

Courts Okay Violent Games but Outlaw Spanking

Dear Teacher,

For this lesson, we are linking two stories that appeared separately in the news this week. We were pointed to both of them by subscribers who suggested them in **The Wired Word** forum (<http://thewiredword.squarespace.com>). One concerns a mother who was sentenced to five years' probation for spanking her child. The other is the U.S. Supreme Court's rejection of a California law banning the sale of violent video games to children.

Both stories highlight the challenges of raising children in the modern world, and they give us an opportunity to consider that topic from a biblical viewpoint. So that will be the subject of this installment of **The Wired Word**.

Remember, if you wish to provide your class members with an abbreviated copy of the lesson, [click here](#), and you can send them a copy via e-mail today.

May God bless you as you teach the Scriptures this week.

The Editorial Team of **The Wired Word**



Courts Okay Violent Games but Outlaw Spanking

The Wired Word for July 3, 2011

In the News

On Monday, the U.S. Supreme Court struck down a California law that banned the sale or rental of violent video games to children. Citing First Amendment protection of free speech, the 7-to-2 decision said governments do not have the power to “restrict the ideas to which children may be exposed” despite complaints about graphic violence.

Writing the majority opinion, Justice Antonin Scalia wrote, “Like the protected books, plays and movies that preceded them, video games communicate ideas -- and even social messages -- through many familiar literary devices (such as characters, dialogue, plot and music) and through features distinctive to the medium (such as the player’s interaction with the virtual world). That suffices to confer First Amendment protection.”

Scalia added that depictions of violence have never been subject to government regulation. “*Grimm’s Fairy Tales*, for example, are grim indeed,” he wrote, recounting the gory plots of *Snow White*, *Cinderella* and *Hansel and Gretel*. He further pointed out that high-school reading lists and Saturday morning cartoons are filled with violence.

The California law was an attempt to protect children. It defined violent games as those “in which the range of options available to a player includes killing, maiming, dismembering or sexually assaulting an image of a human being” in a way that is “patently offensive,” appeals to minors’ “deviant or morbid interests” and lacks “serious literary, artistic, political or scientific value.” The law would have imposed \$1,000 fines on stores that sold such games to anyone under 18.

While admitting that some violent games include disturbing images, Scalia said that “disgust is not a valid basis for restricting expression.”

Big money was at stake in the case. The video game industry earned some \$18 billion in 2010. More than 46 million American households have at least one video game system.

John Riccitiello, CEO of Electronic Arts, one of the largest public video game companies, declared the high court's decision a win for "everybody." "The court has affirmed the constitutional rights of game developers, adults keep the right to decide what's appropriate in their houses and store owners can sell games without fear of criminal prosecution," Riccitiello said in a statement.

Justices Clarence Thomas and Stephen Breyer both voted to support the California law. Thomas said the drafters of the First Amendment did not intend it to support the free speech rights of minors. Breyer said the law should survive because of studies that show that playing violent video games correlates with aggressive behavior.

In an unrelated case this week, a Texas court sentenced a mother to five years' probation, a \$50 fine and mandatory attendance at parenting classes for spanking her 2-year-old daughter. Last December, the mother, Rosalina Gonzales, spanked her daughter. The child's grandmother noticed red marks on the child's bottom and took her to a hospital to be checked. The state subsequently put all three of Gonzales' children in the care of the grandmother, and Gonzales is now working to regain custody.

"You don't spank children today," said Judge Jose Longoria to Gonzales. "In the old days, maybe we got spanked, but there was a different quarrel. You don't spank children."

Spanking as a form of child discipline and training has long been the subject of debate, with many specialists in child-rearing declaring that it is ineffective in the long term and too subject to abuse because of the anger or frustration of the adult administering the spanking.

More on these stories can be found at these links:

[Justices Reject Ban on Violent Video Games for Children. *New York Times*](#)
[A Texas Judge Declares Spanking a Child a Crime. *San Francisco Chronicle*](#)

The Big Questions

1. Looking at both cases, a cynic might conclude that allowing children to participate in violent behavior through a video game is okay, but teaching children what is unacceptable behavior by means of a violent swat is not okay. In what ways are the two cases similar? In what ways are they different? Is there a consistent message that can be drawn from both?
2. Praising the Supreme Court decision, the CEO of one of the video game companies said the ruling allows adults to "keep the right to decide what's appropriate in their houses." In other words, he was saying that it is up to parents and others raising children to control what video games are used in their households, without government interference. To what degree do you agree with his argument? Why? To what degree do you disagree? Why? If you agree, does his reasoning also hold for parents to be able to choose what methods of discipline are used in their households, without government interference?
3. How far should the government be allowed to go in telling us how we can or cannot raise our children?
4. What are the biblical views on training and disciplining children? Since those views come from a

much earlier age, should they be abandoned today because of advances in understanding how children learn? Why or why not?

