

Corporal Punishment:
“Just Good Old American Discipline”

By

Heather Lynn Helsel
Spring 2014

A thesis
submitted in partial fulfillment
of the requirements for
a baccalaureate degree in
Criminal Justice
in cursu honorum

Reviewed and approved by
Dr. Kevin G. Callahan
Thesis Supervisor

Submitted to the
Honors Program, Saint Peter’s University

Dedication

I dedicate this paper to my grandmother Helena Conover and my mother Sandra Helsel for being strong women, fearless mothers, and inspiration to me throughout my life.

Acknowledgements

I express my appreciation for Hon. Kevin G. Callahan in advising me in this project and journey.

I also express my gratitude for the professors and teachers that have guided me throughout my education and who continue to teach me new things. Special thanks are given to Mr. Anthony

“Tony” Ciprian, Ms. Emily Dembosky, Dr. Brian Royster, and Dr. Raymond Rainville for helping me in achieving my dream career and taking the time to give me life changing advice.

Abstract

The current child abuse laws accept spanking and other forms of corporal punishment as a legal, non-abusive punishment for children. Spanking is considered the most traditional form of punishment in the United States and has been passed down from generation to generation. Many parents are changing their methods of discipline. Countries are beginning to shift their beliefs and have outlawed corporal punishment. This project uses interdisciplinary research to look at corporal punishment in the United States.

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Chapter One: Understanding Corporal Punishment

Corporal punishment of a child is one of the most debated subjects in the United States. There is a great ethical dispute over whether corporal punishment is considered child abuse. Additionally, there is a discussion as to whether corporal punishment should be declared illegal across the entire United States or if states have the right to make their own laws. There has been a large movement of parents changing to other punishment methods to address their child's behavior. Most child experts have argued that corporal punishment should be abandoned. The controversy exists as to what punishment parents should employ. Many experts from a various array of disciplines have researched the short-term and long-term effects of using corporal punishment against children. As a result many countries have begun to change their laws on the use on corporal punishment and a number of them have made it illegal for parental use or minimum use in schools.

Corporal punishment is defined as, "using physical force against a child with the purpose of correcting or controlling the child's behavior through experiencing pain" (Walsh, 2002). There are six groupings of corporal punishment according to an article by Wendy Walsh. The six types are: slaps on hand or leg, spanking on the buttocks, pinching, shaking, spanking with belt or paddle on the buttocks, and slapping in face. (Walsh, 2002) The most common form of corporal punishment found is known as spanking. Spanking is defined as, "to strike especially on the buttocks with the open hand" (Merriam-Webster). This definition is accepted by most of the public and the expert community in the psychological and criminal justice fields. Spanking is done without the intention to cause bruising or an extreme amount of physical harm. In the United States spanking is the most common form of punishment used and has been passed down through the generations as a valuable tool for correcting a child's behavior.

However, in the past few years there has been an attempt to change people's views on the punishments used. Many parents and experts are starting to rethink the idea of corporal punishment and are exploring the different options for punishing children. There are many different alternatives to corporal punishment and parents are beginning to employ these alternatives instead of resorting to the "violence" of spanking. The most common punishment alternative is known as a "time-out". There are many other names for this form of punishment, but they all follow the same format. This is performed by putting the child in a designated area for a certain amount of time based on the child's age. The purpose of this method is to calm the child and make them think about their actions. The parent will return, explain, and teach the child what they did wrong.

Many believe that spanking is too violent and the force employed is unnecessary. The book *Violence and Culture: A Cross-Cultural and Interdisciplinary Approach* defines violence as, "exertion of physical force so as to injure or abuse." (Eller, 1). Spanking is considered violent based upon people's belief that the spanking injures the child through the painful stinging the child feels afterwards and some believe that on an emotional level there is injury as well. Corporal punishment is believed to disrupt the learning process of the child.

Many people view corporal punishment not as a training tool, but as a punishment. However, the need to educate a child must be foremost, for punishment without teaching is simply revenge. The child must learn that their actions were wrong and that the action should not be repeated or they must suffer the consequences. A necessary component of the time-out method is speaking to the child afterwards to explain why their actions were wrong. Some parents who use corporal punishment often times will only perform the punishment without properly explaining why the child's acts were wrong. However, even with conversation it is

difficult for a child to properly understand and listen to what the parent is trying to impart. The child will be emotional from the spanking and will be focused on the pain of the punishment and not pay attention what the parent may be saying.

Interdisciplinary research has shown that there is a circle of violence that has continued for generations. There are many times that you will hear of an abused person becoming an abuser later in life. The abused person accepts the abuse as acceptable conduct. They view the abuse at first as a bad thing; however, they eventually will come to believe the abuse is right and adopt it as a way of life. This continues until one becomes strong enough to break the cycle. Unfortunately, this cycle still exists in many abused children.

The American people have viewed spanking as a tool to create future well-behaved citizens. We cannot ignore, whether effective or not, that corporal punishment is a violent form of discipline. Children learn this violence through the inflicted corporal punishment. By treating children this way, parents perpetuate the violence in society. "The violent crime rate for juveniles has quadrupled over the last twenty five years and the last decade has seen a doubling of weapons offenses for children 10 to 17." (Karr-Morse and Wiley, 7) Thus asking the question, are such children affected by the punishment parents are using?

