In relation to corporal punishment of children, Italy presently occupies a rather curious position in the international arena. In 1996 Italy’s Supreme Court of Cassation issued the *Cambria* decision, ruling in no uncertain terms that parental corporal punishment of children as child rearing praxis is illegal in that country. In this decision, the high Court proclaimed as a ground-breaking judicial principle that “the use of violence for educational purposes can no longer be considered lawful.”

Before examining *Cambria* more closely, an explanation is in order as to why the case leaves Italy in rather awkward straits. The problem is that, for all of its eloquent and tough language against corporal punishment of children, the decision binds no one except the parties to the litigation. This lack of precedential effect is not unique to or a failing of Italy’s judicial system, but, rather, is characteristic of civil law (as versus common law) countries. *Cambria* thus puts Italy’s highest Court on record as emphatically delegitimizing parental corporal punishment of children while the reality is that such punishment is still perfectly legal under other Italian laws. The truth is, the legal status of corporal punishment of children in Italy is not equipollent with that of the fifteen nations that have banned all corporal punishment of children through nationally binding laws. Yet, the existence of *Cambria* also makes it inaccurate to group Italy with every other country that has failed to prohibit all corporal punishment of children. None of the latter can boast the complication of a *Cambria*. Though *Cambria* has no compulsory legal effect beyond the parties to the case, as a pronouncement by Italy’s Supreme Court, it is still a pedagogical and moral force to be reckoned with. That dynamic...
cannot be ignored. And so, I have accordingly given Italy its own chapter reflecting its singular predicament.

Portugal shares this chapter because it currently finds itself in a similar perplexity. In 1994 the Supreme Court of Portugal issued a decision repudiating corporal punishment for child rearing purposes in that country.⁷ My report is based on hearsay since, as of this writing, an English translation of that decision is not to be had. Because Portugal is not a common law country,⁸ it too is in the incongruous position of judicially proclaiming, at the highest level, that corporal punishment of children is proscribed even as the proclamation reins in no lower courts and is unenforceable except as between the actual parties to that case.

But let us turn our attention back to Italy and Cambria of which there fortunately is an English translation and about which Judge Francesco Ippolito, the author of the Supreme Court’s opinion, graciously gave me an interview. There has been some confusion in the past over the legal reach of Cambria, confusion to which I am afraid that I have been an unwitting contributor.⁹ The difficulty arose, I believe, during the interview that I had with Judge Ippolito.¹⁰ He advised that lower courts in Italy were formally free to ignore the new juridical principle forged by Cambria. However, the Judge also stated that the new principle was considered the law of the land because the lower courts would follow the lead of the Supreme Court unless they could give very persuasive reasons for distinguishing the cases coming before them.¹¹ I misunderstood this exposition by attributing to Cambria a precedential force that it does not enjoy. The misunderstanding probably arose from subtle differences of emphasis and from the fact that the interview was conducted through an interpreter. Other Italian jurists have since enlightened me that lower courts and the Supreme Court of Cassation itself are indeed not expected to completely disregard, without some explication, the Supreme Court’s prior rulings, but that this circumstance does not effectively transform those rulings into laws governing all of Italy.¹² The resulting schizoid jurisprudence on parental corporal punishment of children in Italy may, perhaps, be taken as a cautionary tale about leaving it up to courts, especially in non-common law countries, to announce bans on such punishment.

The Cambria case arose when Natalino Cambria took to repeatedly subjecting his ten-year-old daughter, Danila, to heavy beatings, purport-