5. Given the many influences on children today from outside the home, what are the best ways to teach children good values and morals?

Confronting the News with Scripture

Here are some Bible verses to guide your discussion:

Genesis 6:11

“Now the earth was corrupt in God's sight, and the earth was filled with violence.” (For context, read 6:5-13.)

This verse refers to conditions on earth prior to the great flood, conditions that prompted God to be “sorry that he had made humankind on the earth” (v. 6) and thus send the flood to destroy them. God deemed the earth corrupt, which involves ruin, decay and the effect of violence, all of which stand against the “good” of the creation as God originally made it (see Genesis 1:31). We note that violence is included in the reasons that God chose to send the flood.

Question: Violence figures into a great deal of the entertainment we watch or participate in. Why do you think we find it entertaining?

Acts 15:28-29

“For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials: that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. If you keep yourselves from these, you will do well.” (For context, read 15:1-29.)

Christianity began as a movement among Jews, but during the early years of the church, the gospel was offered to Gentiles as well. There came a point when the church leaders had to decide what to require of the Gentile converts. Should they be required to observe all aspects of devout Jewish life as well as their Christian commitments? In time, a council was held in the mother church in Jerusalem to decide the matter, and Acts 15 records the proceedings of that council.

The decision was that Gentiles did not have to observe Jewish practices to become Christians. The two verses above summarize the decision of the council. Gentiles were asked to abstain from four -- but only four -- practices that would make it impossible for Jewish Christians who continued to observe the law to associate with Gentile believers. Other than those four “essentials,” the rest of their behavior was to be guided by the Holy Spirit.

Questions: In what sense is the U.S. Constitution a list of the “essential” rights of citizenship, with subsequent behaviors guided by laws and the choices of individual citizens? When laws are deemed to threaten the “essentials,” they can be declared unconstitutional and struck down. Should that be the case even if the laws in question are intended to protect children?

Deuteronomy 6:6-7

“Keep these words that I am commanding you today in your heart. Recite them to your children and talk about them when you are at home and when you are away, when you lie down and when you rise.” (For context, read 6:4-9.)

Without question, the Bible views the family unit as a primary medium through which moral and religious

values are to be passed on to the next generation.

Question: What intentional things do you do in your home to pass on your faith and moral values to the children in your care?

Proverbs 13:24

“Those who spare the rod hate their children, but those who love them are diligent to discipline them.” (A stand-alone proverb; no context necessary.)

Proverbs 22:15

“Folly is bound up in the heart of a boy, but the rod of discipline drives it far away.” (A stand-alone proverb; no context necessary.)

Proverbs 23:13-14

“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.” (For context, read 23:12-18.)

We’ve listed these verses from Proverbs together, for they are often cited as the basis for a “biblical” view of child-rearing. In common usage, the ideas in these verses are often condensed as “Spare the rod; spoil the child” (that actual expression is from the satirical poem *Hudibras*, published in 1662 by Samuel Butler, but scholars think he got the idea from Proverbs).

The Israelite wisdom teachers shared the assumption of surrounding cultures that physical beating was the normal and even necessary tool of child-rearing. (The “rod” was the Old Testament equivalent of the belt, paddle or switch used for spanking in some households today.) Unfortunately, these verses have sometimes been taken to justify child abuse.

Whether or not one agrees with spanking as a method of discipline, these verses do point out that the goal of discipline is *teaching* the child, not releasing the adult’s anger or frustration or harming the child.

Question: When disciplining a child, how do you *ensure* that you are acting for the child’s good and not using discipline as an outlet for your own anger?

Ephesians 6:4

“And, fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.” (For context, read 6:1-4.)

Like Deuteronomy 6:6-7, cited above, this verse presents the view that the family unit should be a primary medium through which moral and religious values are passed on to the next generation. But this verse adds the word “discipline,” which is not present in the Deuteronomy passage. Note, however, that discipline here is not limited to the sense of “correction.” It also means setting out the boundaries for proper living, and thus it links with another word in the verse, “instruction.”

