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From Sticks to Flowers: Guidelines for Child Protection Professionals Working with Parents Using Scripture to Justify Corporal Punishment

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**FROM STICKS TO FLOWERS: GUIDELINES FOR
CHILD PROTECTION PROFESSIONALS WORKING
WITH PARENTS USING SCRIPTURE TO JUSTIFY
CORPORAL PUNISHMENT**

Victor I. Vieth[†]

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“At a well in a yard they met a man who was beating a boy. The stick burst into flower in the man’s hand. He tried to drop it, but it stuck to his hand. His arm became a branch, his body the trunk of a tree, his feet took root. The boy, who had been crying a moment before, burst out laughing and joined them.”

—C.S. Lewis¹

I. INTRODUCTION: THE INTERSECTION OF LAW AND RELIGION IN CASES OF CORPORAL PUNISHMENT

There is a large and growing body of research documenting that corporal punishment is not an effective form of discipline,² with numerous medical and mental health bodies discouraging the practice.³ For example, the American Academy of Pediatrics contends that the negative consequences of corporal punishment outweigh any benefits and urges parents to find “methods other than spanking in response to undesired behavior.”⁴ According to

1. C.S. LEWIS, PRINCE CASPIAN 201–02 (1951). In his autobiography, C.S. Lewis describes witnessing egregious acts of school authorities beating children under the guise of corporal punishment. He also noted the social injustice involved, commenting that the victims were “boys who fell below a certain social status.” C.S. LEWIS, SURPRISED BY JOY 25 (1955). The scene quoted from Lewis’s childrens novel *Prince Caspian* is meant to depict biblical liberation from all forms of bondage, including beatings offered under the pretense of discipline. For a fuller discussion of this imagery in *Prince Caspian*, see GENE VEITH, THE SOUL OF PRINCE CASPIAN 175–84 (2008), and DEVIN BROWN, INSIDE PRINCE CASPIAN 223–26 (2008).

2. See generally ELIZABETH T. GERSHOFF, REPORT ON PHYSICAL PUNISHMENT IN THE UNITED STATES: WHAT RESEARCH TELLS US ABOUT ITS EFFECTS ON CHILDREN (2008), available at <http://www.nospank.net/gershoff.pdf> (synthesizing over one hundred years of social science research on physical punishment and its effect on children).

3. Organizations that have endorsed the *Report on Physical Punishment in the United States* include: Academy on Violence and Abuse, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Medical Association, American Professional Society on the Abuse of Children, American College of Emergency Physicians, Dave Thomas Foundation for Adoption, National Association of Counsel for Children, and National Association of Pediatric Nurse Practitioners.

4. Comm. on Psychosocial Aspects of Child & Family Health, Am. Acad. of Pediatrics, *Guidance for Effective Discipline*, 101 PEDIATRICS 723, 726 (1998). Researchers have found that harsh physical discipline (pushing, grabbing, shoving, slapping, and hitting), even in the absence of more severe child maltreatment, is associated with higher risks of cardiovascular disease, arthritis, obesity, history of family dysfunction, and mental disorders. Tracie O. Afifi

one literature review on corporal punishment research, “[A]t its worst corporal punishment may have negative effects on children and at its best has no effects, positive or otherwise.”⁵

Despite research and the discouraging of corporal punishment by respected medical and mental health organizations, most Americans continue to practice corporal punishment,⁶ and many schools permit hitting children as a means of discipline.⁷ Although there are multiple reasons for parental adherence to corporal punishment, one factor appears to be the influence of religion.

To many of the faithful, their reading of scripture trumps every study on corporal punishment. Indeed, their reading of scripture may trump any law limiting their ability to strike children as a means of discipline. When this happens, there is an inevitable tension between the law and religion. Understanding this tension begins with understanding when, pursuant to the law, child protection professionals may intervene in a case of corporal punishment.

In the United States, all fifty states permit parents to utilize corporal punishment provided the force is reasonable.⁸ In determining reasonableness, courts consider the child’s age and size, the means used to inflict discipline (disciplining with objects is generally frowned upon), the place on the child’s body where discipline is inflicted, the degree of injury or pain, the parent’s motive in hitting a child, and whether the discipline is part of an overall pattern of violence.⁹ Some courts also consider the “nature of the misbehavior” of the child being hit¹⁰ and thus leave open the

et al., *Harsh Physical Punishment in Childhood and Adult Physical Health*, 132 *PEDIATRICS* e333, e333–38 (2013).

5. Elizabeth T. Gershoff, *Corporal Punishment, Physical Abuse, and the Burden of Proof: Reply to Baumrind, Larzelere, and Cowan (2002), Holden (2002), and Parke (2002)*, 128 *PSYCHOL. BULL.* 602, 609 (2002).

6. Approximately two-thirds of parents report hitting children below the age of two and, by the time a child reaches high school, 85% have been physically punished with 51% having been struck with a belt or other object. GERSHOFF, *supra* note 2, at 10.

7. For a detailed analysis of state laws on corporal punishment, see *Discipline and the Law*, CENTER FOR EFFECTIVE DISCIPLINE (Dec. 2012), <http://www.stophitting.com/index.php?page=statelegislation#Minnesota>.

8. See, e.g., JOHN E.B. MYERS, MYERS ON EVIDENCE OF INTERPERSONAL VIOLENCE: CHILD MALTREATMENT, INTIMATE PARTNER VIOLENCE, RAPE, STALKING, AND ELDER ABUSE 262–64 (5th ed. 2011).

9. *Id.* at 262–69.

10. Hamilton *ex rel.* Lethem v. Lethem, 270 P.3d 1024, 1038 (Haw. 2012).

possibility that, in some instances, even mild forms of corporal punishment may be unlawful.

In applying these and other factors, the definition of “reasonable force” in American society and law appears to be contracting.¹¹ To the extent research discouraging corporal punishment continues to grow and societal support for the practice continues to wane, it is predictable that child protection professionals will increasingly become involved in parental discipline rooted in religion.

In cases of corporal punishment, the intersection of child protection and religion happens on at least two levels. First, criminal justice professionals must decide when parental discipline is contrary to law and warrants charges even though the practice may be theologically based. Second, child protection workers must determine when to intervene and require parents to forego disciplinary techniques considered physically and emotionally harmful.¹²

To address this issue, this article includes a case study designed to illustrate some of the complexities multidisciplinary teams (MDTs)¹³ of child protection professionals encounter when

11. See, e.g., MYERS, *supra* note 8, at 260 (noting that “although many parents still use corporal punishment, the acceptability of spanking is on the wane”).

12. In reviewing the research, one scholar writes: “[R]ecent studies have suggested that a host of potentially harmful behavioral and psychological consequences may result from so-called ‘ordinary’ physical punishment. These negative outcomes include alcohol abuse, depression, suicidal thoughts, behavioral problems, low achievement, and future economic insecurity.” Clifton P. Flynn, *Regional Differences in Spanking Experiences and Attitudes: A Comparison of Northeastern and Southern College Students*, 11 J. FAM. VIOLENCE 59, 59–60 (1996).

13. There are three types of MDTs. First, there is the core investigative team typically consisting of law enforcement, child protective services, and the prosecutor’s office. This team responds to an initial report of abuse and arranges forensic interviews, medical examinations, mental health referrals, search warrants, interrogation of perpetrators, and other investigative functions. Second, there is a broader service planning or case review team that discusses the ongoing needs of a maltreated child and his or her family. The team typically consists of “professionals providing therapeutic and other support services” including medical professionals, child protection service workers, mental health practitioners, victim-witness advocates, and school guidance counselors or social workers. Third, the systems coordination team, consisting of the same individuals who participate in the service planning team, organizes public awareness events and generates support for prevention efforts. AM. PROSECUTORS RESEARCH INST., INVESTIGATION AND PROSECUTION OF CHILD ABUSE, at xxxiv, xxxviii (3d ed. 2004).

corporal punishment is practiced in the name of God. When should the team charge a parent with a crime? When should a child protection petition be filed? When the MDT is relying on research, and a parent is relying on the Bible, is there a way to bridge the gap?

In addition to illustrating these questions through a case study, this article provides an overview of religious practices in the United States with special focus on religious teaching pertaining to corporal punishment. Although corporal punishment is found among all religious groups, it is more readily accepted and practiced among conservative Protestants. Accordingly, the article details the various nuances of this belief system and offers myriad suggestions for child protection professionals working with families who insist on hitting their children, even to the point of causing injury, because “the Bible tells me so.”

II. CASE STUDY: A WIDOWED MOM, A BOARD FROM THE GARAGE, AND THE MDT¹⁴

When her husband died unexpectedly, Carol was forced to raise their little boy, only three years old, by herself. A twenty-two-year-old Caucasian woman from the Midwest, Carol had been a stay-at-home mom. However, she now had to work two jobs to make ends meet. Since she wanted more for her son, she also took college courses one night a week. Remarkably, she found the time to stay engaged with her son, and neighbors often saw her playing in the park with her boy and regularly praising and hugging him.

Deeply religious, Carol relied heavily on her conservative Protestant faith in these difficult days and regularly turned to her pastor and older parents in the church for guidance. She was raised in a home where her father disciplined the children with corporal punishment by striking their buttocks with a board. Carol and her husband intended to follow suit when their son was old enough to understand the discipline was rooted in love and the word of God. Unfortunately, her husband was now dead and Carol was left alone to discipline her sometimes unruly son.

