

THE CASE AGAINST CORPORAL PUNISHMENT OF CHILDREN

Converging Evidence From Social Science Research and International Human Rights Law and Implications for U.S. Public Policy

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Although support for corporal punishment of children remains widespread in the United States, there is a substantial body of research from psychology and its allied disciplines indicating corporal punishment is ineffective as a disciplinary practice and can have unintended negative effects on children. At the same time, there is a growing momentum among other countries to enact legal bans on all forms of corporal punishment, bolstered by the fact that the practice has come to be regarded as a violation of international human rights law. The authors summarize these developments in research and law as well as the current legal status of corporal punishment of children in the United States. The authors conclude with 4 proposed program and policy strategies to reduce the use of corporal punishment in the United States by both parents and school personnel.

Keywords: corporal punishment of children, international human rights law

It will come as no surprise to readers that corporal punishment of children is a controversial issue throughout the United States, including within academia, in political arenas, and among the public at large. The academic debate is largely divided into those who argue that corporal punishment in some circumstances is effective and sometimes necessary to discipline children (Baumrind, 1996; Larzelere, 1993) and those who assert that there is very little benefit and rather a substantial risk of harm from using corporal punishment on children (Gershoff, 2002; Lytton, 1997; McCord, 1997; Straus, 2001). The debate also continues among the public, with popular press newspapers and magazines continuing to publish articles each year regarding the debate about pros and cons of using corporal punishment with children. In 2006 alone, articles appeared in *American Baby* (Lorenzi, 2006), *Men's Health* ("Corporal Punishment," 2006), *The New York Times* (Lyman, 2006), *Parenting* (O'Callaghan, 2006), *Time* (Paul, 2006), and *USA Today* (Jones, 2006), among many other similar publications.

What may come as more of a surprise to Americans is that discussions of corporal punishment of children outside the United States have moved beyond

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academic (in both senses of the word) debate. Over the past decades, authoritative bodies, charged with interpreting treaties, have deemed the practice to be a violation of international human rights law and have urged nations to institute domestic bans on it (United Nations: Committee on the Rights of the Child, 2006; Council of Europe, Parliamentary Assembly, 2005; Council of Europe, Commissioner for Human Rights: Hammarberg, 2006; United Nations Study on Violence Against Children: Pinheiro, 2006). In 2007 alone, Chile, the Netherlands, New Zealand, Portugal, Spain, Uruguay, and Venezuela adopted legal bans of all corporal punishment of children, be it by parents, teachers, or other caregivers, bringing the number of countries with total bans to 23 (Global Initiative to End All Corporal Punishment of Children [Global Initiative], 2007b). An additional 91 of the world's 231 countries and principalities have banned corporal punishment of children by teachers or school administrators (Global Initiative, 2007a).

For the purposes of this article, we define corporal punishment as the use of physical force, no matter how light, with the intention of causing the child to experience bodily pain so as to correct or punish the child's behavior (Bitensky, 2006; Committee on the Rights of the Child, 2006; Straus, 2001). Such physical force typically includes hitting children either with a hand or with an object. In the United States, corporal punishment is known by a variety of euphemisms, including spank, smack, slap, pop, beat, paddle, punch, whup/whip, and hit (Davis, 1996; Mosby, Rawls, Meehan, Mays, & Pettinari, 1999). Corporal punishment is synonymous with physical punishment; we use the former as it is the term universally used by the international research and human rights communities, as well as by school systems in the United States.

Corporal punishment remains a common child rearing practice in the United States. In a nationally representative survey of almost 1,000 parents of 1- and 2-year-olds, 63% reported using physical punishment (Regalado, Sareen, Inkelas, Wissow, & Halfon, 2004). A smaller survey of parents of 1- and 2-year-olds found a very similar rate of corporal punishment, at 65% (Socolar, Savage, & Evans, 2007). We analyzed data from a nationally representative longitudinal study of over 21,000 children (the Early Childhood Longitudinal Study, Kindergarten Class of 1998–1999; West, Denton, & Reaney, 2000) and found that by the time these children reached the fifth grade in 2003, 80% had been corporally punished by their parents. Similarly, most of the adolescents in a recent study reported having been slapped or spanked (85%), and half reported having been hit with a belt or similar object (51%; Bender et al., 2007). Thus, despite the common belief that most parents do not spank anymore (and that child behavior has deteriorated as a result), in reality, a majority of parents of young children physically punish them, and most children have been physically punished by the time they reach adolescence. Although less common than in homes, corporal punishment continues to be used in schools as well; in the 2004–2005 school year, corporal punishment was administered to a total of 272,028 school children across the nation (Office for Civil Rights, 2007). The fact that the prevalence of corporal punishment remains high in the United States at a time when countries around the world are taking measures against it indicates a need to assess the effects of corporal punishment on American children as well as to evaluate its status in light of international human rights law.

In this article, we evaluate the empirical and legal aspects of the debate about corporal punishment of children in the United States. First, we review research

from psychology and its allied disciplines that indicates corporal punishment is ineffective as a discipline practice and can have unintended negative effects on children, including physical abuse. Second, we describe the growing consensus within the international community that corporal punishment of children constitutes a human rights violation. Third, we delineate the legal status of corporal punishment in the United States. Fourth, we review the legal status of corporal punishment in other countries, including a detailed history of the Swedish ban on corporal punishment—the first in the world. Fifth and finally, we end the article by proposing four program and policy strategies to reduce the use of corporal punishment by both parents and school personnel in the United States.

Research Evidence Regarding the Impacts of Corporal Punishment on Children

A large body of research over the course of the past hundred years has examined the effectiveness of corporal punishment as a means of correcting child misbehavior as well as its potential unintended negative side effects for children. It is a peculiar hallmark of the debate surrounding corporal punishment that the preponderance of literature examining its impacts has not looked at whether it is successful in achieving the goals parents have when using it, namely, promoting children's obedience and reducing problematic behaviors. Rather, most research has examined whether corporal punishment might have unintended negative effects, such as increasing children's levels of aggression. However, it is important to first examine the evidence of its effectiveness, or the lack thereof, in achieving parents' short- or long-term goals in using corporal punishment. There is, after all, no reason to resort to corporal punishment in the first place if it does not work.

In the sections that follow, we refer to the findings of a comprehensive review and meta-analysis of the effects of corporal punishment (Gershoff, 2002). Gershoff (2002) reviewed 88 studies that had been conducted over a period of 62 years and calculated average effect sizes for the associations of corporal punishment with 11 child outcomes. We complement the Gershoff findings with summaries of the findings from more recently published research.

Does Corporal Punishment Promote Child Obedience and Reduce Child Problem Behavior?

Parents use corporal punishment primarily to reduce undesirable child behavior in the present and to increase desirable child behavior in the future. It is useful to consider the success with which corporal punishment achieves these two goals separately, given that one is an immediate, short-term goal while the second is a future, long-term goal. The empirical findings on the short-term effectiveness of corporal punishment in achieving child compliance are mixed. Although the Gershoff (2002) meta-analysis of five studies examining children's immediate compliance with a parent's use of corporal punishment found a positive effect on average, the findings were highly inconsistent. The meta-analysis was primarily driven by the large effect size reported by one study ($d = 3.39$; Bean & Roberts, 1981) but also included two other studies by the same investigator, one that basically found no relationship ($d = -0.01$; Day & Roberts, 1983) and one that found a negative relationship ($d = -0.25$;

Roberts & Powers, 1990). It is also worth noting that these authors have clearly stated that corporal punishment is not the only way to control child behavior and that parents with a history of abusing their children should be counseled not to spank (Day & Roberts, 1983; Roberts & Powers, 1990).

Although parents clearly hope to promote children's future compliance with whichever discipline technique they choose, exactly how corporal punishment should foster children's long-term compliance or moral internalization is unclear from psychological theory and research. At its most basic, the association of a negative stimulus with a behavior should make the behavior less likely in the future. Yet this type of obedience is not thought of as internalized because it likely only occurs if the child perceives the threat of punishment to be high (e.g., the parent is nearby and likely to administer punishment). The primary goal of any socialization should be to promote children's internalization of the reasons for behaving appropriately rather than to behave solely to avoid punishment (Hoffman, 1983; Lepper, 1983). The research to date indicates that physical punishment does not promote long-term, internalized compliance. In contrast to the findings on immediate compliance, the findings regarding corporal punishment as a predictor of moral internalization are more consistent, with 85% of the studies included in the Gershoff (2002) meta-analysis reporting corporal punishment to be associated with less moral internalization and long-term compliance. Similarly, the more children receive physical punishment, the less likely they are to express empathy for others (Lopez, Bonenberger, & Schneider, 2001).

Parents report that one of the main instances in which they use corporal punishment is when their children have behaved aggressively, such as hitting a younger sibling, or antisocially, such as stealing money from parents (Catron & Masters, 1993; Holden, Coleman, & Schmidt, 1995; Zahn-Waxler & Chapman, 1982). Yet there are many reasons to suspect that physical punishment may increase, rather than decrease, children's aggression and antisocial behavior, including that it models the use of force to achieve desired ends (Bandura & Walters, 1959; Eron, Walder, & Lefkowitz, 1971) and increases the likelihood that children will make hostile attributions that, in turn, increase the likelihood that they will behave inappropriately in social interactions (Dodge, 1986; Weiss, Dodge, Bates, & Pettit, 1992). Thus, it is particularly important to determine whether corporal punishment is effective in achieving one of parents' main goals in using it, namely, to reduce children's aggressive and antisocial behaviors. In Gershoff's (2002) meta-analysis of 27 studies, every one of the studies found corporal punishment was associated with more, not less, child aggression. Of the 13 studies included in a meta-analysis of the association of corporal punishment to child antisocial behavior, 12 found more corporal punishment was associated with more antisocial behavior. In both cases, the size of the association was moderate (aggression: $d = 0.36$; antisocial behavior: $d = 0.42$; Gershoff, 2002). Similarly, in recent studies of children around the globe, corporal punishment has been associated linearly with more physical aggression (Canada: Pagani et al., 2004; China: Nelson, Hart, Yang, Olsen, & Jin, 2006; China, India, Italy, Kenya, Philippines, and Thailand: Gershoff et al., 2007; Lansford et al., 2005; Singapore: Sim & Ong, 2005), verbal aggression (Canada: Pagani et al., 2004), physical fighting and bullying (United States: Ohene, Ireland, McNeely, & Borowsky, 2006), antisocial behavior (United States: Grogan-Kaylor, 2004, 2005), and

behavior problems generally (Norway: Javo, Rønning, Heyerdahl, & Rudmin, 2004; United States: Bender et al., 2007; Kerr, Lopez, Olson, & Sameroff, 2004; McLoyd & Smith, 2002).