Question: How do you help the children you influence to learn where the boundaries of proper living are?

For Further Discussion

1. Recalling your own childhood, what methods used by your parents were most effective in helping you learn what was and what was not acceptable behavior?
2. In your youth, how did your exposure to violence in entertainment affect you? How does it affect you today?

3. Comment on this: Christian writer Cornelius Plantinga Jr. asks, “Do you think God can form us and our children with a few table prayers and a weekly church service? Can God do this when pop culture is forming us the rest of the time?” He wonders what parents are thinking when they buy TV sets for the bedrooms of 10-year-olds, allowing for hours of unsupervised viewing.

Responding to the News

This is a good occasion for churches to consider how they can help and support parents with the task of parenting.

Closing Prayer

O God, grant an extra measure of wisdom, patience and courage to parents who are seeking to raise their children in the right way. Help those overcome with frustration, anger or exhaustion to not take it out on the kids. In Jesus' name. Amen.

Copyright 2011 Communication Resources

Courts Okay Violent Games but Outlaw Spanking

Dear Class Member,

For our next lesson, we are linking two stories that appeared separately in the news this week. One concerns a mother who was sentenced to five years' probation for spanking her child. The other is the U.S. Supreme Court's rejection of a California law banning the sale of violent video games to children.

Both stories highlight the challenges of raising children in the modern world, and they give us an opportunity to consider that topic from a biblical viewpoint. So that will be the subject of our next class.

If you wish to start thinking about our topic in advance, below is some introductory material.



Courts Okay Violent Games but Outlaw Spanking

The Wired Word for July 3, 2011

In the News

On Monday, the U.S. Supreme Court struck down a California law that banned the sale or rental of violent video games to children. Citing First Amendment protection of free speech, the 7-to-2 decision said governments do not have the power to “restrict the ideas to which children may be exposed” despite complaints about graphic violence.

Writing the majority opinion, Justice Antonin Scalia wrote, “Like the protected books, plays and movies that preceded them, video games communicate ideas -- and even social messages -- through many familiar literary devices (such as characters, dialogue, plot and music) and through features distinctive to the medium (such as the player’s interaction with the virtual world). That suffices to confer First Amendment protection.”

Scalia added that depictions of violence have never been subject to government regulation. “*Grimm’s Fairy Tales*, for example, are grim indeed,” he wrote, recounting the gory plots of *Snow White*, *Cinderella* and *Hansel and Gretel*. He further pointed out that high-school reading lists and Saturday morning cartoons are filled with violence.

The California law was an attempt to protect children. It defined violent games as those “in which the range of options available to a player includes killing, maiming, dismembering or sexually assaulting an image of a human being” in a way that is “patently offensive,” appeals to minors’ “deviant or morbid interests” and lacks “serious literary, artistic, political or scientific value.” The law would have imposed \$1,000 fines on stores that sold such games to anyone under 18.

While admitting that some violent games include disturbing images, Scalia said that “disgust is not a valid basis for restricting expression.”

Big money was at stake in the case. The video game industry earned some \$18 billion in 2010. More than 46 million American households have at least one video game system.

John Riccitiello, CEO of Electronic Arts, one of the largest public video game companies, declared the high court's decision a win for "everybody." "The court has affirmed the constitutional rights of game developers, adults keep the right to decide what's appropriate in their houses and store owners can sell games without fear of criminal prosecution," Riccitiello said in a statement.

Justices Clarence Thomas and Stephen Breyer both voted to support the California law. Thomas said the drafters of the First Amendment did not intend it to support the free speech rights of minors. Breyer said the law should survive because of studies that show that playing violent video games correlates with aggressive behavior.

In an unrelated case this week, a Texas court sentenced a mother to five years' probation, a \$50 fine and mandatory attendance at parenting classes for spanking her 2-year-old daughter. Last December, the mother, Rosalina Gonzales, spanked her daughter. The child's grandmother noticed red marks on the child's bottom and took her to a hospital to be checked. The state subsequently put all three of Gonzales' children in the care of the grandmother, and Gonzales is now working to regain custody.

"You don't spank children today," said Judge Jose Longoria to Gonzales. "In the old days, maybe we got spanked, but there was a different quarrel. You don't spank children."