14. This case study is roughly based on a case the author was involved with more than twenty years ago. The author combines this case with facts from other cases he has worked on over the years in the hope that this one anecdote illustrates many of the points made throughout the article.

Based on her reading of the Bible, and the teaching of her church leaders, Carol began to paddle her son on the buttocks using a small board she found in her garage. She hated hitting her son and often broke down crying. One day, she confessed to a co-worker what she was doing and said she was afraid she was hitting her son too hard because she was leaving marks. She also worried that she was sometimes hitting him out of frustration. Although she was scared of hurting him, Carol saw no other recourse. Although she wasn't convinced that corporal punishment was working, she reasoned that God must know what he is talking about.

Carol's co-worker was worried enough to call child protective services. The subsequent MDT investigation found a young mother with many parenting strengths but a glaring weakness that could not be ignored—Carol was hitting her son at a level that violated the law.¹⁵ Largely sympathetic to the mother and convinced they could help her raise the child without violence, the MDT chose not to file criminal charges but instead filed a civil child protection petition. Carol admitted the petition, acknowledging she had gone too far, and pledged to work with child protection to improve her parenting.

At first, it seemed an easy case to resolve. In the weeks ahead, though, problems began to develop. Carol was willing to use corporal punishment less often, even as a last resort, but she was unwilling to forego the practice altogether. Carol also couldn't promise to never use the board again because the Bible seemed to express a preference for using a "rod."¹⁶

The social workers, mental health professionals, doctors, nurses, and parenting aids working with Carol explained corporal punishment was contrary to numerous scholarly studies and that myriad, nonviolent forms of discipline were more effective. These

15. Many child protection codes and many child protection professionals draw the line when a parent is hitting a child with an object or hitting a child hard enough to cause bruises or other injuries. Victor I. Vieth, *Corporal Punishment in the United States: A Call for a New Approach to the Prosecution of Disciplinarians*, 15 J. JUV. L. 22, 50–51 (1994). For example, Minnesota's mandated reporting law requires professionals to report physical abuse but specifically states physical abuse "does not include reasonable and moderate physical discipline" that does not "result in an injury." MINN. STAT. § 626.556(2)(g) (2012).

16. Bible verses influencing Carol included: "Do not withhold discipline from a child; if you punish him with the rod, he will not die" and "He who spares the rod hates his son, but he who loves him is careful to discipline him." *Proverbs* 23:13; 13:24 (New International Version).

same professionals told Carol that many prestigious medical and mental health organizations were publicly opposed to physical discipline. Carol, though, was unimpressed. She went so far as to say she suspected that many of these researchers also supported evolution¹⁷ and otherwise denied the most basic teachings of the Bible.

When a team member pointed out that some Protestant denominations had passed resolutions discouraging corporal punishment, Carol retorted that these denominations were liberal and didn't really believe in the Bible. In the end, she said, God's word was paramount, and that word told her she must sometimes hit her son, and to do so with an object. Without proper discipline, she told the MDT, the very salvation of her son was at stake.

The subsequent case review meeting was contentious. Some members of the team felt it was time to charge Carol with a crime—reasoning that perhaps a criminal conviction and some time in jail would impress on her the serious nature of her conduct. Other team members felt it was time to terminate Carol's parental rights to her son. After all, the team had done its best but she simply refused to put away the board. If the child was kept in such a home, the boy might be seriously injured or even killed. Given all the pressures in Carol's life, one team member said he could see Carol in a moment of great frustration using the board on other parts of

17. Although Carol literally believed the world was created in six days and was only several thousand years old, Christian teachings on evolution are not uniform, even among conservatives. For example, conservative theologian Timothy Keller writes:

Evolutionary science assumes that more complex life-forms evolved from less complex forms through a process of natural selection. Many Christians believe that God brought about life this way. For example, the Catholic church, the largest church in the world, has made official pronouncements supporting evolution as being compatible with Christian belief. However, Christians may believe in evolution as a process without believing in "philosophical naturalism"—the view that everything has a natural cause and that organic life is solely the product of random forces guided by no one. When evolution is turned into an All-encompassing Theory explaining absolutely everything we believe, feel, and do as the product of natural selection, then we are not in the arena of science, but of philosophy.

TIMOTHY KELLER, *THE REASON FOR GOD: BELIEF IN AN AGE OF SKEPTICISM* 87 (2008) (citation omitted); *see also* JIMMY CARTER, *OUR ENDANGERED VALUES: AMERICA'S MORAL CRISIS* 47–52 (2005) (arguing there is no conflict between religion and science).

the child's body—such as his head. Others said they simply needed to keep trying—after all Carol loved her son and in many ways was a good mother. The child was fed, clothed, brought to day care, had lots of toys, and was hugged often by his mother. Carol never used abusive language and often praised her son. Everyone conceded the child had a strong bond with his mother.

Finally, one team member suggested another course. To this team member, Carol's comments about evolution, "liberal" church teachings, and her son's soul reflected a deeper fear. If this fear was understood and addressed, perhaps the team would be more successful. The same team member felt it important to speak with Carol's pastor, to read some of the parenting books she was relying on, and to see if there was a way within her culture to move away from a form of discipline deeply concerning to the team.

Although most of the team did not accept Carol's worldview, and some even despised it, working within her culture seemed the only option remaining. In the months ahead, Carol and the MDT made startling discoveries. Although Carol never wavered from her religious beliefs, she eventually abandoned corporal punishment. Indeed, she became a strong *opponent* of the practice. Team members also did not change their beliefs about religion or research, but they learned to breathe new life into the concept of cultural sensitivity.

In order to understand this transformation, it is necessary to understand Carol's religious beliefs and the concerns that led her to cling to corporal punishment—and to eventually abandon the practice. This exploration of religious beliefs is also necessary because not every case is a success story. Some parents are abusive and, irrespective of whether or not their religious beliefs are sincere, the government must decide which parents are at such a high risk to hurt their children that prosecution and/or termination of parental rights is warranted.

Let's begin with an overview of the role religion plays in American culture.

III. RELIGION AND AMERICAN CULTURE

Religion plays an important role in the culture of the United States.¹⁸ According to Gallup, more than 90% of Americans believe

18. See generally JON MEACHAM, AMERICAN GOSPEL: GOD, THE FOUNDING FATHERS, AND THE MAKING OF A NATION (2006) (detailing the influence of religion

in God and 55% claim religion plays a “very important” part in their lives.¹⁹ Historians have noted that church membership rates in colonial America were low, whereas twentieth-century Americans exhibited robust religious affiliation rates.²⁰ Approximately 40% of Americans attend church weekly,²¹ and sociologists expect religious involvement to increase in the decades to come.²²

Although the United States is increasingly diverse, our religious demographics have changed only slightly since the 1950s.²³ According to Gallup, the religious make-up of the United States is:

- 53.9% Protestant/Other Christian
- 23.9% Catholic
- 1.7% Mormon
- 1.7% Jewish
- 0.5% Muslim
- 2.4% Other non-Christian religion
- 15.8% None/Atheist/Agnostic/Don’t Know²⁴

Stated differently, approximately 80% of Americans identify themselves as Christian, and 95% of Americans who identify as religious are Christians.²⁵ Given these dynamics, any discussion on the impact of religion on corporal punishment in America is primarily a discussion of the influence of Christianity on this practice.

throughout American history). Meacham concluded that “[t]o hope, as some secularists do, that faith will one day withdraw from the public square is futile. Humankind could not leave off being religious even if it tried. . . . The task of a republic like ours is to draw the best we can out of faith’s ‘permanent function’ while avoiding the worst.” *Id.* at 233–34.

19. FRANK NEWPORT, *GOD IS ALIVE AND WELL: THE FUTURE OF RELIGION IN AMERICA* 9–11 (2012).

20. Jon Butler, *Jack-in-the-Box Faith: The Religion Problem in Modern American History*, 90 J. AM. HIST. 1357, 1361–62 (2004).

21. NEWPORT, *supra* note 19, at 11.

22. This predicted rise may result from the aging of the population, an increase in the Hispanic population (which tends to be more religious), and migration to more religious regions of the country. *Id.* at 242–48.

23. *Id.* at 22–25.

24. *Id.* at 22.

25. *Id.* at 21–22.

A. *The Influence of Christianity on Corporal Punishment Practices*

The Christian culture dominant in the United States has played a significant role in corporal punishment in American homes and schools. Throughout our history, courts have cited the Bible as legal justification for the physical punishment of children. In the State of New York, an appellate court concluded corporal punishment is a “recognition of the admonitions to parents contained in the Book of Proverbs of the Holy Bible which have been paraphrased, ‘Spare the rod and spoil the child.’”²⁶ The Rhode Island Supreme Court has referenced the “spare the rod” Proverb in its rulings,²⁷ and the State of Ohio likewise credits King Solomon’s Proverbs with granting parents the right to hit children as a means of punishment.²⁸ In addition to court decisions, “substantial research has documented associations between religious affiliation and the endorsement and use of physical discipline of children.”²⁹

B. *Religious Affiliations and Corporal Punishment*

Moderate³⁰ and liberal Protestants, as well as Catholics,³¹ are less inclined to support corporal punishment.³² However, at least

26. *People v. Mummert*, 50 N.Y.S.2d 699, 703 (Nassau Cnty. Ct. 1944); *see also* *People ex rel. Ebert v. Baldani*, 159 N.Y.S.2d 802, 806 (Mount Vernon City Ct. 1957) (“The permission to mete out reasonable and moderate punishment finds sanction in Holy Writ.”).