In the United States, there is a wide spread usage of corporal punishment notwithstanding the shift in parental methods. We need to study why parents of the United States have decided to use spanking as the main punishment for their child. The foremost reason is tradition. There has always been a form of corporal punishment used to punish children in the United States. Corporal punishment has deep roots and many people that were subjected to spanking in childhood have become successful and generally good citizens, nonetheless. Such people are "normal" or "typical" productive members of society. Countless people will use these ideas as

arguments to support spanking. Another reason parents continue this tradition is to make the child fear the consequences of their choices. These are very flawed arguments that do not take in to account the idea that corporal punishment, just like any punishment, has affects that can forever change a child.

As stated previously the change in opinions on corporal punishment, many researchers across several different disciplines are researching short- and long-term effects of such punishment. One expert on corporal punishment effects is Murray A. Straus. Straus attained his Ph.D. in Sociology in 1956 and has been writing publications for decades on violence and it's relation to the family. He is also the Co-Director of the Family Research Laboratory since 1968 (Biographical Summary). Straus is recognized as a top expert on violence in the family.

When studying the United States' criminal justice system's definition of corporal punishment you must look to each state individually. Constitutionally, states have the power to create its own laws and criminal justice policy. The legislature of each state decides which laws will be passed based on what the majority of their constituents want. This means that each state as well as the federal government, has its own definitions of child abuse. Many states do not have a perfectly clear definition of what is criminal child abuse. The most difficult part of such laws is what constitutes child abuse. Attempting to define the minimum force needed to be considered abuse, the courts review these issues through the use of case law. The force used is reviewed on a case-to-case basis and decided accordingly by the court.

Child abuse is challenging to define. Child abuse may be defined as any act that results in the non-accidental physical injury by a person who has, care, custody, or control of a child. (Wallace, 33) The World Health Organization defines child abuse and neglect as:

“All forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation.” (World Health Organization)

Most people in the United States believe that once a child physically sustains bruising the parent is guilty of abuse since the force used was unnecessary. The bruise is an obvious indicator of abuse, because it is usually easy to see on a child’s skin, depending on the location and other factors. A bruise is also physical proof that a parent has used too much force. This is the basis of the argument that spanking is acceptable, because when performed it is not the intention to leave a bruise. The biggest problem with bruising is that children normally have bruising from play and other forms of childlike behavior. These accidental bruises can be taken for child abuse. It is important to look at the size and shape of the bruising to discern if a line has been crossed. Regardless of whether there is physical evidence of child abuse, many people do not factor in the mental effects that spanking and other forms of corporal punishment can cause.

There are many countries that have fully abolished corporal punishment and made it illegal to use on a child. Thirty-four countries have abolished corporal punishment (End All Corporal Punishment, 2013). Such countries include Honduras (in 2013), Spain (in 2007), and Sweden, which was the first to abolish corporal punishment, (in 1979). These countries each have a very different culture from the others. There are many more countries which have abolished corporal punishment in schools; however, they allow parents to use corporal punishment against their children in the home. Examples of these countries are Afghanistan, Canada, and Taiwan (CNN, 2011).

Chapter Two: United States Parental Views on Spanking

The melting pot that is the United States has many types of punishments used upon children. Many cultures have different ways of raising children and teaching them the correct behavior in their society. The guardians of a child have the right to decide how they wish to raise their children. This is agreed by both society and the courts but with boundaries. Corporal punishment has always been one of the most widely used punishments for children. Ninety percent of parents in the United States admit to using physical forms of discipline against their children. (MacKenzie, 2011) These figures continue to occur even with the rising numbers of studies that explain the numerous effects that stem from corporal punishment.

There has been a shift in a number of parents that have chosen to abstain from using physical punishment. Many of these parents are using alternative discipline methods such as the well-known ‘time-out’ method. This method removes children from what they were doing and puts them in a specified place for them to think and reflect on their actions. Later and calmly, parents will speak to their child and explain why his or her actions were inappropriate.

Parents have a responsibility for, “directing, teaching, and socializing children.” (Brouwer and Knox, 2008) Parents that use either method believe that they are teaching their child right from wrong. A form of discipline is needed to properly raise a child and to properly teach them. It has been found that spanking and corporal punishment may have many negative effects, however, there are negative effects when the child is brought up in an environment with no discipline or very little discipline. Thompson believed that there are many parents who chose not to discipline at all, instead of using corporal punishment. (Thompson, 54)

One reason for using corporal punishment is to make the children comply with the rules set forth by the parents. The reasoning is that physical pain the child experiences will cause the child to stop and comply with the parent. This is an automatic reaction. The human body is wired to avoid pain. B.F. Skinner was the psychologist who introduced operant conditioning to the world. Operant conditioning is the learning of something through the consequences, whether the consequences are meant to reinforce the stimuli to reoccur or to decrease the stimuli from occurring. (Alloy, Riskind, and Manos, 2005)

The stimulus is the action that brings a consequence and the consequence is the reinforcement or the punishment that stems from the action. As to corporal punishment, the stimuli would be the bad behavior that the parent is trying to correct. The consequence is the punishment the parent is using to correct the child's behavior. Punishment is used to discourage the bad behavior from reoccurring. The pain of the punishment is meant to deter the child from repeating the action since the brain wishes to avoid the pain.

The book *Spank Your Child Please* is an independently published book that explains the ideas of Patrick Thompson. Thompson has worked with children for multiple years in different school programs and speaks of how the changing of discipline has created children who have been, "robbed... of the ability to deal with even the most minor inconveniences." (Thompson, 7) Thompson believes that spanking plays an important role in the development of children. He wrote the book in an effort to give people who felt the same way he did a source to rely on.