Spanking as a form of child discipline and training has long been the subject of debate, with many specialists in child-rearing declaring that it is ineffective in the long term and too subject to abuse because of the anger or frustration of the adult administering the spanking.

More on these stories can be found at these links:

[Justices Reject Ban on Violent Video Games for Children. *New York Times*](#)
[A Texas Judge Declares Spanking a Child a Crime. *San Francisco Chronicle*](#)

The Big Questions

Here are some of the questions we will discuss in class:

1. Looking at both cases, a cynic might conclude that allowing children to participate in violent behavior through a video game is okay, but teaching children what is unacceptable behavior by means of a violent swat is not okay. In what ways are the two cases similar? In what ways are they different? Is there a consistent message that can be drawn from both?
2. Praising the Supreme Court decision, the CEO of one of the video game companies said the ruling allows adults to "keep the right to decide what's appropriate in their houses." In other words, he was saying that it is up to parents and others raising children to control what video games are used in their households, without government interference. To what degree do you agree with his argument? Why? To what degree do you disagree? Why? If you agree, does his reasoning also hold for parents to be able to choose what methods of discipline are used in their households, without government interference?
3. How far should the government be allowed to go in telling us how we can or cannot raise our children?
4. What are the biblical views on training and disciplining children? Since those views come from a much earlier age, should they be abandoned today because of advances in understanding how children learn? Why or why not?

5. Given the many influences on children today from outside the home, what are the best ways to teach children good values and morals?

Confronting the News with Scripture

We will look at selected verses from these Scripture texts. You may wish to read these in advance for background:

Genesis 6:5-13

Acts 15:1-29

Deuteronomy 6:4-9

Proverbs 13:24; 22:15; 23:13-14

Ephesians 6:1-4

In class, we will talk about these passages and look for some insight on the big questions, as well as talk about other questions you may have about this topic. Please join us.

Scriptures for Wired Word on 07/03/2011

Genesis 6:5-13

⁵The Lord saw that the wickedness of humankind was great in the earth, and that every inclination of the thoughts of their hearts was only evil continually.

⁶And the Lord was sorry that he had made humankind on the earth, and it grieved him to his heart. ⁷So the Lord said, "I will blot out from the earth the human beings I have created—people together with animals and creeping things and birds of the air, for I am sorry that I have made them."

⁸But Noah found favor in the sight of the Lord. ⁹These are the descendants of Noah. Noah was a righteous man, blameless in his generation; Noah walked with God. ¹⁰And Noah had three sons, Shem, Ham, and Japheth.

¹¹Now the earth was corrupt in God's sight, and the earth was filled with violence. ¹²And God saw that the earth was corrupt; for all flesh had corrupted its ways upon the earth.

¹³And God said to Noah, "I have determined to make an end of all flesh, for the earth is filled with violence because of them; now I am going to destroy them along with the earth."

Acts 15:1-29

¹⁵Then certain individuals came down from Judea and were teaching the brothers, "Unless you are circumcised according to the custom of Moses, you cannot be saved." ²And after Paul and Barnabas had no small dissension and debate with them, Paul and Barnabas and some of the others were appointed to go up to Jerusalem to discuss this question with the apostles and the elders. ³So they were sent on their way by the church, and as they passed through both Phoenicia and Samaria, they reported the conversion of the Gentiles, and brought great joy to all the believers. ⁴When they came to Jerusalem, they were welcomed by the church and the apostles and the elders, and they reported all that God had done with them. ⁵But some believers who belonged to the sect of the Pharisees stood up and said, "It is necessary for them to be circumcised and ordered to keep the law of Moses."

⁶The apostles and the elders met together to consider this matter. ⁷After there had been much debate, Peter stood up and said to them, "My brothers, you know that in the early days God made a choice among you, that I should be the one through whom the Gentiles would hear the message of the good news and become believers. ⁸And God, who knows the human heart, testified to them by giving them the Holy Spirit, just as he did to us; ⁹and in cleansing their hearts by faith he has made no distinction between them and us. ¹⁰Now therefore why are you putting God to the test by placing on the neck of the disciples a yoke that neither our ancestors nor we have been able to bear? ¹¹On the contrary, we believe that we will be saved through the grace of the Lord Jesus, just as they will." ¹²The whole assembly kept silence, and listened to Barnabas and Paul as they told of all the signs and wonders that God had done through them among the Gentiles. ¹³After they finished speaking, James replied, "My brothers, listen to me. ¹⁴Simeon has related how God first looked favorably on the Gentiles, to take from among them a people for his name. ¹⁵This agrees with the words of the prophets, as it is written, ¹⁶'After this I will return, and I will rebuild the dwelling of David, which has fallen; from its ruins I will rebuild it, and I will set it up, ¹⁷so that all other peoples may seek the Lord— even all the Gentiles over whom my name has been called. Thus says the Lord, who has been making these things ¹⁸known from long ago.' ¹⁹Therefore I have reached the decision that we should not trouble those Gentiles who are