The main conclusion to be drawn from these highly consistent results across the empirical literature is that if parents' goals are to increase children's moral internalization and to decrease their aggressive and antisocial behavior, there is little evidence that corporal punishment is effective in achieving these goals.

How Do We Know That Parental Corporal Punishment Causes Increased Child Defiance and Problem Behavior?

The research summarized above suggests that, when examined through the lens of a parent's goals, corporal punishment is not successful in achieving increases in long-term compliance and decreases in defiant and aggressive behavior. Because experiments assigning children to parents who spank or not or assigning parents to spank or no-spank conditions are both unfeasible and unethical, much of the research on parental corporal punishment is correlational (i.e., measuring relations among variables within one point in time) and thus precludes conclusions about direction of effect (Baumrind, Larzelere, & Cowan, 2002; Gershoff, 2002). Although there are many examples of rigorous, prospective, longitudinal studies of the effects of corporal punishment on children's later development that provide some ability to draw causal conclusions (discussed below), the field's overall reliance on correlational studies of corporal punishment has left open the possibility that the causal pathway may not be entirely (or at all, by some accounts) from parent to child as is typically assumed. Two primary alternative hypotheses have been offered to explain the association of parent corporal punishment with higher levels of defiance and problem behavior in children. The first such hypothesis is that this association is a child effect (Bell, 1968), or, in other words, it is the result of difficult children eliciting corporal punishment from their parents rather than of parents' use of corporal punishment causing children to be aggressive (Baumrind et al., 2002; Benjet & Kazdin, 2003; Larzelere, Kuhn, & Johnson, 2004). The other alternative hypothesis is that a third variable altogether, namely, shared genetics, predicts both parental corporal punishment and child problem behavior, and thus, the found associations between them are spurious (Reiss, 1995). We consider each hypothesis in turn,

The child effect alternative hypothesis. The crux of this argument is that children high in problem behavior are more likely to frustrate their parents, who in turn will be more likely to use harsh discipline, in which case the direction of effect would be from child to parent rather than from parent to child (Baumrind et al., 2002; Benjet & Kazdin, 2003; Larzelere et al., 2004). Some support for the reasoning behind this alternative hypothesis comes from experiments in which both familiar and unfamiliar adults behaved more harshly with children who were difficult (Anderson, Lytton, & Romney, 1986). Furthermore, parents use punishments generally and corporal punishment in particular more for misbehaviors involving aggression (Grusec & Kuczynski, 1980; Holden et al., 1995; Socolar & Stein, 1995), so it is reasonable to expect that children who engage in frequent aggressive acts would be corporally punished by their parents more than would less aggressive children.

One way to address this question is by including initial levels of child problem behavior as a predictor along with parent's use of corporal punishment to predict later child problem behavior. By controlling for initial levels of child problem behavior, such analyses are able to look at the unique prediction of corporal punishment as if all children had average levels of problem behavior. Studies reporting such analyses continue to find that corporal punishment predicts later problem behavior even after initial levels of such behaviors and race, gender, and family socioeconomic status have been controlled (e.g., Grogan-Kaylor, 2004, 2005; Gunnoe & Mariner, 1997; Singer, Singer, & Rapaczynski, 1984; Weiss et al., 1992). These studies thus do not support the child effect hypothesis and rather lend support to the parent-to-child direction of effect.

Yet such studies do not directly test whether child behavior problems predict parent corporal punishment in the future, which would be needed to entirely rule out the possibility that a child-to-parent direction of effect is at work. A second line of research addresses this possibility by comparing parent- with child-effect pathways using cross-lagged structural equation models. Cross-lagged models simultaneously estimate predictive paths from parental corporal punishment to child behavior and vice versa. Two such studies do confirm the presence of a child effect on the frequency with which parents use harsh (including corporal) punishment (Cohen & Brook, 1995; Kandel & Wu, 1995), while a third did not find a child effect on harsh punishment (Campbell, Pierce, Moore, Marakovitz, & Newby, 1996). In contrast, all three of these studies also found strong parent effects on later child behavior problems, and by comparing the percent of variance explained, Kandel and Wu (1995) concluded that initial child behavior problems and initial parent harsh punishment did a better job predicting subsequent child behavior problems in their cross-lagged model than they did subsequent harsh punishment.

A very strong test of parent versus child effects comes from a recent evaluation of a parent-training program that included reduction of corporal punishment as a goal (Beauchaine, Webster-Stratton, & Reid, 2005). The study examined change in parents' use of corporal punishment as a mediator of the impact of parent training on children's externalizing problem behaviors. Crucially for the alternative hypothesis at hand, the model explicitly tested whether the parent training reduced child externalizing behavior problems by reducing parents' use of corporal punishment (a parent effect) after controlling for child effects at baseline and across time. Results from research with over 500 families revealed that significant reductions in children's externalizing behavior problems were a direct result of decreases in parents' reliance on corporal punishment as a result of program participation (Beauchaine et al., 2005). These analyses present strong support for a causal link between parents' use of corporal punishment and children's subsequent behavior problems.

The shared genetics alternative hypothesis. The second main alternative hypothesis is that the association between parental corporal punishment and child aggression or problem behavior is explained by the fact that both are predicted by the same factor, namely, shared genetics. Proponents of this hypothesis argue that a shared genetic predisposition to be aggressive could result in both parents and children being easily frustrated and aggressive, which is manifest as harsh discipline by the parent and aggressive and problem behaviors in the child. The implication is that it is not a parent's use of corporal punishment that makes his or her child more aggressive

but rather that a parent's tendency to become aggressive when frustrated may be inherited by the child and that it is this shared aggressive tendency that causes parents to use corporal punishment and children to act aggressively toward peers (Reiss, 1995). Given that parents' use of corporal punishment has been found to have a nontrivial heritable component (Wade & Kendler, 2000), it is indeed feasible that shared genetics may underlie both parent and child behaviors. We summarize the results of four separate studies that have examined the potential genetic basis for the association of parental corporal punishment with child behavior problems.

The first of these studies actually started by investigating the flip side of the argument, by examining whether nonshared genetic contributions explain the associations of corporal punishment with child behavior problems in the families of adopted children. Using cross-sectional data from a sample of adopted children and their adoptive and biological parents, Ge and colleagues (1996) found that after controlling for genetic risk (indexed as psychiatric disorder in their biological parents), there were significant bidirectional effects between mothers' use of harsh and inconsistent discipline (including corporal punishment) and children's antisocial behavior; each significantly predicted the other. For fathers, only a child effect was found, such that the child's antisocial behavior predicted fathers' use of harsh and inconsistent discipline but not vice versa. The fact that both parent and child effects were identified in a sample of parents and children who were not genetically related appears to undercut the shared genetics explanation. A second study, by O'Connor, Deater-Deckard, Fulker, Rutter, and Plomin (1998) replicated the Ge et al. study using longitudinal data. Although O'Connor et al. confirmed that children at genetic risk did evoke more negative parenting from their adoptive parents, adoptive parents' use of negative parenting continued to predict children's problem behaviors even after the genetic risk had been partialled out. Taken together, these studies demonstrate that although there is a child genetic effect that evokes corporal punishment from parents, there is an equally strong effect of corporal punishment on the development of nongenetically related children's behavior problems.

The contribution of shared genetics has been examined explicitly in two twin studies. Jaffee and colleagues (2004) confirmed a strong heritable component to the association between corporal punishment and antisocial behavior (which contrasted with the absence of a heritable component to child maltreatment); in other words, some inherited disposition, such as a tendency toward aggression or a short fuse, makes parents likely to use corporal punishment and children to act aggressively. In a study of twins and their parenting of their own children, Lynch et al. (2006) found that when adult twins differed in their use of harsh physical punishment with their own biological children, the twin who used more harsh physical punishment had children with more externalizing, internalizing, and drug and alcohol abuse symptoms. Thus, when shared genetics are controlled, harsh physical punishment predicts greater symptomatology in children. Unfortunately, this study did not report parallel analyses for mild physical punishment alone, but the findings provide further evidence that shared genetics do not entirely explain the association of parental corporal punishment with child behavior problems.

These studies indeed have found a genetic basis for the association of corporal punishment and child behavior problems. However, it is equally important to note that parental corporal punishment has been found to predict behavior problems in adopted children (Ge et al., 1996; O'Connor et al., 1998); thus, shared genetics are

by no means a necessary condition for corporal punishment to predict child behavior problems.

Additional evidence against both alternative hypotheses. One added bit of evidence against both the child effect and the shared genetics alternative hypotheses is that they go against parents' agency and intention in using corporal punishment. Both hypotheses assume an affective or uncontrolled, rather than a cognitive and planned, component to parents' use of corporal punishment. Parents use corporal punishment, as they do all discipline, because they see it as an effective means to achieve their goals, namely, to end current and reduce future child misbehavior. In other words, parents use corporal punishment for the very reason that they assume a parent effect will occur, not purely out of a sense of frustration with child behavior or a reflexive reaction driven by genetic predispositions. If frequent corporal punishment is the result of parents' impulsive reaction to difficult child behavior, rather than a long-term strategy for child behavior change, we would expect such frequent corporal punishment to be an emotional rather than an instrumental reaction to child behavior. Instead, research has shown that parents who use corporal punishment frequently are much more likely than those who use it rarely to say they use corporal punishment out of a belief in its instrumental effectiveness in achieving appropriate child behavior (Holden, Miller, & Harris, 1999). Thus, parents themselves report using more corporal punishment with the intention that it will improve their children's behavior, not out of a short-term frustration with inappropriate child behavior or a genetically driven aggressive response to child misbehavior.