In this book he suggests rules to parents that are used to keep corporal punishment, specifically spanking, from being abusive or ineffective. His biggest and most difficult rule to follow has to be: "Never do it when you are still angry." (Thompson, 55) This rule is difficult to follow because parents do not want to give children the time to believe they got away with

something, when in reality their parent needs to cool down before the spanking. Therefore, the parent will punish their child immediately. Anger increases the chances of corporal punishment becoming abuse. The spanking is no longer punishment. At that point, it turns into retribution for the actions of the child that upset the parent.

Thompson believed that by withholding spanking children you take away the development of important traits. These traits, according to Thompson, help them to achieve the American Dream and freedom. He believes that spanking is what helped him to become more competent, able, and intelligent. (Thompson, 9) The parents who do not use spanking are taking the dream and freedom from the children.

Thompson spoke of his own father who had regrets of discipline. Thompson explains that the punishment his father used involved a 1X4 board in his shed. According to him, this was a more effective punishment. This made him thankful that his father used more discipline rather than none at all. This is consistent with some of the studies which will be looked at later. He believes that this use of discipline may not have been the best, but this taught him to be a competent adult.

A major source for belief in spanking by parents in the United States is the Bible. Everyone has heard the quote spare the rod, spoil the child. Many believe that the rod in this case is justification for corporal punishment. This has been the interpretation that many of us have heard. The rod of a Sheppard is not only used to keep dangerous animals away from the sheep, but also to gently guide sheep. Many people are switching to this new interpretation. Choosing to gently teach and guide a child is beginning to be the new accepted idea. However, tradition is holding strong to the idea that the rod was used in a different manner.

The study *Spankers and Non-Spankers: Where do they get their Information on Spanking* by Wendy Walsh looked at parents to see what helped influence their choice in punishment. In this study 67% of parents reported using a type of corporal punishment. (Walsh, 2002) This, however, did not focus on the age of the child. Research has shown that as the child gets older the use of spanking and other corporal punishments decrease. The study found that younger parents are more likely to use spanking compared to older parents. Mothers use corporal punishment more than fathers. An important finding was that parents who had corporal punishment used on them as a child continue to use the same method when raising their child. This is part of the large argument that is used for spanking today. There is the idea in many parents' minds that because they were hit as a child it is alright to hit their children. Many parents believe that they were raised correctly despite the use of corporal punishment.

The study shows that there has been a large decrease in the approval of corporal punishment. It found that between 1988 and 1992 there was a 9% decrease in corporal punishment approval. However, the study also showed that 94% of parents with children between the ages of 3 and 4 years old have used corporal punishment on their children at one point. (Walsh, 2002) Around a third of the mothers in the study spanked their child at least once in the past 6 months.

The main point of this article was to view the sources of where spanking and non-spanking parents receive their information. It is shown that there are many sources from which parents receive their information about discipline. The study performed divided the families into those with younger children and those with older children and then divided again into spankers and non-spankers. Parents and family members were the largest source to recommend spanking for those families who use spanking as their main form of punishment with both younger and

older children. More than half (55.7% with younger children and 54.7% with older children) of spanking parents were recommended by family to use spanking as a punishment. (Walsh, 2002) This means that spankers were more likely to listen to people close to them and take their advice on discipline.

This is consistent with the circle of violence. There are many instances in which we learn of an abused person becomes an abuser later in life. When it comes to many forms of violence, it can be found that the abused will learn the violent behavior through experiencing it at the hands of the abuser. Although the abused may not want to continue the circle it is harder to break than many believe. Also, many non-spanking parents have experienced the same things that spanking parents have. However, most non-spanking parents have broken the cycle by relying on other sources.

Regarding non-spankers, the most emphasized opposition to spanking was found to be in the workshops dealing with younger children (62.9%). Those parents with older children in non-spanking homes gained their information from books (58.5%). (Walsh, 2002) Those who did not spank their children focused on sources which would include more studying into the matter of punishment. These numbers show that many parents no matter the punishment or age of the child there is a confusion between sources for and against spanking.

Among all the groups there were similar percentages and it all remained close to the 50% area. This means that the sources are split evenly between using spanking and not using it, just like the people who debate this topic. This also demonstrates that even professionals that research these things for a living are confused on the subject. This makes it difficult for the parents to decide what they are going to do with their children.

Chapter Three: The Psychological Effects and Frequency of Corporal Punishment

There are numerous studies that have tried to measure effects of corporal punishment methods over the years. When the studies were first published, there were almost none that found corporal punishment was negatively affecting children. Many of these studies even encouraged parents at the time to spank their children. This trend has slowly begun changed. In today's world of psychology there is a majority of studies that have denounced the use of corporal punishment. Many link physical punishment to, "increased aggression, antisocial behavior, physical injury and mental health problems for children." (Smith, 2012)

One of the well-known and accepted experts on corporal punishment is Murray A. Straus. He focuses his studies on the spanking category of corporal punishment and his work has brought to light many negative outcomes. Straus has written many books and articles and performed studies that deal with the family. Many of his books are concerned with violence in society and some deal specifically with family violence.

In a study by Straus and his colleagues titled *Child, Maternal, and Family Characteristics Associated with Spanking*, it was found that 95% of two-, three-, and four-year olds were spanked by their parents within a year of the study (Giles-Sims, Straus, and Sugarman, 1995). Straus believes that there are many preschoolers who are hit on almost a daily basis. This, however, is not reflected in studies due to parents remembering only a small portion of the times they hit their child. Straus found that for every six times a parent hits a child, only one time would be remembered (Giles-Sims, Straus, and Sugarman, 1995). Studies that focus on adults and their past experience with being spanked show an underestimation of how often they were spanked. This is due to the long lapse of time and selectivity distorting memory.

