

MORE HARM THAN GOOD: A SUMMARY OF SCIENTIFIC RESEARCH ON THE INTENDED AND UNINTENDED EFFECTS OF CORPORAL PUNISHMENT ON CHILDREN

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I

INTRODUCTION

The use of corporal punishment to discipline children remains one of the last holdouts of old-fashioned childrearing in the United States. Gone are the days of administering cod-liver oil to prevent rickets, spreading alcohol on babies' gums to dull teething pain, or even putting children to sleep on their stomachs to prevent choking on fluids—practices that have been repeated by generations of dutiful parents across centuries. The modern age of child-rearing experts has ushered in a new set of parenting techniques thought to promote optimal child development, including teaching children to use signs from American Sign Language to communicate before they are able to verbalize words, protecting children in fancy (and expensive) car seats that were unheard of even twenty years ago, and using time-out as a preferred means of discipline.

Yet corporal punishment of children persists—roughly fifty percent of the parents of toddlers¹ and sixty-five to sixty-eight percent of the parents of preschoolers² in the United States use corporal punishment as a regular method of disciplining their children. By the time American children reach middle and high school, eighty-five percent have been physically punished by their parents.³ These high prevalence rates are in stark contrast to the growing consensus

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1. Rebecca R. S. Socolar et al., *A Longitudinal Study of Parental Discipline of Children*, 100 S. MED. J. 472, 474 (2007).

2. Michael Regalado et al., *Parents' Discipline of Young Children: Results From the National Survey of Early Childhood Health*, 113 PEDIATRICS 1952, 1954 (2004); Socolar et al., *supra* note 1.

3. Heather L. Bender et al., *Use of Harsh Physical Discipline and Developmental Outcomes in Adolescence*, 19 DEV. & PSYCHOPATHOLOGY 227, 231 (2007); Elizabeth T. Gershoff & Susan H. Bitensky, *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*, 13 PSYCHOL., PUB. POL'Y, & LAW 231, 232 (2007).

within the social and medical sciences that the risks for substantial harm from corporal punishment outweigh any benefit of immediate child compliance.⁴

Why, then, do parents continue to spank or hit their children in the name of discipline? One reason is its long tradition—the corporal punishment of children has occurred throughout the entirety of recorded history.⁵ For centuries in this country and in countries around the world, corporal punishment of children occurred in a context in which such punishment was also acceptable as a means of punishing adults for infractions, often in the form of public floggings.⁶ But courts throughout the United States are no longer allowed to sentence criminals to corporal punishment, short of capital punishment.⁷ In contrast, corporal punishment of children by parents remains legal and accepted; in most states parents continue to have a legal defense against assault if their intention in hitting their children was to discipline them.⁸

As a result of this long history, corporal punishment has a strong intergenerational tradition in the United States. Parents, after all, learn most of their lessons about how to be a parent from their own parents. It is thus not surprising that adults' support for corporal punishment is significantly related to whether they believe their own parents were supportive of the practice⁹ and whether they themselves were physically punished as children.¹⁰ Indeed, children and adolescents who are spanked themselves tend to be more supportive of corporal punishment than children who have not been spanked.¹¹

Corporal punishment also persists because it is a practice with strong ties to religion, particularly to Christianity.¹² Religious leaders and religiously inspired

4. American Academy of Pediatrics, *Committee on Psychosocial Aspects of Child and Family Health: Guidance for Effective Discipline*, 101 PEDIATRICS 723, 726 (1998); Elizabeth T. Gershoff, *Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review*, 128 PSYCHOL. BULL. 539, 547 (2002).

5. Leonard P. Edwards, *Corporal Punishment and the Legal System*, 36 SANTA CLARA L. REV. 983, 984 (1996).

6. GEORGE RILEY SCOTT, *THE HISTORY OF CORPORAL PUNISHMENT: A SURVEY OF FLAGELLATION IN ITS HISTORICAL ANTHROPOLOGICAL AND SOCIOLOGICAL ASPECTS* 37–59 (1996).

7. NICHOLAS N. KITTRIE ET AL., *SENTENCING, SANCTIONS, AND CORRECTIONS: FEDERAL AND STATE LAW, POLICY, AND PRACTICE* 736 (2d ed. 2002).

8. Deana A. Pollard, *Banning Corporal Punishment: A Constitutional Analysis*, 52 AM. U. L. REV. 447, 472 (2002).

9. See generally George W. Holden et al., *Child Effects as a Source of Change in Maternal Attitudes Toward Corporal Punishment*, 14 J. SOC. & PERS. RELATIONSHIPS 481 (1997).

10. Shari Barkin et al., *Determinants of Parental Discipline Practices: A National Sample from Primary Care Practices*, 46 CLINICAL PEDIATRICS 64, 64 (2007); Anthony M. Graziano et al., *Subabusive Violence in Childrearing in Middle-Class American Families*, 98 PEDIATRICS 845, 846 (1996); Rebecca R. S. Socolar & Ruth E. K. Stein, *Spanking Infants and Toddlers: Maternal Belief and Practice*, 95 PEDIATRICS 105, 108 (1995); see generally Mary E. Bower-Russa et al., *Disciplinary History, Adult Disciplinary Attitudes, and Risk for Abusive Parenting*, 29 J. COMMUNITY PSYCHOL. 219 (2001).

11. Kirby Deater-Deckard et al., *The Development of Attitudes About Physical Punishment: An 8-Year Longitudinal Study*, 17 J. FAM. PSYCHOL. 351, 355–56 (2003).

12. See generally PHILIP GREVEN, *SPARE THE CHILD: THE RELIGIOUS ROOTS OF PUNISHMENT AND THE PSYCHOLOGICAL IMPACT OF PHYSICAL ABUSE* (1991).

parenting experts in our twenty-first century,¹³ like their eighteenth-century compatriots,¹⁴ make connections between firm discipline and a child's spiritual well-being, and encourage parents to use corporal punishment as an important part of their discipline repertoire. Parents with conservative Protestant affiliations in particular are more supportive of corporal punishment and use it more frequently than do parents of other Christian and non-Christian religious affiliations.¹⁵

Although religious affiliation may explain why some parents continue to use corporal punishment as a means of discipline, a large and growing body of research has challenged the long-held assumption that spanking is a good, and perhaps even a necessary, way to make children better behaved. Despite popular parenting books that encourage parents to try nonphysical means of discipline,¹⁶ practices such as spanking continue throughout the country. Either the conclusions from research are not reaching parents, or they are actively rejecting them and siding with the strong tradition of corporal punishment outlined above.

This article summarizes the current state of knowledge about both the intended and unintended effects of corporal punishment on children. This knowledge base is built upon hundreds of research studies in the fields of psychology, medicine, sociology, social work, and education, each detailing the potential effects corporal punishment may have on children. It also relies heavily on the results of two empirical research syntheses, known as meta-analyses, which have summarized the research linking corporal punishment to specific child outcomes by statistically combining existing data to discern the average strength of the findings.¹⁷

For this article, the term corporal punishment signifies noninjurious, open-handed hitting with the intention of modifying child behavior. The terms corporal punishment and physical punishment are synonymous: "physical punishment" is more commonly used among parents in the United States; "corporal punishment" is commonly used internationally and is used in the

13. See generally JAMES C. DOBSON, *THE NEW DARE TO DISCIPLINE* (rev. ed. 1996).

14. See generally GREVEN, *supra* note 12.

15. Elizabeth Thompson Gershoff et al., *Parenting Influences from the Pulpit: Religious Affiliation as a Determinant of Parental Corporal Punishment*, 13 J. FAM. PSYCHOL. 307, 312–15 (1999).

16. BILL COSBY & ALVIN F. POUSSAINT, *COME ON PEOPLE: ON THE PATH FROM VICTIMS TO VICTORS* 67–73 (2007); see generally WILLIAM SEARS & MARTHA SEARS, *THE DISCIPLINE BOOK: EVERYTHING YOU NEED TO KNOW TO HAVE A BETTER-BEHAVED CHILD—FROM BIRTH TO AGE TEN* (1995).

17. See generally Gershoff, *supra* note 4; Robert E. Larzelere & Brett R. Kuhn, *Comparing Child Outcomes of Physical Punishment and Alternative Disciplinary Tactics: A Meta-Analysis*, 8 CLINICAL CHILD & FAM. PSYCHOL. REV. 1 (2005). A third meta-analysis combined disparate child outcomes into three overly broad categories (for example, affective, cognitive, and behavioral), which does not allow a precise understanding of the effects of corporal punishment on particular outcomes and thus is not discussed here. See generally Elizabeth Oddone Paolucci & Claudio Violato, *A Meta-Analysis of the Published Research on the Affective, Cognitive, and Behavioral Effects of Corporal Punishment*, 138 J. PSYCHOL. 197 (2004).

United States by teachers, principals, and policymakers. Parents tend to use a number of euphemisms to refer to punishment that involves striking their child, including “spank,” “smack,” “slap,” “pop,” “beat,” “paddle,” “punch,” “whup” or “whip,” and “hit.”¹⁸ “Spanking” is the term used most commonly in the United States and typically refers to hitting a child on his or her buttocks with an open hand, although some parents may include hitting with objects in their definition of spanking. Throughout this article, “corporal punishment” refers not to the broader array of striking, however designated by parents, but specifically to spanking as so defined here and as administered by parents in the United States. Unless specified otherwise, the findings discussed below are direct associations between amount of corporal punishment and the child outcome in question and do not include controls for child or family demographic characteristics.

