Children's Legal Rights Journal

Volume 39 | Issue 3

Article 10

2019

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Recommended Citation

Maddie Utter, Opposing Viewpoints: Corporal Punishment in the Home and Its Affects on Children, 39 CHILD. LEGAL RTS. J. 310 (2020).

Available at: https://lawecommons.luc.edu/clrj/vol39/iss3/10

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Opposing Viewpoints: Corporal Punishment in the Home and Its Affects on Children

By: Maddie Utter

I. BACKGROUND OF CORPORAL PUNISHMENT

Corporal punishment is defined as physical punishment, such as hitting someone. The use of corporal punishment is wrong, especially when it is used in the home as punishment for children. Corporal punishment can be tracked back to the Middle Ages when it was handed out as punishment for some crimes. The very start of corporal punishment is unclear, but the idea that "sparing the rod spoils the child" dates back to biblical times. Scourging, or whipping, and beating with sticks were common practices. Use of corporal punishment declined through the 20th Century. Even with this decline, it is still the most widespread and well-documented form of family violence.

For most of United States history, it was thought that good parents used corporal punishment and those who did not were leaving their children vulnerable to lacking developmentally. Later, when the topic became more researched, it was found that the use of corporal punishment could lead children to having more anti-social behavior and less long-term compliance to what the parents were asking of the children.

In the mid 1900s child psychologists either approved of the use of corporal punishment by parents or they ignored the topic all together. The protection of children's rights was largely ignored in this time. Although acceptance of corporal punishment in the home declined in the 20th century, about 75% of parents in the United States still support the use of corporal punishment. This number should not be that high.

One of the people who encouraged the decline in the approval of corporal punishment was Benjamin Spock, who was influential to the American population. Spock wrote a book called Baby and Child Care. In the 1945 edition of this book Spock first voiced that he was against corporal punishment in almost every situation. It was later, around 1985, that he came out and said that he was against parental use of corporal punishment in every situation. He said that he had many reasons for believing this, but one was because he did not believe those tactics were effective. Many people believe that it was Spock who led to the trend of more "permissive" parenting. Spock and others pointed out that there are other childrearing techniques that are not permissive, but also not physical. Some of those techniques include: positive punishment, adding a consequence after an undesired behavior, and negative punishment, taking something away after an undesired behavior. Studies have shown that these other techniques can have positive results.

On top of that, there have been many child psychologists who have said that the use of corporal punishment does not have the effect intended by parents using it and that it may in fact have a negative effect. In her article on corporal punishment Elizabeth Gershoff mentions how there are usually two intended effects when parents use corporal punishment. The first one is short-term effects. This includes wanting to stop the child from engaging in the undesired behavior. The second intended effect is the long-term effect, such as wanting to reduce the likelihood that the child will engage in such a behavior in the future. While corporal punishment, such as spanking, may help meet short-term goals, it does not generally help meet the long-term goals. When looking at fifteen studies, Gershoff found that when parents used corporal punishment their children were less likely to comply with their demands. Further, the children in those studies were found to have less moral behavior and more anti-social behavior.

In addition to the intended effects, there are other unintended effects that come with the use of corporal punishment. In her article, Gershoff mentioned that while most parents do not set out to cause physical pain to their children, sometimes corporal punishment can turn into abuse. One study found that nearly two thirds of abusive incidents began as acts of corporal punishment. Further, parents using corporal punishment are not likely thinking of the mental effect that this punishment is having on their child. One summary of twelve studies done on this relationship found that the use of corporal punishment was associated with more mental health problems such as anxiety and depression. Another unintended effect can be a strained relationship between the child and parent. This comes partially because the parent is hurting their child. It is also because the children want to avoid the pain and so they sometimes try their best to avoid their parents. Finally, there are also studies that have connected corporal punishment with reduced cognitive ability. While not all children who are spanked end up with all of these negative effects, because there are other means of achieving the effects a parent wants, i.e. good behavior, it is not necessary to use corporal punishment on children.

Gershoff's article is not the only one that lists the negative effects that corporal punishment has on children. The other articles and studies show similar findings to what Gershoff found. Even though these negative findings have been repeated multiple times, there are parents who are still using corporal punishment to discipline their children.

II. SCHOOLS AND CORPORAL PUNISHMENT

Shockingly, even with studies saying that corporal punishment is not better than other punishments, many parents continue to use it. On top of parents still supporting the use of corporal punishment, it is not completely outlawed in schools in the United States. This means that some children are subjected to physical harm used by an adult even in their schools. The use of corporal punishment in schools is still allowed in nineteen states, predominantly in the South. Over 160,000 students in those states were subject to corporal punishment in the 2011-2012 school year. It was in 1977 in a case called *Ingraham v. Wright* that the Supreme Court held that corporal punishment in schools is constitutional.

The Court put it up to the states themselves to decide whether they would allow corporal punishment in their public schools.