27. *See State v. Thorpe*, 429 A.2d 785, 788 (R.I. 1981).

28. *See State v. Hoover*, 450 N.E.2d 710, 715 (Ohio Ct. App. 1982).

29. Christopher W. Dyslin & Cynthia J. Thomsen, *Religiosity and Risk of Perpetrating Child Physical Abuse: An Empirical Investigation*, 33 J. PSYCHOL. & THEOLOGY 291, 291 (2005).

30. According to one study, “Moderate Protestant traditions tend to support corporal punishment, albeit only as a last resort.” Christopher G. Ellison & Darren E. Sherkat, *Conservative Protestantism and Support for Corporal Punishment*, 58 AM. SOC. REV. 131, 140 n.9 (1993) (citations omitted) (internal quotation marks omitted).

31. Consider, for example, this Catholic commentary on *Proverbs* 23:13–14: “The sardonic humor means the exhortation is not to be taken literally, an argument for corporal punishment. The next verses (vv. 15–16) are exceedingly tender toward the young.” THE CATHOLIC STUDY BIBLE 867 (Donald Senior et al. eds., 2d ed. 2011).

32. Ellison & Sherkat, *supra* note 30, at 136 (“Our findings dovetail with those reported earlier [by another researcher]: Catholics do not disproportionately support corporal punishment.”).

one study has demonstrated that conservative Protestants “are significantly more supportive of corporal punishment than other persons.”³³ Additionally, “parents with conservative scriptural beliefs” appear to use corporal punishment more often.

Although most liberal and conservative theologians agree there are clear biblical passages pertaining to corporal punishment, these passages are more easily dismissed in liberal church bodies. To understand why, it is necessary to understand different theological views of the Bible and how these views shape a reading of the corporal punishment texts.

1. *Liberal Protestant Teaching on Corporal Punishment*

A liberal theologian is less inclined to take the Bible literally and more likely to discount miracles or even historically fundamental teachings of the church such as heaven and hell, salvation by grace, and the deity of Christ. Instead, liberal theologians strive to find underlying truths in the Bible that better prepare us to work in this world.

To illustrate this viewpoint, seminary professor Gerald Birney Smith writes,

[T]he history of religion has made us aware that, so far as the supernaturalistic details of a doctrine of salvation are concerned, these appear in various forms in pagan religions as well as in Christianity. . . . The distinctive qualities of Christian salvation must be looked for in the kind of moral and religious character produced by Christian faith.³⁴

Smith also noted, “We shall then not ask concerning the ‘nature’ of Jesus, but rather concerning his religious consciousness and life. We shall emphasize his *God-consciousness* and his ability to create in his disciples a trust in God which gives spiritual insight and moral power.”³⁵

Within this cultural framework, liberal theologians can readily rely on research in rejecting corporal punishment and simply note the broader Christian concepts of love and gentleness in support of abandoning the practice. For example, when the Presbyterian

33. *Id.* at 138.

34. Gerald Birney Smith, *Systematic Theology and Christian Ethics*, in *A GUIDE TO THE STUDY OF THE CHRISTIAN RELIGION* 483, 523 (Gerald Birney Smith ed., 1916).

35. *Id.* at 531–32.

Church USA passed a resolution urging schools and parents to refrain from corporal punishment, it did not specifically address the biblical texts but simply stated:

Corporal punishment models aggressive behavior as a solution to conflict. Numerous research studies have associated corporal punishment with increased aggression in children and adults, increased substance abuse, increased risk of crime and violence, low self-esteem, and chronic depression. It is difficult to imagine Jesus of Nazareth condoning any action that is intended to hurt children physically or psychologically.³⁶

The Presbyterian USA resolution cites a similar resolution passed by the United Methodist Church in 2004, which, again, is rooted almost exclusively in research without a single mention of the corporal punishment passages in *Proverbs*.³⁷ Many conservative Protestants rejected the Presbyterian and Methodist resolutions not because these conservatives necessarily disagreed with the research on corporal punishment, but because the church resolutions did not address the biblical texts pertaining to physical discipline.³⁸

In the context of our case study, this explains why Carol was not receptive to research or resolutions on corporal punishment from liberal church bodies. In order for Carol to move away from corporal punishment, the argument must be rooted in her cultural and religious framework. An analysis of that framework is provided below.

2. *Conservative Protestant Teaching on Corporal Punishment*

Many conservative Protestants believe the Bible is holy, inspired, and inerrant.³⁹ Conservative Protestants maintain the

36. *Presbyterians Pass Resolutions Against Corporal Punishment*, CHILD, INC., <http://childrenshealthcare.org/wp-content/uploads/2010/07/CP-Presbyterian-resolutions.pdf> (last visited Feb. 10, 2014).

37. For the United Methodist Church resolution see *Discipline Children Without Corporal Punishment*, UNITED METHODIST CHURCH, <http://www.umc.org/site/apps/nlnet/content2.aspx?c=IwL4KnN1LtH&b=4951419&ct=6480593> (last visited Feb. 10, 2014).

38. See *Presbyterians Denounce Corporal Punishment*, DENNY BURKE (July 11, 2012), <http://www.dennyburk.com/presbyterians-denounce-corporal-punishment>.

39. See generally BRIAN R. KELLER, BIBLE: GOD'S INSPIRED, INERRANT WORD (Curtis A. John ed., 2002). Some conservative Protestants believe the Bible is infallible in terms of doctrine but may have errors of "chronological details,

Bible cannot be compared to other books because “they are the works of men.”⁴⁰ This leads to a literal reading of many passages, including miracles such as the resurrection of Christ, and great concern about dismissing any part of scripture—fearing that if some teachings are abandoned, the primary teachings must also give way. According to one conservative theologian, “If the Bible were filled with falsehood, there could be no dependable certainty even of the fact that Jesus loves you.”⁴¹

Within this cultural framework, Carol’s comments about evolution or her dismissal of resolutions passed by more liberal church bodies reveal she does in fact have an underlying fear that contributes to her adherence to corporal punishment even though the practice makes her uncomfortable. Specifically, Carol fears that if she abandons scriptural teachings about corporal punishment, she must eventually deny God’s role in creation or even the deity of Christ. This fear is not recent or unique to Carol. Indeed, many Protestants immigrated to the United States because they were afraid that growing liberalism in European and other churches would render all of scripture meaningless.⁴²

Carol’s concern about her son’s salvation is likely rooted in a conservative Protestant belief that children are born sinful, rebellious, and in need of correction.⁴³ For example, James Dobson, whose parenting books have sold more than three million copies, writes:

Parents who believe all toddlers are infused with goodness and sunshine are urged to get out of the way and let their pleasant nature unfold. On the other hand, parents who

precise sequence of events, and numerical allusions.” *What We Believe and Teach*, FULLER THEOLOGICAL SEMINARY, http://www.fuller.edu/About/Mission_and_Values/What_We_Believe_and_Teach/ (last visited Feb. 10, 2014).

40. KELLER, *supra* note 39, at 10.

41. *Id.* at 25.

42. *See generally* AUGUST R. SUELFLOW, *SERVANT OF THE WORD: THE LIFE AND MINISTRY OF C.F.W. WALTHER* 41–44 (2000) (noting the role “doctrinal deterioration” of the Christian faith played in German emigration to the United States).

43. MILLARD ERICKSON, *CHRISTIAN THEOLOGY* 639 (2d ed. 1998). This can be a nuanced argument since many conservative Protestants also believe that God does not hold children responsible for their sins until they reach the age of accountability—a fluid age in which a child can make a reasoned decision to accept or reject Christ as their savior. *See* WAYNE GRUEDEM, *SYSTEMATIC THEOLOGY* 499–500 (1994).

recognize the inevitable internal war between good and evil will do their best to influence the child's choices—to shape his will and provide a solid spiritual foundation. They recognize the dangers of willful defiance My entire book, you see, is a product of the biblical orientation to human nature. We are not typically kind and loving and generous and yielded to God. Our tendency is toward selfishness and stubbornness and sin. We are all, in effect, “strong-willed children” as we stand before God.⁴⁴

As already noted, this reliance on scripture leads some conservative Protestants to “emphatically reject popular and academic criticisms of corporal punishment.”⁴⁵ As noted by some researchers:

Conservative Protestant writers on childrearing attach little importance to the latest findings of social science researchers. Instead, they gauge the usefulness of any nonbiblical information by its compatibility with biblical principles as they are understood within Conservative Protestant communities. For instance, Dobson . . . bluntly rejects the use of scientific principles as arbiters of truth concerning parent-child relations: “The principles of good discipline cannot be ascertained by scientific inquiry”⁴⁶

Given the belief that corporal punishment is a directive from God rooted in scripture, the child protection professionals working with Carol may not be able to get her to stop hitting her child with a board unless they understand the biblical basis for corporal punishment and are able to work within this cultural construct.

3. *Biblical Basis for Corporal Punishment*

The Bible consists of at least sixty-six “books”⁴⁷ consuming several thousand pages written over a period of fifteen centuries.⁴⁸

44. Ellison & Sherkat, *supra* note 30, at 133 (emphasis omitted) (quoting JAMES DOBSON, *THE STRONG-WILLED CHILD: BIRTH THROUGH ADOLESCENCE* 174–75 (1976)).

