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Homeschooling in Brazil: the legalization of physical punishment in the name of God

Homeschooling no Brasil: legalização do castigo físico em nome de Deus

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Abstract

The present article aims to examine the arguments put forth by homeschooling advocates who defend the use of physical punishment on children and adolescents as an educational method. As a methodological strategy, the content of posts and comments in a Telegram channel was analyzed. A justification for homeschooling was observed, grounded in the understanding that there is no explicit legal regulation prohibiting it. Moreover, part of the movement relies on interpretations of legislation to justify the physical punishment of children and adolescents – whether motivated by biblical principles, a desire to express love for their offspring, or as a method of education. These practices are all underpinned by the notion of the family as a private space, removed from State authority. The article ultimately suggests strategic proposals to address the legislative ambiguity surrounding physical punishment. It calls upon the field of Psychology to promote dialogue with communities, through public social policies, on this topic. Additionally, it highlights the need for Psychology to contribute through publications that bring psychological knowledge into a domain still largely dominated by legal discourse.

Keywords: Child abuse; Education; Punishment; Social networking.

Resumo

O presente artigo tem como objetivo examinar os argumentos de apoiadores do homeschooling que defendem o castigo físico de crianças e adolescentes como metodologia educativa. Como estratégia metodológica, analisou-se o conteúdo de postagens e comentários num canal do Telegram. Observou-se uma defesa da escolarização doméstica por entenderem que não há normativa legal explícita. Ainda, parte do movimento usa interpretações da legislação para punir fisicamente crianças e adolescentes, motivadas por aspectos bíblicos, para provar seu amor à prole ou para educá-las, todas perpassadas pela compreensão da família como espaço privado alijado do Estado. Sugere-se, por fim, propostas estratégicas para sanar a imprecisão legislativa a respeito do castigo físico, convocando a Psicologia a promover debates com a comunidade, por meio das políticas sociais públicas, a respeito da temática. Ainda, vislumbra-se a necessidade da Psicologia em contribuir com publicações que trouxessem o saber psicológico para um campo ainda dominado pelo saber jurídico.

Palavras-chave: Maus-tratos infantis; Educação; Punição; Rede social.

Intrafamilial violence, when directed at children and adolescents, involves individuals undergoing a critical stage of physical, mental, and social development. For this reason, it can lead to short-, medium-, and long-term physical and psychological consequences, such as symptoms of anxiety, depressive disorders, and low self-esteem (Schek et al., 2018). According to the Ministério da Saúde (2002), violence against children and adolescents is categorized into four types: (a) physical violence; (b) psychological violence; (c) sexual violence; and (d) neglect or abandonment. It primarily takes place within the private sphere of social relations, often in a “naturalized” manner (Minayo, 2001). The normalization of physical violence perpetrated by adults against their children may be tied to a societal understanding that such actions constitute a form of discipline and a way of setting limits within the family environment – something culturally and socially accepted (Barcellos et al., 2021).

In this context, to complement the provisions contained in the *Estatuto da Criança e do Adolescente* (ECA, Statute of the Child and Adolescent) (Law No. 8.069/1990) which, in articles 13 and 245, mandates the reporting of suspected or confirmed cases of maltreatment to Child Protective Services (Presidência da República, 1990), Law No. 13.010/2014 was enacted (Presidência da República, 2014). Popularly known as both *Lei da Palmada* (Anti-Spanking Law) and *Law Menino Bernardo*, this legislation was enacted to ensure the right of children and adolescents to be raised and educated without the use of physical punishment or cruel or degrading treatment (Presidência da República, 2014). Thus, through this legal instrument, the goal is to deter the use of physical and/or psychological violence as a means of disciplining or correcting this population, particularly within the intrafamilial context.

The enactment of this law stemmed from the impossibility of measuring the severity of physical punishment inflicted on developing bodies, as well as the short-, medium-, and long-term consequences that such acts may cause (Cordeiro et al., 2020). While still under discussion as a bill, it generated debate due to the belief that it would represent interference in the family dynamic – a space viewed by some as outside the purview of the State (R. M. Santos, 2021). This argument reinforces the normalization of violence within intrafamilial relationships in Brazilian society, as reflected in news articles published at the time featuring opinions from journalists and interviewees regarding the then-bill: “Brazilian lawmakers debate with internet users whether banning spanking undermines parental authority” (Rossi, 2013), “Most oppose ban on spanking” (Bedinelli, 2010), and “Queen Silvia of Sweden and Xuxa join forces against child violence” (G1, 2011).

In contrast to the principles laid out by the Anti-Spanking Law, part of the movement advocating for the implementation of homeschooling² in Brazil (also referred to as Home/Domestic Teaching or Home/Domestic Education) defends the use of physical punishment as an educational method and, in some cases, even advises families on how to carry it out³. Homeschooling is a movement through which families dissatisfied with the institutional school model choose to educate their children at home (Cury, 2019; Traversini & Lockmann, 2022).

Meanwhile, the *Associação Nacional de Educação Domiciliar* (ANED, National Homeschooling Association) was founded in 2010 by a group of families in Belo Horizonte, the capital of the state of Minas Gerais. Dissatisfied with the education their children received in schools, the group advocated for parental autonomy in education. From its founding until 2019, ANED’s legal director was Alexandre Magno Fernandes Moreira, former National Secretary for Global Protection of the

² Although the Telegram channel A Família e Seus Direitos (The Family and Its Rights) uses various terms, the expression domestic schooling was adopted in place of homeschooling, in alignment with Penna (2019), who argues that these families are not merely complementing formal education, but rather seeking to replace the school model within the family setting – a practice distinct from the forms of home-based educational support regulated under Brazilian law. We recommend reading the full article.

³ Additionally, for a deeper understanding, see the full report by Souza et al. (2022).