II

INTENDED EFFECTS OF CORPORAL PUNISHMENT

Parents have short- or long-term goals when they use corporal punishment to correct their child’s misbehavior. Their short-term goal is typically to get the child to stop engaging in the unacceptable behavior—to get the child to comply. Yet other short-term goals might include getting the child’s attention or quickly communicating to the child that the parent is in charge. Parents also have a variety of long-term goals in using corporal punishment, key among which are reducing the likelihood that the child will repeat the undesirable behavior and increasing the likelihood that the child will behave in socially acceptable ways.¹⁹ Parents report that they are most likely to use corporal punishment when their child’s misbehavior involved engaging in unsafe behaviors, such as playing with matches, hurting someone else, as by hitting a sibling or a parent, or violating social norms, such as stealing money.²⁰ Parents’ key goals in using corporal punishment thus appear to be to increase their children’s immediate and long-term compliance and to decrease their children’s aggressive and antisocial behavior.

18. Phillip W. Davis, *Threats of Corporal Punishment as Verbal Aggression: A Naturalistic Study*, 20 CHILD ABUSE & NEGLECT 289, 294 (1996); Lynetta Mosby et al., *Troubles in Interracial Talk About Discipline: An Examination of African American Child Rearing Narratives*, 30 J. COMP. FAM. STUD. 489, 494–514 (1999).

19. Joan E. Grusec & Jacqueline J. Goodnow, *Impact of Parental Discipline Methods on the Child’s Internalization of Values: A Reconceptualization of Current Points of View*, 30 DEVELOPMENTAL PSYCHOL. 4, 4 (1994).

20. Thomas F. Catron & John C. Masters, *Mothers’ and Children’s Conceptualizations of Corporal Punishment*, 64 CHILD DEV. 1815, 1820 (1993); George W. Holden et al., *Why 3-Year-Old Children Get Spanked: Parent and Child Determinants as Reported by College-Educated Mothers*, 41 MERRILL-PALMER Q. 431, 441–42 (1995); Carolyn Zahn-Waxler & Michael Chapman, *Immediate Antecedents of Caretakers’ Methods of Discipline*, 12 CHILD PSYCHIATRY & HUM. DEV. 179, 189 (1982).

A. Short-Term Compliance

To know if corporal punishment is effective in the short term, we observe children's behavior immediately after punishment to see if their behavior changes as a result. Although corporal punishment is extremely prevalent, those parents who do use it do so rarely, for example, only eighteen times per year by parents of two-year-old children.²¹ Thus it is not feasible to observe families at home and wait to view an instance of corporal punishment. Rather, the best way to observe whether corporal punishment induces compliance is by observing children in a laboratory under controlled conditions. Current human-subjects-protection committees likely would never allow a study that randomly assigned parents to spank or hit their children. But in the 1980s, before today's stricter guidelines were put in place, a research team at Idaho State University conducted several studies with young children who were referred to psychological clinics for defiance and conduct problems. Parents and children were randomly assigned to a spank or no-spank condition. Parents were told to issue a series of commands to their child; when the child did not comply, the parent was instructed to have the child sit in a time-out chair. Parents under the spank condition were told to spank their child if he or she got up from a time-out chair, called the "parent-release condition." Parents under the no-spank condition were told to use a different technique if their child got up from the time-out chair, typically putting the child in a small time-out room with a barrier to prevent the child from getting out, known as the "barrier-enforcement condition." In other words, these studies examined whether spanking was an effective means of securing child compliance after the child had already defied the parent once and whether it was better than alternative methods.

In the first of four studies, the researchers found spanking in the "parent-release" condition to be significantly more effective at enforcing compliance to the time-out chair than just allowing the child to get up from the chair when they were ready to comply, known as the "child-release condition."²² In the second study, however, spanking was compared with the barrier-enforcement condition, and both techniques were found to be equally effective at securing the child's compliance. The researchers concluded, "There was no support for the necessity of the physical punishment...components during initial training."²³ A few paragraphs later, they went further in their conclusion:

Despite the limitations of barrier enforced time-outs for pre-school children, further research is certainly justified. Spanking young children for escape from a time-out chair is an aversive experience for child, mother, and therapist alike. If procedural

21. Murray A. Straus & Julie H. Stewart, *Corporal Punishment by American Parents: National Data on Prevalence, Chronicity, Severity, and Duration, in Relation to Child and Family Characteristics*, 2 CLINICAL CHILD & FAM. PSYCHOL. REV. 55, 60 (1999).

22. Arthur W. Bean & Mark W. Roberts, *The Effect of Time-Out Release Contingencies on Changes in Child Noncompliance*, 9 J. ABNORMAL CHILD PSYCHOL. 95, 101-03 (1981).

23. Dan E. Day & Mark W. Roberts, *An Analysis of the Physical Punishment Component of a Parent Training Program*, 11 J. ABNORMAL CHILD PSYCHOL. 141, 150 (1983).

difficulties could be overcome, substituting barrier enforcement procedures for physical punishment would be appealing.²⁴

A third study by this same research team again found no differences between spank and barrier-enforcement conditions, although both were better than the child-release condition.²⁵ The authors did counsel against universally recommending spanking, particularly for parents with a history of physically abusing their children: “Finally, referred parents who have previously abused their children should be taught the Barrier procedure. No matter how carefully one might train the Spank procedure, it could be discriminative of more intense physical punishment. Since the Barrier procedure is usually effective, it is recommended for parents from such populations.”²⁶ This quote raises the question—if the barrier-enforcement condition is equally effective and does not carry the risk of escalation into physical injury for the child, why not recommend barrier enforcement of time-outs for everyone?

Finally, in the fourth study, spanking was again found to be no more effective than the barrier-enforcement strategy. The author concluded, “[P]hysical punishment was not an important component of compliance-training procedures.”²⁷ The author clearly had reservations about recommending physical punishment to parents and clinicians and went on to list the negative unintended consequences of physical punishment: “Unfortunately, physical punishment, which is often used to enforce chair timeouts, models aggression, may provoke aggressive child reactions . . . clearly distresses the child (e.g., the effect on timeout disruption), and appears less acceptable to parents than room timeouts . . .”²⁸ To summarize across these studies, although corporal punishment was effective at getting children to comply in the laboratory situation, it was not significantly better at doing so than the barrier-enforcement time-out strategy. Citing risks for harm to children, the researchers express reservations about corporal punishment while noting its effectiveness.

Three of these four studies have been combined with the results of other studies and used in the two main published meta-analyses to date of the effects of corporal punishment on children.²⁹ In the first meta-analysis of five laboratory or observational studies,³⁰ child compliance was found on average to significantly improve after corporal punishment, although this average effect size was driven by one very large effect from one of the time-out studies

24. *Id.*

25. Mark W. Roberts & Scott W. Powers, *Adjusting Chair Timeout Enforcement Procedures for Oppositional Children*, 21 BEHAV. THERAPY 257, 267 (1990).

26. *Id.* at 270.

27. Mark W. Roberts, *Enforcing Chair Timeouts with Room Timeouts*, 12 BEHAV. MODIFICATION 353, 365 (1988) (citing Dan E. Day & Mark W. Roberts, *An Analysis of the Physical Punishment Component of a Parent Training Program*, 11 J. ABNORMAL CHILD PSYCHOL. 141, 150 (1983)).

28. *Id.* at 366.

29. See generally Gershoff, *supra* note 4; Larzelere & Kuhn, *supra* note 17.

30. Gershoff, *supra* note 4, at 547 tbl.4.

described above.³¹ The second meta-analysis compared the effectiveness of corporal punishment in securing child compliance relative to the effectiveness of other techniques in reducing noncompliance and antisocial behavior and found that corporal punishment was more effective than other techniques such as time-out, reasoning, or threats.³²

How do we square these two sets of findings? It is indeed possible for both things to be true: When corporal punishment is compared with no back-up discipline, it is effective in securing compliance;³³ yet when it is compared with a barrier time-out back-up, a spanking back-up is no more effective than the time-out method. Corporal punishment is thus better than doing nothing, but it is not better than alternative means of discipline that do not carry the risks of physical injury to the child or of increasing child aggression.

B. Long-Term Compliance

Although parents are often focused on securing immediate child compliance, they also value long-term compliance and appropriate behavior. Indeed, it is the effects on children's behaviors in the long-term that are (or should be) the primary goal of parents' discipline, such that children have internalized the reasons for behaving safely and appropriately in new situations and when parents are not around to enforce compliance.³⁴ The meta-analysis by Gershoff noted that thirteen of fifteen studies (eighty-seven percent) found that parents' use of corporal punishment was significantly correlated with less long-term compliance and less moral and pro-social behavior—in other words, corporal punishment was associated with worse rather than better child behavior.³⁵ In their meta-analysis, Larzelere and Kuhn determined that “customary” corporal punishment was no better at promoting the development of children's conscience or positive behavior than were other methods of discipline, including reasoning, time-out, taking away privileges, threats, and ignoring misbehavior.³⁶ In two more-recent studies not used in either meta-analysis, the more boys were physically punished, the less likely they were to behave in morally appropriate ways; there was no significant effect for girls.³⁷

31. Bean & Roberts, *supra* note 22; Gershoff, *supra* note 4, at 545 tbl.3.

32. Larzelere & Kuhn, *supra* note 17, at 17.

33. Bean & Roberts, *supra* note 22, at 102.

34. See generally Martin L. Hoffman, *Affective and Cognitive Processes in Moral Internalization*, in SOCIAL COGNITION AND SOCIAL DEV. 236 (E. Tory Higgins et al. eds., 1983); Mark R. Lepper, *Social-Control Processes and the Internalization of Social Values: An Attributional Perspective*, in SOCIAL COGNITION AND SOCIAL DEVELOPMENT, *supra* at 294–95.