Another article written by Straus is *New Evidence for Benefits of Never Spanking*. In this article Straus focused on five studies that proved corporal punishment has harmful effects. The first study looked at corporal punishment and antisocial behavior. They looked at three age groups: three to five, six to nine, and ten to fourteen. The participants were studied in 1988 and later on in 1990 and 1992. All age groups were measured by the amount of corporal punishment used and the antisocial behavior of the child.

The researchers also factored in other variables which may affect antisocial behavior. A few factors included the gender of the child, the cognition stimulation given to the child from the parents, the emotional support of the mother, ethnic group of the mother, and the socioeconomic status that the child lived in. The results of the study showed that the more corporal punishment that the parent used against the child, the greater the chance that the child exhibited antisocial behavior later in life. These results were found to be similar across the other variables that were factored in.

The next study covered antisocial behavior and fighting in school. This study, performed in 1997 by Gunnoe and Mariner, looked at 1,112 children that fell into two age groups: four to seven and eight to eleven. They took half of the report from the father and the other half of the information from the mother. The parent's interviews began between 1987 and 1988. Five years after the original interview the parents were interviewed again. The study revealed the more that the child was punished by using corporal punishment the greater antisocial behavior was exhibited by the children. Also regarding fighting in school it was found for White non-Hispanic children there was an increase in fighting in school for those who were punished with corporal punishment. Researchers found that as to African-American children there was a decrease in the amount of fighting. The researchers also discovered that in these families if there was no

corporal punishment there was little to no punishment in general. This helped show that corporal punishment is better than having no punishment for the child when the child should be reprimanded.

The next study discussed in the article was the effect on the child-to-parent violence. This study was conducted by Timothy Brezina in 1999 to research the effects of corporal punishment on boys in the Youth in Transition study. The study looked at middle school to high school aged boys and found that in the first year of the study 28% of the boys were slapped by their parents and 11% hit their parents (Straus, 2001). A year and a half later when the boys were re-interviewed 19% of the boys were being hit while 7% were hitting their parents. (Straus, 2001) They found that the boys who were hit as a child during the first year were two times more likely to hit their parents. This study did admit to having the flaw of not looking at other factors in the boys to see if corporal punishment was the main cause of violence against parents.

The fourth study researched dating violence to discover if there is any connection with corporal punishment. This study was performed by Simons Lin Gordon in 1998 and researched 113 boys in an area of Iowa. The study began with the boys in the 7th grade (around 13 years old). The study lasted for five years, and more than half of the boys were punished using corporal punishment. They were interviewed about their actions which included delinquent acts. These delinquent acts encompassed skipping school, stealing, physically attacking someone with a weapon, and their drug and alcohol use. They also factored in how long parents showed affection, monitored and supervised their children, and explained rules and expectations. The study found that those who were hit as a child for punishment were more likely to commit physical assault against their future girlfriends.

The advancement of a child's cognitive ability is important for the child to develop into a responsible and productive adult. These cognitive abilities include, "reasoning, remembering, understanding, and problem solving." (Bernstein, n.d.) The final study in Straus's article looked at the child's cognitive development and how corporal punishment affects said development. Straus and Paschall in 1999 looked at the effects on the child's cognitive development by studying 806 children of mothers in the National Longitudinal Study of Youth. This looked at children age two to four and repeated for 704 children ages five to nine. The study measured the mother's action that was observed during the interviews and their use of corporal punishment towards their child.

The researchers created a punishment scale by adding the number of times the parent spansks during a two week time period. Cognitive ability was measured by using the Peabody Picture Vocabulary Test. The mothers and children were studied again in two years. The study included factors such as the mother's age and education, the father's presence in the household, the number of children in the family, the mother's supportiveness, cognitive stimulation, ethnic grouping, and the child's age, gender, and birth weight. The study resulted in the researchers finding that their theory on cognitive development being hindered slightly by corporal punishment is consistent with other studies conducted around the same time (Straus, 2001).

An article from the Star-Ledger titled, *Study Reveals Evidence of New Side Effect of Spanking Children* (2013) brings to light the idea that spanking will affect test scores, specifically vocabulary. The study entitled *Fragile Families and Child Well-Being Study*, looks at 1,500 families in twenty cities and followed the children from their birth to the age of ten. The study looked at multiple variables that could have factored into low test scores to try to determine whether spanking was a factor that contributed to a child's lower test scores. It was

found that children spanked by their mothers at least, “twice a week scored 2.66 points higher on a test of aggression and rule-breaking.” (Netburn, 2013) When tested on their vocabulary those children who were spanked more than twice a week scored 5.7 points lower than those who were never spanked (Netburn, 2013).

A flaw in many of these studies is that they fail to look at the effects upon those children under the age of two who were subjected to spanking. A study performed in 2004 by Slade and Wissow named *Spanking in Early Childhood and Later Behavior Problems: A Prospective Study of Infants and Young Toddlers* observed children under the age of two. The study looked at 1,966 children from zero to twenty-three months. Slade and Wissow studied the children and then followed up with them four years later.

The two indicators of behavioral problems which were focused upon were a rating of the child's behavioral problems and the number of meetings the mother had with a school administrator. The study found that White Non-Hispanic children who were spanked at the young age were more likely to have behavioral problems. Hispanic and African American children who were spanked did not show a significant or even a consistent result when it came to the behavior problems and the amount of times that a child was spanked. This study was found to be consistent with two other studies that were conducted around this time.