Summary. Although research on parenting will always fall short of the gold standard for establishing causality in science because children cannot be randomly assigned to parents in experimental conditions, the sum total of the research summarized above does lead to some conclusions. It is clearly the case that children with more behavior problems, either for genetic or for other reasons, elicit more corporal punishment from their parents. However, even after these child effects are accounted for, parental corporal punishment continues to predict levels in and changes in children's behavior problems.

Does Corporal Punishment Put Children at Risk for Unintended Negative Outcomes?

In addition to failing to achieve parents' intended goals, physical punishment also has been found to put children at risk for a range of unintended consequences or side effects. These include ancillary effects on children's mental health, on their relationships with their parents, and on their behavior many years later as adults.

Impaired mental health. Gershoff's (2002) meta-analysis of 12 studies found that the frequency or severity with which children experienced corporal punishment was associated with increased mental health problems in children in every study. Subsequent studies not included in the meta-analysis have confirmed across multiple countries the association of corporal punishment with impairments in children's mental health, including anxiety and depression (Hungary: Csorba et al., 2001; United States: Bender et al., 2007; Eamon, 2001; Rodriguez, 2003), alcohol and drug use (Hong Kong: Lau et al., 2005), and general psychological maladjustment (Jamaica: Steely & Rohner, 2006). One potential mediator

that may explain why experiencing corporal punishment should be associated with mental health problems is increased stress. Frequency of corporal punishment has been found to predict self-reported psychological distress among 10–16-year-olds, even at low rates of corporal punishment (Turner & Finkelhor, 1996). In children as young as 1 year old, toddlers who experience frequent corporal punishment show elevated levels of the stress hormone cortisol in reaction to an anxiety-provoking interaction involving their mothers (Bugental, Martorell, & Barraza, 2003). Such findings are markedly similar to those from a large body of research that has linked the experience of physical assault substantiated as abuse with lasting impairments in children's neurobiological stress systems (Watts-English, Fortson, Gibler, Hooper, & De Bellis, 2006).

There is also some evidence that the associations of corporal punishment with impaired mental health persist into adulthood. Corporal punishment was associated with deteriorated mental health in eight studies included in Gershoff's (2002) meta-analysis. Subsequent studies continue to find that mental health problems such as increased depressive symptoms in adulthood are predicted by levels of corporal punishment experienced as a child (Turner & Muller, 2004).

Eroded parent–child relationship quality. One of the main concerns about corporal punishment is that its use will disrupt parent–child relationships (Azrin & Holz, 1966). It works like this: Children are motivated to avoid painful experiences, and if they see their parents as sources of pain (as delivered via physical punishment), they will attempt to avoid their parents (Grusec & Goodnow, 1994; Maccoby & Martin, 1983), which in turn will erode feelings of trust and closeness between parent and child (Azrin & Holz, 1966; Parke, 1977). Such concerns have in fact been borne out in research findings, with 13 out of 13 studies finding corporal punishment to be associated with eroded parent–child relationship quality (Gershoff, 2002).

Adult aggression and antisocial behavior. Children can carry the lessons they have learned about the acceptability of aggression as a problem-solving measure and as a method of controlling others' behavior into their own adult-hoods. Children who have experienced corporal punishment are more likely to report having hit a dating partner than children who have not been physically punished (Straus, 2004). The more men and women report having been physically punished as a child, the more they report using verbal and physical aggression and ineffective problem-solving behaviors with their spouses (Cast, Schweingruber, & Berns, 2006). An increased likelihood that individuals who were physically punished in childhood will perpetrate violence as adults on their own family members was found in Gershoff (2002).

Alternative explanations. There are no clear alternative explanations for this set of unintended consequences of parental corporal punishment. The child effect alternative hypothesis used to explain the link with child behavior problems makes little sense for the link with child mental health conditions; it seems unlikely that a child's symptoms of anxiety or depression would make a parent so frustrated or angry as to increase the parent's use of physical punishment or any other forms of discipline. Rather, longitudinal research has found that parents use less, not more, power assertion with anxious and fearful children (Kochanska, Aksan, & Joy, 2007). They do so with good reason: Discipline techniques high in power assertion, including corporal punishment, have been found to substantially

undermine moral internalization among children high in fearfulness or anxiety (Kochanska et al., 2007). Children's levels of depression and anxiety have also been found to predict less physical punishment (Grogan-Kaylor & Otis, 2007).

Regarding the parent-child relationship, it is possible that a parent who does not have a close, warm, or trusting relationship with his or her child will be more likely to use corporal punishment out of frustration, resentment, or ill will. Unfortunately, no studies have examined this possibility.

A protracted version of the child effect hypothesis could be developed for the association between childhood experiences of corporal punishment and aggression and problem behavior in adulthood. A child effect explanation would state that children with high levels of behavior problems elicit more corporal punishment from their parents (as noted above) and that these same behavior problems persist into adulthood; thus, any association of early corporal punishment with later behavior problems would in fact be driven by the child effect. Some evidence to support this alternative hypothesis comes from a longitudinal study of the development of aggression by Eron, Huesmann, and Zelli (1991). Although they found experiences of corporal punishment at 8 years old to predict aggression at 19 and 30 years of age in bivariate analyses, the association was no longer statistically significant once aggression at 8 years old was controlled. Unfortunately, most of the other studies of corporal punishment and aggression and problem behavior in adulthood have been retrospective and thus unable to address this alternative hypothesis as directly as did Eron and colleagues.

Are Children Who Are Physically Punished More Likely to Be Physically Abused?

A particularly troubling aspect of corporal punishment and one that underlies much of the current policy and advocacy surrounding it is its association with physical abuse. Child abuse researchers have long argued that corporal punishment and physical abuse are points along a continuum of violence against children (Garbarino, 1977; Gelles & Straus, 1988; Zigler & Hall, 1989). The distinctions between physical punishment and abuse, this argument goes, are arbitrary, as the same behavior (e.g., hitting children to cause pain) is put in one group or another solely on the basis of degree of force used or amount of pain or injury inflicted upon the child. This overlap between corporal punishment and physical abuse is recognized by the federal agency charged with preventing child abuse. The U.S. Department of Health and Human Services' Office on Child Abuse and Neglect has defined physical abuse as including injuries that result "from severe discipline, including injurious spanking, or corporal punishment that is inappropriate to the child's age or condition" (Goldman, Salus, Wolcott, & Kennedy, 2003, p. 16). The variations in state-level legal distinctions between punishment and abuse are described in more detail below.

The argument that corporal punishment and physical abuse are intrinsically related is supported by the fact that most incidents of physical abuse take place within a punishment context (Gil, 1973; Kadushin & Martin, 1981; Vasta, 1982). Examinations of substantiated physical abuse cases reveal that many indeed began as corporal punishment. In the 2003 Canadian Incidence Study of Child Maltreatment (Durrant et al., 2006), 75% of substantiated cases of physical abuse involved

the use of corporal punishment. Abusive parents in the United States themselves reveal that as many as two-thirds of their abusive incidents began as attempts to change children's behavior or to teach them a lesson (Coontz & Martin, 1988; Gil, 1973; Kadushin & Martin, 1981). The fact that parents in treatment for past substantiated abuse spank their children significantly more often than parents without history of abuse (Whipple & Richey, 1997) suggests that physical abuse is more likely among parents who use corporal punishment frequently. The frequency with which corporal punishment used is in fact a marker of severity and thus of abuse: Child welfare professionals, whose job it is to identify abusive behavior, view spanking as abusive if it occurs frequently (more than once a week) although less so when it is used rarely (1–3 times per year) or occasionally (less than once a month; Whitney, Tajima, Herrenkohl, & Huang, 2006).

Gershoff (2002) found a very strong (effect size $d = 0.69$) and consistent (in 10 out of 10 studies examined) relation between parents' use of corporal punishment and the likelihood that the parent would physically injure the child or be reported to a child protective services agency. Having experienced corporal punishment at the hands of their parents (such as pinching, shaking, or spanking) puts children at 7 times greater risk of undergoing severe violence (such as punching, kicking, or hitting with an object; Clément, Bouchard, Jetté, & Laferrière, 2000) and make them more than 2 times as likely to suffer an injury requiring medical attention (Crandall, Chiu, & Sheehan, 2006) compared with children who have not experienced corporal punishment. In their study of twins, Jaffee and colleagues (2004) found that there is a significant genetic component to whether children receive corporal punishment but not to whether they are physically abused; thus, the strong co-occurrence of corporal punishment and child maltreatment in their sample could not be explained by shared genetics but rather by shared family environments.

On the global stage, the United Nations Children's Fund (UNICEF) has stated clearly and firmly that the evidence points to a connection between corporal punishment and physical abuse. In an analysis of child deaths from maltreatment in the 30 wealthy nations that are members of the Organisation for Economic Cooperation and Development, UNICEF called corporal punishment "the most common form of violence in the industrialized world" (UNICEF, 2003, p. 23). It went on to call resolutely for a global ban on corporal punishment as a way to drastically decrease fatal violence against children (UNICEF, 2003).

International Human Rights Law Regarding Corporal Punishment of Children

While the effects and effectiveness of corporal punishment on children continue to be debated in academia, the rest of the world has moved ahead to accord corporal punishment of children the status of a human rights violation. The Commissioner for Human Rights of the Council of Europe condemned corporal punishment in a recent statement, observing that

Children have had to wait until last to be given equal legal protection from deliberate assaults—a protection the rest of us take for granted. It is extraordinary that children, whose developmental state and small size is acknowledged to make them particularly vulnerable to physical and psychological injury, should be

singled out for less protection from assaults on their fragile bodies, minds and dignity. (Hammarberg, 2006, paras. 4–5)

The concern that the practice of legalized corporal punishment does not afford children the same protection as adults has been echoed by the independent expert who headed the U.N. Study on Violence Against Children (Pinheiro, 2006). The final report from the study urged all countries to prohibit “all forms of violence against children, in all settings, including all corporal punishment” (Pinheiro, 2006, para. 98).

The view of the international lawmaking community overwhelmingly is that corporal punishment of children violates international human rights law (Biten-sky, 2006). This principle of law implicitly stems from at least seven multilateral human rights treaties: the United Nations Convention on the Rights of the Child ([Children’s Convention] 1989); the International Covenant on Civil and Political Rights ([ICCPR] 1966); the International Covenant on Economic, Social and Cultural Rights ([ICESCR] 1966); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([Torture Convention] 1984); the American Convention on Human Rights ([American Convention] 1969); and the two European Social Charters (European Social Charter, 1961; European Social Charter [Revised], 1996).