35. Gershoff, *supra* note 4, at 547 tbl.4.

36. Larzelere & Kuhn, *supra* note 17, at 25.

37. David C. R. Kerr et al., *Parental Discipline and Externalizing Behavior Problems in Early Childhood: The Roles of Moral Regulation and Child Gender*, 32 J. ABNORMAL CHILD PSYCHOL. 369, 379 (2004); N. L. Lopez et al., *Parental Disciplinary History, Current Levels of Empathy, and Moral Reasoning in Young Adults*, 3 N. AM. J. PSYCHOL. 193, 200 (2001).

Taken together, these results indicate that corporal punishment is not better than other discipline methods at promoting long-term compliance or moral internalization (that is, the child's internalizing positive moral values), and in fact may be worse by decreasing these positive behaviors, thus having an effect on child behavior that is opposite of what parents intended.

C. Reduced Long-Term Aggressive and Antisocial Behavior

One of the main situations in which parents resort to corporal punishment is when their children have engaged in aggression, such as hitting another child, or antisocial behavior, such as lying or stealing.³⁸ Parents use corporal punishment to convey their strong disapproval of children's aggressive and antisocial behavior, but they do so ignoring that corporal punishment is more likely to increase rather than decrease these behaviors. Three psychological theories shed light on why this may be so. From a social-learning perspective, a parent hitting a child models the use of force to achieve desired ends, and when children see that the parent's aggression is effective at attaining the goal of the aggressor (in this case, immediate child compliance), the child is more likely to imitate the aggressive behavior in the long-term.³⁹ The irony, of course, is that the more successful corporal punishment is at stopping aggression immediately, the more likely it is that children will themselves use physical force to get what they want in the future. Social cognitive theory suggests that children who are hit by their parents (and thus physically hurt by them) will develop a tendency to make hostile attributions about others that, in turn, increase the likelihood that they will behave inappropriately in social interactions.⁴⁰ Finally, attribution theorists argue that, because corporal punishment uses physical force, its use by parents constitutes an external source to which children can attribute their compliance; corporal punishment does not promote internalized reasons for behaving appropriately.⁴¹ Children who have not internalized the reasons for behaving pro-socially thus have no reason to behave appropriately when their parents are not there to provide an external reason for doing so.

The research to date on corporal punishment and child aggression is entirely consistent with these expectations from theory. In one meta-analysis of twenty-seven studies, every single study found that the more parents used corporal punishment, the more aggressive their children were.⁴² Similarly, twelve of

38. Catron & Masters, *supra* note 20, at 1815; Holden et al., *supra* note 20, at 441–42; Zahn-Waxler & Chapman, *supra* note 20, at 189.

39. See generally ALBERT BANDURA & RICHARD H. WALTERS, *ADOLESCENT AGGRESSION: A STUDY OF THE INFLUENCE OF CHILD-TRAINING PRACTICES AND FAMILY INTERRELATIONSHIPS* (1959); LEONARD D. ERON ET AL., *LEARNING OF AGGRESSION IN CHILDREN* (1971).

40. See generally Kenneth A. Dodge, *A Social Information Processing Model of Social Competence in Children*, in 18 MINNESOTA SYMPOSIUM ON CHILD PSYCHOL. 77 (Marion Perlmutter ed., 1986); see also Bahr Weiss et al., *Some Consequences of Early Harsh Discipline: Child Aggression and a Maladaptive Social Information Processing Style*, 63 CHILD DEV. 1321, 1331 (1992).

41. HOFFMAN, *supra* note 34; Lepper, *supra* note 34.

42. Gershoff, *supra* note 4, at 547 tbl.4.

thirteen studies found that the more frequently or severely corporal punishment was administered, the more strongly it was associated with more antisocial behavior.⁴³ Although the majority of this research has been conducted in the United States, these findings have been replicated around the world. Indeed, corporal punishment has been associated with more aggression in Canada, China, India, Italy, Jamaica, Jordan, Kenya, Philippines, Singapore, and Thailand,⁴⁴ and with antisocial behavior and other behavior problems in Brazil, Hong Kong, Jordan, Mongolia, Norway, and the United Kingdom.⁴⁵

Most of this research is not longitudinal or experimental in nature, and thus it is difficult to know definitively whether corporal punishment causes children to be more aggressive and antisocial, or whether aggressive and antisocial children elicit more corporal punishment from their parents.⁴⁶ One approach to isolating the parent-to-child effect is to include initial levels of children's aggressive or antisocial behaviors in statistical models with longitudinal data in order to account for their co-occurrence with corporal punishment. Such a statistical design allows researchers to examine whether early corporal punishment predicts an increase or decrease in children's later problem behaviors, once their level of early problem behaviors has been taken into account. Longitudinal studies using such a design have found that both initial levels of, and changes in, corporal punishment over the course of childhood continue to predict increases in children's aggressive or antisocial behavior even

43. *Id.*

44. J.M. Meeks Gardner et al., *Determinants of Aggressive and Prosocial Behavior Among Jamaican Schoolboys*, 56 W. INDIAN MED. J. 34, 38 (2007); Jennifer E. Lansford et al., *Physical Discipline and Children's Adjustment: Cultural Normativeness as a Moderator*, 76 CHILD DEV. 1234, 1241 (2005); David A. Nelson et al., *Aversive Parenting in China: Associations with Child Physical and Relational Aggression*, 77 CHILD DEV. 554, 565 (2006); Linda S. Pagani et al., *Risk Factor Models for Adolescent Verbal and Physical Aggression Toward Mothers*, 28 INT'L J. BEHAV. DEV. 528, 533 tbl.1 (2004); Tick Ngee Sim & Lue Ping Ong, *Parent Physical Punishment and Child Aggression in Singapore Chinese Preschool Sample*, 67 J. MARRIAGE & FAM. 85, 92 tbl.2 (2005); Tagreed Abu Taleb, *The Prevalence of Physical Punishment Choice Among Mothers of Kindergarten Children, the Types of Behaviors Identified as Deserving Punishment and the Relationship Between Punishment, and Children's Behavioral Characteristics*, 28 DIRASAT: EDUC. SCI. 229, 240 tbl.8 (2001).

45. Sara R. Jaffee et al., *The Limits of Child Effects: Evidence for Genetically Mediated Child Effects on Corporal Punishment but Not on Physical Maltreatment*, 40 DEVELOPMENTAL PSYCHOL. 1047, 1055 (2004); Cecilie Javo et al., *Parenting Correlates of Child Behavior Problems in a Multiethnic Community Sample of Preschool Children in Northern Norway*, 13 EUR. CHILD & ADOLESCENT PSYCHIATRY 8, 12 (2004); Holbrook E. Kohrt et al., *An Ecological-Transactional Model of Significant Risk Factors for Child Psychopathology in Outer Mongolia*, 35 CHILD PSYCHIATRY & HUMAN DEV. 163, 170 tbl.1 (2004); Joseph T.F. Lau et al., *Psychological Correlates of Physical Abuse in Hong Kong Chinese Adolescents*, 27 CHILD ABUSE & NEGLECT 63, 69 tbl.2 (2003); Julie Messer et al., *Preadolescent Conduct Problems in Girls and Boys*, 45 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 184, 187 tbl.2 (2006); Taleb, *supra* note 44, at 239–40 tbl.8; Ymara Lucia Camargo Vitolo et al., *Crenças e atitudes educativas dos pais e problemas de saúde mental em escolares [Parental Beliefs and Child-Rearing Attitudes and Mental Health Problems Among Schoolchildren]*, 39 REVISTA DE SAÚDE PÚBLICA [REV SAÚDE PÚBLICA] 1, 7 (2005).

46. Diana Baumrind et al., *Ordinary Physical Punishment: Is It Harmful? Comment on Gershoff (2002)*, 128 PSYCHOL. BULL. 580, 582 (2002); Gershoff, *supra* note 4, at 565–66; Larzelere & Kuhn, *supra* note 17, at 31–32.

controlling for initial levels of such behaviors (as well as for social-demographic characteristics such as race, gender, or family socioeconomic status).⁴⁷

D. Summary of Intended Effects

Parents' goals in using corporal punishment, as in using any form of discipline, are to put an end to inappropriate or undesirable behavior and to promote positive and acceptable behavior in both the short and long terms. The research summarized above indicates that there is very little evidence that corporal punishment is more effective than other techniques in securing immediate child compliance. By contrast, a consistent body of evidence reveals that more corporal punishment by parents is associated with less long-term compliance and pro-social behavior and with more aggression and antisocial behavior. Taken together, these studies demonstrate that corporal punishment does not have the effects parents intend when using it and in fact has the reverse effect of increasing undesirable behaviors.

III

UNINTENDED EFFECTS OF CORPORAL PUNISHMENT

The previous section summarized research on the child behaviors parents intend to affect by using corporal punishment. What many parents, and the public, are not aware of is that corporal punishment has been associated with a range of undesirable effects on children's development that were not at all what parents intended.

