, and how they determine the severity of the infringement. In this way, we have identified four levels of incompatibility that are based on the severity assigned to the infringement of these principles: 1) a minor incompatibility in which case they deal with the laws without problem; 2) an average incompatibility where they deal with the laws without too much difficulty; 3) a serious incompatibility with which they are struggling to deal, and 4) a total incompatibility which makes disobedience to the laws mandatory in their eyes.

Although the interviewees assess different dimensions to decide on the compatibility of laws with the Bible, the interpretation of proverbs on disciplining children is often the

point at which secular law and divine law are considered to be totally incompatibility with each other.

Based on an analysis of our findings, we have developed an explanatory model of the decision making process of the interviewees to determine the compatibility of laws on parental punitive practices with the Bible. This is mostly dependent on the degree of conservatism of individuals.

The more the interviewees are conservative, the more their interpretation of biblical principles is rigid, that is they find it easier to determine that the provisions of the law violate these principles. Similarly, the more conservative they are, the more serious they consider violations of various biblical principles, assigning a significantly higher of incompatibility of these laws with the Bible. Therefore, they are less likely to negotiate with these incompatibilities, especially since they have more polarized negative perceptions of the state. The less conservative interviewees, in turn, have a less rigid interpretation of these principles and tend to perceive these violations as less serious, being more inclined to negotiate, because they have a less negative attitude regarding the state.

Four levels of conservatism have been established in our sample (39):

1. - Very pronounced conservatism (fundamentalist position). Marginal (four interviewees);
2. - Pronounced Conservatism (about one third of the sample);
3. - Average Conservatism (a little over a third of the sample);
4. - Moderate Conservatism (less than one third of the sample)

The widespread perception among interviewees that there is an incompatibility between the laws and their religious principles is related mainly to their negative perception of the state. There is consensus that the state, in general, does not fulfill its duty to God and that it violates the divine law by legislating on corporal punishment, regardless of the content of the laws, since it would infringe on the rights of parents to discipline their children. In addition, they are convinced that the state wants to ban all corporal punishment (for many

of them, it already did) in order to distract their children from the faith. Any assessment of the laws is actually tainted by this idea, which they find threatening because of the perceptions they have of the future of children who have not been educated to obey divine law.

However, this perceived conflict between secular law and divine law is not very critical for the majority of the interviewees. Given the fairly moderate conservatism predominant in our sample, most church members in the study consider the incompatibilities between the laws governing punitive parenting practices and biblical principles as average, even minor in the case of less conservative interviewees. Only the most conservative among them perceive a serious incompatibility, especially concerning the clarification of the Supreme Court regarding the use of objects to perform corporal punishment. As for the few fundamentalists, they see a total incompatibility of any law relating to corporal punishment with the Bible.

The resolution of incompatibilities between secular law and divine law

We identified three different ways in which the interviewees resolved incompatibilities between the laws governing corporal punishment and their religious principles: 1) a conciliatory attitude, involving an effort to accept the laws; 2) an omission attitude towards the law that would result in a passive disobedience; 3) a protest attitude, where disobedience is seen as a form of activism.

The elements that influence such attitudes are:

1. - The degree of perceived incompatibility between secular law and divine law. This is the most important. Faced with the perception of a total incompatibility, all interviewees would choose to disobey the laws.

2. - The perception of the state and of its regulatory bodies, including Youth Protection. The less negative these perceptions, the more possibilities of dealing with moderate to severe incompatibilities.

3. - The symbolic importance given to laws. For example, we observed more attachment to the law in men older than 40 years; little attachment in women and even less in individuals under 40 who adopt more of an attitude of omission.

4. - The positioning of the congregation, to which they belong, to towards society.

The interviewees tend to adopt the views of their congregation: those who belong to churches in the study that are active politically tend to adopt an attitude of defiance; those belonging to the two congregations with a more segregated stance towards society tend to adopt an attitude of omission. Finally, those who are members of the congregation that is more open to society tend to have a conciliatory attitude.

Variables that influence the degree of conservatism

Since the conservatism of the interviewees is central to the tone of the Conservative Protestant discourse shared by the four congregations and their positions regarding laws, we conclude this article by discussing the variables that influence the degree of conservatism:

We identified six variables, of which three variable are related to the congregation to which one belongs and the other three to individual characteristics:

- *Conservatism of the congregation to which one belongs.* Although the four congregations in the study are quite moderate, there are some differences between them, notably the conservatism of their leaders.
- *The internal dynamics of the congregation to which one belongs* (possibility of discussion, attitude towards doctrinal deviance).
- *The orientation of the congregation to which one belongs in relation to the secular world* (withdrawal, contestation, openness).
- *The gender of the interviewee.* Women generally have more moderate views than men.
- *Doctrinal training of the interviewee.* Interviewees with better doctrinal training tend to be less conservative.
- *The generation to which one belongs as a Protestant Conservative* (1st, 2nd and 3rd). This is the variable that most influences the degree of conservatism of the interviewees.

