A Content Analysis of Child and Spousal Abuse U.S. and Canadian Laws: Can They Deter the Professional Athlete?

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Significance of the Topic to Sport Management
Recently, there have been disturbing reports regarding domestic violence and child abuse by notable figures in the National Football League such as Carolina Panthers defensive end, Greg Hardy, San Francisco 49'er defensive end Ray McDonald, former Baltimore Ravens running back Ray Rice. The National Hockey League suspended defenseman Slava Voynov indefinitely pending a league investigation on domestic violence charges (Allen, 2014). Moreover, Minnesota Vikings running back, Adrian Peterson, physically disciplined his 4-year-old son by hitting with a switch several times (Schrotenboer, 2014). Peterson acknowledged that he had disciplined his son this way but he did not mean to injure the child. Peterson has maintained that he disciplined his son in the same manner that Peterson’s father disciplined him as a youngster (Schrotenboer, 2014). This description begs the question as to whether the charges faced by these professional athletes may be the result of previous exposure to such violence as a child. Additionally, it should be noted that although Ray Rice was released by the Baltimore Ravens, Adrian Peterson has been placed on exempt list and Ray McDonald was not indicted (Brinson, 2014). Only Greg Hardy has been convicted of domestic violence and was charged to serve a 60-day suspended sentence that he is appealing (Brinson, 2014).

Review of Relevant Literature
Research has shown that the incidence of exposure to interparental violence is far from marginal. Estimates have revealed that up to 10 million children are exposed to interparental violence annually (Peled, Jaffe, & Edleson, 1995). Additionally, about 500,000 children have seen or heard violent actions between parents (Canadian Center for Justice Statistics, 2000). In addition to their exposure to interparental violence, children are often the direct targets of abuse. Previous research has indicated that the average rate of co-occurrence of interparental violence and child abuse in the United States lies between 30% and 60% (Edleson, 2001; McKay, 1994). Additionally, a significant and moderately high correlation between interparental violence and child physical abuse has been consistently revealed in a number of other studies over a period of time (Bourassa, 2008; Davis & Carlson, 1987; Echlin & Marshall, 1995; McCloskey, Figueredo, & Koss, 1995; Muller et al., 2000; O’Keefe 1996). Holden, Stein, Ritchie, Harris, and Jouriles (1998) noted that, “…a negative marital interaction may ‘spill over’ into child rearing and result in harsh and possibly aggressive behavior directed toward the child” (p. 291). As a result, if children observe these types of violent behaviors, they adopt an attitude that imitates these violent behaviors (Anderson & Cramer-Benjamin 1999).

Nonaccidental physical injuries children suffer at the hands of their parents or spouses incur from their spouse or significant other occurs along a continuum that ranges from mild to severe. Generally, those outside to the family tend to be concerned only when the physical injury causes serious harm. In other words, any harm that befalls a child or spouse is often considered “family business.” Unfortunately, a limited number of states have adequately defined the relevant terms “reasonable corporal punishment” or “maltreatment” (abuse or neglect) to consistently provide guidance to the relevant actors in these situations along the continuum of nonaccidental physical injuries (Coleman, Dodge, & Campbell, 2010, p. 108).

According to the Centers for Disease Control (2014), the mistreatment of children occurs as a result of abuse or neglect of children under the age of 18 by a parent, caregiver, or another person who has custodial role such as a coach or teacher. Abuse has been recognized as when a person willfully or unreasonably does, or causes a child or young person to do, any act that endangers or is likely to endanger the safety of a child or young person or that causes or is likely to cause a child or young person (a) any unnecessary physical pain, suffering or injury; (b) any emotional injury; or (c) any injury to his or her health or development” (Chan, Elliott, Chow, & Thomas, 2002, p. 126).
Purpose of the Study
While North American professional leagues such as the National Football League, the National Hockey League, Major League Baseball, and the National Basketball Association (most of which have a team in Canada) have been slow in providing any significant sanctions against athletes, it is important to recognize the legal constraints that may be employed. However, the difference between reasonable corporal punishment and the abuse of children or spouses has not been adequately addressed (Coleman, Dodge, and Campbell (2013). To determine what, if any, consistent patterns regarding child and spousal abuse existed in state, territorial, or provincial legislation a content analysis of was conducted among all 50 states as well as the ten provinces and three territories in Canada.

Methodology and Data Analysis
Hall and Wright (2008) stated that “While conventional legal scholarship analyzes issues presented in one case or a small group of exceptional or weighty cases, content analysis works by analyzing a larger group of similarly weighted cases to find overall patterns” (p. 66).

Following the procedure developed by Angeli, Bonk, & Hara (1998) experts will be used to validate code sheets. These experts are three different associate/full professors with extensive histories in teaching and researching legal aspects of sport as well as social work. One of the code reviewers is a full professor with an extensive background in publishing scholarly articles in legal aspects of sport, another is also a full professor with considerable background in content analysis. Each of the individuals has reviewed the code sheet independently. After the reviews, each of the reviewers has been instructed to include a secondary topic that might have been addressed in this presentation. The rationale was to prevent an overgeneralization of the legal area. These suggestions have been made and incorporated into the code sheet.

Implications of the Study
While previous research has discussed the prevalence of child abuse by authority figures such as coaches (Hogshead-Makar, 2014; Miller, Seidler, & Gillentine, 2014), yet has none have specifically addressed the relationship between child abuse and spousal abuse nor the nature of such inconsistent legal protection afforded to the abused. According to Coleman, Dodge, and Campbell (2013), “Notwithstanding efforts in some states to narrow their scope, legal definitions of abuse and neglect continue in general to be broad and vague. Among other things, this means that the line between reasonable corporal punishment and abuse itself tends to be ill-defined” (p. 166).

Child and spousal abuse are global problems that have tended to be cloaked in obscurity (Westby, 2007). While child and spousal abuse are often overlooked, such instances have consistently appeared in news due to an association with prominent sports figures. Although the NFL has revamped and increased its disciplinary actions against those players who commit domestic violence, either child or spousal abuse, it may not be a significant enough deterrent to the players. However, by identifying the legal sanctions a player may face may be adequate to change the violent behavior off the field. It is hoped that this ongoing research helps to shed light on the topic of abuse and what may be done to protect the abused.

Contribution to the Literature
The difference between reasonable corporal punishment and abuse will never be precise. But the states can do a much better job of helping decision-makers such as the National Football League, the National Hockey League, Major League Baseball, and the National Basketball Association to make certain the sanctions against child and spousal abuse are consistent and publicly accessible as well as justify intrusions on family privacy. To that end, this study will contribute to the literature on the subject of broad and vague abuse definitions in law and how to draw the line between reasonable corporal punishment and maltreatment that is grounded in child and spousal abuse.