Ministério da Mulher, da Família e dos Direitos Humanos (Ministry of Women, Family and Human Rights), who continues to be affiliated as a legal advisor. Alexandre Magno also served for eight years as a board member of the Global Home Education Exchange⁴, and is associated with the U.S. – based ultraconservative organization Home School Legal Defense Association⁵ (Souza et al., 2022).

On the *Brasil Paralelo*⁶ platform, Alexandre Magno offers an online course titled “*A Família e seus Direitos*” (The Family and Its Rights), in which he provides access to the e-book “*O Direito das Famílias*” (Family Law), published and distributed by the platform itself. In this text, he advocates for homeschooling and, in connection with it, defends the use of physical punishment. He argues that such punishment should serve an educational purpose and be administered calmly and patiently, without endangering the health or life of the child or adolescent or causing embarrassment, humiliation, or any form of degradation (Souza et al., 2022). Additionally, Alexandre Magno created a Telegram channel also titled “The Family and Its Rights,” which currently has nearly 11,000 subscribers.

In contrast, the movement for non-violent education was strongly supported by the *Rede Não Bata, Eduque* (RNBE, Don’t Hit, Educate Network), founded in 2006 to support the passage of Bill No. 2.654/2003, authored by then-deputy Maria do Rosário. The bill sought to establish the right of children and adolescents to be protected from all forms of corporal punishment under any pretext (Câmara dos Deputados, 2003). Several organizations joined this movement, including *Instituto Promundo*, *Fundação Abrinq pelos Direitos da Criança e do Adolescente* (Abrinq Foundation for the Rights of Children and Adolescents), *Fundação Xuxa Meneghel* (Xuxa Meneghel Foundation), the *Frente Parlamentar pelos Direitos da Criança e do Adolescente* (Parliamentary Front for the Rights of Children and Adolescents), *Agência Comunicarte* (Comunicarte Agency), *Agência de Notícias pelos Direitos da Infância* (ANDI, News Agency for Children’s Rights), *Projeto Proteger* (Protect Project), and the Swedish chapter of the Save the Children NGO. Together, these organizations form the RNBE. To raise public awareness and gain media attention, television presenter Xuxa Meneghel publicly supported the end of corporal punishment on her television shows and in her audiovisual productions – including CDs, DVDs, and films – also serving as a national spokesperson for the movement. Currently, the RNBE disseminates its message through various social media platforms and communication channels, offering distance-learning courses on non-violent education, participating in virtual events, and producing videos and podcasts (Rede Não Bata, Eduque, n.d.).

In light of the above, this article stems from a concern over the defense of physical punishment as a valid method of disciplining children and adolescents in the domestic sphere. Accordingly, the aim of this study is to analyze the arguments advanced by supporters of the homeschooling movement who advocate for the use of physical punishment of children and adolescents as an educational method, based on their posts and comments in the Telegram channel and group “The Family and Its Rights”.

Method

Social research deals with particular issues that intersect with the social reality of human beings, as pointed out by Minayo (2016), delving into the world of meanings that must be uncovered

⁴ The Global Home Education Exchange is an international non-governmental organization that aims to connect individuals in support of homeschooling. Retrieved from: <https://ghex.world/about/>.

⁵ The Home School Legal Defense Association is a nonprofit advocacy organization whose mission is to make homeschooling possible. Retrieved from: <https://hsllda.org/post/who-we-are>.

⁶ Brasil Paralelo is a platform that offers documentaries, films, articles, and programs. A subscription is required to access the courses. Retrieved from <https://www.brasilparalelo.com.br/sobre>.

and contextualized. In this regard, the qualitative methodology made it possible to better capture the complexities involved in the defense of homeschooling as an educational method and the impacts of the use of physical punishment within the intrafamilial context on children and adolescents. Thus, to guide the methodological approach of this study, it was understood that a qualitative methodology would best meet the proposed objectives.

In order to address the concern regarding the defense of physical punishment within the context of domestic schooling, thematic content analysis (Gomes, 2016) was employed, focusing on posts and comments from the Telegram channel “The Family and Its Rights”. According to Gomes (2016), this type of analysis enables an in-depth understanding of the material – in this case, the posts themselves and the comments left by users – by organizing the information around recurring themes, which were identified in connection with a prior bibliographic review focused on intrafamilial violence and homeschooling.

The decision to analyze a Telegram group was based on the nature of the platform as a virtual social network centered on instant messaging. The application was developed in 2013 to provide fast and secure communication between users worldwide. It allows for the creation of secret chats, the exchange of messages in various formats (text, photos, videos, audio, and files), as well as the establishment of channels (for broadcasting) and groups (for interaction) with up to 200,000 members. The platform also emphasizes security, privacy, and end-to-end encryption⁷. Due to these features, Telegram has become widely used today, reflecting the influence of social networks and the circulation of public discourse. As noted by Recuero (2019), the platform’s tools and mechanisms enable the construction, circulation, and legitimization of narratives representing diverse – and sometimes opposing – perspectives, including narratives about events that may be false or fabricated. Consequently, it can be understood that these narratives compete to define meanings and interpretations of specific situations.

The Telegram channel “The Family and Its Rights” was created on January 18, 2021, with the goal of disseminating information focused on parental educational rights. The channel currently has nearly 11,000 subscribers who comment on and react to its content. Additionally, it maintains a discussion group linked to the channel with approximately 300 members. Both the channel and its associated group are public and open on Telegram, meaning any user can locate and view them without needing to subscribe. Furthermore, as the platform allows users to remain anonymous, no personal information is required to join the group or to comment on posts.