turning to God, ²⁰but we should write to them to abstain only from things polluted by idols and from fornication and from whatever has been strangled and from blood. ²¹For in every city, for generations past, Moses has had those who proclaim him, for he has been read aloud every sabbath in the synagogues.”

²²Then the apostles and the elders, with the consent of the whole church, decided to choose men from among their members and to send them to Antioch with Paul and Barnabas. They sent Judas called Barsabbas, and Silas, leaders among the brothers, ²³with the following letter: “The brothers, both the apostles and the elders, to the believers of Gentile origin in Antioch and Syria and Cilicia, greetings. ²⁴Since we have heard that certain persons who have gone out from us, though with no instructions from us, have said things to disturb you and have unsettled your minds, ²⁵we have decided unanimously to choose representatives and send them to you, along with our beloved Barnabas and Paul, ²⁶who have risked their lives for the sake of our Lord Jesus Christ. ²⁷We have therefore sent Judas and Silas, who themselves will tell you the same things by word of mouth. ²⁸For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials: ²⁹that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. If you keep yourselves from these, you will do well. Farewell.”

Deuteronomy 6:4-9

⁴Hear, O Israel: The Lord is our God, the Lord alone. ⁵You shall love the Lord your God with all your heart, and with all your soul, and with all your might. ⁶Keep these words that I am commanding you today in your heart. ⁷Recite them to your children and talk about them when you are at home and when you are away, when you lie down and when you rise. ⁸Bind them as a sign on your hand, fix them as an emblem on your forehead, ⁹and write them on the doorposts of your house and on your gates.

Proverbs 13:24; 22:15; 23:13-14

²⁴Those who spare the rod hate their children,
but those who love them are diligent to discipline them.

¹⁵Folly is bound up in the heart of a boy,
but the rod of discipline drives it far away.

¹³Do not withhold discipline from your children;
if you beat them with a rod, they will not die.

¹⁴If you beat them with the rod,
you will save their lives from Sheol.

Ephesians 6:1-4

⁶Children, obey your parents in the Lord, for this is right. ²“Honor your father and mother” —this is the first commandment with a promise: ³“so that it may be well with you and you may live long on the earth.” ⁴And, fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. [Order a reprint of this article now.](#)



June 27, 2011

Justices Reject Ban on Violent Video Games for Children

By ADAM LIPTAK

WASHINGTON — The Supreme Court on Monday **struck down** on First Amendment grounds a California law that banned the sale of violent video games to children. The 7-to-2 decision was the latest in a series of rulings protecting free speech, joining ones on funeral protests, videos showing cruelty to animals and political speech by corporations.

In a second decision Monday, the last day of the term, the court also **struck down** an Arizona campaign finance law as a violation of the First Amendment.

Justice Antonin Scalia, writing for five justices in the majority in the video games decision, *Brown v. Entertainment Merchants Association*, No. 08-1448, said video games were subject to full First Amendment protection.

“Like the protected books, plays and movies that preceded them, video games communicate ideas — and even social messages — through many familiar literary devices (such as characters, dialogue, plot and music) and through features distinctive to the medium (such as the player’s interaction with the virtual world),” Justice Scalia wrote. “That suffices to confer First Amendment protection.”

Depictions of violence, Justice Scalia added, have never been subject to government regulation. “Grimm’s Fairy Tales, for example, are grim indeed,” **he wrote**, recounting the gory plots of “Snow White,” “Cinderella” and “Hansel and Gretel.” High school reading lists and Saturday morning cartoons, too, he said, are riddled with violence.

The California law would have imposed \$1,000 fines on stores that sold violent video games to anyone under 18.