For example, Georgia is one state that allows teachers and/or administers to inflict physical harm to students in their schools. For the 2018-2019 school year, one public charter school in Georgia sent out consent forms to parents asking for permission to use corporal punishment on students. If the parents give consent, the school is authorized to use a paddle to punish the students in their school. This is a school for students from kindergarten to sixth grade. The form said that the student would "be taken into an office behind closed doors. The student will place their hands on their knees or piece of furniture and will be struck on the buttocks with a paddle." The school defends their decision to implement corporal punishment (with the parent's permission) even though corporal punishment has declined greatly over the last few years. Although there were over 160,000 students who were subjected to corporal punishment in the 2011-2012 school year, about 106,000 were subject to corporal punishment in the 2013-2014 school year. A drop of over 50,000 students in just two years is significant. While this specific public Georgia charter school says that it only wants to implement corporal punishment as a last result, it also says that it believes that a classroom needs be high functioning and will do what it takes to make it that way.

III. OTHER COUNTRIES AND CORPORAL PUNISHMENT

Although the United States has not outlawed corporal punishment, there are other countries that have prohibited the practice in all settings, including in the home. In 1979, Sweden became the first country to completely outlaw corporal punishment against children. Since then, nearly 50 other countries have followed in their footsteps.

In 2006, the United Nations published the Study on the Violence against Children. This Study urged States to stop violence against children and this included corporal punishment. Much like a lot that comes from the United Nations, including the UN Convention on the Rights of the Child, the United States unfortunately did not follow suit. In 2016, 70 countries met in Austria to try to establish strategies to protect children. Meetings like this go to show that the world is still working to protect children and establish their rights. The group set a 2030 agenda and set out commitments to try and achieve those changes.

The United States should follow suit with other countries to work harder and do more to protect children in our country. Laws in the United States currently and rightfully prohibit child abuse, but it is still legal to hit a child as a punishment. Although there is a difference between child abuse and corporal punishment, pain is still inflicted on a child in both circumstances.

IV. CONCLUSION

Corporal punishment has been used since the Middle Ages. Although there has been a change in ideals, many parents believe that those who do not use corporal punishment are being permissive parents. This is true even though there are studies that show that there are other punishments that work just as well or better than corporal punishment.

There are over 50 countries that have outlawed corporal punishment to children in every circumstance. The United States should join that list and prohibit this violence against children. Children are deemed some of the most vulnerable people in our society. We have a duty to do what we can to protect them. The United States is currently not doing enough to help children. There have been many studies that show corporal punishment is not as effective and there are more negative consequences to it than most people think. Because there are studies showing that corporal punishment is not the only means for parents to punish their children, it should no longer be used. The United States should follow the path of the over 50 countries that have started to lead the way in protecting children who cannot protect themselves.

SOURCES

Amy Morin, 8 Ways to Discipline Your Child Without Spanking: Effective Solutions to Behavior Problems, VERY WELL FAMILY, (Sept. 25, 2018), https://www.verywellfamily.com/alternatives-to-spanking-1094834.

Commitment to Free Children From Corporal Punishment Grows, UNITED NATIONS, https://violenceagainstchildren.un.org/news/commitment-free-children-corporal-punishment-grows.

Corporal Punishment, NEW WORLD ENCYCLOPEDIA, http://www.newworldencyclopedia.org/entry/Corporal_punishment (last visited Mar. 2, 2019).

Elizabeth Gershoff, More Harm than Good: A Summary of Scientific Research on the Intended and Unintended Effects of Corporal Punishment on Children, 73 LAW & CONTEMP. PROBS. 31, 31-56 (2010).

Elizabeth T. Gershoff & Sarah A. Font, Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy, 30 Soc. Policy Rep., 1, 1-27 (2016).

Emily Cuddy & Richard V. Reeves, *Hitting kids: American parenting and physical punishment*, BROOKINGS (Nov. 6, 2014), https://www.brookings.edu/research/hitting-kids-american-parenting-and-physical-punishment/.

ENCYCLOPEDIA OF CONTEMPORARY AMERICAN SOCIAL ISSUES, 851-856 (Michael Shally-Jensen ed., 2nd ed. 2010).

Legal Ban on Violence Against Children, UNITED NATIONS, https://violenceagainstchildren.un.org/content/legal-ban-violence-against-children.

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 AND FAMILY PSYCHOL. REV., 55, 55-70 (1999).

Parents and Experts Split on Spanking, N.Y. TIMES, (June 19, 1985), https://www.nytimes.com/1985/06/19/garden/parents-and-experts-split-on-spanking.html.

Susan Scutti, *Paddling to be Allowed at Georgia School to Punish Some Students*, CNN (Sept. 13. 2018), https://www.cnn.com/2018/09/13/health/corporal-punishment-georgia-charter-school-bn/index.html.