For this study, posts from “The Family and Its Rights” containing the terms *castigo* (punishment) and/or *palpada* (spanking) were selected, along with the corresponding user comments that related directly to the content of these posts. The search for these descriptors within the channel covered the period from its creation on January 18, 2021, until September 30, 2022. All posts on the channel were published by its administrator. At the end of the search process, four posts containing the term punishment and six containing the term spanking were identified. Three of these posts contained both terms, resulting in a total of seven unique posts. These posts generated a total of 239 user comments, from which 64 – including replies to those comments – were selected for analysis. The inclusion criteria consisted of comments that remained relevant to the post’s topic and engaged in discussions about the use of physical punishment within either the intrafamilial or domestic schooling context. The exclusion criteria involved removing comments containing only emojis or brief expressions of agreement with the posts or other comments. For methodological and stylistic reasons, the name of the channel creator has been replaced with “Channel Administrator,” and the names of the users who commented have been replaced with pseudonyms.

⁷ Retrieved from: <https://telegram.org/faq#p-o-que-e-telegram-o-que-faco-aqui>.

To analyze both the channel's posts and the group's comments, thematic content analysis, as described by Gomes (2016), was employed. Through this approach, the material was organized into two main categories: 1) Homeschooling and 2) Punishment. Category 2 was subdivided into the following: 2.1) What is punishment? and 2.2) Why do they support the use of physical punishment? Arguments in support of the practice.

Results and Discussion

Homeschooling

Before delving into the specificities of physical punishment within the intrafamilial context as an educational and disciplinary measure, it is necessary to first introduce the practice of homeschooling and its growing presence in Brazil, including the arguments in its favor and the paths that families have taken to adopt it. This section presents the group's understanding of domestic schooling, the challenges faced by the self-identified "educator families" (a term adopted by both the channel administrator and its users to describe families who adhere to this model), and the strategies discussed within the Telegram group to organize and advocate for this educational approach.

Cury (2019), in conducting a historical and legal review of the Brazilian education system, notes that domestic schooling was permitted from the time of the Brazilian Republic until the enactment of the Federal Constitution of 1988 and the ECA in 1990. Both pieces of legislation introduced the legal obligation for parents and/or guardians to enroll their children in formal educational institutions (Presidência da República, 1988; Presidência da República, 1990). Nonetheless, members of the homeschooling movement seem to interpret that, because the law does not explicitly prohibit the practice, it remains legally permissible, as argued by Cury (2019).

According to the study by Oliveira et al. (2020), which traces the origins and development of domestic schooling in Brazil, the current iteration of the movement was influenced by its emergence in the United States during the 1960s, seen as an updated form of educational practices from the 18th to 20th centuries. As the authors point out, the practice began to gain traction in Brazil during the 1980s and 1990s, inspired by the U.S. model and spread through the preaching of pastors in Brazilian churches, where the movement was framed around biblical principles (Oliveira et al., 2020).

From a legal standpoint, debates over the regulation of domestic schooling have been ongoing since the early 2000s. A search on the Brazilian Chamber of Deputies' official website for the term homeschooling reveals nine regular bills, one complementary bill, and one proposed constitutional amendment. Of these, five were introduced during the Bolsonaro administration (2019–2022), which had declared that regulating domestic schooling⁸ would be one of its educational priorities within its first 100 days in office; three of these proposals emerged during the COVID-19 pandemic. A search of the Federal Senate's records revealed only one bill addressing homeschooling, presented in 2017 but subsequently archived at the end of that senator's term. In addition, homeschooling became the subject of review by the Brazilian Supreme Federal Court in 2015 under the designation "Theme 822 – The possibility of homeschooling, conducted by the family, being recognized as a lawful means of fulfilling the constitutional duty of education, as stated in Article 205 of the Federal Constitution"⁹. The Court's ruling established that there is no individual public

⁸ For further details, see the full report by G1 (2019).

⁹ Theme 822 was adjudicated and denied in 2019, and it was also established as a matter of general repercussion, ensuring that all similar cases involving homeschooling would be subject to the same ruling. The full text of the ruling is available at the following link: <https://portal.stf.jus.br/processos/downloadPeca.asp?id=15339756257&ext=.pdf>.

right for the student or their family to practice domestic schooling, concluding that such a right does not exist within Brazilian law.

However, Bill No. 1.338/2022 (Senado Federal, 2022), introduced by Congressman Lincoln Portela (PL/MG), was the one that truly brought greater visibility to the cause within the legislative sphere, leading to several public hearings to debate the content of the proposal, as well as generating motions of support and opposition from various Brazilian municipalities, as reflected in the bill's legislative proceedings¹⁰. With wording that proposes amendments to the *Lei de Diretrizes e Bases da Educação Nacional* (National Law on Educational Guidelines and Bases) and to the ECA, aiming to implement domestic schooling, the bill was forwarded to the Federal Senate for consideration in May 2022.

Furthermore, the debate surrounding the implementation of homeschooling was fueled by the COVID-19 pandemic. Due to social isolation measures, schools adopted Emergency Remote Education (ERE), placing on parents, family members, and/or legal guardians the responsibility of overseeing and assisting in the formal education provided virtually by schools. In this context, the argument was widely disseminated that the ERE experience during the pandemic served as evidence that families were capable of taking full responsibility for their children's educational process within the home setting (Sousa et al., 2021). It is important to highlight that after the school attacks that occurred in March and April 2023 – which have become more frequent in recent years, as reported by Forcioni (2023) – there was an observable increase in activity within the Telegram group around the topic of domestic schooling as a way to protect children and adolescents from such incidents.