A. Physical Injury and Abuse

The act of corporal punishment involves delivering a certain amount of momentary pain, but typically not lasting pain or injury, to the child. Although most parents would not otherwise intentionally cause their child to experience pain, from animal research we know that it is the very pain of corporal punishment that functions as the punisher,⁴⁸ and it is this pain that makes

47. Patricia Cohen & Judith S. Brook, *The Reciprocal Influence of Punishment and Child Behavior Disorder*, in COERCION AND PUNISHMENT IN LONG-TERM PERSPECTIVES 154, 160–61 tbls.9.3 & 9.4 (Joan McCord ed., 1995); Denise B. Kandel & Ping Wu, *Disentangling Mother-Child Effects in the Development of Antisocial Behavior*, in COERCION AND PUNISHMENT IN LONG-TERM PERSPECTIVES 106, *supra*, at 113 tbl.6.3; Susan B. Campbell et al., *Boys' Externalizing Problems at Elementary School Age: Pathways from Early Behavior Problems, Maternal Control, and Family Stress*, 8 DEV. & PSYCHOPATHOLOGY 701, 714 tbl.4 (1996); Andrew Grogan-Kaylor, *The Effect of Corporal Punishment on Antisocial Behavior in Children*, 28 SOC. WORK RES. 153, 158–59 (2004); Andrew Grogan-Kaylor, *Relationship of Corporal Punishment and Antisocial Behavior by Neighborhood*, 159 ARCHIVES PEDIATRIC & ADOLESCENT MED. 938, 941 tbl.2 (2005); Marjorie Lindner Gunnoe & Carrie Lea Mariner, *Toward a Developmental-Contextual Model of the Effects of Parental Spanking on Children's Aggression*, 151 ARCHIVES PEDIATRIC & ADOLESCENT MED. 768, 774 (1997); Jerome L. Singer et al., *Family Patterns and Television Viewing as Predictors of Children's Beliefs and Aggression*, 34 J. COMM. 73, 83 tbl.3 (1984); Weiss et al., *supra* note 40, at 1333.

48. N. H. Azrin et al., *Elicitation of Aggression by a Physical Blow*, 8 J. EXPERIMENTAL ANALYSIS BEHAV. 55, 56 tbl.1 (1965).

children less likely to engage in that same behavior in order to avoid the pain in the future. Because corporal punishment involves physical force applied to a child to the point that he or she experiences pain, and because parents are larger and stronger than children, there is always the potential for injury, even by well-intentioned parents.

Interviews with physically abusive parents about the abusive events for which they were referred to child-protective services expose a startling and compelling theme: Nearly two-thirds of the abusive incidents began as acts of corporal punishment meant to correct a child's misbehavior.⁴⁹ The authors of a review of 830 substantiated cases of abuse observed that "no factor was so universal, so ubiquitous, as some identifiable behavior on the part of the child which precipitated the parent-child interactional sequence culminating in abuse."⁵⁰ A review of physical-abuse cases in the 2003 Canadian Incidence Study of Child Maltreatment revealed that seventy-five percent of these substantiated cases were intended by the parents to be corporal punishment.⁵¹ Similarly, an older review of maltreatment cases in the United States found that sixty-three percent of the incidents of physical abuse developed out of intentional corporal punishment.⁵² A study of abusive parents in Mexico found that these were more likely than a group of comparison nonabusive parents to use conventional corporal punishment (for example, spanking or slapping) and to use more-severe methods (for example, kicking, biting, or burning),⁵³ which suggests that more-frequent and more-severe use of corporal punishment makes physical abuse of children significantly more likely.

What these findings make clear is that most physical abuse is not inflicted by a sadistic parent whose behaviors are not contingent on the child's behaviors; rather, most physically abusive events begin as corporal punishment intended to discipline a child but that escalate to the point of injury. These findings are also consistent with theories of physical abuse proposing that abuse occurs when some trigger, such as a parent's emotional state or stress level, causes what was intended to be corporal punishment to escalate to unintended levels of intensity.⁵⁴

Empirical research has found that parents' risk for abusing their children increases significantly the more frequently they corporally punish their child. A

49. ALFRED KADUSHIN & JUDITH A. MARTIN, CHILD ABUSE: AN INTERACTIONAL EVENT 189 (1981).

50. *Id.* at 254.

51. Joan Durrant et al., *Punitive Violence Against Children in Canada*, 41E CECW INFORMATION SHEET 1 (2006).

52. DAVID G. GIL, VIOLENCE AGAINST CHILDREN: PHYSICAL ABUSE IN THE UNITED STATES 126 (1970).

53. Martha Frias-Armenta, *Long-Term Effects of Child Punishment on Mexican Women: A Structural Model*, 26 CHILD ABUSE & NEGLECT 371, 379 tbl.3 (2002).

54. GIL, *supra* note 52, at 126; Jay Belsky, *Etiology of Child Maltreatment: A Developmental-Ecological Analysis*, 114 PSYCHOPATHOLOGICAL BULL. 413, 421 (1993); Ross Vasta, *Physical Child Abuse: A Dual-Component Analysis*, 2 DEV. REV. 125, 131-35 (1982).

meta-analysis of ten studies found a strong association between use of corporal punishment and risk for physical abuse.⁵⁵ This finding has been replicated in several studies since. A study of English and Welsh families found that parents who used corporal punishment were two and one-half times more likely to physically abuse their children than parents who did not use corporal punishment,⁵⁶ while a study in Québec found that parents who spanked were at seven times greater risk of abusing their children (as by punching or kicking).⁵⁷ In a study of toddlers in the United States, the more parents used nonabusive corporal punishment (for example, spanking and slapping), the more likely they were to engage in abusive behaviors (for example, beating the child up or punching them with a fist).⁵⁸ A large regional survey in the southeastern United States found that parents who had spanked their children were twice as likely as parents who had not spanked their children to engage in severe and potentially injurious behaviors (for example, beating, burning, kicking); parents who used an object to spank their child were *almost nine times as likely* as those who did not to engage in potentially abusive behaviors.⁵⁹ These assaults by parents have dire consequences: parents who spanked their child in the month before they were interviewed were 2.3 times as likely as those who had not spanked to report their child had been injured in the first year of life so badly that he or she required medical attention.⁶⁰

The repeated finding that corporal punishment increases the risk for physical abuse is consistent with the notion of a continuum of violence against children that ranges from minor to severe.⁶¹ In contrast to the few researchers who have argued against such a continuum,⁶² the evidence that corporal punishment and physical abuse are not distinct and are in fact variations of the same action toward a child is indisputable. Indeed, an attempt to differentiate instances of corporal punishment from substantiated cases of physical abuse in

55. Gershoff, *supra* note 4, at 547 tbl.4.

56. Jaffee et al., *supra* note 45, at 1050.

57. Marie-Ève Clément et al., Institut de la Statistique du Québec, *La violence familiale dans la vie des enfants du Québec, 1999* [Family Violence in the Lives of Québec's Children, 1999] 15 (2000).

58. Daphne Blunt Bugental et al., *The Hormonal Costs of Subtle Forms of Infant Maltreatment*, 43 HORMONES & BEHAV. 237, 239 (2003).

59. Adam J. Zolotor, *Speak Softly—and Forget the Stick: Corporal Punishment and Child Physical Abuse*, 35 AM. J. PREVENTIVE MED. 364, 368 (2008).

60. Marie Crandall et al., *Injury in the First Year of Life: Risk Factors and Solutions for High-Risk Families*, 133 J. SURGICAL RES. 7, 9 tbl.2 (2006).

61. RICHARD J. GELLES & MURRAY A. STRAUS, INTIMATE VIOLENCE: THE CAUSES AND CONSEQUENCES OF ABUSE IN THE AMERICAN FAMILY 54 (1988); Edward Zigler & Nancy W. Hall, *Physical Child Abuse in America: Past, Present, and Future*, in CHILD MALTREATMENT: THEORY AND RESEARCH ON THE CAUSES AND CONSEQUENCES OF CHILD ABUSE AND NEGLECT 38, 47 (Dante Cicchetti & Vicki Carlson eds., 1989); James Garbarino, *The Human Ecology of Child Maltreatment: A Conceptual Model for Research*, 39 J. MARRIAGE & FAM. 721, 722 (1977).

62. Baumrind et al., *supra* note 46, at 584–85.

Canada found no child-level or contextual factors distinguished between noninjurious and injurious assaults.⁶³

Beyond the world of academia, the continuum of violence against children is clearly and authoritatively codified in state laws on child maltreatment. The potential for corporal punishment to escalate into injurious behavior that constitutes physical abuse is recognized in the language of child-maltreatment legislation in several states.⁶⁴ For example, a Nevada statute states explicitly, “Excessive corporal punishment may constitute abuse or neglect. Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child under the provisions of this chapter.”⁶⁵ An Ohio statute related to the endangerment and abuse of children forbids an adult to “[a]dminister corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child.”⁶⁶ Both Nevada and Ohio recognize that corporal punishment, even that begun with the intent to discipline a child, can become abusive if it is “excessive.” Thus, parents who spank too long or too hard can be found to have abused their child regardless of their intention that it be discipline.

The conclusion to be drawn from the research, interviews with abusive parents, and state definitions of abuse is clear: connections between corporal punishment and physical abuse are recognized both empirically and legally.

B. Mental-Health Problems

Parents who administer corporal punishment are unlikely to be thinking that they might be undermining their children’s mental health. Yet a series of research studies has found that, despite parents’ conscious intentions, this is indeed the case. One summary of the literature found that use of corporal punishment by parents was associated with more mental-health problems in all twelve studies examined.⁶⁷ In particular, the more frequently or severely children are spanked or hit, the more likely they are to have symptoms of depression or anxiety, both at the time they are corporally punished and in the

63. Miriam Gonzalez et al., *What Predicts Injury from Physical Punishment? A Test of the Typologies of Violence Hypothesis*, 32 CHILD ABUSE & NEGLECT 752, 763 (2008).

64. U.S. DEP’T OF HEALTH AND HUMAN SERV., ADMIN. ON CHILDREN, YOUTH AND FAMILIES, CHILDREN’S BUREAU, DEFINITIONS OF CHILD ABUSE AND NEGLECT: SUMMARY OF STATE LAWS 1–2 (2005).