45. *Id.* at 132.

46. *Id.* (citation omitted) (quoting JAMES DOBSON, *DARE TO DISCIPLINE* 13 (1970)).

47. Some of the “books” are only a page or two in length. Catholic and Greek Orthodox Christians have more than sixty-six books, adding books written between the Old and New Testaments. Hans Dahl, *Introduction to the Bible*, in LUTHERAN STUDY BIBLE 19, 26–29 (Augsburg Fortress 2009).

Although all of these books were written at a time in which severe corporal punishment was practiced,⁴⁹ there are relatively few passages pertaining to physical discipline—with the most explicit passages pertaining to the corporal punishment of adults, not children.

With respect to the corporal punishment of children, the verses cited by conservative Protestants primarily consist of the following Proverbs:

- “Those who spare the rod hate their children, but those who love them are diligent to discipline them.”⁵⁰
- “Folly is bound up in the heart of a boy, but the rod of discipline drives it far away.”⁵¹
- “Do not withhold discipline from your children; if you beat them with a rod, they will not die. If you beat them with the rod, you will save their lives from Sheol [the grave or premature death].”⁵²
- “The rod and reproof give wisdom, but a mother is disgraced by a neglected child.”⁵³

a. Putting a Rag Doll to Bed: Extreme Interpretations of the Proverbs

In recent years, the teaching of some conservative Protestants on corporal punishment has drawn national attention. Some clergy have told parishioners not to be concerned about the number of blows, or the leaving of marks, going so far as to say a “hundred” blows may be necessary and that even babies should be struck for “selfish” crying.⁵⁴

48. The earliest biblical manuscript dates back to the thirteenth century BC and the latest dates to the second century CE. *Id.* at 20.

49. The Apostle Paul, for example, was beaten with rods. *2 Corinthians* 11:25. Jesus himself was severely flogged by the Roman authorities. *Mark* 15:15.

50. *Proverbs* 13:24 (Lutheran Study Bible 2009).

51. *Id.* at 22:15.

52. *Id.* at 23:13–14.

53. *Id.* at 29:15; *see also id.* at 29:17 (“Discipline your children, and they will give you rest; they will give delight to your heart.”).

54. In some Independent Fundamental Baptist (IFB) churches, parishioners have been taught that babies sometimes have a “cry of the will” that must be broken. *See 20-20: Shattered Faith* (ABC television broadcast Apr. 8, 2011), *available at* <http://abcnews.go.com/2020/video/scarred-childhood-13334532>; *see also* Rose French, *Church Members Are Accused of Child Abuse*, STAR TRIB. (Minneapolis), Mar. 26, 2011, at 1B, *available at* 2011 WLNR 6013967 (detailing the arrest of

With respect to hitting babies, one of the most popular writings among this group is authored by Michael and Debi Pearl entitled *To Train Up a Child*. The book includes the following parenting advice:

When your baby is tired and sleepy enough to become irritable, don't reinforce irritability by allowing the cause and effect to continue. . . . Get tough. Be firm with him. Never put him down and then allow him to get up. For the sake of consistency in training, you must follow through. He may not be able to sleep, but he can be trained to lie there quietly. He will very quickly come to know that any time he is laid down there is no alternative but to stay put. To get up is to be on the firing line and get switched back down. It will become as easy as putting a rag doll to bed.⁵⁵

Although the Pearls deny advocating extreme violence, more than one child has died at the hands of parents influenced by the writings of the Pearls—including repeatedly striking children with plastic tubing.⁵⁶ In addition to death, others punished in this manner report long-lasting physical and emotional damage. One survivor explained that her parents precisely followed the disciplinary techniques in a book written by Roy Lessin.⁵⁷ The victim described the procedures used as follows:

My first spanking was when I was six months old. My mother spanked me for crying after she put me to bed. She had to spank me repeatedly to teach me not to cry when she put me down. I know about this incident because my mother used to tell all the new mothers about how young I was when she started spanking me. My last spanking occurred when I was thirteen years old. The Roy Lessin spankings that I remember most vividly took place between the ages of three and seven

church leaders advocating that babies as young as one-and-a-half months are “worthy” of physical blows from a “rod”).

55. MICHAEL & DEBI PEARL, *TO TRAIN UP A CHILD* ch. 9 (1994), available at http://web.archive.org/web/20101104141241/http://www.achristianhome.com/to_train_up_a_child.htm.

56. Editorial, *Thou Shalt Not Abuse: Misuse of Biblical Teaching on Spanking Can Have Deadly Consequences*, CHRISTIANITY TODAY, Jan. 2012, at 55, available at <http://www.christianitytoday.com/ct/2012/january/editorial-spanking-abuse.html>.

57. See ROY LESSIN, *SPANKING, WHY, WHEN, HOW?* (1979).

My father would explain the reason for the spanking. . . . I had already developed irritable bowel syndrome (IBS), and would feel my guts cramp up with anxiety during his speech. Then he would ask me to take off my pants and underwear. I would feel deeply embarrassed because my father was not supposed to see me naked. . . . The stick, paddle inscribed with scripture verses, or belt would swish violently through the air before slapping painfully. . . . I would scream in pain and anguish. . . .

My parents were never concerned about the marks they left on my body. . . . Pulling up my pants was incredibly painful. . . . After we prayed, it was time for me to be happy. But my insides would be a mess. . . . It would be a lesson I'd learn for life—being falsely happy regardless of how my body felt.⁵⁸

Most prosecutors would consider conduct of this nature to be criminal⁵⁹ and some have even successfully prosecuted pastors preaching abusive practices.⁶⁰ In our case scenario, Carol does not seem to fit into this camp. Although she wants to retain the right to hit her son and believes the use of an object is preferable, she is willing to place limits on the practice. Indeed, she seems not to like the practice at all. Accordingly, Carol may have a more moderate view of the biblical texts and, if so, the MDT may be able to work successfully within her cultural framework.

b. Dare to Discipline: Moderate Interpretations of the Proverbs

“The most notable spokesperson for corporal punishment in the evangelical Christian context is James Dobson and the Focus on the Family organization.”⁶¹ The first and second editions of Dobson’s book *Dare to Discipline* have sold more than 3.5 million copies and are prominently displayed in many conservative Protestant church libraries.⁶²

58. Letter from Bethany A. Fenimore to Roy Lessin (Sept. 7, 2005), available at <http://www.drmmomma.org/2010/01/how-spanking-changed-my-life.html>.

59. See generally Vieth, *supra* note 15 (analyzing the history of corporal punishment and calling for criminalization of acts of corporal punishment).

60. *Pastor Who Preached Infants Should Be Beaten Convicted of Child Abuse*, NEWSONE (Mar. 23, 2012), <http://newsone.com/1952855/philip-caminiti-black-earth>.

61. WILLIAM J. WEBB, CORPORAL PUNISHMENT IN THE BIBLE 25 (2011).

62. *Id.* at 25 n.2.

In his book, Dobson speaks positively about the corporal punishment he received as a child, including being “cracked” with a shoe or a “handy belt” by his mother.⁶³ On one occasion, his mother threw a girdle at him for “sassing her.”⁶⁴ He said, “The intended blow caught me across the chest, followed by a multitude of straps and buckles, wrapping themselves around my mid-section. She gave me an entire thrashing with one massive blow!”⁶⁵

Dobson’s recommendations for modern era parents are less harsh, and over the years the recommendations of Focus on the Family—the organization Dobson once headed—are increasingly mild. Specifically, “Focus on the Family places a cap on the number of spanks at two but adds a scaling strategy that reserves a single spank for lesser infractions and two spanks for greater infractions.”⁶⁶ The organization also instructs that blows should only be administered to the buttocks, should never be hard enough to leave a bruise, can be done with a hand and not an instrument, and emphasizes noncorporal discipline as a *first resort* and as the exclusive discipline for school age children.⁶⁷

Other conservative Protestants are also now claiming that corporal punishment should only be a “last resort” and “only for more severe offenses.”⁶⁸ Billy Graham, considered by some to be the most influential Protestant in American history,⁶⁹ has modified his views on corporal punishment. Although Graham received corporal punishment as a child, his adult views on the subject shifted to the point where he said: “Children are more impressed by the conduct of others than by lectures or spanking.”⁷⁰

63. JAMES DOBSON, DARE TO DISCIPLINE 30 (1970).

64. *Id.* (internal quotation marks omitted).

65. *Id.*

66. WEBB, *supra* note 61, at 33 (citations omitted).

67. *Id.* at 35 (buttocks), 37 (bruising), 46–47 n.38 (hand and noncorporal first).

68. *Id.* at 46.

69. See, e.g., NANCY GIBBS & MICHAEL DUFFY, THE PREACHER AND THE PRESIDENTS: BILLY GRAHAM IN THE WHITE HOUSE, at vii (2007) (detailing Billy Graham’s influence of multiple presidents and other political leaders).

70. JANET LOWE, BILLY GRAHAM SPEAKS 106 (1999) (quoting *Billy Graham: The Man at Home*, SATURDAY EVENING POST, Spring 1972, at 105) (internal quotation marks omitted).

c. *Jewish Interpretations of the Proverbs*

One scholar finds it “amazing that there is very little contact between Jewish and Christian scholars regarding the subject of smacking” and laments that is unfortunate because “[w]e Christians can learn a lot about the Bible from our Jewish brethren.”⁷¹ It is noteworthy that many rabbis and other Jewish scholars do not interpret the references to corporal punishment in the Proverbs the same way as many Christian clergy.