When punishment crosses into child abuse, the punishment is found to cause many negative effects on the behavioral and psychological aspects of the child. According to Wallace in *Family Violence: Legal, Medical, and Social Perspectives*, the child may become withdrawn or aggressive in an excessive amount when the chastisement is negatively affecting a child (Wallace, 43). These behaviors must be looked at on a closer level and paired with other indicators to show that child abuse has been committed. Some of these other behaviors include

wear larger and more covering clothes when unneeded, poor academic achievement, and is easily frightened for example (Wallace, 43). Corporal punishment has been shown to cause an increase in aggression and lowering academic performance. It has also been found to cause antisocial behavior, which may include and not limited to withdrawal from people. Many children become frightened of the pain that their parent(s) may inflict. This shows that corporal punishment should be considered as a mild form of child abuse. There is a lack of the physical manifestations that child abuse has; however, the psychological manifestations can be seen.

All of these studies have shown that there are many different ways that corporal punishment affects children and their development. Certain cognitive abilities are slowed, violence towards others and antisocial behavior is increased, and memory cannot be relied upon when it comes to recounting the frequency and intensity of the corporal punishment. Research on corporal punishment has focused on spanking since it is the most used form.

Chapter Four: How the U.S. Law Views Corporal Punishment

The state and federal governments agree with the right of parents to choose how to raise their children. Neither the federal government nor the state's government have made corporal punishment illegal in the homes of the United States. This right given to parents has always been respected by the courts. This is one reason that corporal punishment has continued to exist in the United States. The government tries not to intrude on the family unit unless necessary. Punishment of children is one of the topics that government has decided not to intrude on until it is suspected of being child abuse or neglect. The courts are hesitant to employ the *parens patriae* doctrine in this area of parenting.

The federal government has, however, enacted the Federal Child Abuse Prevention and Treatment Act, also known as CAPTA. This act was enacted in January of 1974 and helps to protect children by giving federal funding to states that have set up ways to prevent, assess, investigate, prosecute, and treat victims of child abuse. CAPTA has its own definition of child abuse which is the basis for many of the state laws. Child abuse and neglect was defined by CAPTA as:

“the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under the circumstances which indicate the child's health or welfare is harmed or threatened thereby as determined in accordance with regulations prescribed” (Schwartz-Kenney, McCauley and Epstein, 244).

In 1996 the definition of child abuse was listed as:

“The term child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents and imminent risk of serious harm” (Administration for Children and Families, 2013).

Neither definition deals with corporal punishment directly. Nevertheless, much of the funding through CAPTA goes towards victims of corporal punishment that has crossed over into the realm of child abuse in the eyes of the law.

States are empowered to pass legislation on corporal punishment and child abuse in the home based on what the public opinion of the issue is. Corporal punishment is only recently being banned from schools in many states. Nineteen states currently have no legislation prohibiting teachers from using corporal punishment in either a public or private school setting. All states have the of statutes that outlaw child abuse; however, the banning of spanking and other less serious forms of corporal punishments in the home has not even been addressed. When it comes to corporal punishment in school most states have banned the use in at least private school settings; yet, only two states, New Jersey and Iowa, have completely abolished its use of it in both private and public schools.

The best method to discover a state’s stance on corporal punishment is to review its statutes and case law. New Jersey is one of the more progressive states as to protecting children from violence. New Jersey has attempted to balance the protection of children with parent’s rights by allowing parental figures to have the choice over punishment, but taking corporal punishment away from teachers and school administrators.

The New Jersey state statute 9:6-1 is named *Abuse, Abandonment, Cruelty, and Neglect of Child*. This statute covers what constitutes as abuse. The definition of abuse according to New Jersey is:

“Abuse of a child shall consist in any of the following acts: (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation” (Abuse, Abandonment, Cruelty and Neglect of a Child, N.D.).

The use of corporal punishment by parents is considered to be legal. If a parent or guardian, “Unreasonably inflicts, or allows to be inflicted, harm or substantial risk thereof, including the infliction of excessive corporal punishment or by any other acts of a similarly

serious nature requiring the aid of the court” it will be considered abuse (Administration for Children and Families, 2011). The law does not define at which the physical punishment becomes excessive or unreasonable. By not creating a minimum, New Jersey judges have discretion over the cases they preside. The New Jersey Administrative in 10:129-2.2(a) gives examples of injuries that may indicate child abuse or neglect. This includes:

“1. Child death; 2. Head injuries; 3. Internal injuries; 4. Burns; 5. Poison or noxious substances; 6. Wounds; 7. Bone fractures; 8. Substantial risk of physical injury or environment injurious to health and welfare; 9. Cuts, bruises, abrasions, welts or oral injuries; 10. Human bites; 11. Sprains or dislocations; 12. Mental or emotional impairment; and 13. Risk of harm due to substance abuse by the parent/caregiver or the child” (NJ 10:129-2.2(a)).

This definition includes bruising as one of the indicators that excessive corporal punishment may have occurred. This is consistent with the way many Americans feel when it comes to corporal punishment.

There are many cases that have been decided the court system and set precedent for the idea of what is corporal punishment. An example of this would be the *Department of Children and Families, Division of Youth and Family Services v. K.A.* This case was decided in October of 2010. A mother, K.A., had hit her child multiple times with a closed fist and left a bruise that was visible days after the hitting had occurred. The incident occurred out of anger and was isolated. There was no reason to believe the child was in significant danger and needed to be removed from the mother’s care. Therefore, the Superior Court of New Jersey decided that there was no reason to convict the mother of abusing her child.