On the Telegram channel “The Family and Its Rights,” the administrator shared, in an open letter¹¹, how he became involved in the field after writing “an unassuming article in defense of homeschooling” (Channel Administrator, July 21, 2022), realizing that “more needed to be done. There was no one talking about Educational Law in Brazil, and families were being severely harmed by this ignorance” (Channel Administrator, July 21, 2022). Throughout several posts and member comments, the so-called educator families are guided on how to adopt the domestic schooling model. On two occasions – once on February 4, 2022, and again on September 21, 2022 – the channel administrator published the following decision from the Santa Catarina State Court of Justice:

CIVIL APPEAL. ADMINISTRATIVE INFRACTION INVESTIGATION RELATING TO CHILD AND ADOLESCENT PROTECTION NORMS. ARTICLE 249 OF THE ECA. SCHOOL ABSENTEEISM. PARTIAL JUDGMENT IN FAVOR OF THE CLAIMANT. APPEAL BY THE DEFENDANT. CLAIMED EXHAUSTION OF EFFORTS TO KEEP THE CHILD IN THE SCHOOL SYSTEM. EVIDENCE SUPPORTING THIS CLAIM. WITNESS TESTIMONY CONFIRMING THE MOTHER'S EFFORTS. CLEAR LACK OF INTEREST BY THE ADOLESCENT IN STUDIES. ORIGINAL RULING OVERTURNED. APPEAL GRANTED. “Court rulings tend not to penalize parents who are unable to compel their adolescent children to attend school. Since it is forbidden to punish children due to the enactment of the so-called Anti-Spanking Law (Law No. 13.010/14), it becomes difficult for parents to fulfill this obligation. Therefore, rather than punishing the parent, it is the duty of the State to intervene more effectively, offering psychological support to those who refuse to study.” (DIAS, MARIA BERENICE. *Manual de direito das famílias* [Manual of Family Law]. 12th ed., revised, updated, and expanded. São Paulo: Revista dos Tribunais, 2017, p. 492). (TJSC, TJ-SC) – Civil Appeal AC 09000178020178240063 São Joaquim 0900017-80.2017.8.24.0063 (TJ-SC). (Channel Administrator, September 21, 2022)

¹⁰ A motion is a type of legislative request intended to express the position of the legislative body – either in favor or against – regarding a matter that calls for repudiation, support, solidarity, or similar responses, and it must be approved by a two-thirds majority of the council members. To view the motions regarding Bill No. 1,338/2022, visit the following link and click on the “Tramitação” (Proceedings) section: <https://www25.senado.leg.br/web/atividade/materias/-/materia/153194>.

¹¹ The letter was written in response to the news report by Sousa et al. (2022), which discussed the group and Alexandre Magno's online course, including his recommendations on how to physically punish children.

The first time this decision was posted, the administrator added the following comment: “Look at this curious ruling by the Santa Catarina Court of Justice. The court found that parents of teenagers cannot be punished if the teenager refuses to go to school” (Channel Administrator, Feb. 4, 2022). In the “Manual of Family Law”, from which the administrator extracts this citation, the passage appears in the chapter discussing familial authority, addressing the duty of parents to keep their children enrolled in school and, in cases of noncompliance, the potential legal classification as intellectual neglect (Dias, 2017). It is understood that the author was referring to school absenteeism due to reasons other than adherence to the still-unregulated practice of homeschooling. Thus, in this case, it appears that the ruling stemmed from the adolescent’s refusal to attend school, rather than from any intent by the parents to homeschool – as interpreted by the group.

In this same vein, the channel administrator – a legal scholar – uses a rhetorical strategy counter to the provisions of the ECA, which states: “Article 55. Parents or legal guardians are obligated to enroll their children or dependents in the regular school system” (Presidência da República, 1990). The group’s members shared the administrator’s interpretation that parents should not be held accountable in such cases, as illustrated below: “All the court ruling said is that *the parents can’t be punished for this*” (José, September 21, 2022, emphasis added).

Furthermore, comments from members of the Telegram channel revealed arguments invoking the natural right¹² of parents to educate their children as they see fit, reinforcing the ruling from the Court of Justice of Santa Catarina (TJSC):

According to human rights – or even more fundamentally, the Word of God itself (or as jurists prefer, “negative natural law”) – it is the parents who decide. This post is simply intended to provide “an additional” argument in the difficult struggle faced by so many families who are being persecuted for exercising this right. (Gabriel, September 21, 2022)

As also noted by Cury (2019), homeschooling families often rely on medieval jusnaturalist arguments, invoking a supposed negative/biblical natural law, and referring back to the 1937 Brazilian Constitution, which provided that parents held the primary duty for the full education of their children. In this regard, it is necessary to consider what motivates this line of defense and what homeschooling parents seek when advocating for the right to educate children and adolescents within the home environment. The United Nations Children’s Fund, in a 2022 press release¹³, warned of the risks associated with adopting homeschooling. Among these, it emphasized the importance of schools not only as spaces for learning, socialization, and exposure to diverse perspectives, but also as protective environments where children and adolescents can feel safe, be heard, and report violence.

Punishment

The World Health Organization notes that, historically, children and adolescents have been subjected to various forms of violence. However, with the social movements advocating for the recognition of children as rights-bearing individuals, the debate began to shift toward discussing appropriate methods of education – including the question of whether punishments and coercive disciplinary strategies, learned by parents and transmitted across generations, should be employed (Azevedo & Bazon, 2021; Donoso & Ricas, 2009). Accordingly, this category is divided into two

¹² Natural law is defined by Bedin (2014) as a legal doctrine asserting that positive law should be guided by a standard of justice derived from a higher system of norms and/or principles that validate it – in this case, the reference for justice is God. Retrieved from: <https://www.revistas.unijui.edu.br/index.php/revistadireitoemdebate/article/view/2996>.

¹³ For the full statement, visit: [UNICEF alerta para os riscos da educação domiciliar](#).

sections: What is punishment? which discusses definitions of punishment and explores how some members of the Telegram channel punish (or previously punished) their children; and why do they defend physical punishment? which encompasses arguments about the practice, examining the rationales presented to justify – or reject – the use of physical violence as a disciplinary strategy for children.

What is Punishment?