One scholar on Jewish law sees a “progressive trend” to “make Jewish law more attuned to socio-cultural shifts such as the rising emphasis on children’s rights.”⁷² However, even under the more “conservative-traditional trend,” there are severe limitations on corporal punishment.⁷³ Specifically, this scholar writes:

In theory, Jewish law deems corporal punishment an auxiliary tool Yet as we will see, the halakhic sources are more nuanced than is suggested by the biblical verse ‘He who spares the rod,’ despite its importance. Analysis of these sources reveal that in practice, recourse to corporal punishment has been subject to a complex system of qualifications that diminish its scope, prevent arbitrariness, and make physical punishment difficult to resort to. When the educator does not abide by the said qualifications, Jewish law does not leave recourse to corporal punishment to his discretion, but imposes an unequivocal prohibition.⁷⁴

Jewish scholar Rabbi Shmuel Wosner interprets the verse “he who spares the rod hates his child, and he who loves his child disciplines him early” as intended to

instruct us that the correct way for a father to discipline his son is through verbal chastisement. As long as that helps, the rod can be hung on the wall. The child should be aware that corporal punishment is a possibility if he

71. SAMUEL MARTIN, THY ROD AND THY STAFF THEY COMFORT ME: CHRISTIANS AND THE SPANKING CONTROVERSY 34 (2006), *available at* <http://whynottrainachild.com/wp-content/uploads/2013/06/Thy-Rod-And-Thy-Staff-They-Comfort-Me-Mar-2013.pdf>.

72. Benjamin Shmueli, *Corporal Punishment of Children in Jewish Law*, 18 JEWISH L. ANN. 137, 141 (2009).

73. *Id.*

74. *Id.*

ignores his parents' guidance. This is the meaning of "he who spares his rod hates his child."⁷⁵

Rabbi Shlomo Wolbe contends the word "rod" is used in the broadest sense possible. Specifically, Wolbe writes:

When punishment does become necessary, bear in mind that the rod King Solomon speaks of ("He who spares his rod hates his son . . .") is to be understood in a broad sense. It includes many things, such as a frown and pretended disappointment. . . . The prophet Zecharia can help us to understand the concept of "rod" more deeply. He says: "I took for myself two rods staffs: one I named Pleasantness and the other Severity . . ." It emerges that there is not just one "rod" for disciplining—even when understood broadly, as above. There is a rod of pleasantness as well, and one can use it even more successfully than the "rod of severity."⁷⁶

According to Rabbi S.N. Brazovsky, to "attempt to stamp out [bad traits] with ill will and corporal punishment is like dousing a fire with oil. Instead, we must hold our temper and show the child an even greater amount of boundless love and mercy than we had previously."⁷⁷

As summarized by one Israeli scholar, "[i]n the circles of Jewish scholarship, we find a large body of information about events that should take place prior to a smacking. This is because a smacking is not the place to start with eliminating bad habits or traits. If used at all, it is the last resort."⁷⁸ As noted earlier, American courts have largely deferred to the religious and cultural practice of corporal punishment. Indeed, American courts have "for almost 150 years . . . heard [and rejected] challenges to the practice of . . . [corporal punishment] in the public schools based on alleged violations of tort law, criminal law, state legislation and constitutional guarantees."⁷⁹ The Israeli court system has not been as deferential to the cultural practice of corporal punishment.

75. MEIR MUNK, SPARING THE ROD: A TORAH PERSPECTIVE ON REWARD AND PUNISHMENT IN EDUCATION 14 (1989) (citation omitted).

76. *Id.* at 30–31; *see also* SHLOMO WOLBE, PLANTING AND BUILDING: RAISING A JEWISH CHILD 33–38 (2000) (discussing that "rod" can be understood in different ways, not only in the sense of hitting).

77. MARTIN, *supra* note 71, at 37.

78. *Id.*

79. Ronnie Warburg, *Corporal Punishment in School: A Study in the Interaction of Halakha and American Law with Social Morality*, 37 TRADITION 57, 60 (2003).

In 2000, the Israeli Supreme Court ruled that even mild corporal punishment inflicted by a parent violated the child's constitutional right to "dignity and bodily integrity."⁸⁰ Although not universally popular,⁸¹ the decision has not been altered.

d. The Conservative Protestant Basis for the Shrinking Acceptance of Corporal Punishment

The severe limitations placed on corporal punishment under Jewish law may be finding some parallels among conservative Protestants. William Webb, a professor at Tyndale Seminary in Toronto, notes that the increasingly moderate view of corporal punishment among conservative Protestants is because the Bible requires discipline, but not necessarily corporal punishment.⁸² If the scriptures were literally followed, children would be struck by an instrument, on the back, with no limitations to the amount of blows, and with no concern about injuries.⁸³ However, most conservative Protestants reject corporal punishment of this kind.⁸⁴

Most conservative Protestants also reject, or at least do not advocate for, the corporal punishment of adults even though there are very specific passages in scripture pertaining to the physical punishment of adult men and women. These verses include:

- "A fool's lips bring strife, and a fool's mouth invites a flogging."⁸⁵
- "On the lips of one who has understanding wisdom is found, but a rod is for the back of one who lacks sense."⁸⁶

80. Tamar Ezer, *Children's Rights in Israel: An End to Corporal Punishment?*, 5 OR. REV. INT'L L. 139, 139 (2000); Yuval Yoaz, *Beinisch Takes Fight Against Graft: Jewish Extremism to Supreme Court*, HAARETZ (Sept. 15, 2006, 12:00 AM), <http://www.haaretz.com/print-edition/news/beinisch-takes-fight-against-graft-jewish-extremism-to-supreme-court-1.197358>.

81. Evelyn Gordon, *Court Shows Supreme Arrogance in Ban on Spanking*, JWEEKLY.COM (Feb. 25, 2000), <http://www.jweekly.com/article/full/12638/court-shows-supreme-arrogance-in-ban-on-spanking>.

82. See generally WEBB, *supra* note 61, at 92. The editorial board of *Christianity Today*, a magazine founded by evangelicals including Billy Graham, has written, "The Bible never forbids spanking. But Webb's case is convincing that the Bible does not require it." Editorial, *Thou Shalt Not Abuse*, CHRISTIANITY TODAY (Jan. 16, 2012, 10:16 AM), <http://www.christianitytoday.com/ct/2012/january/editorial-spanking-abuse.html>.

83. See WEBB, *supra* note 61, at 76 tbl.3.1.

84. See, e.g., *supra* notes 61–67 and accompanying text.

85. *Proverbs* 18:6 (Lutheran Study Bible 2009).

- “Condemnation is ready for scoffers, and flogging for the backs of fools.”⁸⁷
- “A whip is for the horse, a bridle for the donkey, and a rod for the back of fools.”⁸⁸
- “By mere words servants are not disciplined, for though they understand, they will not give heed [will not be obedient].”⁸⁹
- “Strike a scoffer, and the simple will learn prudence; reprove the intelligent, and they will gain knowledge.”⁹⁰
- “Blows that wound cleanse away evil; beatings make clean the innermost parts.”⁹¹

The reason many conservative Protestants do not literally adhere to the verses about adult corporal punishment is because they recognize that these verses are reflecting governmental punishments in place during the time they were written and do not necessarily require similar punishments in the modern era. While a thief may have been whipped in biblical times, a jail sentence is perfectly fine today. The verses simply reflect an underlying wisdom that crimes often bring punishments, and foolish misdeeds have consequences.

A growing number of conservative Protestants apply the same analogy to the Proverbs pertaining to the corporal punishment of children. For example, *The Lutheran Study Bible*, published by the conservative Protestant Missouri Synod, includes the following language in their commentaries: “Flogging was a common form of punishment. The ceremonial scepter held by rulers symbolized their authority to judge and discipline. Children are best ‘*trained with kindness and delight. For children who must be forced with rods and blows will not develop into a good generation.*’”⁹² With respect to the “spare[] the rod” Proverb⁹³ verse often used to justify hitting children, another conservative Protestant Bible commentary notes

86. *Id.* at 10:13.

87. *Id.* at 19:29.

88. *Id.* at 26:3.

89. *Id.* at 29:19.

90. *Id.* at 19:25.

91. *Id.* at 20:30.

92. *Id.* at 10:13 n.10:13 (emphasis added) (quoting Martin Luther’s Large Catechism) (commenting on the verse “a rod is for the back of him who lacks sense”).