65. NEV. REV. STAT. § 432B.150 (1985).

66. OHIO REV. CODE ANN. § 2919.22 (2009).

67. Gershoff, *supra* note 4, at 547 tbl.4.

future. This finding has been documented in countries as disparate as Hungary,⁶⁸ Jamaica,⁶⁹ Mongolia,⁷⁰ Norway,⁷¹ and the United States.⁷²

One explanation for these findings is that corporal punishment increases stress in the short-term—stress that, if repeated and accumulated over time, can lead to the development of mental-health problems. The process begins early: the more often mothers reported spanking or slapping their one-year-old children, the more their children had elevated levels of the stress hormone cortisol in reaction to an anxiety-provoking interaction involving their mothers.⁷³ The association of corporal punishment with stress continues into adolescence, with ten- to sixteen-year-olds reporting more psychological distress the more frequently they report being corporally punished.⁷⁴

Children have spoken in their own words about the emotional and psychological distress they experience when they are corporally punished by their parents. In an interview study conducted in New Zealand, children not surprisingly remarked upon how much being “smacked” (that is, spanked) was physically painful (for example, “It hurts and it makes you cry.”).⁷⁵ But what may be more surprising is the extent to which children hint at long-term emotional distress from corporal punishment, including experiencing such emotions as sadness, anger, anxiety, and fear (for example, “Smacking makes you feel sad and grumpy.”).⁷⁶ Similar accounts from children in the United Kingdom reveal both physical pain (for example, “[I]t just feels horrid, you know, and it really hurts, it stings you and makes you horrible inside.”) and psychological trauma (for example, “It hurts people and it doesn’t feel nice and people don’t like it when they are smacked.”) as a result of being spanked by their parents.⁷⁷ The pain and distress evident in these first-hand accounts can

68. J. Csorba et al., *Family- and School-Related Stresses in Depressed Hungarian Children*, 16 EUR. PSYCHIATRY 18, 24 tbl.3 (2001).

69. Angela C. Steely & Ronald P. Rohner, *Relations Among Corporal Punishment, Perceived Parental Acceptance, and Psychological Adjustment in Jamaican Youths*, 40 CROSS-CULTURAL RES. 268, 281 tbl.4 (2006).

70. Kohrt et al., *supra* note 45, at 174.

71. Javo et al., *supra* note 45, at 12 tbl.2.

72. Liliana J. Lengua, *Anxiousness, Frustration, and Effortful Control as Moderators of the Relation Between Parenting and Adjustment in Middle-Childhood*, 17 SOCIAL DEV. 554, 564 tbl.2 (2008); Vonnie C. McLoyd et al., *Does Endorsement of Physical Discipline Matter? Assessing Moderating Influences on the Maternal and Child Psychological Correlates of Physical Discipline in African American Families*, 21 J. FAM. PSYCH. 165, 168 tbl.2 (2007); Christina M. Rodriguez, *Parental Discipline and Abuse Potential Affects on Child Depression, Anxiety, and Attributions*, 65 J. MARRIAGE & FAM. 809, 815 (2003).

73. Bugental et al., *supra* note 58, at 242.

74. Heather A. Turner & David Finkelhor, *Corporal Punishment as a Stressor Among Youth*, 58 J. MARRIAGE & FAM. 155, 160 (1996).

75. Terry Dobbs & Judith Duncan, *Children’s Perspectives on Physical Discipline: A New Zealand Example*, 10 CHILD CARE IN PRACTICE 367, 371 (2004).

76. *Id.*

77. CAROLYNE WILLOW & TINA HYDER, *IT HURTS YOU INSIDE: CHILDREN TALK ABOUT SMACKING* 47, 49 (1998).

accumulate over time and precipitate the mental-health problems that have been linked with corporal punishment.⁷⁸

C. Eroded Quality of Children's Relationships with Their Parents

Children also report feeling estranged from their parents after being spanked. One seven-year-old girl in the United Kingdom said that being spanked makes "you feel you don't like your parents anymore," while a second seven-year-old said, "you [feel] sort of as though you want to run away because they're sort of like being mean to you and it hurts a lot."⁷⁹ Such accounts directly from children are consistent with a concern in the research literature that parents who use corporal punishment may do so at the risk of undermining their relationships with their children.⁸⁰ Because children are motivated to avoid painful experiences or agents, children will begin to avoid their parents or to become distrustful of them because they are agents of painful corporal punishments.⁸¹ Children who are avoiding their parents will be less able to develop feelings of closeness with their parents, and in the absence of those feelings, the children will be less susceptible to their parents' positive socializations.⁸²

Several research studies have indeed linked parents' use of corporal punishment with more negative relationships with their children; one research summary found this relationship in all thirteen studies examined.⁸³ Subsequent research has found that frequency of corporal punishment is negatively associated with children's attachment security at fourteen months of age⁸⁴ and with their self-reported attachment to their parents in adolescence.⁸⁵ Young adults who reported more-frequent corporal punishment from their parents also judged their parents to be less emotionally available.⁸⁶

D. Reduced Cognitive Ability

Researchers have recently begun to turn their attention beyond children's social development to their cognitive development as another domain

78. Gershoff, *supra* note 4, at 545 tbl.4.

79. *Id.* at 47.

80. Eleanor E. Maccoby & John A. Martin, *Socialization in the Context of the Family: Parent-Child Interaction*, in 4 HANDBOOK OF CHILD PSYCHOLOGY: SOCIALIZATION, PERSONALITY, AND SOCIAL DEVELOPMENT (E. Mavis Hetherington vol. ed., Paul H. Mussen series ed., 1983).

81. Grusec & Goodnow, *supra* note 19, at 5.

82. Ross D. Parke, *Some Effects of Punishment on Children's Behavior—Revisited*, in CONTEMPORARY READINGS IN CHILD PSYCHOLOGY (E. Mavis Hetherington & Ross D. Parke eds., 1977).

83. Gershoff, *supra* note 4, at 547 tbl.4.

84. Diana D. Coyl et al., *Stress, Maternal Depression, and Negative Mother-Infant Interactions in Relation to Infant Attachment*, 23 INFANT MENTAL HEALTH J. 145, 157 (2002).

85. Emma J. Palmer & Clive R. Hollin, *Sociomoral Reasoning, Perceptions of Parenting and Self-Reported Delinquency in Adolescents*, 15 APPLIED COGNITIVE PSYCHOL. 85, 91 tbl.2 (2001).

86. Kimberly Renk et al., *Childhood Discipline, Perceptions of Parents, and Current Functioning in Female College Students*, 29 J. ADOLESCENCE 73, 80 tbl.2 (2006).

potentially affected by corporal punishment. Although the reasoning behind a potential connection has not been well articulated, a small but growing number of studies have documented links between the frequency with which parents use corporal punishment and impairments in children's cognitive abilities. A study of middle-school-aged children found that those who were physically punished by their parents scored significantly lower on a brief measure of IQ than children who were not, with children whose parents physically punished them frequently exhibiting the lowest levels of IQ.⁸⁷ In a similar finding with younger children, one-year-olds whose parents relied on corporal punishment had significantly lower scores on a standardized test of mental abilities than did children whose parents used corporal punishment rarely or never.⁸⁸ A measure of harsh punishment that combined corporal punishment with yelling predicted lower IQ scores among girls in a low-income sample.⁸⁹ In a study in the United Kingdom, the school achievement of early elementary-school children was negatively associated with parents' use of corporal punishment,⁹⁰ whereas a U.S. study of five-year-olds found that corporal punishment predicted lower levels of language comprehension but was not significantly associated with nonverbal reasoning.⁹¹

Notably, though, a significant association between corporal punishment and children's cognitive abilities has not always been replicated across studies. In studies of math and reading achievement,⁹² grade-point average,⁹³ and intelligence,⁹⁴ corporal punishment was not significantly related to children's cognitive ability. More research is needed to help explain the inconsistent findings to date, but they do suggest that concern about effects on children's cognitive abilities may be well placed.

E. Increased Adult Aggression and Antisocial Behavior

Given the strong link found between corporal punishment and aggression and antisocial behavior in childhood, it is not surprising that this association

87. Katherine J. Aucoin et al., *Corporal Punishment and Child Adjustment*, 27 J. APPLIED DEV. PSYCHOL. 527, 533 (2006).

88. Thomas G. Power & M. Lynn Chapieski, *Childrearing and Impulse Control in Toddlers: A Naturalistic Observation*, 22 DEV. PSYCHOL. 271, 273 (1986).

89. Judith R. Smith & Jeanne Brooks-Gunn, *Correlates and Consequences of Harsh Discipline for Young Children*, 151 ARCHIVES PEDIATRIC & ADOLESCENT MED. 777, 783-84 (1997).

90. Christine E. Parkinson et al., *Research Note: Rating the Home Environment of School-Age Children; A Comparison with General Cognitive Index and School Progress*, 23 J. CHILD PSYCHOL. & PSYCHIATRY 329, 332 tbl.2 (1982).

91. Scott D. Gest et al., *Shared Book Reading and Children's Language Comprehensive Skills: The Moderating Role of Parental Discipline Practices*, 19 EARLY CHILDHOOD RES. Q. 319, 327 tbl.1 (2004).

92. Robert H. Bradley et al., *The Home Environments of Children in the United States Part II: Relations with Behavioral Development Through Age Thirteen*, 72 CHILD DEV. 1868, 1882 (2001).

93. Dapha Oyserman et al., *When Mothers Have Serious Mental Health Problems: Parenting as a Proximal Mediator*, 28 J. ADOLESCENCE 443, 455 tbl.2 (2005).