The enactment of the Anti-Spanking Law (Law No. 13.010/2014) aimed to put an end to the use of corporal punishment and cruel or degrading treatment as an educational, coercive, or disciplinary strategy – or for any other purpose – against children and adolescents. To that end, the law amended Article 18 of the ECA by providing clear definitions to delineate what constitutes corporal punishment and cruel or degrading treatment:

Art. 18. I – Corporal punishment: Disciplinary or punitive action involving the use of physical force against a child or adolescent that results in:

- a) physical suffering; or
- b) injury;

II – Cruel or degrading treatment: Cruel conduct or treatment towards a child or adolescent that:

- a) humiliates; or
- b) gravely threatens; or
- c) ridicules. (Presidência da República, 1990)

As noted by Azevedo and Bazon (2021), legal experts differ in their assessments of the law's impact. On one hand, some argue that the legislation represents progress by making it explicit that the use of corporal punishment – whether moderate or severe – is impermissible. On the other hand, others contend that the law merely prohibits punishments that result in physical suffering, which leaves room for varying interpretations of what qualifies as “physical suffering”, particularly given the lack of clear criteria for its identification or measurement. Within the Telegram channel, members seem to agree with the notion that there is a lack of more objective parameters:

In simplistic terms, a slap or a flick could be understood as physical suffering. *What would be the standard for interpreting this physical suffering?* Between crying and being incapable of walking lies a vast gap in reality, but within the subjectivity of the law, how can one argue? (Tomás, January 20, 2021, emphasis added)

This comment was answered by Alexandre Magno, who also pointed out what he saw as flaws in the law's wording:

Tomás, the law was poorly drafted. Strictly speaking, *physical suffering does not exist, since suffering is by definition always psychological*. At most, one could speak of suffering of physical origin. *At no point does the law prohibit correction that results in pain*. In this sense, a typical spank (for example, a smack on the buttocks) would be legally irrelevant. (Channel administrator, January 20, 2021, emphasis added)

As can be read in the highlighted excerpt above, the channel administrator suggests that there is an implicit permissibility in causing pain to children and adolescents, provided that it is the result of a corrective process. Contrary to this statement, Minayo (2001) and the Ministério da Saúde (2002) assert that intrafamilial physical violence encompasses everything from mild pain to attempted (or actual) homicide – even when it leaves no visible marks. In this sense, even though the Anti-Spanking Law does not determine what constitutes physical punishment, the ECA makes

it explicitly clear in its text: “Art. 5º *No child or adolescent shall be subjected to any form of negligence, discrimination, exploitation, violence, cruelty, or oppression, and any violation of their fundamental rights – whether by action or omission – shall be punishable under the law*” (Presidência da República, 1990, online, emphasis added); thus, there is already a legal provision prohibiting the infliction of harm upon children and adolescents.

Additionally, on May 26, 2021, the administrator of the Telegram channel launched a poll with the following question: “Do you punish your children?” By November 30, 2022, the poll had received 675 votes – and remains open to this day. Respondents could choose one of the following three options: “Yes, I use physical punishment (e.g., spanking)”, which received 50% of the votes; “Yes, but I only use other forms of punishment”, which accounted for 43%; and “No, I do not punish my children in any way”, which gathered 7%. Thus, half of the respondents indicated that they use physical punishment within the family context. However, based on the comments posted in response to the poll, it became apparent that other users had previously used physical punishment – and that many had themselves experienced it during their own childhoods.

Why Do They Defend Physical Punishment? Arguments in Support of the Practice

As previously discussed, members of the Telegram channel “The Family and Its Rights” identify various ways to punish or discipline children and adolescents within the family setting. Despite this diversity of approaches, there is a noticeable preference for the use of physical punishment as a disciplinary or educational tool. It is therefore necessary to present the arguments identified in support of this practice, which reflect a wide range of motivations and justifications. It is also important to note that some comments expressed repudiation of physical punishment against children and adolescents.

Throughout the analyzed posts and comments, the Telegram channel administrator repeatedly shared messages reinforcing his view that the use of physical punishment remains socially permissible, despite existing legislation. This is evident in the following posts published on different dates:

CAN PARENTS PHYSICALLY DISCIPLINE THEIR CHILDREN?

After all, is spanking allowed or not? Everyone has heard about the Anti-Spanking Law (Law No. 13.010/2014), but what does it actually permit or prohibit?

Well, spanking (or other forms of physical correction) remains permitted, provided the following conditions are met: it must have an educational or corrective purpose (it cannot be gratuitous or arbitrary);

it must be moderate, without causing suffering or bodily injury;

it must not constitute cruel or degrading treatment, such as serious threats, humiliation, or public ridicule. (Channel administrator, January 20, 2021, emphasis added)

Moderate physical punishment (the famous “spanking”) remains permitted in Brazil. However, there is a very strong international movement aiming to ban even the mildest forms of punishment. Last year, for instance, the judiciary in Rio de Janeiro censored a book that advocated discipline based on the Bible: <https://gauchazh.clicrbs.com.br/cultura-e-lazer/livros/noticia/2020/07/justica-proibe-venda-de-livro-que-orienta-castigo-fisico-em-crianca-e-adolescente-ckd6pksh9003b013gxrpvx66.html>. (Channel administrator, January 24, 2021, emphasis added)

In addition to reinforcing the notion that physical punishment of children and adolescents is permissible, the administrator also presents what he calls the conditions under which this practice

would be acceptable. As previously stated by the channel administrator, if there are no objective instruments capable of measuring a child's or adolescent's pain, what exactly does he understand as "suffering" or "bodily injury"? This is further evidenced by other comments on the platform, which reveal that one of the main arguments used to defend corporal punishment is rooted in biblical precepts, such as those promoted by the very book that was censored by the justice system in Rio de Janeiro.

Among the passages cited by members of the channel are several Proverbs¹⁴: "Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them" (Proverbs 13:24); "Folly is bound up in the heart of a child, but the rod of discipline will drive it far away" (Proverbs 22:15); "Do not withhold discipline from a child; if you punish them with the rod, they will not die. Punish them with the rod and save them from death" (Proverbs 23:13-14)¹⁵; and "The rod of correction imparts wisdom, but a child left undisciplined disgraces its mother" (Proverbs 29:15). In all these passages, reference is made to the "rod", which channel members appear to interpret literally – as a physical instrument to be used for punishment. A minority of participants voiced opposition to this literal reading of the Bible in support of physical punishment, as expressed in comments such as: "I believe (...) in Jesus Christ, who never told anyone to correct a child with a rod or any kind of physical punishment" (Antônio, July 18, 2022).