This case displayed one version of corporal punishment which was not spanking, the most common form of corporal punishment. The mother used a closed fist to strike her child. If this was done against an adult or a child that was not related to K.A. there would be a much different outcome. This is an example of the courts allowing parents to discipline and have control over their family. The court believed that this was an isolated incident and that the mother was remorseful over her actions. They felt that she should not be labeled an abuser and should be given another chance.

The case *New Jersey Div. of Youth and Family Services v. P.W.R.* is one that also places boundaries on corporal punishment in New Jersey. Here the stepmother Pam had on multiple occasions struck her teenage step child Alice in the face. Alice's father Charlie was a rehabilitated drug addict and Pam was his new wife. Alice had told her grandfather that Pam had struck her and she needed to leave. There were many other allegations which related to child neglect that are irrelevant to this discussion. Charlie and Pam both admitted that Pam hit Alice in the face and Charlie did not stop her from doing so. The caseworker had testified that Alice had no injuries to prove physical abuse and there was no proof of physical abuse occurring. The first court had stated that there was abuse; however, on appeal to the Supreme Court of New Jersey held that because the slaps were occasional and did not leave markings there was no reason to believe that the child was abused.

This case evidence shows that there is a frequency to the corporal punishment. The punishment was used when Alice was misbehaving in the parents' opinion. Some of these punishments were given to Alice for coming home late from work or when she was found to be sexually active. The parents believed that Alice was a problem child. Pam used smacking Alice's

face as a way to change her behavior. The smacking left no marks or injury, so the court felt that this was not an abusive situation.

New Jersey is also one of the few states that make it illegal for teachers to corporally punish children. The law holds that those who are employed in public or private institutions of education cannot use corporal punishment on students. New Jersey and Iowa are the only two states that have a law concerning the use of corporal punishment in the private school setting. This law was created to stop the possible abuse of children in school settings. There are many stories of those students, who are now older, speaking of their experiences with teachers using corporal punishment. These stories are now unfathomable to today's New Jersey students.

The statute in New Jersey against educational staff using corporal punishment is known as the Corporal Punishment of Pupils statute (N.J. Stat. Ann. § 18a:6-1, 1968). This states:

“No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary: (1) to quell a disturbance, threatening physical injury to others; (2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil; (3) for the purpose of self-defense; and (4) for the protection of persons or property; and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intent of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil

attending a school or educational institution shall be void” (N.J. Stat. Ann. § 18a:6-1, 1968).

This forbids adults in the educational field from striking a child for reasons other than those listed in the statute. This protects children from being abused in the school setting by those that should be educating them. It wasn't that long ago that New Jersey had allowed this type of punishment. There are stories of the Nun who slaps your hand with a ruler, although this is not the worse stories heard from older generations in America. Most states in the U.S. have continued to allow corporal punishment in school.

Iowa's law on corporal punishment in schools is very similar to the one in New Jersey. It states:

“An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, *“corporal punishment”* means the intentional physical punishment of a student. An employee's physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section” (Iowa Code Ann. § 280.21 (1)).

This explains that corporal punishment is illegal in both public and private educational facilities, as in New Jersey. Both laws allow for teachers to use force in times of need. These times of need are strict and must be proven to be true by the teacher. In Iowa some of these exceptions include:

- a. Encouraging, supporting, or disciplining the student.
- b. Protecting the employee, the student, or other students.
- c. Obtaining possession of a weapon or other dangerous object within a student's control.
- d. Protecting employee, student, or school property.
- e. Quelling a disturbance or preventing an act threatening physical harm to any person.
- f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.
- g. Preventing a student from the self-infliction of harm.
- h. Self-defense.
- i. Any other legitimate educational activity” (Iowa Code Ann. § 280.21 (2)).

These are the reasons that a teacher must prove to justify reasonable force and without one of these reason being proven a teacher would be found guilty in the state of Iowa of using corporal punishment in an educational environment.

Chapter Five: A Cross-Cultural View on Disciplining Children

There has been a movement by countries around the world to abolish corporal punishment against children inflicted by both educators and parental figures. There are 36 current countries which have abolished corporal punishment in the home. Examples of these are Honduras, Spain, and Sweden. There are many countries who have outlawed students from being corporal punished by school officials. Some of these include Afghanistan, Canada, and Taiwan.

The first country to abolish corporal punishment in the home was Sweden. This occurred in 1979 and was decided to be law by the Children's Right Commission. This bill states:

"Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment." (End All Corporal Punishment, 2013)

This is a provision that was added to the Parent and Guardianship Code. This provision made it illegal for people to use any form of corporal punishment to correct their child's behavior. They set the example that parenting is not about force, but rather about teaching.

This provision also created a method to educate parents on other ways of disciplining children without corporal punishment. Sweden wanted to correct what they believed to be a corporal punishment problem. There was a pamphlet that was given to all households in Sweden speaking about the new law and alternatives a parent may use.

A study was performed a few years after the ban. The purpose was to test the three main goals of the provision. These goals were to: "reduce public support for corporal punishment, encourage earlier identification of children at risk of physical abuse and to facilitate earlier with

more supportive interventions.” (Durrant, 2000) The study was named *A Generation Without Smacking: The impact of Sweden’s ban on physical punishment*. According to the research the goals of Sweden were beginning to work. (Sweden, 2013) Even though there has been a spike in the reported number of assaults against children; this is beginning to decline, which is expected for a law of this magnitude. With these goals beginning to take off, corporal punishment is moving to become a thing of the past in Sweden.