94. Sheryl L. Olson et al., *Developmental Foundations of Externalizing Problems in Young Children: The Role of Effortful Control*, 17 DEV. & PSYCHOPATHOLOGY 25, 35 tbl.2 (2005).

would continue into adulthood. Having learned that they can use aggression and force to compel others to do what they want in childhood, children persist in using aggression to control others' behavior into adulthood. Indeed, an increased likelihood that individuals who were physically punished in childhood will perpetrate violence as adults on their own family members has been found consistently in the literature.⁹⁵ Adults who recall receiving more corporal punishment from their parents also report more verbal and physical aggression with their spouses or dating partners.⁹⁶ Whether children were ever corporally punished has been found to signal whether they have hit a dating partner.⁹⁷ Sadly, this increased likelihood to act violently includes violence against their own children.⁹⁸ Not only does the experience of corporal punishment increase aggression through that child's own lifetime, it is transmitted to the next generation in a cycle of violence.

F. Summary of Unintended Effects

Clearly, not every child who is spanked or slapped will develop all, or indeed any, of these negative outcomes. However, as the rather daunting litany of unintended negative effects summarized above makes abundantly clear, corporal punishment puts children at risk for both short- and long-term negative effects. When paired with the findings summarized above—that corporal punishment is no more effective than other techniques at achieving immediate compliance, and is in fact more likely to increase the negative child behaviors that parents intend to decrease by using corporal punishment—the risks far outweigh any benefits. Put plainly, corporal punishment of children does more harm than good.

IV

EFFECTS OF CORPORAL PUNISHMENT ON CHILDREN IN SCHOOLS

Although children in the United States receive much more corporal punishment from their parents than from their teachers and principals, the number of children receiving corporal punishment at school is nontrivial, particularly given high rates in some states. According to the Office for Civil Rights at the U.S. Department of Education, a total of 223,190 school children were corporally punished by school personnel during the 2006 through 2007

95. Gershoff, *supra* note 4, at 542.

96. Alicia D. Cast et al., *Childhood Physical Punishment and Problem Solving in Marriage*, 21 J. INTERPERSONAL VIOLENCE 244, 254 (2006).

97. Chad Lackey, *Violent Family Heritage, the Transition to Adulthood, and Later Partner Violence*, 24 J. FAMILY ISSUES 74, 85 (2003); Murray A. Straus, *Cross-Cultural Reliability and Validity of the Revised Conflict Tactics Scales: A Study of University Student Dating Couples in 17 Nations*, 38 CROSS-CULTURAL RES. 407, 425 (2004).

98. Gershoff, *supra* note 4, at 542.

school year.⁹⁹ Among states that allow corporal punishment in schools, prevalence rates range from 0% in Wyoming to 7.5% of all schoolchildren in Mississippi (38,131 out of 508,397 students).¹⁰⁰

Given that almost a quarter-million children per year are corporally punished in schools, it is particularly surprising that there is no peer-reviewed empirical research on the impacts of school-administered corporal punishment on children. This lack of empirical evidence has not stopped school personnel and policymakers from arguing that school corporal punishment improves student behavior and achievement. In a recent example, an elementary school principal in Calhoun Hills, South Carolina, attributed his school's improvements in achievement to his having reinstated paddling misbehaving students with a two-foot long wooden paddle, not to his use of rewards and praise mentioned elsewhere in the article.¹⁰¹

The policy debate about school corporal punishment has largely been one of opinions and similar anecdotal evidence. For example, a social scientist who was serving as a parent on a school task-force about corporal punishment documented such a debate within an Ohio school district in which principals' anecdotal reports took precedence over research evidence.¹⁰² This reliance on personal experience over empirical data is in part a function of the dearth of information about school corporal punishment in this country.

Corporal punishment in schools remains constitutional in the United States based on the 1977 *Ingraham v. Wright* Supreme Court decision that the Eighth Amendment does not apply to corporal punishment administered by school personnel,¹⁰³ although the Court's interpretation of this Amendment as restricted to prisoners has been challenged as an overly narrow reading that is not consistent with the previous English and American laws upon which it was based.¹⁰⁴ Despite the Court's ruling that school corporal punishment is constitutional, thirty states and the District of Columbia have passed laws to ban the practice from public schools; two of these states (Iowa¹⁰⁵ and New Jersey¹⁰⁶) also have banned corporal punishment from private schools.¹⁰⁷ The majority of Americans are not in favor of corporal punishment in schools: two

99. OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., CIVIL RIGHTS DATA COLLECTION 2006: NATIONAL AND STATE PROJECTIONS tbl.National total (2008), available at http://ocrdata.ed.gov/Projections_2006.aspx.

100. *Id.* tbls.Wyoming & Mississippi.

101. Eric Adelson, *The Principal and the Paddle*, NEWSWEEK, May 4, 2009, at 42-44.

102. See generally Christopher E. Smith, *The Use of Research in Local Policy Making: A Case Study of Corporal Punishment in Public Education*, 10 EDUC. POL'Y 502 (1996).

103. 430 U.S. 651, 671 (1977).

104. Susan H. Bitensky, *The Poverty of Precedent for School Corporal Punishment's Constitutionality Under the Eighth Amendment*, 77 U. CIN. L. REV. 1327, 1341-52 (2009).

105. IOWA CODE § 280.21 (2009).

106. N.J. STAT. ANN. § 18A:6-1 (2009).

107. Center for Effective Discipline, Discipline at School (NCACPS): U.S.: Corporal Punishment and Paddling Statistics by State and Race, <http://www.stophitting.com/index.php?page=statesbanning> (last visited October 27, 2009).

national polls in 2002¹⁰⁸ and 2005¹⁰⁹ found that 72% and 77% of American adults, respectively, said they did not think teachers should be allowed to spank children in school. There are movements to ban school corporal punishment in the remaining states that continue to permit it; in 2007 alone, bills to ban school corporal punishment were introduced in the legislatures of North Carolina,¹¹⁰ Ohio,¹¹¹ and Texas.¹¹² Although the bills sparked debate in their respective states, the North Carolina bill failed and the Texas bill was not brought up for a vote.¹¹³ In July 2009, Ohio became the thirtieth state to ban corporal punishment from public schools after the governor included a ban in the state's biennial budget bill.¹¹⁴

Unlike corporal punishment in homes, in which parents typically spank children with a bare hand, corporal punishment in schools is typically administered with objects such as large wooden paddles.¹¹⁵ The use of such an instrument—which would be considered a weapon if wielded by one adult against another adult—by its very nature includes a substantial risk for harm and injury to a child. Indeed, in *Ingraham*, in which the Court asserted students have “little need for the protection of the Eighth Amendment”¹¹⁶ and so permitted corporal punishment in schools to continue, the Court acknowledged that paddling may have caused the injuries suffered by two junior-high-school children in that case, including a subdural hematoma requiring medical attention. That the same injuries inflicted via parental punishment would necessitate a child's being removed from her home by the state but would not be considered evidence of child abuse when administered as punishment by a state school administrator is indeed troubling.

V

STRENGTH OF THE RESEARCH

Hundreds of studies have plumbed the relation between parents' use of corporal punishment and children's development. The studies reviewed in the

108. Julie Crandall, *Poll: Most Approve of Spanking Kids: Most Americans Think Corporal Punishment is OK*, ABC NEWS, Nov. 8, 2002, <http://abcnews.go.com/US/story?id=90406&page=1>.

109. SURVEYUSA, DISCIPLINING A CHILD (2005), <http://www.surveyusa.com/50StateDisciplineChild0805Alphabetized.htm>.

110. *See generally* An Act to Prohibit the Use of Corporal Punishment in the Public Schools, H.R. 853, 2007–2008 Session (N.C. 2007).

111. *See generally* A Bill to Amend Sections 3314.03, 3319.088, 3319.41, and 3326.11 of the Revised Code to Prohibit Corporal Punishment in All Public Schools, H.R. 406, 127th Gen. Assem. (Ohio 2007).

112. *See generally* An Act Relating to Corporal Punishment in Public Schools, H.R. 379, 80th Gen. Assem., Reg. Sess. (Tex. 2007).

113. H.B. 853, Gen. Assem., 2007–2008 Sess. (N.C. 2007); H.B. 379, 80th Leg., Reg. Sess. (Tex. 2007).

114. H.R. 1 §3319.41, 128th Gen. Assem. (Ohio 2009).

115. HUMAN RIGHTS WATCH, A VIOLENT EDUCATION: CORPORAL PUNISHMENT OF CHILDREN IN US PUBLIC SCHOOLS 3 (2009).

116. *Ingraham v. Wright*, 430 U.S. 651, 670–71 (1977).

previous two sections have looked both at the intended and positive potential outcomes of corporal punishment as well as at its unintended and negative potential outcomes.¹¹⁷ The conclusion was that, even when researchers had set out to link corporal punishment with positive and desirable outcomes, results have consistently shown that corporal punishment appears not to be successful in achieving these aims. In the most comprehensive meta-analysis published to date, the separate analyses of eleven different outcomes overwhelmingly found negative associations with corporal punishment (number of studies out of the total that found negative impacts follows each outcome in parentheses): immediate compliance (2/5), moral internalization (13/15), aggression (27/27), delinquent and antisocial behavior (12/13), quality of the parent-child relationship (13/13), child mental-health problems (12/12), physical abuse of the child (10/10), adult aggression (4/4), adult criminal and antisocial behavior (4/5), adult mental-health problems (8/8), and adult abuse of one's own child or spouse (5/5).¹¹⁸ In total, 110 out of the 117 effect sizes (94%) found that corporal punishment was associated with an undesirable outcome.¹¹⁹

The bulk of the criticism of the empirical research on corporal punishment comes from two researchers, Diana Baumrind and Robert Larzelere.¹²⁰ Although these two authors are both prolific and vociferous, their opinions should not be mistaken for the views of the mainstream researchers in the fields of psychology, medicine, or education. They find fault with the research showing negative outcomes of corporal punishment and point to studies that fail to find statistically significant negative outcomes. But they are equally unable to cite a body of research showing positive long-term outcomes of corporal punishment, for such a body of research does not exist. Despite the lack of empirical evidence for their position, these authors criticized the Gershoff meta-analysis cited above and concluded that, even though negative outcomes were associated with corporal punishment in ninety-four percent of the studies, the research to date did “not justify a blanket injunction against mild to moderate disciplinary spanking.”¹²¹ Elsewhere, Larzelere has argued that the research cannot be trusted because it is based primarily on correlational data.¹²² Such an assertion indicates that the author will never be convinced by the available data because it is impossible to study parents' use of everyday spanking in an experimental fashion. Although randomized studies with treatment and control groups are the “gold standard” of the basic and medical

117. *See supra* parts II, III.