Of the above treaties, the United States has ratified and therefore is a party to the ICCPR (1966) and the Torture Convention (1984), making them “the supreme Law of the Land” under the U.S. Constitution (art. VI, para. 2). Counterintuitive though it may appear, such an exalted characterization does not avail children much in terms of vesting them with a mandatory right to protection against corporal punishment. Caveats and complications abound. The federal government has made reservations to some of the pertinent provisions of these conventions so as to effectively inhibit the provisions’ present application to corporal punishment of children in the United States (U.S. Reservation (3) to art. 7 of the ICCPR: Office of the United Nations High Commissioner for Human Rights [OHCHR] 2007b; U.S. Reservation I(1) to art. 16 of the Torture Convention: OHCHR, 2007a). Legal technicalities concerning non-self-executing treaties also make the conventions, in the absence of implementing legislation, unenforceable in American courts (U.S. Declaration (1) to arts. 1–27 of the ICCPR: OHCHR, 2007b; U.S. Declaration III(1) to arts. 1–16 of the Torture Convention: OHCHR, 2007a; Paust, 2003). Congress has as yet not enacted legislation to implement ICCPR or Torture Convention provisions germane to the issue of corporal punishment of children. However, the lack of domestic judicial enforceability does not negate the legal duty of both the government and the private sector to adhere to both international conventions, and adherence to the provisions of the conventions is monitored internationally by United Nations committees. Because these committees have no power of compulsion, the arrangement is essentially one of an honor system, in which the government and private actors may avoid compliance without serious repercussions (ICCPR, 1966, arts. 28, 40; Mayerfeld, 2007; Torture Convention, 1984, arts. 17–20).

Although the United States has not ratified the Children’s Convention (1989), the ICESCR, or the American Convention, it has signed these three treaties. Mere signature does imply intention to ratify but, by itself, does not suffice to make the United States a party to these treaties. Nevertheless, signature does still impose

certain legal obligations on the signatory nation. It is well established that signing a treaty requires a nation “to refrain from acts which would defeat the object and purpose of the treaty . . . until it shall have made its intention clear not to become a party to the treaty” (Vienna Convention on the Law of Treaties [Treaty on Treaties], 1969, art. 18, paras. 1 and 1(a)).

In any event, the relevant point for purposes of this article is that there is extant the unqualified international law principle forbidding corporal punishment of children. The United States’ current rejection of the principle does not alter its force as law elsewhere or its didactic potential to influence reform in the United States. Indeed, because the legal principle is so widely accepted and is an authoritative expression of world opinion, it is a resource that should at least serve to inform and enrich consideration of the corporal punishment issue by American policymakers (Bitensky, 1998).

Of the seven treaties listed above, the ICCPR (1966) and the Torture Convention (1984) may have special salience as templates for American policymakers, given United States party status and the international understanding of these conventions’ terms. The Committee on Human Rights monitors the ICCPR, and the Committee Against Torture monitors the Torture Convention. Both of these committees have stated that the interdiction on torture or other cruel, inhuman, or degrading treatment or punishment, a provision included in both treaties, requires a ban on corporal punishment of children in all contexts (Committee Against Torture, 1995, 1999, 2007; Committee on Human Rights, 2007). A former U.N. Special Rapporteur on Torture, Theo van Boven, stated that “any form of corporal punishment of children is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment punishment” (Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002).

The Children’s Convention (1989) is particularly relevant to the case of corporal punishment. The Children’s Convention is unique in being the first international treaty to focus solely on the physical, social, cultural, political, and civil rights of children (for a detailed discussion of the history and content of the convention, see Limber & Flekkøy, 1995). The United States was among the countries that played a crucial role in the drafting of the Children’s Convention over a 10-year period (Kilbourne, 1999). The Children’s Convention has been ratified by 192 countries around the world. Only two countries have signed but not ratified the treaty: Somalia and the United States. Whether or not the Children’s Convention now also constitutes customary international law that binds even nonparty countries is open to debate (Bitensky, 2006), but it is abundantly clear that the United States is quite isolated in not having ratified this treaty.

The Children’s Convention (1989) created the Committee on the Rights of the Child to monitor states parties’ compliance with its terms. The committee recently issued General Comment No. 8, which forcefully declared that

There is no ambiguity: “all forms of physical or mental violence” does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and the State must take all appropriate legislative, administrative, social and educational measures to eliminate them. (CRC/C/GC/8: Committee on the Rights of the Child, 2006, para. 18)

The Committee on the Rights of the Child made article 19(1) of the Children's Convention the cornerstone of the comment on the basis of that provision's absolute prohibition of "all forms of physical or mental violence" (Children's Convention, 1989, p. 8). The committee further relied upon children's right to protection from "cruel, inhuman, or degrading punishment or treatment" (Children's Convention, 1989, art. 37(a), p. 10) and the guarantee of "school discipline [that] is administered in a manner consistent with the child's human dignity" (Children's Convention, 1989, art. 28(2), p. 8; Committee on the Rights of the Child, 2006). This is not the first time that the committee has interpreted the Children's Convention's language to forbid all corporal punishment of children. In hundreds of its compliance assessments of individual countries, the committee has repeatedly invoked the above provisions and a host of others from the Children's Convention (e.g., Children's Convention, 1989, arts. 2(1), 3(1), 6(2), 12(1), 24(3), 37(c), and 39) as mandating that states parties must take legal and educational measures against this disciplinary practice.

Although none of these treaty provisions mention corporal punishment explicitly, the committee has made clear that such punishment denies children their rights under the convention articles cited above (Committee on the Rights of the Child, 2006). In taking this approach, the committee is relying upon the accepted rules of treaty interpretation requiring that a treaty's words be given their "ordinary meaning" (Treaty on Treaties, 1969, art. 31, para. 1). Ordinary meanings are often implicit meanings, in legal documents and elsewhere. For example, the term *violence* has such ordinary implicit meanings (or operationalizations, in the terminology of social science) as punching or kicking. American jurists often interpret the U.S. Constitution and statutes so as to find reasonable, implicit significations in the express language. Similarly, it is proper to interpret treaties for their ordinary implicit meanings.

While this is not the place to get into the finer points of international law, it bears mentioning that many legal experts regard interpretations of treaty-monitoring committees (e.g., their general comments and compliance assessments) to be soft law that is more like aspirational guidelines than real law (Guzman, 2002; Slaughter, 2004). However, it is accurate to say that the legal status of such soft law is in considerable flux among knowledgeable academicians (Drumbl, 2002; Guzman, 2005). A respectable number of them deem soft law to still be law or to have as significant an effect on changing mores and behavior as hard law (Drumbl, 2002; Slaughter, 2004).

One of the key criticisms leveled at the Children's Convention (1989) by its detractors in the United States is that it grants children autonomy rights that supersede the responsibilities of parents to take care of and protect their children (Wilkins, Becker, Harris, & Thayer, 2003). Such an argument misconstrues both the language and spirit of the Children's Convention (Rutkow & Lozman, 2006). In fact, there is language throughout the Children's Convention specifically recognizing and supporting the role of the family and of parental guidance in the child's life (e.g., Children's Convention, 1989, art. 3(2)). The Committee on the Rights of the Child has, however, roundly repudiated the idea that family/parental interests can ever trump the child's right to be safeguarded from corporal punishment (see Committee on the Rights of the Child, 1995, 1998). In light of research findings that corporal punishment undermines the parent-child relation-

ship (Gershoff, 2002), the treaty prohibitions on this form of discipline actually can be viewed as strengthening the bond between parents and children and, in so doing, increasing the likelihood that children will be motivated to comply with their parents (Maccoby & Martin, 1983). Children's rights are ensured only when they are complemented by obligations of caregivers and, indeed, society to provide these rights (Baumrind & Thompson, 2002).

The Legal Status of Corporal Punishment of Children in the United States

Belief in the utility and even necessity of physical punishment as a method of child rearing has roots in American historical, cultural, and religious traditions going back to at least the 17th century (Forehand & McKinney, 1993; Greven, 1991). Over time, these traditions have frayed somewhat, such that today laws in the United States permit some forms of corporal punishment of children and prohibit others. In this sense, these laws are illustrative of the legal status of corporal punishment of children in most countries. Corporal punishment by parents is permitted in 49 states by statute or court decision (Davidson, 1997; Edwards, 1996). The exception may be Minnesota, where several statutes taken together indicate that so-called reasonable parental corporal punishment is a criminal assault (Bitensky, 2006). Current U.S. law emphasizes both the rights and interests of parents as well as the best interests of children, and in some circumstances, the interests of parents and children do not correspond (Garbarino & Kostelny, 1995). This legal standing of corporal punishment reflects public opinion that children are in essence the property of their parents and that parents have the right to raise them as they choose (Belsky, 1993; Pollard, 2003). The U.S. Supreme Court has upheld the fundamental right of parents to direct the upbringing of their children as protected by due process clause of the Fourteenth Amendment (*Meyer v. Nebraska*, 1923). The Supreme Court has not yet considered whether parents have a fundamental constitutional right to use corporal punishment with their children (Kearney, 1995; Pollard, 2002), which means that a constitutional right of this sort does not presently exist.

The Supreme Court has, however, considered the constitutionality of corporal punishment administered by public school personnel at the elementary and secondary levels. The high Court held by a 5-to-4 margin that this punishment, regardless of its severity, cannot violate the Eighth Amendment prohibition of cruel and unusual punishments (*Ingraham v. Wright*, 1977). In that case, two junior high school students were hit by their school principal on the buttocks and arms with a wooden paddle 2 feet long, 3 to 4 inches wide, and half an inch thick. The result was that one child developed a hematoma requiring medical attention and was unable to function normally for several days, while the other child lost full use of an arm for a week.

The Court relied on four rationales for its holding. First, the Justices invoked *stare decisis*, that is, the common-law doctrine that courts should adhere to apposite judicial precedents; according to the *Ingraham* majority, those precedents limit the reach of the Eighth Amendment to protecting convicts in relation to the formal sentences handed down by judges in criminal cases. Second, the Justices claimed that the original intent behind the amendment was to limit its

prohibitions to protecting convicts vis-à-vis such sentences. Third, the Justices averred that students, unlike prisoners, have no need of the amendment in view of the benign nature of elementary and secondary schools. Fourth, the Justices contended that there is no national groundswell of opinion against this form of punishment.