It defined violent games as those “in which the range of options available to a player includes killing, maiming, dismembering or sexually assaulting an image of a human being” in a way that was “patently offensive,” appealed to minors’ “deviant or morbid interests” and lacked “serious literary, artistic, political or scientific value.”

The definitions tracked language from decisions upholding laws regulating sexual content. In 1968,

in [Ginsberg v. New York](#), the court allowed limits on the distribution to minors of sexual materials like what it called “girlie magazines” that fell well short of obscenity, which is unprotected by the First Amendment.

Justice Scalia rejected the suggestion that depictions of violence are subject to regulation as obscenity. “Because speech about violence is not obscene,” he wrote, “it is of no consequence that California’s statute mimics the New York statute regulating obscenity-for-minors that we upheld in” the Ginsberg decision.

The video game industry, with annual domestic sales of more than \$10 billion, welcomed Monday’s ruling.

“Everybody wins on this decision,” John Riccitiello, chief executive of Electronic Arts, one of the largest public video game companies, said in a statement. “The court has affirmed the constitutional rights of game developers, adults keep the right to decide what’s appropriate in their houses, and store owners can sell games without fear of criminal prosecution.”

Leland Yee, a California state senator who wrote the law, said in a statement that “the Supreme Court once again put the interests of corporate America before the interests of our children,” adding: “It is simply wrong that the video game industry can be allowed to put their profit margins over the rights of parents and the well-being of children.”

The industry had viewed the court’s decision to hear the case as worrisome, given that the lower courts had been in agreement that laws regulating violent expression were unconstitutional.

The justices had, moreover, agreed to hear the case just after issuing their 8-to-1 decision last year in [United States v. Stevens](#), striking down a federal law making it a [crime to buy and sell depictions of animal cruelty](#) like [dog fighting](#) videos.

That also suggested that at least some of the justices had viewed California’s law as problematic.

But on Monday, the majority said the Stevens decision required the court to strike down the California law. Only a few kinds of speech, like incitement, obscenity and fighting words, are beyond the protection of the First Amendment, Justice Scalia said, adding that the court would not lightly create new excluded categories.

Stevens did not involve speech directed to minors, but the majority said the California law’s goal of protecting children from seeing violence did not alter the constitutional analysis.

“No doubt a state possesses legitimate power to protect children from harm,” Justice Scalia wrote, “but that does not include a free-floating power to restrict the ideas to which children may be exposed.”

Justices Anthony M. Kennedy, Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan joined the majority opinion in the case.

Justice Samuel A. Alito Jr., in a concurrence joined by Chief Justice John G. Roberts Jr., voted with the majority but did not adopt its reasoning. Justice Alito said the California law was too vague. A more carefully worded law, he wrote, might survive constitutional scrutiny.

Justice Alito said the majority opinion was too quick to dismiss differences between current video games and other media.

“The objective of one game is to rape a mother and her daughters,” he wrote. In another, “players attempt to fire a rifle shot into the head of President Kennedy as his motorcade passes by the Texas School Book Depository.”

Soon, he added, children may play three-dimensional high-definition games wearing equipment that will allow them to “actually feel the splatting blood from the blown-off head” of a victim.

Justice Scalia acknowledged that Justice Alito had identified some disturbing images. “But disgust,” Justice Scalia wrote, “is not a valid basis for restricting expression.”

Justices Clarence Thomas and Stephen G. Breyer filed separate dissents. Justice Thomas said the drafters of the First Amendment did not understand it to protect minors’ free speech rights.

“‘The freedom of speech,’ as originally understood, does not include a right to speak to minors (or a right of minors to access speech) without going through the minors’ parents or guardians,” Justice Thomas wrote.

Justice Scalia, who shares with Justice Thomas a commitment to interpreting the Constitution in accord with its original meaning, parted ways with his usual ally on this point. “He cites no case, state or federal, supporting this view, and to our knowledge there is none,” Justice Scalia wrote of Justice Thomas.

Justice Breyer also dissented, saying the statute survived First Amendment scrutiny. He relied on studies that he said showed violent video games were positively associated with aggressive behavior.

“Unlike the majority,” Justice Breyer wrote, “I would find sufficient grounds in these studies and expert opinions for this court to defer to an elected legislature’s conclusion that the video games in question are particularly likely to harm children.”