Additionally, the Proverbs are associated with the notion that physical punishment is an expression of parental love towards one's offspring, as reflected in comments like: "A parent who loves corrects" (João, May 26, 2021); and "Punishment comes from the Latin *castus*, meaning to make pure. It is an act of love; therefore, only parents who love punish their children" (Sara, May 26, 2021). This underscores the need to consider the short-, medium-, and long-term psychological and emotional impacts – beyond the physical consequences – that result from children and adolescents experiencing intrafamilial violence. As noted by Reichenheim et al. (1999), in addition to suffering the violence itself, they must also grapple with the paradox that the aggressors are the very figures meant to provide them with care, protection, and love.

In a study by Donoso and Ricas (2009), which aimed to understand parents' perceptions of physical punishment and alternative educational approaches, the authors interviewed 31 families in Belo Horizonte, Brazil – some of whom had been reported for child mistreatment, while others were receiving social assistance services. The authors found a variety of conceptions regarding what it means to educate and how to do so. However, when analyzing the statements of both those who were for and those against the use of physical punishment, a commonality emerged: all of them reported having used physical punishment at some point. Similarly, corroborating this study, it is evident in the Telegram group that there is a recurring defense of physical punishment as a means for children and adolescents to learn from it, particularly as a form of discipline. However, users often express that such punishment should be used as a last resort or only in situations where they see no alternative form of education, as illustrated below:

It was the same here, we spanked them with the slipper when they were younger – sometimes there's just no other way. But now that they're older, we use other kinds of punishment. After all, everything we do has consequences, and we need to learn that from an early age. I was raised this way and I'm very grateful for it – it's what's lacking nowadays. (Eva, May 26, 2021, emphasis added)

Like Eva, other users also report that they learned through punishment, and for that reason, they reproduce the parental models to which they were subjected, as reflected in comments

¹⁴ The Bible verses were taken from the Bíblia Sagrada (2018).

¹⁵ According to this edition of the Bible, the Hebrew word Sheol may be translated as "grave," "depths," "dust," or "death."

such as: “I got beaten like cattle in the pasture by my parents, and I’m thankful for it to this day” (Marcos, May 26, 2021); and “...my mom’s size 37 Havaianas worked miracles on me” (Lucas, May 26, 2021) – both of whom express gratitude for the physical punishment they endured in childhood. The concept of family also appears frequently in the comments posted in the “The Family and Its Rights” channel, particularly as a private space where the State should not intervene, as the following comment demonstrates:

This is not a subject that should be discussed ANYWHERE. THE CHILD IS MINE. I provide education, religious upbringing, and whatever else is necessary to prepare him to face life – not to become a delicate little “don’t-touch-me” snowflake. I raise children so that they can face the world, not live in a bubble. (Dalila, January 25, 2021)

Comments like Dalila’s reflect a broader perception among channel members that the family is a domain where power and authority reside exclusively. In this sense, for these participants, the Anti-Spanking Law appears as an excessive form of State intervention that hinders the exercise of their “familial authority” – a framework that reinforces asymmetrical and oppressive dynamics within the family. As pointed out by R. M. Santos (2021), feminist theorists have long argued that the ideal of privacy surrounding the family functions to protect it as an institution – an arrangement that exposes women, children, and adolescents to both physical and symbolic violence. Scheinvar (2006) argues that the parent-child relationship is structured around the domination of the former over the latter, shaped by a privatized logic in which childhood and adolescence are constructed through submission, dependence, and the notion of property. Further, the author states that parents are positioned – and continually held accountable¹⁶ – as proprietors of their children (Scheinvar, 2006). This raises the question: to what extent are these parents themselves positioned and compelled to occupy this role of power? Reflecting on the development of children’s and adolescents’ rights, one must also ask: to what extent does the defense of violence against children – as an alleged educational practice – revive the logic in which children cease to be “subjects of rights” and revert to being “objects of the law”, subjected to parental power?

Conclusion

To understand the defense of physical punishment as a valid method of education and discipline within the domestic context, this article examined the association between homeschooling and physical violence directed at children and adolescents. Through posts and comments made by the administrator and supporters of a Telegram channel dedicated to the homeschooling movement, it was possible to map the group’s understanding of both homeschooling and punishment, as well as the arguments used to justify corporal punishment – particularly spanking – within the family setting.

At first, domestic schooling appears as a movement led by parents dissatisfied with the education their children receive in formal schooling, which gained increased traction during the COVID-19 pandemic. For proponents such as the Telegram channel administrator, there is an ambiguity in Brazilian legislation that would allow parents to avoid legal accountability if their children are not regularly enrolled in formal educational institutions. This underscores the importance of fostering a broad, national-level discussion about the practice to prevent distortions that may undermine children’s and adolescent’s right to formal education, access to the school environment

¹⁶ The pressures surrounding childrearing and caregiving have recently become a subject of public debate, pointing toward a growing expectation of parental performance, as discussed in *Under Pressure* by Honoré (2009). Such pressures may lead to what has been described as parental burnout, as reported by Lisauskas (2022) and K. Santos (2022), who note that this burden tends to fall disproportionately on mothers.

for peer socialization, and exposure to diverse perspectives. Additionally, as highlighted in the United Nations Children's Fund report, homeschooling presents risks of exposing children and adolescents to violence perpetrated by their caregivers.