Neither before nor after *Ingraham* was decided have Supreme Court holdings confined the Eighth Amendment only to sentences that judges have imposed on convicts (see *Estelle v. Gamble*, 1976; *Helling v. McKinney*, 1993; *Trop v. Dulles*, 1958). For example, the Court has applied the Eighth Amendment to prison conditions that are not part of the specific sentence (*Helling v. McKinney*, 1993). Likewise, there is countervailing evidence of original intent showing that the amendment's cruel and unusual punishments clause was to have a much broader compass (Rumann, 2004).

Although schools and prisons are obviously very different places, the Justices focused on distinctions between the two that do not exist in reality and result from an apparently romanticized view of the conditions in which children are educated. The Court was trying to show, by invoking these alleged distinctions, that whereas prisons are closed environments in need of Eighth Amendment oversight, schools are open environments without the same need. For example, the Justices characterized students as voluntarily attending school, as being able to leave school premises whenever they please, and as shielded from physical abuse by the presence of teachers and other students. The problem with this analysis is that children are in fact required to attend school (both now and in 1977) by state compulsory education laws and generally need permission to leave the premises during the school day (e.g., Ala. Code, 2007; Behn, 2007; Iowa Code, 2006). The presence of teachers, the very persons who may be administering paddlings, does not seem like a good substitute for the amendment's protection. Similarly, other students, who are relatively powerless in the school setting and probably intimidated by authority figures wielding paddles, do not appear well suited to a protective or deterrent role either.

Finally, it is true that in 1977, less than a handful of states had legislated against corporal punishment and that professional opinion was divided about its wisdom. In the past 30 years, the situation has changed dramatically. Twenty-eight states and the District of Columbia now ban corporal punishment of students in the public schools (e.g., Cal. Educ. Code, 2007; Md. Code Ann., [Educ.] 2007; see Bitensky, 2006, for a complete list). Many of the remaining 22 states empower their local school districts to prohibit the practice, and a large number have opted for prohibition; these include districts in some of the largest cities in the country, such as Atlanta, Georgia; Dallas, Texas; Houston, Texas; Memphis, Tennessee; Miami, Florida; and Tucson, Arizona (Center for Effective Discipline, 2007a). In addition, many national professional organizations concerned with children's physical and mental welfare and well-being have called for bans on corporal punishment in schools, including the American Academy of Pediatrics, the American Bar Association, the American Civil Liberties Union, the American Psychological Association, the National Association of Elementary School Principals, the National Association of School Psychologists, the National Association of Social Workers, the National Association for State Boards of Education, and the National Education Association (Center for Effective Discipline, 2007b).

Ingraham v. Wright (1977) should be overturned (Bitensky, 2008). It has become increasingly anachronistic. Consider that in 1992, the Court ruled that use of excessive physical force against a prisoner may constitute an Eighth Amendment violation even though his bodily injuries are minor (*Hudson v. McMillian*, 1992). This put the Court in the awkward position of upholding the constitutionality of injury-causing force against children in public schools while striking down the use of a similar level of force against adults in penal institutions.

One final concern regarding school corporal punishment is the indisputable evidence that it is not administered equitably. For the past several decades, research has shown that African American students and boys are much more likely to receive corporal punishment in school (Glackman, McDowell, Martin, Hyman, & Spino, 1978) regardless of the severity or chronicity of the misbehavior in which they engaged (Shaw & Braden, 1990). These biases in the administration of school corporal punishment continue to this day. In the latest data released by the U.S. Department of Education Office for Civil Rights, African American children were 2.5 times more likely than White children and 6.5 times more likely than Hispanic children to receive corporal punishment, and boys were 3.4 times more likely than girls to receive corporal punishment in the 2004–2005 school year (Office for Civil Rights, 2007). This disproportionality in who is corporally punished is not equally common across states that allow school corporal punishment and, in fact, is more common in states with low social capital (Owen, 2005). The evidence that school administrators have singled out certain populations of students to receive this particular punishment is troubling.

Beyond the growing number of states that have banned public school corporal punishment since *Ingraham*, there has been a momentum toward delegitimizing this punishment in other contexts or settings as well. Most states and the District of Columbia bar foster parents from using this form of discipline, although the laws applicable to other residential care settings are more of a hodgepodge. Most states do not tolerate corporal punishment in nonresidential care facilities such as child care. Well over half of the states prohibit corporal punishment of juvenile delinquents when detained or jailed by law enforcement. (See Bitensky, 2006, pp. 288–290 & notes 188–207, for analysis and supporting citations.)

All states (except, perhaps, Minnesota) permit parental corporal punishment of children as long as the degree of force used is reasonable (or reasonable and moderate, reasonable and necessary, or reasonable and appropriate). Parental corporal punishment that exceeds the reasonableness standard is generally categorized as physical child abuse, which can trigger protective child welfare measures and/or criminal prosecution (Bitensky, 2006; LaFave, 2003, § 10.3(a), at pp. 116, 136–138). Examples of what states consider to be allowable corporal punishment versus prohibited physical abuse can be found in Table 1. As is clear from the table, what is deemed reasonable varies from state to state; indeed, it often varies within a state according to the predilections and acumen of the judges faced with applying the standard during litigation. Compare, for example, *In re Miles* (Ohio Ct. App. 2002) (refusing to find child abuse in relation to parent allowing her fiancé to bite her 9-year-old's face, leaving marks from both his upper and lower teeth, as a reprimand for the child's having done the same to a sibling) and *City of Shaker Heights v. Wright* (Ohio Ct. App. 1996) (finding no liability for child endangering, but only legal corporal punishment instead, where

Table 1
Language of U.S. State Laws Specifying What Constitutes Allowable Corporal Punishment and What Constitutes Prohibited Corporal Punishment Under Legal Definitions of Physical Abuse

Regarding what is considered allowable corporal punishment	
Statute terminology	States
“reasonable” and/or “moderate” standard applied to corporal punishment	Arkansas, Colorado, District of Columbia, Indiana, Minnesota, Mississippi, Missouri, Oregon, South Carolina, Texas, Washington
corporal punishment is not abusive if it does not result in “harm” or “injury” to the child	Florida, Georgia, Minnesota
“the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching, or paddling”	Oklahoma
“Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.”	Washington
Regarding conditions under which corporal punishment constitutes physical abuse	
Statute terminology	States
“unlawful corporal punishment or injury”	California
“inappropriate or excessively harsh discipline”	Florida
“excessive corporal punishment”	Illinois, Nevada, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Carolina, Wyoming
“cruel” or “grossly inappropriate” corporal punishment	Connecticut, Nebraska, New Mexico, North Carolina
“unreasonable” and/or “excessive” corporal punishment	New Jersey, New York, Ohio, Wyoming
“Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child.”	Nevada

Note. Source: Child Welfare Information Gateway (U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children’s Bureau, 2005a).

father whipped his 10-year-old with a belt so as to produce welts on the child’s legs, the scarring of which lasted for 6 months) with *In re K. B.* (Ohio Ct. App. 2003) (ruling that there was child abuse where toddler was spanked with such substantial force as to result in several bruises on her cheek, abdomen, back, and arm) and *State v. Howard* (Ohio Ct. App. 1999) (holding father guilty of domestic violence and child abuse for striking his 12-year-old son at least twice on the back and head with a broom handle, thereby causing a 3- to 4-inch reddish mark to appear on the child’s back). This lack of uniformity makes it difficult, if not impossible, for parents and caregivers to gauge when their behavior might cross the wavering line from the legal to the illegal (Bitensky, 2006).

The Legal Status of Corporal Punishment of Children in Selected Other Countries

There is without doubt a growing momentum among countries to enact legal bans on all forms of corporal punishment, be it delivered by parents, teachers, administrators—anyone. The Parliamentary Assembly of the Council of Europe recently adopted Recommendation 1666, in which it stated, “The Assembly considers any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. . . . The social and legal acceptance of corporal punishment of children must be ended” (Council of Europe, Parliamentary Assembly, 2005, para. 5). The Parliamentary Assembly went on to call for a coordinated campaign against corporal punishment in all member countries (of which there are 45) and to make Europe “a corporal punishment-free zone for children” (Council of Europe, Parliamentary Assembly, 2005, para. 7).

To date, 23 countries have instituted universal bans on corporal punishment of children: Sweden (in 1979), Finland (in 1983), Norway (in 1987), Austria (in 1989), Croatia (in 1994), Cyprus (in 1994), Denmark (in 1997), Latvia (in 1998), Bulgaria (in 2000), Germany (in 2000), Israel (in 2000), Iceland (in 2003), Romania (in 2004), Ukraine (in 2004), Hungary (in 2005), Greece (in 2006), the Netherlands (in 2007), New Zealand (in 2007), Portugal (in 2007), Spain (in 2007), Chile (in 2007), Uruguay (in 2007), and Venezuela (in 2007; Global Initiative, 2007b). The latter three bans are significant because they are the first universal bans on corporal punishment of children in the Western hemisphere. We describe Sweden’s ban in depth here both because it is the first and because it remains the most studied of the bans.

The First Country to Institute a Universal Ban: Sweden

Sweden was not always a country inimical to corporal punishment of children. In fact, corporal punishment with either parents’ hands or objects was widely practiced by parents at least until the 1950s (Durrant, 2003; Stattin, Janson, Klackenber-Larsson, & Magnusson, 1995). As in the United States, much of the support for corporal punishment as a component of child rearing in Sweden was rooted in religious beliefs and literal interpretations of religious texts (Boyson, 2002). However, support for corporal punishment of children increasingly waned throughout the 20th century as the Swedish government became concerned with children’s rights, among them the right to equal treatment under the law. In 1957, Sweden eliminated the criminal defense to corrective assault of a child (i.e., corporal punishment). Then, in 1966, the exemption for mild corporal punishment was removed from the civil code. The effect of these two reforms was to make the hitting of children a criminal assault equivalent to a prosecutable assault of an adult. At this time, one half of the Swedish population still believed that corporal punishment was necessary in child rearing (Durrant, 2003), reflecting the fact that the government based these decisions on social science research findings and human rights principles, not on popular opinion.