Matt Richtel contributed reporting from San Francisco.

advertisement | your ad here

Don't miss the sixth season of what the *New York Times* hails as "a feast for the senses."
NAPA VALLEY JULY 15 - 24
FESTIVAL DEL SOLE

TICKETS:
 festivaldelsole.org or
 1-888-FDS-NAPA
 Receive 10% off tickets and packages
 with the code: FESTIVAL

home of the

Subscribe to the weekend Chronicle

Search



SFGate Web Search by YAHOO! Businesses | Advanced

Sign In | Register

Home & Design Garden Style Outdoors Ski & Snow Health Green LGBT Magazine Moms Pets



The Mommy Files

« World's greatest... | Main | Friday Five: Your... »

Moms Home
 Your Photos
 Forum
 Your Tips

The Poop
 The Mommy Files
 Education News
 Kids Activities



The Mommy Files
 Contact
 Follow on Twitter, Facebook
 MyFeeds RSS

The Mommy Files: A local mom's take on raising kids by the Bay.
 By Amy Graff, Read Bio

A Texas judge declares spanking a crime

16 560 share

A Texas woman was sentenced to five years probation after pleading guilty to the charge of Injury of a Child. What did this Corpus Christi mother of three do? She spanked her then nearly 2-year-old daughter.

"You don't spank children today," said Judge Jose Longoria. "In the old days, maybe we got spanked, but there was a different quarrel. You don't spank children."

Prosecutors are requiring Rosalina Gonzales to take parenting classes, follow Child Protection Services (CPS) guidelines, and pay \$50 to the Children's Advocacy Center in addition to being on probation.

Gonzales spanked her daughter in December 2010. Her daughter's paternal grandmother noticed red marks on the child's bottom and took her to a hospital to be checked out, according to KZTV-10, [Corpus Christi](#).

The state has put Gonzales's three children in the hands of the grandmother. The mother is working with CPS to regain custody.

Spanking as a way of discipline is rooted in past generations. Many of us have parents who smacked our buns when we touched the hot pot on the stove. These days the trend seems to be against spanking with experts recommending other forms of discipline, such as time-outs. In a 2009 [BabyCenter](#) survey of 1,300 moms, 81 percent of moms said they were spanked as kids yet only 49 percent chose to swat their own children.

Are those parents who are spanking their children committing a crime? Is spanking illegal in Texas? A CPS spokesperson told KZTV-10 that spanking is only considered criminal when it injures the child. The Texas Attorney General's website has a similar message: "Texas law allows the use of force, but not deadly force, against a child by the child's parent, guardian, or other person who is acting in loco parentis."

Gonzales isn't the first person to be charged for spanking a child. In Canada a father was sentenced to two years probation after spanking his 9-year-old daughter with a belt and being convicted for assault with a weapon, according to the [Huffington Post](#).

Should spanking a child be a crime?

Read more: [The spanking debate](#) and [Spanking in schools](#)

Follow Bay Area Moms on [Facebook](#) and on [Twitter @bayareamoms](#).

Posted By: [Amy Graff](#) (Email, [Twitter](#), [Facebook](#)) | June 23 2011 at 07:36 AM

Listed Under: [Discipline](#)



Rosalina Gonzales: Charged with Injury of Child for spanking her toddler.

advertisement | your ad here

SHINE

"I'd rather be on campus, but for now, online's a better option."

LEARN MORE

GOLDEN GATE UNIVERSITY

RECENT ENTRIES

- Toddlers & Tiaras: Pageant mom bleaches daughter's teeth
- Study: Kids who eat candy less likely to be obese than kids who don't
- Malaysia Airlines bans babies in first-class on more planes
- Is 'Toy Story 4' in the works? Tom Hanks says yes
- World's greatest grandfather contest: Pick a winner
- Kids call mom from Barack Obama's limo
- Is city life stressful for kids? Yes, according to a new study
- Friday Five: Your family weekend guide for June 25-26
- A Texas judge declares spanking a child a crime
- World's greatest grandfather contest: Top contender

More »

CATEGORIES

- Abortion (5)
- Adoption (3)
- Alcohol (4)
- Arts and culture (2)
- Baby names (12)
- Baby showers (2)
- Bad mom (5)
- Behavior (12)
- Big issues (4)
- Birth control (1)
- Birthday parties (10)
- Bottle and breast feeding (24)
- Celebrity news (18)