118. Gershoff, *supra* note 4, at 547 tbl.4.

119. *Id.* at 548 tbl.5.

120. These authors sometimes write together, for example, Baumrind et al., *supra* note 46, and Larzelere & Kuhn, *supra* note 17; sometime separately, for example, Diana Baumrind, *Necessary Distinctions*, 8 PSYCHOL. INQUIRY 176 (1997). *See also* Baumrind & Larzelere, *Are Spanking Injunctions Scientifically Supported*, 73 LAW & CONTEMP. PROBS. 2 (Spring 2010).

121. Baumrind et al., *supra* note 46, at 586.

122. Robert E. Larzelere, *The Intervention Selection Bias: An Underrecognized Confound in Intervention Research*, 130 PSYCHOL. BULL. 289, 289–92 (2004).

sciences, children cannot be randomly assigned to parents in experimental designs,¹²³ nor, since the 1980s, have institutional review boards approved studies that randomly assign parents to spank or not spank their own children.¹²⁴ However, parenting researchers work diligently to make up for the lack of experimental designs by creating carefully selected and representative samples of families and by employing a range of new statistical methods that make better estimates of causal parameters from observational data.¹²⁵

Well-designed correlational research has led to several public-health conclusions and intervention efforts over the last few decades. To take but one example, the now well-accepted fact that cigarette smoke causes lung cancer is based on a body of correlational research.¹²⁶ Clearly, it would be unethical to randomly assign people to smoke or not, so researchers must instead rely on longitudinal but correlational studies that follow individuals who themselves choose to smoke. These studies attempt to take into account as many factors as possible that may account for who smokes and who does not in the first place.¹²⁷ This body of correlational research does not meet the high bar set by Baumrind and Larzelere, but it nonetheless led the U.S. Surgeon General to conclude that the “evidence is sufficient to infer a causal relationship” between smoking and cancers of the bladder, blood (leukemia), cervix, esophagus, kidneys, larynx, lungs, mouth, pancreas, and stomach, among many other serious health consequences.¹²⁸ This research does not suggest that smoking one cigarette will cause an individual to develop cancer, but rather that the risk increases with each cigarette smoked and, conversely, that if an individual never smoked, his or her risk for these negative health outcomes is greatly reduced. Similarly, the research to date does not support a conclusion that one spank will cause a child to become aggressive or delinquent; rather, with every spank the risk increases.¹²⁹ Never spanking at all would provide the lowest risk for such negative outcomes.

How does the statistical evidence against spanking compare with that against cigarette smoking? The average correlation between smoking and lung

123. Kathleen McCartney & Robert Rosenthal, *Effect Size, Practical Importance, and Social Policy for Children*, 71 CHILD DEV. 173, 176 (2000).

124. *See supra* II.

125. Thomas D. Cook et al., *Three Conditions Under Which Experiments and Observational Studies Produce Comparable Causal Estimates: New Findings from Within-Study Comparisons*, 27 J. POL'Y ANALYSIS & MGMT 724, 745–48 (2008); Stephen L. Morgan & David J. Harding, *Matching Estimators of Causal Effects: Prospects and Pitfalls in Theory and Practice*, 35 SOC. METHODS & RES. 3, 50–52 (2006).

126. OFFICE ON SMOKING AND HEALTH, U.S. DEP'T OF HEALTH AND HUMAN SERV., *THE HEALTH CONSEQUENCES OF SMOKING: A REPORT OF THE SURGEON GENERAL* 19 (2004).

127. *Id.* at 19–21.

128. *Id.* at 3–8.

129. Murray A. Straus et al., *Spanking by Parents and Subsequent Antisocial Behavior of Children*, 151 ARCHIVES PEDIATRIC & ADOLESCENT MED. 761, 766 (1997).

cancer is .40,¹³⁰ which is a moderately large effect in the standards of research.¹³¹ The average correlation between spanking and physical abuse of children is .33, and that between spanking and heightened child aggression is .18.¹³² The correlation between spanking and immediate compliance is actually higher than that for smoking and lung cancer, namely .49,¹³³ but this result is overly influenced by one study that found a very strong relationship but only compared eight children who were spanked with eight who were not spanked.¹³⁴

One other charge typically leveled against the research on corporal punishment is that it ignores cultural differences in the acceptance of corporal punishment and that such differences may mean it has differential effects on children.¹³⁵ Some have argued that corporal punishment will have fewer negative effects on children in cultures in which corporal punishment is normative, in part because children accept its use as expected and thus do not react as negatively when they experience it.¹³⁶ To date, the majority of research looking into culture as a moderator of the potentially negative effects of corporal punishment has focused on families' race or ethnicity as a marker of their culture. Several of these studies have indeed found that some cultural groups, such as African Americans, spank their children more often,¹³⁷ and others have indeed found that spanking is associated with less-aggressive behavior in African American children than in European American children.¹³⁸ Yet a growing number of studies using large, nationally representative samples have failed to find race-ethnic differences and instead have found that corporal punishment predicts increases in children's aggressive and antisocial behaviors equally across African American, Hispanic American, European American, and

130. Brad J. Bushman & Craig A. Anderson, *Media Violence and the American Public: Scientific Facts Versus Media Misinformation*, 36 AM. PSYCHOLOGIST 477, 481 fig.2 (2001).

131. JACOB COHEN, STATISTICAL POWER ANALYSIS FOR THE BEHAVIORAL SCIENCES 83 (2d ed. 1988).

132. Gershoff, *supra* note 4, at 547 tbl.4.

133. *Id.*

134. Bean & Roberts, *supra* note 22, at 101-03.

135. Gunnoe & Mariner, *supra* note 47, at 774; Jodi Polaha et al., *Physical Discipline and Child Behavior Problems: A Study of Ethnic Group Differences*, 4 PARENTING: SCIENCE AND PRACTICE 339, 352-56 (2004).

136. Kirby Deater-Deckard & Kenneth A. Dodge, *Externalizing Behavior Problems and Discipline Revisited: Nonlinear Effects and Variation by Culture, Context, and Gender*, 8 PSYCHOL. INQUIRY 161, 167 (1997).

137. Barkin et al., *supra* note 10, at 64; Clifton P. Flynn, *To Spank or Not to Spank: The Effect of Situation and Age of Child on Support for Corporal Punishment*, 13 J. FAM. VIOLENCE 21, 30 (1998); Andrew Grogan-Kaylor & Melanie D. Otis, *The Predictors of Parental Use of Corporal Punishment*, 56 FAM. REL. 80, 85 (2007); Mosby et al., *supra* note 18, at 489; Lawrence S. Wissow, *Ethnicity, Income, and Parenting Contexts of Physical Punishment in a National Sample of Families with Young Children*, 6 CHILD MALTREATMENT 118, 122 (2001).

138. Jennifer E. Lansford et al., *Ethnic Differences in the Link Between Physical Discipline and Later Adolescent Externalizing Behaviors*, 45 J. CHILD PSYCHOL. & PSYCHIATRY 801, 807 tbl.4 (2004); Polaha et al., *supra* note 135, at 352.

Asian American race–ethnic groups.¹³⁹ Parenting experts and prominent figures within the African American community in particular have challenged the notion that their culture all but requires parents to spank their children and have encouraged African American parents to rely on positive disciplinary techniques rather than on physical means of correction.¹⁴⁰

Although the debate over intranational cultural differences has largely occurred only within the United States, research from other countries has consistently found negative outcomes associated with corporal punishment. In a multinational study of six countries—namely China, India, Italy, Kenya, Philippines, and Thailand—more-frequent use of corporal punishment was associated with more child aggression across all six countries.¹⁴¹ The study noted modest moderation of these associations by mothers' and children's perceptions of the norms in their communities, but corporal punishment remained associated with more child aggression even in countries with high norms.¹⁴² Of the studies associating corporal punishment with more child aggression and antisocial behavior in countries throughout Europe, Asia, and the Middle East,¹⁴³ one conducted in Mongolia found corporal punishment to predict more behavior problems and depression among adolescents; their findings led the authors to conclude,

The findings suggest that similar forces may be at work in the development of pathology in non-Western settings. . . . Our findings raise questions regarding the cultural relativity of behavior. Despite beliefs by certain cultural and religious groups that corporal punishment is an acceptable tool to discipline a child, this study suggests that even in a culture where spanking and slapping by parents and teachers is considered acceptable, it may still have damaging effects on child mental illness.¹⁴⁴

Such studies finding negative outcomes associated with corporal punishment around the world appear to undermine, and indeed to challenge, the notion that the practice is “good” for children in certain cultures, even in ones with a history of violence.¹⁴⁵

139. Grogan-Kaylor, *The Effect of Corporal Punishment*, *supra* note 47, at 159 tbl.4; Anna S. Lau et al., *Factors Affecting the Link Between Physical Discipline and Child Externalizing Problems in Black and White Families*, 34 J. COMMUNITY PSYCHOL. 89, 98 (2006); Vonnie C. McLoyd & Julia Smith, *Physical Discipline and Behavior Problems in African American, European American, and Hispanic Children: Emotional Support as a Moderator*, 64 J. MARRIAGE & FAM. 40, 49 (2002); Matthew K. Mulvaney & Carolyn J. Mebert, *Parental Corporal Punishment Predicts Behavior Problems in Early Childhood*, 21 J. FAM. PSYCHOL. 389, 395 tbl.4 (2007).