The stage for a complete ban on corporal punishment was set in the early 1970s when public outrage at a few high-profile cases of child physical abuse, including one in which a father was acquitted of assault because he claimed to be disciplining the child, led to the creation of the Children’s Rights Commission in

1977 (Boyson, 2002; Durrant, 2003). This commission, made up of lawyers, psychologists, psychiatrists, and politicians, issued a report arguing that a ban on corporal punishment was necessary to promote children's healthy development, to prevent abuse, and to teach the public that all violence against children is unacceptable (Hindberg, 2001). In direct response to this report, the Swedish parliament amended the country's civil law code to explicitly prohibit corporal punishment of children by all adults. The language was further amended by parliament in 1983 such that it now reads, "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 physical punishment or any other injurious or humiliating treatment" (Föräldrabalk [Code Relating to Parents, Guardians, and Children] 6:1 (Swed.)).

The Swedish legal system has separate civil and criminal codes that sometimes complement and interact with each other. The civil code ban on all corporal punishment of children exemplifies this dynamic. Swedish legislators placed the ban in the civil code for the dual purposes of unmistakably conveying the government's strict position against the punishment and reassuring potential violators that the government preferred to educate, rather than prosecute, them into compliance. Nevertheless, under the criminal code, adults still can be prosecuted for assault if they violate the civil code ban on corporal punishment (Brottsbalken [Criminal Code] 3:5 (Swed.); see Bitensky, 2006, for analysis). This option is rarely used in relation to light parental corporal punishment. The Swedish government pursues a policy of prosecutorial restraint under this circumstance, trusting instead to the gradual pedagogical effect of the civil ban working in tandem with the possibility (however remote) of criminal prosecution. Law reform in Sweden, both criminal and civil, was intended to set a clear standard for parents and society, affirm children's rights to protection, and change public attitudes over time about the acceptability of corporal punishment, with the expectation that changes in behavior would follow (Ziegert, 1983).

To achieve this goal, the government began a universal campaign to educate the public about the civil code ban. The main thrust of the campaign was the distribution of booklets that advise parents about the rationale for the law, the reasons for avoiding corporal punishment, and suggestions for alternative approaches to resolving parent-child conflict. The booklets were available in Swedish and 10 minority languages. In an effort to extend this education to children directly, information about the new law appeared on milk cartons for 2 months after the law passed, and the law was discussed in family life classes in Swedish schools. The education campaign was amazingly successful, with 99% of the public aware of the law after only 2 years, an unprecedented level of public awareness of any law throughout the industrialized world (Ziegert, 1983).

The ban appears to have been successful both in changing attitudes about corporal punishment as an acceptable discipline practice and in changing the incidence of it. The percentage of adults who profess positive attitudes toward spanking has declined from over 50% in the 1970s before the ban to close to 10% in 2000 (Janson, 2005). Even more impressive is the low support for corporal punishment among children after the ban. In a 1994-1995 survey, among both respondents who were 18 to 34 years old (and, thus, children when the ban went into effect) and respondents who were then 13- to 15-year-old children (born after

the 1979 ban), only 6% approved of the use of mild forms of corporal punishment (Durrant, 2003). Use of corporal punishment has also declined dramatically, although it has not disappeared: Whereas 51% of all preschool children had experienced corporal punishment in 1980, only 8% had by 2000 (Janson, 2005).

In the 2 decades after the ban, child injuries from assaults also decreased (Durrant, 1999). Child deaths from assaults were already so low in Sweden (never having exceeded one death per year since 1971) that this indicator was unaffected by the ban. Although reports of assaults against children increased after the ban went into effect, the vast majority (92%) of these involved minor assaults, which suggests that potentially harmful parent behaviors are identified before injury occurs (Durrant, 1999). Given that increased awareness about violence against children was a primary goal of the ban, it is unsurprising that the number of assaults (physical abuse) against children reported to authorities increased after the ban (Durrant, 1999). A committee convened by the government in 1998 to investigate the rise in abuse reporting concluded that the rise was not attributable to an increase in actual abuse but only to the reporting of it (Boyson, 2002).

One final outcome of note is the effect of the ban on youth problem behaviors. Detractors of the ban argued that it would result in an increase in youth violence and delinquency, worrying that parents who do not use corporal punishment would be too permissive. On the contrary, youth involvement in theft, drug use, and drug trafficking declined following the ban (Durrant, 2000). Youth suicide also declined (Durrant, 2000). There was, however, an increase in reporting of violent assaults by youth after the ban. This increase has been found to be primarily the result of a growing societal intolerance for all violence against children, including that perpetrated by other children, an intolerance that was advanced in several ways in the years after the ban including through antibullying initiatives in schools (Durrant, 2000).

Subsequent Bans of All Corporal Punishment

In the years since Sweden's ban, 22 additional countries have instituted bans of all corporal punishment, either through legislation or supreme court decision. In the countries that have universal bans, legal reform toward a ban has usually tended to progress through three stages (Boyson, 2002; Global Initiative, 2007b). The first stage has often been to prohibit corporal punishment in schools, child care centers, and all nonfamily settings that care for children. The second stage has been to remove corporal punishment of children as a defense to assault charges. The third stage has been an explicit and complete prohibition of any violence against children, including corporal punishment, typically in civil rather than criminal law codes.

Most of the bans are similar to Sweden's in that offenders can be prosecuted under assault or assault-related statutes but also in that prosecutorial restraint is government policy. These governments view the bans as having mainly a pedagogical role. Many of these countries have supplemented the legal bans with national campaigns to inform the public about the existence of the bans, the potential harm of corporal punishment, and effective disciplinary alternatives (Boyson, 2002). The strength of these pedagogical efforts has varied from country to country, usually in relation to the amount of governmental resources and

political commitment devoted to the campaigns. Germany, for example, followed its 2000 ban by mounting a significant mass media campaign and by producing educational materials for parents, including the distribution of one million packets to parents about developmental milestones and ways of avoiding corporal punishment (Boyson, 2002). Yet the ban had modest effects in the 2 years after its enactment; rates of severe corporal punishment (hitting with a rod or hitting so hard as to leave bruises) decreased dramatically, but overall support for and use of milder forms of corporal punishment have not declined (Bussman, 2004). This finding has been attributed to the fact that, despite government efforts at a national publicity campaign, only a third of the population surveyed was aware of the ban (Bussman, 2004). Educating the public is clearly essential when laws are meant to have educational rather than prosecutorial value.

In Italy, legal developments have been confusing. The Italian supreme court has issued a ruling prohibiting all corporal punishment of children (Cass., 1996). However, because the decision was rendered in a civil-law system (rather than in a common-law system, such as that of the United States), the decision has no binding precedential effect except upon the parties to the litigation. The result is that parental corporal punishment remains legal in Italy (Bitensky, 2006). For the ruling to become law, it must be confirmed through changes in legislation.

Program and Policy Strategies to Reduce Corporal Punishment of Children in the United States

The research evidence on the intended and unintended effects of corporal punishment and the connection between use of corporal punishment and physical abuse of children indicate that there is little empirical evidence of benefit and substantial evidence of potential harm from corporal punishment. The growing consensus in the international human rights community that corporal punishment of children constitutes a human rights violation speaks for itself. In most American jurisdictions, the fluctuating dividing line between legal corporal punishment and criminal physical abuse leaves caregivers with unpredictable standards for disciplining children. Both the social science and legal arguments point to a similar conclusion: The risks of corporal punishment outweigh any perceived benefits to children or to parents. From a legal and public health point of view, parents and other adults who interact with children should be encouraged to reduce their use of corporal punishment.

To have all Americans embrace the goal of reducing and, in the long run, potentially eliminating corporal punishment of children, a multilayered strategy of interventions is necessary. We recommend such a set of strategies here. Education should be the key goal of any such initiatives, a principle that is emphasized in each of the strategies discussed.

Strategy 1: Universal Prevention—Education Campaign on Effective Discipline

A universal, or primary, approach to preventing or reducing parents' use of corporal punishment would be to educate the general public about its risks and about the benefits of using other discipline techniques. Such an approach has the benefit of providing a consistent message to all current and potential parents in the

United States and of not merely targeting particular populations who will feel labeled as potential abusers. The main goals of such a universal approach would be to change norms about the acceptability and utility of corporal punishment and to increase knowledge of effective nonviolent forms of discipline.

An example of an effective, countrywide effort to reduce corporal punishment is the “Hitting Children Must Stop. FULL STOP” campaign in the United Kingdom led by the National Society for the Prevention of Cruelty to Children (NSPCC). The NSPCC based the campaign in part on research findings that high percentages of parents reported their own negative reactions to having used corporal punishment with their children: Afterwards, 79% felt upset, 73% felt sad, 67% felt regretful, and 65% felt guilty (NSPCC, 2002b). The aims of the campaign were to educate the public about the ineffectiveness and potential dangerousness of corporal punishment and about alternative positive discipline techniques (Sajkowska & Wojtasik, 2004). The campaign involved posters on billboards across the country for a month, a public service announcement on radio stations for 2 weeks, and an educational booklet for parents called *Encouraging Better Behaviour: A Practical Guide to Parenting* (NSPCC, 2002a). The campaign was very successful in meeting its goals. A survey after the campaign ended revealed that 65% of adults in the United Kingdom noticed the campaign and that 63% understood that a key message of the campaign was that hitting children is wrong and unproductive (Sajkowska & Wojtasik, 2004). In subsequent evaluations of the continuing campaign, the percentage of adults who said that protecting children from harm was one of their top three social concerns went from 38% in 1999 (before the campaign) to 87% in 2006; furthermore, 67% of adults in 2006 agreed that children should have the same protection from assault as adults (NSPCC, 2007).

Here in the United States, an organization known by the acronym EPOCH-USA (End Physical Punishment of Children) has, since 1998, sponsored Spank-Out Day USA on April 30th of each year. The goal of SpankOut Day USA is to encourage parents to refrain from using corporal punishment on that day and to consider alternative forms of discipline through the organization of community-based activities and distribution of educational materials (Center for Effective Discipline, 2007d). Although related events are held each year around the country, the reach of SpankOut Day USA thus far remains relatively modest.

