

The United States Centers for Disease Control (CDC) Injury Prevention Branch has called for

Legislative action by the States against physical punishment



Corporal punishment harms children; it is neither safe nor effective. If it were a drug it would be banned by the FDA.

Violence labeled as discipline is still violence.

Background

In 1973 Hawai'i became the third State to ban corporal punishment in schools.

In 2006, the United Nations Convention on the Rights of the Child recommended an international ban on corporal punishment.

Worldwide 54 countries have banned corporal punishment.

A 2018 study comparing 30 studies banning corporal punishment at home and school with 20 countries without bans found a rate of fighting in boys that was 31% lower and in girls 58% lower. Smaller studies document reductions in child abuse in countries banning physical punishment.

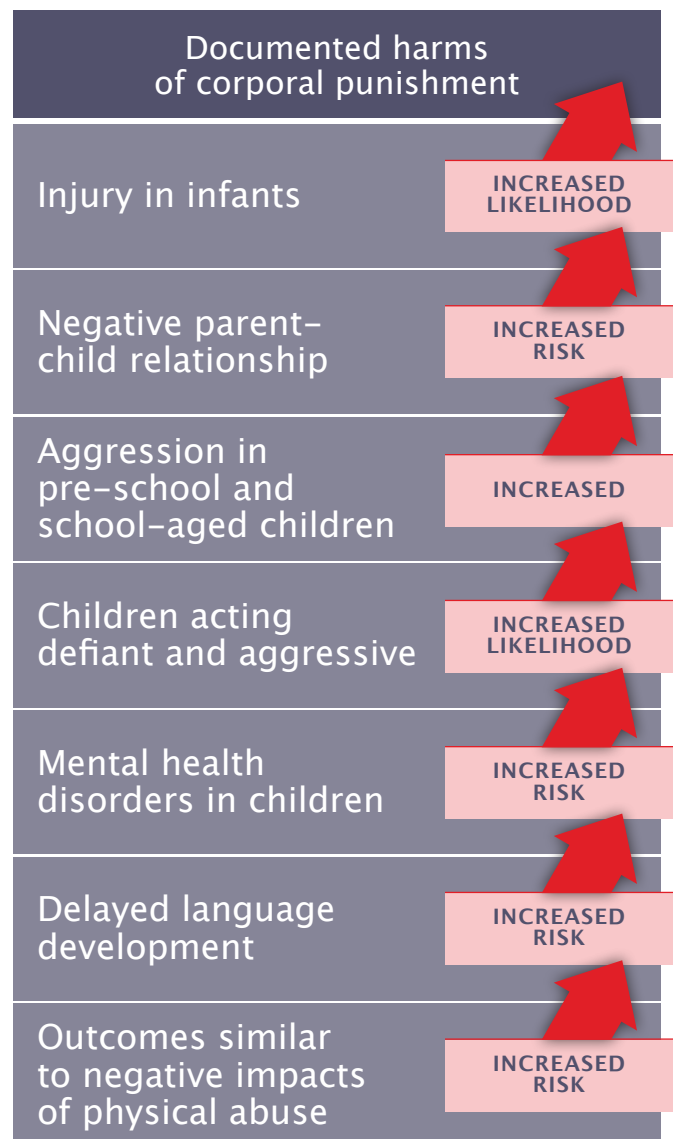
In 2018, the American Academy of Pediatrics, an organization of more than 67,000 pediatricians, issued a policy statement calling for an end to harmful discipline practices: *“Parents, other caregivers, and adults interacting with children and adolescents should not use corporal punishment either in anger or as a punishment for or consequence of misbehavior, nor should they use any disciplinary strategy, including verbal abuse, that causes shame or humiliation.”*

Instead they recommend a number of proven, safe, and effective approaches to discipline.

Physical force should be used only to restrain a child at risk for harming self or others.

The Scientific Evidence

Studies forming the basis for the AAP policy are discussed in a 10–page statement with nearly 100 references published in the December 2018 issue of Pediatrics.



A ban on physical/corporal punishment and promoting alternative measures of discipline is supported by virtually all professional organizations involved with the health, well-being, and safety of children.

- American Academy of Child and Adolescent Psychiatry
- American Academy of Family Physicians
- American Academy of Pediatrics
- American Bar Association
- American Civil Liberties Union
- American Humane Association
- American Psychological Association
- American Public Health Association
- American Public Health Association
- National Association of Pediatric Nurse Practitioner

The Law

The United States Supreme Court has held that corporal punishment of prisoners is prohibited by the US Constitution but the question as to whether corporal punishment of children is prohibited is delegated to the States.

There are currently no legal barriers to Hawai'i enacting legislation to protect children by banning corporal punishment. Hawai'i, similar to all States, has laws protecting children from parental maltreatment. Corporal punishment is often mistakenly justified as a component of the privacy right of parents to discipline their children. However, there is no evidence it is an effective disciplinary measure, and substantial evidence it is harmful. Also, there is considerable blurring of what constitutes physical abuse vs. use of physical force in the name of discipline with each State making clarification efforts.

The U.S. Supreme court, in several cases, provides parents substantial rights to the manner in which they raise children. However, with respect to corporal punishment, the U.S. Supreme Court in *Ingraham v Wright* 430 US (1977), declared the U.S. Constitution only applies to prisoners as granted by the 8th Amendment. It has refused to grant certiorari on other corporal punishment cases, leaving the States with exclusive jurisdiction.

In 2012 the Hawai'i Supreme Court provided an Opinion in *Hamilton v Lethem* (SCWC-27580, Feb 07, 2012). The Court held that *"parents have a constitutional right to discipline children inhering in their liberty interest in the care, custody and control of their children under the due process clause, article 1, section 5 of the Hawai'i Constitution."* While ruling on other aspects of the case, the Supreme Court offered no ruling on corporal punishment.

The Bible

"Spare the rod and spoil the child" is often quoted as a biblical justification for corporal punishment. These seven words distort the actual meaning of Proverbs 13:24: *"He who spares the rod hates his son, but he who loves him is careful to discipline him."* Robert Alter, one of the foremost authorities on biblical verse and meaning, points out, *"Many of the Proverbs set out an antithesis between the first verse and the second, and the tight confines of the one line aphorism often generate a powerful energy of assertion in the antithesis."* In other words, after shocking us with the notion that if you don't beat your children, you hate them, we are quickly relieved to hear the real message is that through discipline we show love for our children.

The focus in Proverbs is on discipline. Discipline is derived from the Greek disciple meaning to teach. As noted by biblical scholars Philip Yancey and Tim Stafford: *"The overwhelming emphasis of Proverbs is on verbal communication and teaching. The whole book is framed as a father's words to his son."*

CONCLUSION

Hawai'i's legislative and judicial history document its commitment to safeguarding keiki and protecting parents' rights to discipline.

With the accumulating evidence on the harms of corporal punishment, there is a clear path to legislative action to have us again lead the United States in eliminating the purposeful infliction of pain on children.