In Spain beginning in 1999 when the Ministry of Employment and Social Affairs began to raise awareness of the corporal punishment and the dangers that came with it, and the government urged people to change the manner in which they punished their children. This was the first of many steps that started Spain on the way to fully abolishing corporal punishment. The law which prohibited parents from using corporal punishment was signed on December 20th, 2007. This law was placed in the Civil Code of Spain and had changed the previous law which gave parents the right to “reasonable and moderate corrections.” (Spain, 2013) Spain in 1985 made it illegal for educators to use corporal punishment.

These laws make it clear that respect should be given to children. Spain wants to treat children in much the same way that they treat adults. We know it is illegal for one to hit another person without legal justification or else its criminal assault. Assault charges would be brought against as adult who had hit another adult. Spain felt that this should also extend to children. This country wanted to treat children with respect and protect them from an increased chance of abuse and antisocial behavior. If a parent or teacher uses corporal punishment against a child it is punishable by law.

Honduras is the most recent country to abolish corporal punishment on September 6th, 2013. This law made it illegal for corporal punishment in both the educational and home

environments. Prior to this law the parents had a right to discipline their children as they pleased. A new law added to the Code on Children and Adolescents in 1996 stating, “all inhuman, violent, terrorizing, humiliating or destructive treatment, even when it is supposedly done for disciplinary or corrective measures, regardless of who commits it” (Honduras, 2013).

This new law, however, did not apply to parents, since they are governed under another section of law. These changes lead to the amendment of the Family Code in 2013 which prohibited parental use of corporal punishment against their children. This section of the law included prohibiting family members from corporally punishing children. In the same year Honduras made it illegal to sentence children to corporal punishment for a crime they had committed.

Afghanistan is known as a very violent country due to the presence of the Taliban and the wars that have been historically fought there. Many people would over look what the country has done to protect their children. This is the signing into law a statute pronouncing corporal punishment to be illegal in the educational field. Afghanistan allows parents to discipline their child as they please, but school officials cannot harm a child with the use of corporal punishment.

This law, however, is found to not be effective since it is not properly enforced. Schools have continued to use corporal punishment. In 2008 a study was conducted to see if there was any corporal punishment still being used in the schools to correct behavior. All boys’ classrooms and 20% of girls’ classrooms in Afghanistan were found to have evidence of corporal punishment (Afghanistan, 2013). This normally happened through hitting the children with sticks. The schools have continued to use and allow corporal punishment to occur.

Corporal punishment is part of their culture and continues to be implemented, just like in the U.S. This is a hard thing to stop from occurring since parents normally agree with the teachers' actions and the child had done something wrong and they deserved it. Many of the people in Afghanistan are Muslim and believe that Shari'a law is what they should be governed by. Shari'a law allows the corporal punishment of children.

Canada has made corporal punishment illegal in schools in most provinces. Alberta and Manitoba have yet to join the other eleven in their choice to change, but most school has policies against it. In a ruling of the Supreme Court in 2004 corporal punishment used by teachers was found to be unlawful unless there is a need to remove the child from class (Canada, 2013). This is typical amongst corporal punishment prohibition laws.

Taiwan is another country which laws have prohibited corporal punishment in school, but not in the homes. There it is illegal in all schools and any other educational institution to use corporal punishment, as this was established in 2006. The prohibition of corporal punishment is has still been implemented in school; however, it is occurring at a lower rate than before. The rates of such acts continue to drop. However, the newest punishment that is taking corporal punishments place is called fazhan. This is when the child is forced to stand for a certain amount of time as punishment, within two years there was a 25.3% increase in the use of fazhan (Taiwan, 2013).

When comparing these countries to the United States it is almost impossible to find similarities in the culture of the societies. Many of these countries have a different lifestyle, political beliefs, cultural traditions, and religions. The one thing they do currently have in common is that there is a belief that corporal punishment of children is wrong in the school

setting. All of the countries and some of the states in the U.S. have declared that corporal punishment illegal.

Hopefully, over the next few years more countries will move to abolish corporal punishment. There are many organizations which strive to see the world abolish and prohibit corporal punishment of children in the homes, schools, and as punishments in the judiciary system. However, this will take time to convince people that corporal punishment is not the method needed to raise a child in today's world.

Conclusion

Corporal punishment in America and across the world is a difficult subject in which to give a comprehensive explanation. There are many different traditions and cultural aspects that affect the way people view their community or country. However, corporal punishment is still the norm and a majority of parents in the United States use some form of corporal punishment to discipline their children.

The most common form of corporal punishment is spanking. Most studies focus on spanking since it is the most prevalent form. Spanking and other forms of corporal punishment are considered to be violent to those who choose not to employ these methods. Many experts in child raising and therapy are against corporal punishment, but in many countries this form of punishment is considered acceptable and is very rarely challenged in public. Corporal punishment is typically supported by a majority of people in the U.S.

Today there are many people who wish that parents would use more corporal punishment and many believe that without corporal punishment they would not be productive members of society. There are many instances when someone believes a child needs physical punishment due to their attitude or bad actions. The question is whether it is the best punishment for a parent to use. This personal choice is left up to the parents.

Many parents are consulting different experts, books, classes, and studies to help in the process of choosing a punishment. Those people who choose to be non-spanking parents use different sources and follow experts who believe that corporal punishment does more harm than good. When it comes to spankers many will follow their tradition, family, and friends instead of consult more of an independent source like non-spankers.

The book *Spank your Child Please* was written for spankers to give instruction and help as to the appropriate way to use spanking. Thompson also wished to express his thoughts on children of non-spankers being more of a handful, because their parents chose to not cause the child pain instead of teaching them right from wrong.