[Share](#) | [Email](#)[« World's greatest... | Main | Friday Five: Your... »](#)**Comments****Ads by Yahoo!****Hot Stock Pick - GTSO**

Rare Earth Minerals used in touch screens. China. Invest Now.
(www.RareEarthExporters.com)

Best Money Market Rates

See Today's Money Markets From 100s of Banks. Plus News, Tips & More!
(bankrate.com)

Childbirth (6)
 City vs. suburbs (2)
 Contests (60)
 Cub Scouts/Girl Scouts/Brownies (2)
 Daycare/childcare/nannies (2)
 Decor: Baby nurseries and kids' rooms (3)
 Depression (1)
 Diapers (4)
 Dining out (6)
 Discipline (10)
 Dolls/American Girl/Barbie (13)
 Economy (1)
 Environment (10)
 Family safety (4)
 Fashion: kids (5)
 Fashion: moms (2)
 Favoritism (1)
 Free-range parenting (8)
 Friday Five (33)
 Gear (17)
 Gender neutrality (1)
 Gifted children (1)
 Grandparents (4)
 Grocery shopping (4)
 Guns (3)
 Halloween (7)
 Health: kids (50)
 Health: Moms (6)
 Helicopter parenting (6)
 Holidays (26)
 Home birthing (1)
 Homework (2)
 Hot tip (8)
 Humor (16)
 I-5 road trip (8)
 Imaginary friends (1)
 IVF (2)
 Jealousy (3)
 LGBT parents (8)
 Loud noises/Blue Angels (1)
 Marriage (9)
 Maternity leave (3)
 Media (61)
 Mississippi Road Trip (38)
 Money/Finances (8)
 Nannies (3)
 New York (3)
 Newsom baby (3)
 Newsworthy (63)
 No Poo Project (11)
 Nostalgia (1)
 Nutrition (19)
 Obamas (15)
 On Task On Time (5)
 Organizing (5)
 Pacifiers (3)
 Paranoid mom (3)
 Pets (2)
 Philadelphia (10)
 Photos (9)
 Politics (1)
 Post-pregnancy body: boobs, tummies (1)
 Potty talk (1)
 Potty training (3)
 Pregnancy/birth (28)
 Preschool (2)
 Public transportation (1)
 Quotable kid (11)
 Reader bloggers (2)
 Recalls (1)
 Route 66 (30)
 Safety (7)
 School lunches (8)
 School/preschool/kindergarten/elementary school/SFUSD (47)
 Self-esteem (1)
 Sesame Street (1)
 Sex (6)
 Shopping (5)
 Siblings (2)
 Sleep (2)

- Soccer mom (3)
- Special needs/disabilities (1)
- Sports/Play (10)
- Star Wars (2)
- Stay-at-home mom (2)
- Swimming (1)
- Tantrums (2)
- Technology (8)
- Teenagers (11)
- Things to do with kids (106)
- Toys (6)
- Train Trip/California (18)
- Travel (32)
- Trend alert (4)
- Twins (6)
- Vaccinations (5)
- Violence/toy guns (4)
- Weddings (2)
- Welcome (2)
- Whining (2)
- Working mom (12)

ARCHIVES

« JUNE 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Flyerboard



Local advertising by PaperG

BLOGROLL

- Confessions of a Pioneer Woman
- Dooce
- Mom-101
- Mommy Track'd
- Savvy Source
- SF Kids
- Spinach and Honey
- Sweet Juniper

[Home](#)
[News](#)
[Sports](#)
[Business](#)
[Entertainment](#)
[Food](#)
[Living](#)
[Travel](#)
[Buy & Sell](#)
[Find Bay Area Jobs](#)
[Real Estate](#)
[Cars](#)
[Site Index](#)
[\[return to top\]](#)

Advertising Services: [Advertise with us](#) [Place a Classified](#) [About Our Ads](#) [Public Notices](#) [Local Businesses: Business Directory](#)
Reader Services: [Home Delivery](#) [Subscribers](#) [iPad](#) [E-Edition](#) [Mobile](#) [RSS Feeds](#) [Newsletters](#) [Feedback](#) [Buy Photos](#) [FAQ](#) [Corrections](#) [Get Us](#)
Company Info: [Contact Us](#) [Hearst Corp.](#) [Privacy Policy](#) [Terms and Conditions](#) [Work for Us](#) [Chronicle in Education](#) [Events & Promotions](#) [Submissions](#)