Would a coordinated national campaign to persuade parents and other caregivers to abandon corporal punishment in favor of other discipline techniques be successful? There are two major reasons to think so. The first is that parents rely in large numbers on parenting magazines and books for advice on disciplining their children (Ateah, 2003). They are clearly open to and in fact seek out parenting advice from individuals and organizations outside the immediate family. The second reason is that, although Americans are typically loath to have the government interfere in families' everyday lives and may not be overly receptive to government calls to change their parenting behavior, there is substantial evidence that government-sponsored education campaigns can indeed change behavior, including that related to child rearing. Public service advertising has a long and proud history in the United States of using media to achieve universal education, beginning with the “Loose Lips Sink Ships” campaign of World War II (Ad Council, 2004). Public service advertising campaigns spearheaded by the

nonprofit Ad Council have been responsible for remarkable changes in Americans' behavior, including increasing seat belt usage from 21% to 79% over a 10-year period (Ad Council, 2004). Such campaigns, in tandem with new laws requiring seat belt usage, were instrumental in motivating the ensuing behavior change (National Highway Traffic Safety Administration, 2003).

An example of a very successful public education campaign specific to child rearing is the "Back to Sleep" campaign cosponsored by the American Academy of Pediatrics, the National Institute of Child Health and Human Development, the SIDS Alliance, the Association of SIDS and Infant Mortality Programs, and the Maternal and Child Health Bureau. In the first 10 years after the campaign was begun in 1994, the percentage of children being put to sleep on their backs increased from 17% to 73% (a 429% increase) while the SIDS rate decreased by 53% (American Academy of Pediatrics, Task Force on Sudden Infant Death Syndrome, 2005; National Institute of Child Health and Human Development, 2006).

Several recent publications from European-based or U.N.-based organizations have outlined the components necessary for successful campaigns to end corporal punishment. Two books published by the Council of Europe (Council of Europe, 2005; Sajkowska & Wojtasik, 2004) and a third jointly produced by the Global Initiative and Save the Children (2002) provided concrete suggestions for and examples of awareness-raising campaigns. A publication issued by the United Nations Educational, Scientific and Cultural Organization (Hart, 2005) summarized the human rights arguments and empirical evidence against corporal punishment and delineated principles of constructive discipline that are based on standards from the Children's Convention (1989). The most comprehensive manual, prepared by Save the Children (Harper et al., 2005), went farther, detailing five steps needed to effectuate change in attitudes about and use of corporal punishment: (a) understanding the problem (its prevalence, why it should be eliminated), (b) committing to change (at individual, organization, and state levels), (c) situation analysis (including talking with children about their experiences and conducting a comprehensive review of the contexts that promote corporal punishment), (d) delivering the change for children (through legal reform and public education efforts that involve child participation), and (e) impact assessment (with baseline data, process indicators, and evaluation of relevant programs). Each of these publications provides practical advice to those who might plan a campaign to reduce corporal punishment in the United States.

To be successful in changing Americans' attitudes and behavior regarding corporal punishment, a campaign would likely have to have three integral components. One would be an emphasis on effective, nonviolent alternatives and on the benefits to parents and their children that will be associated with the change in parental disciplining. Many parents will need help in identifying methods to use instead of corporal punishment and may need some convincing that such methods will be successful in reducing child misbehavior, promoting child positive behavior, and eliminating potential risks to children, such as illegal physical abuse. A recently published exemplar of how to present such methods to parents is a manual commissioned by the Global Initiative and Save the Children Sweden entitled *Positive Discipline: What It Is and How to Do It* (Durrant, 2007). This manual, written in clear language with simple exercises to facilitate learning,

guides parents in assimilating what are called the four principles of positive discipline, namely, setting goals, creating a positive home climate, understanding how children think and feel, and solving problems in difficult situations. Although quite long (at 356 pages), it provides a comprehensive introduction to and instruction in positive discipline for parents.

A second component would consist of messages and materials developed by and for specific racial, ethnic-cultural, religious, or socioeconomic groups that have traditionally favored the use of corporal punishment. Educational materials must be respectful of the beliefs and opinions of these groups. The materials should ideally be prepared by group members to ensure that information and advice are nonjudgmental and are focused on promoting positive alternatives to corporal punishment.

Third, educational materials will be all the more convincing if they also present children's perspectives on corporal punishment (Phillips & Alderson, 2003). In qualitative interviews, children reported feeling sad, angry, fearful, and estranged from their parents after being physically punished and expressed their disquietude at an inherent unfairness in the fact that adults can hit children but not other adults (Dobbs, Smith, & Taylor, 2006; Willow & Hyder, 1998). Given the U.K. findings that the vast majority of parents reported feeling sadness, regret, and guilt after using corporal punishment (NSPCC, 2002b) and the fact that their perception of the negative effects of corporal punishment on children is the main reason parents report ceasing to use it (Holden, Thompson, Zambarano, & Marshall, 1997), educational materials that emphasize children's emotional reactions to being physically punished could be particularly effective in encouraging parents to think twice about using the practice.

Mounting a universal education campaign in a large and diverse nation such as the United States is indeed a daunting task, as well as an expensive one. The costs for the Ad Council's creation of a public service advertising campaign from scratch and promotion of it over 3 years are estimated at a minimum of approximately \$2 million (Ad Council, 2007). Yet, if considered as furthering prevention of child abuse, the costs of a campaign to reduce corporal punishment are dwarfed by the costs of child maltreatment to states and to the nation, which have been estimated to be \$66.8 million per day to maintain the current system of child protection (Fromm, 2001). Clearly, a national education campaign would be money well spent if it helped reduce the monumental costs of maltreatment to society, let alone the human costs to child victims.

Strategy 2: Targeted Interventions for New Parents, Pre-Parents, and At-Risk Parents

While a universal campaign is crucial for changing the national conversation about discipline and may be sufficient for some parents to reduce or stop their use of corporal punishment, changing actual discipline behavior for other parents may require more intensive interventions. Because altering established behavior patterns is difficult (Patterson, 1982), many such interventions should be preventive, targeting individuals before they become parents. With more and more adults attending childbirth classes before the arrival of their first child, such classes would be an ideal setting to encourage parents to reevaluate their beliefs about

corporal punishment and to deter them from using it with their own children. Another preventive approach would be to include curriculum on effective alternatives to corporal punishment in family life courses in high schools. Other potential avenues for targeted education about effective nonviolent discipline include foster and adoptive parent preparation programs, orientation materials and programs provided to new U.S. residents, and babysitting training courses (Durrant, Ensom, & the Coalition on Physical Punishment of Children and Youth, 2004).

Of course, parents are likely to be more interested in discussing discipline when they are faced with the challenges of daily child rearing. Many parents recognize that corporal punishment exacerbates, rather than improves, child behavior and acknowledge a decision not to use it because of their children's negative reactions to being physically punished (Holden et al., 1997). This circumstance, in conjunction with the fact that parents seek out parenting information from multiple sources (Ateah, 2003), suggests that many American parents may be desirous of information about nonviolent alternatives to corporal punishment. A way to provide such information would be through universally available parenting education programs offered to all parents and caregivers, perhaps through child care centers, schools, YMCAs, community centers, and faith-based outreach centers. Such programs could provide guidance on developmentally appropriate expectations for children's behavior as well as strategies for preventing child misbehavior and for using nonviolent discipline when parent-child conflict occurs. The funding and oversight for such programs should come from federal, state, and local governments to ensure that such parenting education is truly available to all who want it. Of course, nongovernmental funding, such as from private companies and foundations, would also help ensure universal availability of parenting education.

A third targeted approach would be what is known as tertiary prevention, in other words, targeted at parents who have already been identified as having physically abused their children. There are already a variety of programs throughout the country aimed at reducing abusive behaviors by maltreating parents, and many of the curricula for these programs include an emphasis on reducing corporal punishment and on increasing nonpunitive discipline techniques. Current approaches among interventions targeted to maltreating parents include parenting groups run by fellow parents, home visitation programs, and parent mentor programs, in which nonabusive parents serve as role models for parents who have abused their children (Goldman et al., 2003). It should be noted, though, that not all such programs have been shown to significantly reduce maltreatment in randomized controlled trials (Chaffin & Schmidt, 2006).

One promising example of a parenting intervention that includes both universal and targeted components is the Triple P-Positive Parenting Program (Sanders, Markie-Dadds, & Turner, 2003). The intervention is designed with five levels of intensity, beginning with a media-based universal campaign to educate the public about the program (Level 1) and ending with individually tailored home visits and trainings (Level 5). Included in the program is instruction in alternatives to coercive discipline practices such as corporal punishment. Randomized controlled trials of Triple P have demonstrated its effectiveness in achieving reliable decreases in children's problematic behaviors (Sanders et al., 2003). The Triple P

is currently being offered as a population-based intervention in 18 counties in South Carolina, involving more than 12,000 families to date (Stambor, 2006). If the program continues to be effective on this large scale, the Triple P could be used at the state level as a means of promoting alternatives to corporal punishment and of intervening in families before corporal punishment becomes routine.

Strategy 3: Education for Professionals Who Work With Children and Families

Professionals who work directly with children and families, including teachers, child care providers, doctors, psychologists, and social workers, are in good positions to provide education to parents regarding effective discipline. The same reasons that these professionals are legally bound to be mandated reporters, namely, that they have frequent contacts with families and are trusted by them, make them preferred sources of preventive education on alternatives to corporal punishment (what the field of medicine calls anticipatory guidance).