140. HOWARD C. STEVENSON ET AL., *STICKIN' TO, WATCHIN' OVER, AND GETTING' WITH: AN AFRICAN AMERICAN PARENT'S GUIDE TO DISCIPLINE* 67–70 (2001); Cosby & Poussaint, *supra* note 16, at 67–73.

141. Lansford et al., *supra* note 44, at 1241.

142. *Id.*

143. *See supra* notes 44–45.

144. Kohrt et al., *supra* note 45, at 177.

145. Joan E. Durrant, *Physical Punishment, Culture and Rights: Current Issues for Professionals*, 29 J. DEVELOPMENTAL & BEHAV. PEDIATRICS 55, 56–58 (2008).

VI

CONCLUSION:

THE ROLE OF SOCIAL SCIENCE RESEARCH IN POLICY AND LAW ON
CORPORAL PUNISHMENT

In an ideal world, policymaking would always be informed by scientific research and be evidence-based. But it is disingenuous to think that just because scientific research suggests something to be so that policymakers will accept the conclusions of the research and craft new policies based on it—policy is often not consistent with research findings.¹⁴⁶ Compounding the general suspicion of scientific research in political circles is the fact that scientists are typically loathe to get their feet wet in the muddy waters of policymaking, particularly for such a hot-button issue as parents' use of corporal punishment.

In contrast to those in the United States, legislative bodies around the world have not been deterred by the controversial nature of corporal punishment. Beginning with Sweden's ban in 1979, the last thirty years have seen a total of twenty-nine countries ban outright the practice of corporal punishment of children by parents, teachers, or any other adult in those countries.¹⁴⁷ Half of these bans have been enacted in the last five years by countries beyond northern and central Europe, including Costa Rica, Kenya, New Zealand, Uruguay, and Venezuela.¹⁴⁸ Most, if not all, of these bans have been hotly debated in the respective lawmaking bodies of these countries. Notably, the extant bans have been inspired largely by concern for children's human rights to protection from harm and have often proceeded without a majority of public support.¹⁴⁹ The UN Convention on the Rights of the Child is the main treaty cited as providing protection for children from violence;¹⁵⁰ the Committee on the Rights of the Child has unambiguously stated that the treaty's Article 19 includes protection from corporal punishment.¹⁵¹ The United States is one of only two countries that have not ratified the treaty; the other is Somalia.

Although human-rights concerns are paramount in the international movement to ban corporal punishment of children, the body of research demonstrating the ineffectiveness of corporal punishment as well as its potential

146. SANDRA M. NUTLEY ET AL., USING EVIDENCE: HOW RESEARCH CAN INFORM PUBLIC SERVICES 1–2 (2007).

147. Global Initiative to End All Corporal Punishment of Children, *States with Full Abolition*, <http://www.endcorporalpunishment.org/pages/frame.html> (last visited Sept. 14, 2010).

148. *Id.*

149. SUSAN H. BITENSKY, CORPORAL PUNISHMENT OF CHILDREN: A HUMAN RIGHTS VIOLATION 159 (2006); ROWAN BOYSON, EQUAL PROTECTION FOR CHILDREN: AN OVERVIEW OF THE EXPERIENCE OF COUNTRIES THAT ACCORD CHILDREN FULL LEGAL PROTECTION FROM PHYSICAL PUNISHMENT 64–65 (2002).

150. Convention on the Rights of the Child, G.A. Res. 44/25, at 3, U.N. GAOR, 44th Sess. U.N. Doc. A/RES/44/25 (Nov. 20, 1989).

151. U.N. Comm. on the Rights of the Child, *General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Articles 1, 28(2), and 37, Inter Alia)*, at 6, para.18, U.N. Doc. CRC/C/GC/8 (Mar. 2, 2007).

for negative side effects has also been influential in spurring legislation to ban corporal punishment.¹⁵² A recent example is New Zealand's passage of a universal ban on corporal punishment of children in 2007. According to the key advocates for the ban, research on the potential negative effects of physical punishment summarized in a report issued by the New Zealand government's Office for the Children's Commissioner¹⁵³ was instrumental in building support for the ban:¹⁵⁴ "Growing public concern over family violence and the existence of strong international research evidence discrediting the use of physical punishment were two of the critical factors underpinning pressure for change in New Zealand."¹⁵⁵

The research evidence has led many leading professional organizations to call for a ban on corporal punishment in schools, including the American Academy of Pediatrics, the American Bar Association, the American Civil Liberties Union, the American Medical Association, the American Psychological Association, the National Association of Elementary School Principals, the National Association of Social Workers, and Prevent Child Abuse America.¹⁵⁶ Fewer such organizations have called for an outright ban of corporal punishment in American homes, although prominent professional organizations including the American Academy of Pediatrics and the American Medical Association have endorsed a recent report summarizing the research to date and recommending parents avoid its use.¹⁵⁷

It is ironic that research that has been conducted primarily in the United States is informing legal and policy changes in other countries before it has any impact here. Those who continue to argue that there is not enough evidence to support a "blanket injunction against . . . spanking"¹⁵⁸ do so in the face of a large and consistent body of research from countries around the world that leads to two clear conclusions. First, corporal punishment is no better than other methods of discipline at gaining immediate or long-term child compliance. Second, corporal punishment is not predictive of any intended positive

152. Boyson, *supra* note 149, at 6.

153. ANNE B. SMITH ET AL., NEW ZEALAND OFFICE OF THE CHILDREN'S COMMISSIONER, *THE DISCIPLINE AND GUIDANCE OF CHILDREN: MESSAGES FROM RESEARCH 7-16* (2005) (citing Gershoff, *supra* note 4, at 547 tbl.4).

154. *See generally* BETH WOOD ET AL., *UNREASONABLE FORCE: NEW ZEALAND'S JOURNEY TOWARDS BANNING THE PHYSICAL PUNISHMENT OF CHILDREN* (2008).

155. *Id.* at 31.

156. Center for Effective Discipline, U.S. Organizations Opposed to School Corporal Punishment, <http://www.stophitting.com/index.php?page=usorgs> (last visited Dec. 10, 2009).

157. Phoenix Children's Hospital, *Report on Physical Punishment of Children, List of Endorsers, October 1, 2009*, <http://www.phoenixchildrens.com/about/community-outreach-education/pdfs/child-abuse-prevention/Report-on-PP-List-of-Endorsers-October-1-2009.pdf> (last visited Dec. 10, 2009) (citing Elizabeth T. Gershoff, Cent. for Effective Discipline & Phoenix Children's Hosp., *Report on Physical Punishment in the United States: What Research Tells Us About its Effects on Children* (2008), http://www.phoenixchildrens.com/PDFs/principles_and_practices-of_effective_discipline.pdf (last visited Dec. 10, 2009)).

158. Baumrind et al., *supra* note 46, at 586.

outcomes for children and, in contrast, is significantly predictive of a range of negative, unintended consequences, with the demonstrated risk for physical injury being the most concerning. On balance, the risk for harm from corporal punishment far outweighs any short-term good. It is discouraging that such a strong and compelling body of research evidence has not been sufficient to warrant policy change in this country, even though the federal government has accepted responsibility for protecting children from harm and abuse.¹⁵⁹ Despite this evidence and the waning use of corporal punishment in the United States,¹⁶⁰ a majority of parents continue to use it at some point with their children. If reducing corporal punishment becomes a policy and public health goal in this country, meeting such a goal will require education campaigns targeted at both parents and professionals.¹⁶¹ As countries such as Sweden have demonstrated, public opinion about corporal punishment lags behind legislation banning the practice, and indeed it is the passage of legislation that can begin or sustain attitude change against corporal punishment.¹⁶² Education campaigns on the harms of and alternatives to corporal punishment are clearly needed here in the United States, but it may take a legal ban to spur dramatic change in Americans' attitudes about and use of corporal punishment.

159. See generally Child Abuse Prevention and Treatment Act of 1974, 42 U.S.C. § 5101 (1974); JILL GOLDMAN ET AL., U.S. DEP'T OF HEALTH AND HUMAN SERVICES, A COORDINATED RESPONSE TO CHILD ABUSE AND NEGLECT: THE FOUNDATION FOR PRACTICE 9 (2003).

160. Murray A. Straus & Anita K. Mathur, *Social Change and the Trends in Approval of Corporal Punishment by Parents from 1968 to 1994*, in FAMILY VIOLENCE AGAINST CHILDREN: A CHALLENGE FOR SOCIETY 91, 96 fig.1 (Detlev Frehsee et al. eds., 1996).

161. See generally Gershoff & Bitensky, *supra* note 3.

162. Joan E. Durrant, *Legal Reform and Attitudes Toward Physical Punishment in Sweden*, 11 INT'L J. CHILD. RIGHTS 147, 169 (2003); Staffan Janson, *Response to Beckett, C. (2005) "The Swedish Myth: The Corporal Punishment Ban and Child Death Statistics,"* 35 BRIT. J. SOC. WORK 1411, 1414 (2005).