93. *Proverbs* 13:24 (New International Version) (“He who spares the rod hates his son, but he who loves him is careful to discipline him.”).

that “[p]arents are encouraged to apply the rod of punishment to drive out folly so that the child will not follow a path of destruction. The rod ‘impart[s] wisdom’ and promotes a healthy and happy family.”⁹⁴ However, this same commentary states the “rod” is “[p]robably a figure of speech for discipline of any kind.”⁹⁵ This interpretation is similar to some Jewish interpretations of *Proverbs*.⁹⁶ Not only are these verses simply reflecting governmental and family punishments in use at the time, Webb argues the verses were often a clear attempt to *limit* the amount of punishment received—an argument that is also consistent with that of some Jewish scholars.⁹⁷

To understand Webb’s point, he references the troubling text in the book of Exodus in which the writer notes the following rule: “If a man beats his male or female slave with a rod and the slave dies as a direct result, he must be punished, but he is not to be punished if the slave gets up after a day or two, since the slave is his property.”⁹⁸ Although offensive to modern ears, Webb points out that in ancient near east cultures “there was nothing holding back masters from beating a slave to death if they wished.”⁹⁹ When combined with other passages limiting the harm that can be done to a slave, Webb sees deeper lessons emerging—including the importance of protecting the weak from the strong by limiting the severity of punishments.¹⁰⁰

As a further illustration, Webb cites the Proverb, “Give beer to those who are perishing, wine to those who are in anguish. . . .”¹⁰¹ Webb points out that today there are better ways to address the underlying principle in this Proverb. For example, “morphine

94. *Id.* at 13:24 n.13:24 (citations omitted).

95. *Id.*

96. According to one scholar of Jewish law:

The straightforward interpretation, which understands ‘rod’ as an instrument for flogging, is the accepted interpretation of the verse; but it is not the only possible interpretation. A second interpretation of the verse takes the rod to be a symbol of leadership and authority. Thus, ruling by the rod means wielding authoritative leadership rather than beating one’s subjects Taken in this sense, the verse means that a father who does not impose his authority to set norms of conduct and acceptable limits on behavior hates his son.

Shmueli, *supra* note 72, at 144–45.

97. *See supra* notes 71–81 and accompanying text.

98. *Exodus* 21:20–21 (New International Version).

99. WEBB, *supra* note 61, at 64 (footnote omitted).

100. *See generally id.* at 62–70.

101. *Proverbs* 31:6 (New International Version).

might be much better than alcohol to give people who are dying and in physical agony.”¹⁰² According to Webb, Christians are often “more biblical” when they reflect on a verse and recognize how they can live out its meaning today.¹⁰³

Applying this principle to the corporal punishment passages, Webb argues that if the twofold purposes of physical beatings—avoiding folly and living wisely—could be achieved by noncorporal discipline, then Christians using alternative forms of discipline “should still be seen as biblical in the sense that they accomplish the purpose meaning of the text.”¹⁰⁴ To the extent noncorporal forms of punishment are more effective in meeting the underlying goals in these Proverbs, Webb argues such parents have “become more (not less) biblical in their child rearing practices.”¹⁰⁵

IV. WORKING WITH PARENTS JUSTIFYING CORPORAL PUNISHMENT WITH SCRIPTURE

Medical and mental health professionals, social workers, law enforcement officers, children’s advocacy center workers,¹⁰⁶ and other child protection professionals often interact with parents who discipline their children by hitting them. When these parents justify their conduct in the name of religion, the following guidelines may help.

A. *Be Aware of Our Biases*

There is research suggesting a clinical psychologist’s personal biases and orientations toward religion may “affect the therapeutic course and outcome with religious clients.”¹⁰⁷ Even those whose biases did not influence therapeutic interventions were often poorly trained to work with religious clients.¹⁰⁸ A simple remedy for ignorance is training and a simple means to check biases may be to

102. WEBB, *supra* note 61, at 87–88.

103. *Id.* at 64.

104. *Id.* at 91.

105. *Id.*

106. For an overview of the Children’s Advocacy Center movement, see Nancy Chandler, *Children’s Advocacy Centers: Making a Difference One Child at a Time*, 28 *HAMLIN J. PUB. L. & POL’Y* 315 (2006).

107. Edward P. Shafranske & H. Newton Malony, *Clinical Psychologists’ Religious and Spiritual Orientations and Their Practice of Psychotherapy*, 27 *PSYCHOTHERAPY* 72, 77 (1990).

108. *See id.* at 77–78.

have multiple team members involved in a case—exactly what some researchers on child protection biases have recommended.¹⁰⁹ Indeed, some have suggested the value of having theologians involved with multidisciplinary team case reviews to assist the team in understanding and responding to instances of abuse within the context of religion.¹¹⁰

B. Distinguish Between Parents Who Need Education and Those Who Are Abusive

Although conservative Protestant parents are more likely to accept and to administer corporal punishment,¹¹¹ this does not necessarily mean they are otherwise abusive. One study found that conservative Protestants did not have an elevated risk for committing child physical abuse.¹¹² Indeed, these researchers suggested that strict conservative Protestant rules, such as the “two swat rule” discussed previously, might *discourage* escalation of the punishment.¹¹³

A study by Rodriguez and Henderson found that parents with a literal interpretation of the Bible did have a “higher child abuse potential scores,” but “individuals who are more [i]ntrinsically religiously oriented do not appear to be at increased risk, despite the fact that they may at times be more socially conformist or more literal interpreters of the Bible.”¹¹⁴

The Rodriguez and Henderson study suggests that determining abuse potential is more complicated than simply determining religious orientation or views of the Bible. In other words, it is not simply a literal interpretation of the Bible, but a

109. Mark D. Everson & Jose Miguel Sandoval, *Forensic Child Sexual Abuse Evaluations: Assessing Subjectivity and Bias in Professional Judgments*, 35 CHILD ABUSE & NEGLECT 287, 297 (2011) (“[A] ‘team’ approach to assessment that emphasizes diversity in professional position or discipline, gender, and experience level is likely to . . . counterbalance individual biases.”).

110. Victor I. Vieth et al., *Chaplains for Children: Twelve Potential Roles for a Theologian on the MDT*, 3 CENTERPIECE (Nat’l Child Prot. Training Ctr.), no. 6, 2013, available at <http://www.gundersenhealth.org/upload/docs/NCPTC/CenterPiece/CenterPiece.NL.Vol3.Iss6.pdf>.

111. Ellison & Sherkat, *supra* note 30, at 138.

112. Dyslin & Thomsen, *supra* note 29, at 295.

113. *Id.*

114. Christina M. Rodriguez & Ryan C. Henderson, *Who Sparing the Rod? Religious Orientation, Social Conformity, and Child Abuse Potential*, 34 CHILD ABUSE & NEGLECT 84, 91–92 (2010).

particular mindset that accompanies that literal interpretation. These and other predictors of an elevated abuse potential are discussed below.

1. *Predictors of Potential Abuse: Frequency of Spanking and Use of Objects*

In determining actual or potential abuse, research suggests child protection professionals consider the frequency of spanking and the use of instruments. Research indicates that mothers who spank a child are 2.7 times more likely to engage in harsher behavior including kicking, beating, burning, shaking, or hitting a child's body in places other than the buttocks.¹¹⁵ When objects are used, mothers are nine times more likely to report abusive behaviors.¹¹⁶ Similarly, as the frequency of spanking increased, the risk of severe abuse also increased.¹¹⁷ Accordingly, parents who insist that children be hit with objects and must be hit frequently are more likely to commit egregious acts of abuse than parents who adhere to a "two swat rule" and use corporal punishment "as a last resort." This is not to say that milder corporal punishment is wise, but simply to suggest that milder discipline likely warrants only education about alternatives to physical discipline.

2. *Predictors of Abuse: Extrinsic Versus Intrinsic Religiosity*

Although more research is needed, two studies suggest that child abuse potential appears less related to a particular faith tradition and more related to whether the parent has an *extrinsic* or *intrinsic* view of religion.¹¹⁸ An extrinsic view of religion applies to those who "view religiosity as a means for attaining other goals rather than as an end in itself."¹¹⁹ Other researchers have defined extrinsic religiosity this way: "Persons with this orientation are disposed to use religion for their own ends. . . . Extrinsic values are always instrumental and utilitarian. Persons with this orientation may find religion useful in a variety of ways—to provide security

115. Adam J. Zolotov et al., *Speak Softly—and Forget the Stick: Corporal Punishment and Child Physical Abuse*, 35 AM. J. PREVENTATIVE MED. 364, 364 (2008).

116. *Id.* at 367.

117. *Id.* at 364.

118. Dyslin & Thomsen, *supra* note 29, at 295–96; Rodriguez & Henderson, *supra* note 114, at 84.

119. Dyslin & Thomsen, *supra* note 29, at 296.

and solace, sociability and distraction, status and self-justification.”¹²⁰

Parents with an extrinsic orientation may use biblical teachings as “self-justification” for child abuse. As noted by some researchers:

There may indeed be cases in which abusive individuals . . . are attracted to Conservative Protestant churches . . . precisely because the church’s traditional theological doctrine unwittingly allows the abuser to take advantage of selectively literal interpretations of scripture that support their abusive behavior—for example, choosing a literal interpretation of Proverbs 13:24 (“He that spareth the rod . . .”), while brushing aside Ephesians 6:4 (“ . . . fathers, provoke not your children to wrath . . .”).¹²¹

Extrinsic religiosity—and an increased risk to commit egregious acts of abuse—may also be present when a parent sees discipline as fulfilling the parent’s needs, and not the child’s. For example, Protestant clergyman Voddie Baucham advises parents:

[T]he first few years of life [are] incredibly important. This is where we lay the foundation for everything else. The discipline and training phase. In this phase is where we are saying to our children “give me your attention, give me your attention.” “You need to pay more attention to ME than I do to YOU, give me your attention.” “The world doesn’t revolve around YOU, YOUR world revolves around ME.” That’s what we need to teach our children in those first few years of their life. Because [children] come here and just by nature of things they believe that the world revolves around them. And for the first few weeks that’s okay, but eventually we need to teach them that that’s over, that, “The world no longer revolves around YOU. YOUR world TODDLER, revolves around ME, around me.”¹²²

120. Rodriguez & Henderson, *supra* note 114, at 85 (quoting Gordon W. Allport & J. Michael Ross, *Personal Religious Orientation and Prejudice*, 5 J. PERSONALITY & SOC. PSYCHOL. 432, 434 (1967)).