In this context, it became necessary to examine how members of the Telegram channel "The Family and Its Rights" conceptualize punishment. Furthermore, there is a noticeable attempt within the group to obscure or reinterpret the existing legislation regarding what constitutes physical punishment that causes suffering – based on the mistaken belief that punishment causing pain is not prohibited, provided it is considered "moderate". Given this, it is important to promote strategies that foster debate on the use of physical punishment as an educational or disciplinary tool, with the goal of curbing the spread of narratives that undermine the protection of children and adolescents. In this sense, the field of Legal Psychology is called upon to take an active role in promoting and participating in discussions that address the impacts of violence against children and adolescents. Potential pathways for this engagement include the critical and technical involvement of Psychology in public social policies and in agencies that make up the *Sistema de Garantia de Direitos* (System for the Protection of Rights), fostering strategies and projects that strengthen connections between these services and the populations they serve.

When analyzing the arguments made by commenters and the channel administrator in defense of physical punishment, three primary justifications emerged: appeals to biblical or religious precepts; punishment as an expression of love; and punishment as a means of teaching or educating. Across all of these rationales, there is a recurring perception of the family as a private space where the State should not interfere. In light of this, it is impossible to deny the significant progress brought by Law No. 13.010/2014 to the lives of children and adolescents, as the public debate surrounding this legislation introduces alternative perspectives that strengthen their right to be raised and educated free from violence. Accordingly, it is suggested that the field of Psychology engage more deeply in research that critically examines the supposed educational function attributed to physical punishment under the current legal framework, contributing psychological knowledge to a debate that has so far remained largely within the legal field.

References

- Azevedo, R. N., & Bazon, M. R. (2021). Pais/cuidadores com e sem histórico de abuso: punições corporais e características psicológicas. *Psicologia: Ciência e Profissão*, 41(spe3), e207756. <https://doi.org/10.1590/1982-3703003207756>
- Barcellos, T. M. T., Góes, F. C. N., Silva, A. C. S. S., Souza, A. N., Camilo, L. A., & Goulart, M. C. L. (2021). Violência contra crianças: descrição dos casos em município da baixada litorânea do Rio de Janeiro. *Escola Anna Nery*, 25(4), e20200485. <https://doi.org/10.1590/2177-9465-EAN-2020-0485>
- Bedin, G. A. (2014). A doutrina jusnaturalista ou do direito natural: uma introdução. *Revista Direito em Debate*, 23(42), 245-251. <https://www.revistas.unijui.edu.br/index.php/revistadireitoemdebate/article/view/2996>
- Bedinelli, T. (2010, julho 26). Maioria é contra proibição de palmada. *Folha de S. Paulo – Cotidiano*. <https://www1.folha.uol.com.br/fsp/cotidian/ff2607201001.htm>
- Bíblia Sagrada. (2018). *Bíblia Leitura Perfeita*: Evangelismo. Thomas Nelson Brasil. (Nova Versão Internacional)
- Câmara dos Deputados (Brasil). (2003). *Projeto de Lei n. 2.654, de 02 de dezembro de 2003. Dispõe sobre a alteração da Lei n.º 8.069, de 13 de julho de 1990, o Estatuto da Criança e do Adolescente, e da Lei n.º 10.406, de 10 de janeiro de 2002, o Novo Código Civil, estabelecendo o direito da criança e do adolescente a não serem submetidos a qualquer forma de punição corporal, mediante a adoção de castigos moderados ou imoderados, sob a alegação de quaisquer propósitos, ainda que pedagógicos, e dá outras providências*. <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=146518>

- Cordeiro, K. C. C., Gomes, N. P., Campo, L. M., Santana, J. D., Mota, R. S., & Camargo, C. M. (2020). Expressions of domestic violence against adolescents: Educators' speeches. *Revista Brasileira de Enfermagem*, 73(3), e20180656. <https://doi.org/10.1590/0034-7167-2018-0656>
- Cury, C. R. J. (2019). Homeschooling ou educação no lar. *Educação em Revista*, 35, e219798. <https://doi.org/10.1590/0102-4698219798>
- Dias, M. B. (2017). *Manual de direito das famílias* (12a ed.). Revista dos Tribunais.
- Donoso, M. T. V., & Ricas, J. (2009). Perspectiva dos pais sobre educação e castigo físico. *Revista de Saúde Pública*, 43(1), 78-84. <https://doi.org/10.1590/S0034-89102009000100010>
- Forcioni, G. (2023, abril 5). *Por que estão acontecendo tantos ataques a escolas no Brasil? Especialistas explicam. Crescer, Educação*. <https://revistacrescer.globo.com/criancas/educacao/noticia/2023/04/por-que-estao-acontecendo-tantos-ataques-a-escolas-no-brasil-especialistas-explicam.ghtml>
- G1. (2011, maio 19). Rainha Sílvia da Suécia e Xuxa juntas contra violência infantil. *G1 – Mundo*. <https://g1.globo.com/mundo/noticia/2011/05/rainha-silvia-da-suecia-e-xuxa-juntas-contr-violencia-infantil.html>
- G1. (2019, janeiro 23). Regularizar a educação domiciliar é uma das metas prioritárias dos 100 primeiros dias do governo Bolsonaro. *G1 – Educação*. <https://g1.globo.com/educacao/noticia/2019/01/23/regularizar-a-educacao-domiciliar-e-uma-das-metas-prioritarias-dos-100-primeiros-dias-do-governo-bolsonaro.ghtml>
- Gomes, R. (2016). Análise e interpretação de dados de pesquisa qualitativa. In M. C. S. Minayo (Org.), *Pesquisa social: teoria, método e criatividade* (pp. 72-95). Vozes.
- Honoré, C. (2009). *Sob pressão*. Editora Record.
- Lisauskas, R. (2022, janeiro 19). Esgotamento extremo de mães (ou pais) tem nome: burnout parental. *Estadão*. <https://www.estadao.com.br/emails/ser-mae/esgotamento-extremo-de-maes-ou-pais-tem-nome-burnout-parental/>
- Minayo, M. C. S. (2001). Violência contra crianças e adolescentes: questão social, questão de saúde. *Revista Brasileira de Saúde Materno Infantil*, 1(2), 91-102. <https://doi.org/10.1590/S1519-38292001000200002>
- Minayo, M. C. S. (2016). O desafio da pesquisa social. In M. C. S. Minayo, S. F. Deslandes, & R. Gomes. *Pesquisa social: teoria, método e criatividade* (pp. 9-28). Vozes.
- Ministério da Saúde (Brasil). (2002). *Notificações de maus-tratos contra crianças e adolescentes pelos profissionais de saúde: um passo a mais na cidadania em saúde*. Ministério da Saúde, Secretaria de Assistência à Saúde. http://bvsms.saude.gov.br/bvs/publicacoes/notificacao_maustratos_crianças_adolescentes.pdf
- Oliveira, R. R., Oliveira, D. R. R., & Alves, F. R. V. (2020). O enredo histórico e a atual situação jurídica do homeschooling no Brasil. *Revista Thema*, 17(1), 193-209. <https://doi.org/10.15536/thema.V17.2020.193-209.1623>
- Penna, F. A. (2019). A defesa da “educação domiciliar” através do ataque à educação democrática: a especificidade da escola como espaço de dissenso. *Linguagens, Educação e Sociedade*, 24(42), 8-28. <https://doi.org/10.26694/les.v0i42.9336>
- Presidência da República (Brasil). (1988). Constituição da República Federativa do Brasil. *Diário Oficial da União*. https://www.planalto.gov.br/ccivil_03/Constituicao/DOUconstituicao88.pdf
- Presidência da República (Brasil). (1990). Lei n. 8.069, de 13 de julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. *Diário Oficial da União*. <https://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?jornal=1&pagina=1&data=16/07/1990>
- Presidência da República (Brasil). (2014). Lei n. 13.010, de 26 de junho de 2014. Altera a Lei n.º 8.069, de 13 de julho de 1990 (Estatuto da Criança e do Adolescente), para estabelecer o direito da criança e do adolescente de serem educados e cuidados sem o uso de castigos físicos ou de tratamento cruel ou degradante, e altera a Lei n.º 9.394, de 20 de dezembro de 1996. *Diário Oficial da União*. <https://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=27/06/2014&jornal=1&pagina=2&totalArquivos=72>
- Recuero, R. C. (2019). Disputas discursivas, legitimação e desinformação: o caso Veja x Bolsonaro nas eleições brasileiras de 2018. *Comunicação, Mídia e Consumo*, 16(47), 432-458. <https://doi.org/10.18568/cmc.v16i47.2013>