Many studies have been written on the subject of corporal punishment. Many find this form of punishment is harmful to children in multiple ways. The most important corroborated finding is that spanking can cause violent and antisocial behavior. This is understandable due to the violent nature of the punishment. The violence of the punishment is accepted by the children who have received such punishment and therefore they will punish other children in a similar way during play and later in their adult life, they will continue to find this acceptable without proper direction.

Another finding is that corporal punishment lowers cognitive behavior and vocabulary, both are crucial for adulthood. Cognition and vocabulary are factors in achieving a higher paying career, instead of a dead end job. For example, this is not to say that this always impedes corporally punished children when they became adults, but rather it is to show the importance of cognition. Children who were corporally punished have had a portion of their cognitive and vocabulary abilities taken from them. These skills could be integral in their future.

Many people corporally punished as children are nevertheless successful in their adult life, but unfortunately this helps to perpetuate the use of corporal punishment. These people believe that corporal punishment had no effect, since there were no obvious lasting effects. Every person is different and the spanking experience is never done with exactly the same force. Although, we find some patterns through studying corporal punishment; since, the strength in which the child is hit and the frequency of the punishment varies, this causes us to be unable to

state with certainty a general finding of the effects of corporal punishment on children. We do know, however, that in many cases the experience of corporal punishment is forgotten over time by the child, unless the event was so traumatic or frequent that it remains in the memory into adulthood.

The governmental tendency is to refrain from interfering in parental affairs unless there is a case of clear criminal abuse that occurs. As in the case K.A. there was no reason to find that what she did was abuse since it had only happened once. In the case of Alice and her stepmom Pam the Judge felt that the smacking of Alice's face was using an excessive amount of force or frequency. These two cases are examples of how the courts define abuse through case law. The Judge, instead, decided that labeling the mothers as an abuser was unneeded and that the other circumstances around the case did not merit them being labeled as abusers. For a person to be convicted of child abuse the trauma and injury to the child must be great and the frequency should show that it happens often.

It is more difficult to understand child abuse and corporal punishment due to the definitions of what is considered abuse. Some people in the United States believe that corporal punishment is just punishment while others consider it to be child abuse. The minimum amount of force needed to declare child abuse is uncertain in both the law and public opinions. These vague definitions leave much room for interpretation and discretion. The judge in these cases look over all of the details and decide if abuse has occurred.

There are countries that have joined with organizations to end corporal punishment, though new laws. The problem that arises is the difficulty to enforce these laws. Countries struggle in enforcing the ban on corporal punishment which is still occurring in their country. All they can do is hope that it would change. A majority of countries have agreed to various degrees

that corporal punishment is wrong in the school setting and educators across the globe have been banned the use of corporal punishment against their students. This is yet another ethical debate over corporal punishment.

The abuse through corporal punishment must be closely scrutinized. There should be little tolerance as to on how often and how much force is used when corporal punishment is administered. Corporal punishment is ingrained into the U.S. culture. To change laws would do little to help, because families would continue to use corporal punishment. They would just be more cautious so that they do not get caught.

The illegality of an act in itself does not always deter people from committing the act. In Afghanistan for instance, the corporal punishment of children in schools is forbidden. However, there are still a great number of schools that allow corporal punishment. Through making it illegal, the law will help to change peoples' minds about the use of corporal punishment, but that takes time.

The only way to change parenting is through educating the parents as to alternative methods of punishment. Many parents do not take the time to properly employ the time out method or when they do and it doesn't work or the child tests their patience they revert to corporal means of punishment. This is not good for the child in any way and is the equivalent of not having any effective discipline.

To use any punishment method a parent must take his or her time to learn how to proper administer it. There are do's and don'ts to every punishment. Parents who cross these lines can negatively affect their children. When deciding on a punishment a parent should research using the multiple sources of information as to an appropriate method or manner of punishment.

Hopefully in the future the U.S. will banish corporal punishment, but this can only happen if there is an education of parents as to the negative effects of corporal punishment. This, however, is difficult to foretell.

Parents in the United States have the right to decide which punishment to use in raising their children. As the saying goes, children are our future. Parents must find ways to raise their child into productive citizens. There is no set punishment that works on every child. Some children may need to learn through the pain of controlled corporal punishment. Others may need to learn by making mistakes. Some children just need to be told and they listen.

The most effective parent should employ a variety of punishments and decide which punishment is proper for the behavior they wish to correct. Parents should understand from the court's decision. When one punishment does not work then a higher severity should be given. Corporal punishment may be used, but a parent should not constantly rely on physical punishment to correct behavior.

A child has their own personality and experiences. Different punishments work for different children. A good parent will recognize this and determine the right way to raise the child. Part of this is to discover what punishment works for their child, while avoiding negative physical, mental, and emotional effects as best as possible. The parents must teach their child what is right and wrong and not just punish. This is the best way to parent. There must also be the component of explaining why the punishment is being imposed.

Corporal punishment causes a wide variety of negative effects. These effects may affect a child negatively later in life. This is the opposite of what parenting should be. Physical punishment should not be a substitute for punishment with less harmful effects. Punishment is a

parent's choice; however, by starting with less severe punishments and working their way up in severity, parents can achieve the change in behavior while reducing the serious effects of more invasive punishments.

My personal opinion is that corporal punishment is unnecessary to parent. There are many other preferable methods which are non-violent. These punishments will cause less negative effects and do not cause physical harm. When punishment is paired with an explanation to the child as to why they were punished the child's behavior will be corrected. While these other methods take more time and patience in the end it is better for the child. Corporal punishment by itself can cause more harm than good if there is not a clear understanding by the child of why their actions were wrong. No matter what punishment is chosen by the parents, the child must be aware of what they did wrong and why they should not perform the action again.

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