121. Dyslin & Thomsen, *supra* note 29, at 296.

122. Julie Anne, *Voddie Baucham: Prescription for Spanking and the Shy Child*, SPIRITUAL SOUNDING BOARD (June 17, 2013), <http://spiritualsoundingboard.com/2013/06/17/voddie-baucham-prescription-for-spanking-and-the-shy-child> (transcribing a Baucham sermon from November 4, 2007).

Baucham goes on to say that children need to be “spanked often” and says “unless you raised Jesus II, there were days when Junior needed to be spanked 5 times before breakfast.”¹²³ Baucham even goes so far as to say that “shy” children often need to be disciplined (presumably with corporal punishment):

Let me give you an example, a prime example. The so-called shy kid, who doesn't shake hands at church, okay? Usually what happens is you come up, ya' know and here I am, I'm the guest and I walk up and I'm saying hi to somebody and they say to their kid, “Hey, ya' know, say Good-morning to Dr. Baucham,” and the kid hides and runs behind the leg and here's what's supposed to happen. . . . I'm supposed to look at their child and say, “Hey, that's okay.” But I can't do that. Because if I do that, then what has happened is that number one, the child has sinned by not doing what they were told to do, it's in direct disobedience. Secondly, the parent is in sin for not correcting it, and thirdly, I am in sin because I have just told a child it's okay to disobey and dishonor their parent in direct violation of scripture. I can't do that, I won't do that. I'm gonna stand there until you make 'em do what you said.¹²⁴

Ironically, Baucham is making these comments in reference to *Ephesians* 6:1–4, verses that instruct children to obey their parents but do not reference corporal punishment in any way. Indeed, these same verses instruct parents to “not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.”¹²⁵ Other conservative Protestant commentators draw a very different lesson from this passage. Commenting on these same passages, theologian Jerald C. Joersz writes: “In Paul's day Greco-Roman fathers had absolute power and control over their children. Children's' education often included excessively harsh discipline. Training and discipline of children that is distinctly Christian requires parental self-control and restraint (especially of one's temper).”¹²⁶

Apart from any theological shortcomings, Baucham's words fit very well with an extrinsic religiosity that centers on the needs and desires of the parent as opposed to the needs of the child. Research

123. *Id.*

124. *Id.*

125. *Ephesians* 6:1–4 (New Revised Standard).

126. JERALD C. JOERSZ, *GALATIANS, EPHESIANS & PHILIPPIANS* 161 (2013).

suggests that this sort of religiosity increases the risk for potential abuse.¹²⁷

In contrast, persons with an *intrinsic* religiosity “find their master motive in religion. Other needs, strong as they may be, are regarded as of less ultimate significance, and they are, so far as possible, brought into harmony with the religious beliefs and prescriptions.”¹²⁸ These parents may view parenting as a sacred, holy and blessed activity and treasure children as gifts of God.¹²⁹

Martin Luther, the principal founder of the Protestant movement, viewed children in this context, openly questioned the effectiveness of corporal punishment,¹³⁰ and scolded parents who acted as if children were given to them for their own amusement.¹³¹ When confronted with the unseemliness of changing a diaper, Luther tenderly said a father should respond:

127. See generally Rodriguez & Henderson, *supra* note 114, at 85 (studying “the connection between religious beliefs and child abuse potential”).

128. *Id.* (quoting Gordon W. Allport & J. Michael Ross, *Personal Religious Orientation and Prejudice*, 5 J. PERSONALITY & SOC. PSYCHOL. 432, 434 (1967)).

129. See generally Jean E. Dumas & Jenelle Nissley-Tsiopinis, *Parental Global Religiosity, Sanctification of Parenting, and Positive and Negative Religious Coping as Predictors of Parental and Child Functioning*, 16 INT’L J. PSYCHOL. RELIGION 289, 294 (2006) (discussing parents who view their role in a sacred context).

130. Not only did Luther challenge the utility of corporal punishment, he may have declined to use corporal punishment on his own children. FRANK C. SENN, *LUTHERAN IDENTITY: A CLASSICAL UNDERSTANDING* 80 (2008) (noting that Luther’s “discipline of his children avoided corporal punishment”). With respect to his son, Hans, who was then five years old, Luther said:

I wouldn’t like to strike my little Hans very much, lest he should become shy and hate me. I know nothing that would give me greater sorrow. God acts like this [for He says], “I’ll chastise you, my children, but through another—through Satan or the world—but if you cry out and run to Me, I’ll rescue you and raise you up again.” For God doesn’t want us to hate Him.

Martin Luther, *Severe Whipping Makes Children Resentful: Between May 20 and 27, 1532*, in *FAITH AND FREEDOM: AN INVITATION TO THE WRITINGS OF MARTIN LUTHER* 305, 305 (John F. Thornton & Susan B. Varenne eds., 2002). Luther’s misgivings about corporal punishment likely stem from his own childhood experiences. Luther was beaten by his mother until blood was drawn, beaten by his father to the point that Luther ran away, and was caned in school for “nothing at all.” ROLAND H. BAINTON, *HERE I STAND: A LIFE OF MARTIN LUTHER* 17 (1950).

131. Victor I. Vieth, *A Lutheran Approach to Ministering to Victims and Perpetrators of Child Abuse: What Does This Mean?*, 10 *CARING CONNECTIONS* 21, 23 (2013) (citing TIMOTHY J. WENGERT, *MARTIN LUTHER’S CATECHISMS: FORMING THE FAITH* 35 (2009)).

O God . . . I confess to Thee that I am not worthy to rock the little babe or wash its diapers, or to be entrusted with the care of the child and its mother. . . . Neither frost nor heat, neither drudgery nor labor will distress or dissuade me, for I am certain that it is thus pleasing in Thy sight.¹³²

Parents who view their obligations in a tender, sacred way are more likely to have an intrinsic view of religiosity, which, in turn, may mean they have a lower potential to abuse their children.¹³³

In considering the distinction between intrinsic and extrinsic religiosity, at least one word of caution is warranted. Human beings do not often fit neatly within academic definitions. In the real world, parents may have both intrinsic and extrinsic aspects of religiosity. Accordingly, to the extent this distinction is relevant, child protection professionals should recognize the distinction in terms of a continuum with child abuse potential perhaps increasing as a parent becomes more extrinsic.

C. Emphasize the Parent's Strengths

Although conservative Protestants are more likely to support and use corporal punishment, studies also indicate they are more likely to be involved with their children's lives, to praise and hug them more, and to yell less.¹³⁴ Although research suggests that parental warmth does not moderate the association between spanking and increased child aggression,¹³⁵ professionals working with these parents should nonetheless praise their efforts and offer suggestions for building on these strengths in a way that doesn't involve physical discipline.

A generation ago, many parents allowed their children to ride bicycles without wearing helmets, to sit in a car without a car seat or belt, and to be in the room when adults were smoking. These parents were not abusive, they simply didn't fully appreciate the dangers or realize there were better options. With increased education, parenting improved all the more. The same lesson

132. FAITH AND FREEDOM: AN INVITATION TO THE WRITINGS OF MARTIN LUTHER, *supra* note 130, at 249.

133. Rodriguez & Henderson, *supra* note 114, at 85.

134. Dyslin & Thomsen, *supra* note 29, at 295–96.

135. See Shawna J. Lee et al., *Does Warmth Moderate Longitudinal Associations Between Maternal Spanking and Child Aggression in Early Childhood?*, 49 DEVELOPMENTAL PSYCHOL. 2017–18 (2013), available at PsycNET, doi: 10.1037/a0031630.

applies to most parents who spank. They are not child abusers, they are genuinely loving parents who, with education, will take their parenting to an even higher level.

D. Emphasize the Importance of Effective Discipline

Many religious parents adhere to corporal punishment because they believe children need discipline and because they want their children to engage in good behavior. This is an area where secular child protection professionals and religious parents can agree. Accordingly, a child protection professional should not simply tell a parent that corporal punishment has negative consequences. Instead, the professional should support the parent's goal of instilling good behavior by speaking about proven disciplinary methods. Indeed, there are a number of evidence-based parenting programs that can include the integration of scripture but without using corporal punishment.¹³⁶ Utilizing this more culturally sensitive approach, a child protection professional can readily agree with a parent about the importance of disciplining children but can emphasize the importance of doing so in an effective manner.

E. Make Clear You Are Not Serving in a Pastoral Capacity

Many conservative Protestants fear governmental encroachment on their religious beliefs.¹³⁷ Accordingly, it is critical that the

136. See, e.g., Donald F. Walker & Heather Lewis Quagliana, *Integrating Scripture with Parent Training in Behavioral Interventions*, 26 J. PSYCHOL. & CHRISTIANITY 122 (2007).