Mandated reporters are professionals who work directly with children and families and who are required by law to report any and all suspected cases of child abuse or neglect to child protective services (Child Abuse Prevention and Treatment and Adoption Reform Act, 1974; U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau, 2005b). Nationally, 56% of child abuse and neglect reports come from mandated reporters such as teachers, law enforcement officers, social workers, health care workers, and child care providers (U.S. Department of Health and Human Services, 2006). Yet there is not universal agreement among these mandated reporters regarding what constitutes reportable abusive behavior (Alvarez, Kenny, & Donohue, 2004; Ashton, 1999, 2001; Schenck, Lyman, & Bodin, 2000). Training in what constitutes reportable abuse is minimal in some fields (e.g., 2 hours in New York state for teachers and nurses; Bluestone, 2005), if it exists at all. Some professional organizations publish guidelines for how their members should address the topic of discipline with parents, including discouraging the use of corporal punishment (see the American Academy of Pediatrics, Committee on Psychosocial Aspects of Child and Family Health, 1998). However, not all professional organizations whose members interact with parents and children provide such explicit guidance. Instead, individuals are left to draw upon their own experience in making such judgments (Kalichman, 1999). In practice, mandated reporters who themselves hold favorable views of corporal punishment are less likely to deem even clearly injurious parenting behaviors (e.g., burning a child with a cigarette) as abusive and are less likely to report such incidents to child protection authorities (Ashton, 2001; Bluestone, 2005). In trusting these potential reporters with the welfare of its children, society should do more to standardize criteria for substantiating physical abuse and to enlighten the public about the potential for corporal punishment to result in physical injury.

Although the thought of coordinating the training of thousands of professionals throughout the country is overwhelming, there is an example of such training being conducted on a national scale, albeit in a country smaller than the United States. In Norway, the Ministry of Child and Family Affairs has successfully achieved nationwide implementation of the parent management training program

developed at the Oregon Social Learning Center (Ogden, Forgatch, Askeland, Patterson, & Bullock, 2005). Through coordination at county and municipal levels, professionals throughout the country have been trained in the program. The effectiveness of this national intervention in impacting parenting practices and child outcomes is currently being evaluated, but anecdotal evidence from media reports suggests the program has been well received by families (Ogden et al., 2005). The vastness of the United States and the concentration of child protection at the state level would make a single national effort to accomplish such training difficult, but the Norwegian example indicates interventions at the state level could be feasible. Federal block grants to states could be used to fund such training efforts, in a similar fashion to the welfare reform block grants begun in 1996.

Strategy 4: Reforming Federal and State Laws Regarding Corporal Punishment

The fact that more than half of all states have banned corporal punishment in public schools (see Table 2) indicates that the majority of the country now disapproves of school-based corporal punishment. As remarked above, less than a quarter of adult Americans agree that it is acceptable for a teacher to use corporal punishment (SurveyUSA, 2005). A long list of influential and well-respected professional and nonprofit organizations has called for a ban of corporal punishment in schools (Center for Effective Discipline, 2007b). In addition, school administrators have expressed doubt about the practice; a 1997 survey of all school administrators in a Florida county found that corporal punishment was rated by them as not at all effective and as the least effective of 14 student disciplinary methods (Raffaele, 1999). Unfortunately, the policy debate about school corporal punishment has largely been one of opinions and anecdotal evidence. For example, Smith (1996) documented such a debate within an Ohio school district in which principals' anecdotal reports took precedence over social scientists' research evidence. This reliance on personal experience over empirical data clouds the discussion about the professed benefits and demonstrated detriments of school corporal punishment. Yet, as school corporal punishment continues to be debated by average citizens and school personnel across the United States and as international condemnation of the punishment seeps into public consciousness, the 22 states that currently permit the practice will undoubtedly be pushed to reassess their current policies. Just in the past year, bills were introduced in both North Carolina (H.B. 853: An Act to Prohibit the Use of Corporal Punishment in the Public Schools, 2007) and Texas (H.B. 379: An Act Relating to Corporal Punishment in Public Schools, 2007) to ban school corporal punishment. Although they sparked debate in their respective states, the North Carolina bill failed, and the Texas bill was not brought up for a vote.

Dismantling legal sanction of parents' use of corporal punishment would optimally entail two legal strategies working in tandem. One would be a congressionally enacted universal ban that, because of its source and national applicability, would provide the most consistent and persuasive message. However, national legislation is unlikely because of legal and political considerations. State legislatures are, therefore, the most appropriate forum for banning all corporal

Table 2
Legal Status of Corporal Punishment in Public Schools Across the United States

States that have banned corporal punishment in public schools	States that allow corporal punishment in public schools
Alaska	Alabama
California	Arizona
Connecticut	Arkansas
Delaware	Colorado
District of Columbia	Florida
Hawaii	Georgia
Illinois	Idaho
Iowa ^a	Indiana
Maine	Kansas
Maryland	Kentucky
Massachusetts	Louisiana
Michigan	Mississippi
Minnesota	Missouri
Montana	New Mexico
Nebraska	North Carolina
Nevada	Ohio
New Hampshire	Oklahoma
New Jersey ^a	South Carolina
New York	Tennessee
North Dakota	Texas
Oregon	Utah
Pennsylvania	Wyoming
Rhode Island	
South Dakota	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	

Note. Source: Center for Effective Discipline (2007c).

^aProhibits corporal punishment in both public and private schools.

punishment of children (Pollard, 2002). The second strategy would be the removal of the defense of corporal punishment of children such that the punishment attains the status of criminal assault or child abuse. (When a defendant hits a child and is charged with these crimes, he or she may currently use this defense to avoid liability on the theory that he or she was only disciplining the child.) This is a necessary step in protecting children, though, if the experience of other countries is any indication, it would be insufficient by itself to achieve widespread attitudinal and behavioral change in the public.

Incidentally, these legal reforms would not objectionably impinge on family privacy or parental prerogative. There simply is no fundamental amorphous family privacy right or a fundamental parental right to spank children under the federal Constitution. Nor is the experience of governmental intervention in the family, to advance children's welfare, foreign to Americans. Laws in the United States prescribe, for instance, when children may drive, drink, marry, contract, enter the armed forces, and go to school, as well as the standards for their

education and the vaccinations prerequisite to school attendance. From a less legalistic standpoint, it is edifying to remember that once lawmakers have decided certain conduct, such as child abuse or wife beating, is detrimental and unacceptable, with the passage of time the average citizen does not ultimately see the resulting laws outlawing the conduct as invasions of privacy.

Universal and explicit state bans, however, would have the power to effectuate such a transformation. We know this from the operation of other American laws that do not involve much, or any, enforcement but that nevertheless have had a far-reaching effect on individual behavior. A prominent example of this phenomenon is that of antismoking ordinances in the United States. There are no smoking police who go around stubbing out cigarettes and issuing citations in nonsmoking zones. Rather, the laws are considered self-enforcing because over time the norms are internalized (Bitensky, 2006). Other examples of laws that typically involve little enforcement but have still been successful in changing public behavior are carpool lanes for drivers, pooper-scooper laws for dog owners, and child safety seat laws for families (Bitensky, 2006). Thus, there is precedent in the United States for legislation that achieves its purpose by educating rather than penalizing.

Although there may not be a groundswell of support in the American public for universal bans, that does not mean that reform of this nature is impossible in the future. It is worth noting that among the countries that have instituted bans on corporal punishment, public opinion in support of a ban has not been a prerequisite (Boyson, 2002). In Sweden, for example, more than half of adults expressed positive attitudes about corporal punishment before the universal ban was passed as legislation. An American analogue can be found with regard to school corporal punishment: Although a survey of Memphis parents found that 75% supported corporal punishment in schools, Memphis City Schools proceeded to ban the practice in 2004 (Memphis City Schools Board of Education, 2004).

It undoubtedly helps to have public opinion on the side of legislation, both to get it passed and to ensure compliance with it. A sea change in Americans' attitudes about corporal punishment would thus be helpful. Although achieving such a drastic change in entrenched attitudes seems a tall order for abolitionists, such about-faces have taken place before and on similar issues. The most germane example is public opinion in the United States about domestic violence. As part of the growing influence of feminism in the 1970s, the women's movement successfully changed public opinion about the acceptability of assaults on women by their husbands or partners, prompted the creation of shelters for battered women and their children, and advocated for legal reforms at local, state, and federal levels (Schechter, 1982). A similar sea change in the still pervasive belief that parents have the right to hit their children may or may not be needed before laws prohibiting corporal punishment will be seriously considered in this country; certainly, a pre-reform attitudinal shift would be preferable.

Conclusion

No doubt, there are many citizens, academics and nonacademics alike, who strongly disagree with a conclusion that corporal punishment should be banned in this country. Any such disagreement should not be taken lightly, particularly in

view of the fact that corporal punishment remains widely used by parents throughout the United States. With this in mind, supporters of a circumscribed role for policy intervention in families have cautioned,

The customs and laws of a society should be given due respect and consideration before banning or stigmatizing a practice, such as physical punishment, that most members practice and consider useful in accomplishing their goals, *provided that there is no ethical objection to these goals* [italics added]. (Baumrind & Thompson, 2002, p. 16)

This of course raises the question, Can or should the corporal punishment of children be considered an ethical issue?

International human rights law has its historical roots in religious and philosophical concepts of morality, social justice, and right treatment. The fact that corporal punishment has come to be considered a violation of the world's major human rights treaties manifests the international community's judgment that this disciplinary practice is at its core unethical and morally indefensible.

Beginning with the first federal Child Abuse Prevention and Treatment Act (1974), the U.S. government has accepted without reservation its ethical and legal obligations to ensure that children's basic needs are fulfilled, that children are protected from harm, and that parents are supported in meeting these basic needs through assistance, prevention, and intervention (Goldman et al., 2003). If federal and state governments take seriously their mandate to prevent child abuse, preventing corporal punishment should be a clear way to reduce abusive assaults against children. Moreover, a ban on corporal punishment would resolve the current confusion and risk created by a legal system that capriciously and unpredictably permits certain forms of physical violence against children but not others. The mixed messages such laws give to both children and parents would be resolved by laws that prohibit all violence against children.

It was only by transforming attitudes so as to repudiate husbands' right to hit their wives and by removing societal and legal approval of such behavior that domestic violence against women substantially decreased (Lansdown, 2000; Schechter, 1982). The time is long overdue for similar scrutiny to be turned upon parents' right to hit their children. In 2004 alone, 422 children died in the United States as a direct result of physical abuse by parents; in an additional 450 child deaths, physical abuse may have been combined with other forms of maltreatment to cause the child's death (U.S. Department of Health and Human Services, Administration for Children and Families, 2006). Every one of these child deaths was preventable. The established connections between corporal punishment and physical abuse behoove all states to work towards reducing corporal punishment. As a result of their developing and vulnerable status, children should be afforded more, not less, protection under the laws and social policies of the United States.

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