First generation individuals or those who converted from another religion, tend to have more conservative positions and adhere more firmly to the doctrine. They tend to have a more negative or even radical view of the world. This is especially true of ordinary male members, who often have more conservative views than those of the leaders of their congregations. They are very supportive of corporal punishment and the administration of punishment with objects.

Second generation individuals, or children whose parents converted, tend to have a much less pronounced degree of conservatism and moderate views in relation to all issues. They are less favorable to corporal punishment, and tend to deviate from the doctrine, especially women.

Third generation individuals are those with the most moderate views regarding all issue that were addressed in this study. They are particularly critical of the doctrine and propose their own interpretations of the Bible.

It is noteworthy that all respondents who were born in a conservative environment are less favorable to corporal punishment, and often opposed to the administration of punishment with objects, especially women. Four of them are even not even in favour of administering corporal punishment.

These differences can be explained by three factors: 1) a more solid identity as Conservative Protestants: by virtue of their birth, they do not have to be defined as having a strict adherence to the Bible. 2) traumatic childhood experiences related to corporal punishment. 3) Cultural dissonance. For their parents, the rejection of society was a choice, but not for them. They try to adopt a lifestyle more in line with that of Quebec society.

Given the demographics of the congregations in the study, first generation Conservative Protestants outnumber the other respondents. According to the literature, they also account for the majority of the members of the conservative Protestant churches in Quebec (Lougheed, 1999). Second generation members are few and third generation are the

exception. This is understandable in light of the widespread number of disaffected youth leaving the church. In our view, this phenomenon inhibits the evolution of a more moderate Conservative Protestantism discourse regarding child discipline.

References

- Ammerman, N. T. (1991). North American Protestant Fundamentalism. In M. E. Marty & R. S. Appleby, *Fundamentalism Observed* (1-65). Chicago: The University of Chicago Press.
- Bartkowski, J. P. (1995). Spare the Rod..., or spare the Child – divergent perspective on the conservative protestant child discipline. *Review of Religion Research*, 37 (2), 97-116.
- Bartkowski, J. P., & Ellison, C. G. (1995). Divergent Models of Childrearing in Popular Literature: Conservative Protestants vs. the Mainstream Experts. *Sociology of Religion*, 56, 21-34.
- Bergeron, R. (1987). *Les fondamentalistes et la Bible : quand la lettre se fait prison*. Montréal : Fides.
- Chartrand, L. (1995). *La Bible au pied de la lettre : le fondamentalisme questionné*. Montréal : Médiaspaul.
- Despatie, C. (2005). *Portrait de l'expérience et des opinions d'étudiants universitaires à l'égard de la punition corporelle*. Mémoire de maîtrise. Université de Montréal, Montréal.
- Dobson, J. (1970). *Dare to Discipline*. Wheaton, IL: Living Books/Tyndale House.
- _____ (1976). *The Strong-Willed Child: Birth Through Adolescence*. Weathon, IL: Living Books/ Tyndale House.
- _____ (1987). *Parenting Isn't for Cowards*. Dallas: Word Publishing.
- _____ (1992). *The New Dare to Discipline*. Wheaton, IL: Living Books/Tyndale House.
- Ellison, C. G., Bartkowski, J. P., & Segal, M. L. (1996). Conservative Protestantism and the Parental Use of Corporal Punishment. *Social Forces*, 74 (3), 1003-1028.

Ellison, C. G., & Sherkat, D. E. (1993) Conservative Protestantism and Support for Corporal Punishment. *American Sociological Review*, 58 (1), 131-144.

Lougheed, R. (1999). Le réveil. In G. Smith (ed.). *Histoire du protestantisme au Québec depuis 1960. Une analyse anthropologique, culturelle et historique* (53-82). Québec : Éditions La Clairière.

Pacheco, A., & Casoni, D. (2008). Fonctionnement sectaire et violence envers les enfants : le cas de l'Église baptiste de Windsor. *Criminologie*, 41 (2), 53-90.

Textes de loi

Canada (2009). *Code criminel de poche*. Toronto: Thomson Carswell.

Cour Suprême du Canada (2004). Référence 2004 CSC 4, No de greffe : 29113. Ontario: Cour Suprême du Canada.

Québec (1979) *Loi sur la protection de la jeunesse*. LQR-P-34.1. Québec : Éditeur officiel du Québec.