137. There are a number of scholarly articles suggesting the need to limit emotionally abusive religious teachings and practices around children. See, e.g., Jeffrey Shulman, *The Outrageous God: Emotional Distress, Tort Liability, and the Limits of Religious Advocacy*, 113 PENN ST. L. REV. 381, 408–09 (2008). One legal commentator contends there is a “form of religiously motivated abuse” involving “terrorizing children with horrific threats of devils and demons, ‘spiritual warfare,’ eternal damnation, and even an angry god that knows all of one’s most secret thoughts and actions.” Chase Cooper, *Confronting Religiously Motivated Psychological Maltreatment of Children: A Framework for Policy Reform*, 20 VA. J. SOC. POL’Y & L. 1, 24 (2012). Although not going this far in proposing limitations on the practice of religion, Cooper notes that some intellectuals believe that *any* religious instruction of children is harmful. For example, author Frank Schaeffer contends, “Religious freedom means freedom to worship in the Church of your choosing and—after you are eighteen—to believe anything that you want. Before you’re eighteen, society should protect you.” *Id.* at 27 (citing Frank Schaeffer, *When Freedom Is a*

child protection professional make clear she is not serving in a pastoral capacity and is certainly not advocating for any particular religious teaching. The child protection professional is involved in the case because she is concerned about the welfare of the child. To the extent religion is discussed, it is because the *parent* is raising the topic by suggesting biblical or other religious texts play a significant role in his or her disciplinary practices. Because the parent is raising the subject, the child protection professional is discussing the topic simply to gain a better understanding of the parent's belief system and to explore with him or her whether there is a way to work within that belief system to achieve the result both parties want.

F. Acknowledge the Benefits of Religion for Many Children

To the extent an adherent to corporal punishment worries the government is hostile to his or her religious beliefs, it may be helpful for a child protection professional to acknowledge there is evidence of the benefits of religion. According to an analysis of 676,000 Gallup-Healthways Well-Being Index interviews, very religious Americans score higher on "overall life evaluation, emotional health, physical health, healthy behaviors, work environment, and access to basic wellbeing necessities."¹³⁸

In addition to the general benefits of religion, there is research that abused children may benefit from a sense of spirituality. Some researchers have found that a victim's "spiritual coping behaviour" may play either a positive or negative role in the survivor's ability to cope with the abuse and with life in general.¹³⁹ Victims of severe abuse may remain "stuck" in their spiritual development such as remaining angry with God. Children abused at younger ages are "less likely to turn to God and others for spiritual support."¹⁴⁰ Nonetheless, even victims describing a difficult relationship with God often rely on their spirituality for healing.¹⁴¹

Dirty Word, HUFFINGTON POST (Sept. 29, 2009), http://www.huffingtonpost.com/frank-schaeffer/when-freedom-is-a-dirty-w_b_294891.html.

138. NEWPORT, *supra* note 19, at 49.

139. Terry Lynn Gall, *Spirituality and Coping with Life Stress Among Adult Survivors of Childhood Sexual Abuse*, 30 CHILD ABUSE & NEGLECT 829, 829 (2006).

140. *Id.* at 838 (arguing that those "stuck" at a young age are less likely to turn to God later in life).

141. See generally Donald F. Walker et al., *Changes in Personal Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis*, 1 PSYCHOL. TRAUMA:

Indeed, victims who experience “greater resolution” of their childhood abuse are able to “actively turn to their spirituality to cope . . . rather than attempt to cope on their own.”¹⁴²

G. Play in the Parents’ Ball Field

As noted earlier, some conservative Protestants reject research studies on corporal punishment, claiming that all such research is trumped by the Bible.¹⁴³ Accordingly, it is unlikely a parent with this mindset will change his or her view or behavior unless the parent can be shown that noncorporal means of discipline is consistent with the parent’s belief systems.¹⁴⁴

When a parent raises this issue, the child protection professional can legitimately ask the parent questions to assist him or her in determining whether or not hitting a child is truly a part of his or her faith tradition. As one example, it may be wise to ask whether or not the parent also subscribes to the biblical passages pertaining to adult corporal punishment. If the parent responds that the verses pertaining to adult corporal punishment are simply reflecting the governmental punishments of that era, the same analysis for child corporal punishment may follow. By the same token, ask the parent if he or she believes corporal punishment is *required* or simply authorized by scripture. If it is simply authorized, perhaps the child protection professional and the parent now have a basis to work together in exploring other disciplinary techniques.

Also keep in mind that a parent inflicting corporal punishment often does so with the mindset that he or she is God’s representative to the child.¹⁴⁵ For this reason, a clinician may want

THEORY, RES., PRAC. & POL’Y 130 (2009) (exploring spirituality’s impact on child abuse).

142. Gall, *supra* note 139, at 839.

143. See Ellison & Sherkat, *supra* note 30, at 132.

144. There is a growing body of literature to assist mental health professionals in working with children and parents for whom spirituality is a critical aspect of any intervention. See, e.g., AM. PSYCHOLOGICAL ASS’N, SPIRITUAL INTERVENTIONS IN CHILD AND ADOLESCENT PSYCHOTHERAPY (Donald F. Walker & William L. Hathaway eds., 2012).

145. For example, C.F.W. Walther, the first president of the conservative Protestant Missouri Synod Lutheran Church prayed:

O Lord God, we tremble when we recall that You have placed us over our children as Your representatives to lead and guide them on earth, and that You will someday say to us: “Where are the children whom I have given you? Have any of them been lost?” For again and again we

to work within this belief system and ask a series of questions particularly pertinent to the parent. These questions may include:

- What is your child learning about God from the way you discipline her?
- Do you think this will shape your child's view of God throughout her life?
- What did you learn about God from how you were disciplined as a child?¹⁴⁶

Consistent with these questions, a clinician may want to share the following anecdote with a parent. When Astrid Lindgren, the author of *Pippi Longstocking*, received the German Book Trade Prize in 1978, she shared this lesson about the message hitting children sends:

When I was 20 years old, I met an old pastor's wife who told me when she was young and had her first child, she didn't believe in striking children, although spanking kids with a switch pulled from a tree was standard punishment at the time. But one day when her son was four or five, he did something that she felt warranted a spanking—the first of his life. And she told him that he would have to go outside and find a switch for her to hit him with. The boy was gone a long time. And when he came back in, he was crying. He said to her, "Mama, I couldn't find a switch, but here's a rock you can throw at me."

All of a sudden the mother understood how the situation felt from the child's point of view: that if my mother wants to hurt me, then it makes no difference what she does it with; she might as well do it with a stone. And the mother took the boy onto her lap and they both cried. Then she laid the rock on a shelf in the kitchen to remind herself forever: never violence.¹⁴⁷

have been guilty of neglecting them, due either to a lack of love or to misguided love, to a lack of earnestness or to sinful zeal, to a lack of wisdom or to the deceptive wisdom of this world.

C.F.W. WALTHER, FOR THE LIFE OF THE CHURCH 136 (Charles P. Schaum ed., Rudolph Prange trans., 2011).

146. The author thanks Dr. Mark Everson for suggesting these questions.

147. *Never Violence: A Story Told by Astrid Lindgren*, ALLIANCE FOR TRANSFORMING LIVES CHILD., http://www.atlc.org/Resources/never_violence.php (last visited Feb. 10, 2014).

The pastor's wife in Lindgren's anecdote sounds similar to Carol, the widowed mother in our case scenario who likewise didn't personally believe in striking children but felt she had to.

H. Engage the Faith Community as a Whole

Given the importance of faith in many families, it is important for child protection professionals to engage community faith leaders in discussing the intersection between religion and the law. When properly educated about the dynamics in many cases of abuse, faith leaders can be much more effective in speaking out against egregious acts of corporal punishment—such as hitting infants with sticks for “selfish” crying.

Although conservative Protestant clergy may maintain that corporal punishment is acceptable, they may nonetheless agree that corporal punishment is particularly dangerous in the hands of parents who are frustrated or who may be low functioning. If this is true, conservative Protestant clergy may recognize a responsibility in helping these parents understand that alternative forms of discipline are likewise acceptable.

Child protection professionals should also take a leadership role in educating faith leaders about the contracting definition of reasonable force. It is an important issue for faith leaders and seminaries to consider because it brings to a head the issue of whether corporal punishment is merely authorized or required by scripture. If corporal punishment is required, parishioners will be taught to hit their children irrespective of the law. If, though, corporal punishment is simply authorized, parishioners will be taught to comply with the law in limiting, if not eliminating, the practice. This is an important concept because conservative Protestants also take seriously the scriptural admonition to abide by governmental decrees provided they do not require the faithful to act contrary to God's word.¹⁴⁸

148. Specifically, the Apostle Paul instructed Christians:

Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, whoever rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.

Romans 13:1–2 (New International Version).

V. CONCLUSION: WORKING WITH CAROL

In our case study, Carol had a number of parenting strengths and did not want to hit her son. Although the MDT cited research or otherwise made what the team considered rational arguments for abandoning the practice, Carol interpreted this to be insensitive—that the ultimate end of the road would be a complete rejection of her faith tradition. When the team shifted focus and explored Carol’s fears and cited biblical along with other authorities she respected, her entire demeanor changed. Eventually, Carol completely abandoned the use of corporal punishment and urged other parents in her faith tradition to do the same. When the child protection case was eventually dismissed, Carol rose to her feet and thanked the court and all the members of the MDT for helping her become the parent she always wanted to be and, she added, that God always wanted her to be.