- Rede Não Bata, Eduque. (n.d.). *Quem somos*. <https://naobataeducar.org.br/quem-somos/>
- Reichenheim, M. E., Hasselmann, M. H., & Moraes, C. L. (1999). Consequências da violência familiar na saúde da criança e do adolescente: contribuições para a elaboração de propostas de ação. *Ciência & Saúde Coletiva*, 4(1), 109-121. <https://dx.doi.org/10.1590/S1413-81231999000100009>
- Rossi, M. (2013, agosto 13). *Deputados discutem com internautas se proibição de palmada retira autoridade dos pais*. Portal da Câmara dos Deputados – Direitos Humanos. <https://www.camara.leg.br/noticias/411399-deputados-discutem-com-internautas-se-proibicao-de-palmada-retira-autoridade-dos-pais/>
- Santos, K. (2022, maio 23). *Burnout parental, pais exaustos: causas, sintomas, tratamento*. Globo Esporte – EUAlela, Saúde Mental. <https://ge.globo.com/eu-atleta/saude-mental/noticia/2022/05/23/burnout-parental-o-que-e-causas-sintomas-e-tratamento.ghtml>
- Santos, R. M. (2021). O debate sobre a “Lei da Palmada” na Câmara dos Deputados. *Revista Brasileira de Ciência Política*, (36), e247860. <https://doi.org/10.1590/0103-3352.2021.36.247860>
- Scheinvar, E. (2006). A família como dispositivo de privatização do social. *Arquivos Brasileiros de Psicologia*, 58(1), 48-57. http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S1809-52672006000100006&lng=pt&tlng=pt
- Schek, G., Silva, M. R. S., Lacharité, C., Cézar-Vaz, M. R., Bueno, M. E. N., & Ventura, J. (2018). Práticas profissionais que silenciam a violência intrafamiliar contra crianças e adolescentes. *Texto & Contexto - Enfermagem*, 27(1), e1680016. <https://doi.org/10.1590/0104-07072018001680016>
- Senado Federal (Brasil). (2022). Projeto de Lei n. 1.338, de 19 de maio de 2022. Altera as Leis n.ºs 9.394, de 20 de dezembro de 1996 (*Lei de Diretrizes e Bases da Educação Nacional*), e 8.069, de 13 de julho de 1990, (Estatuto da Criança e do Adolescente), para dispor sobre a possibilidade de oferta domiciliar da educação básica. <https://www25.senado.leg.br/web/atividade/materias/-/materia/153194>
- Sousa, V. B., Alves, P. H., & Luiz, R. S. (2021). A interpretação do homeschooling pós-pandemia do coronavírus e sua ligação com a evasão escolar. *Revista Humanidades e Inovação*, 8(55), 243-254. <https://revista.unitins.br/index.php/humanidadesinovacao/article/view/4748>
- Souza, A., Levy, C., Correia, M., & Cariboni, D. (2022, julho 18). *Defensores do homeschooling no Brasil recomendam castigos físicos de crianças*. Pública. <https://apublica.org/2022/07/homeschooling-brasil-castigo-fisico-bater-aned-hslda/#CastigoF%C3%ADsico>
- Traversini, C. S., & Lockmann, K. (2022). Problematização da escolarização doméstica: uma defesa da escola pública enquanto espaço comum e democrático. *Pro-Posições*, 33, e20200040. <https://doi.org/10.1590/1980-6248-2020-0040>

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