

DILEMA OF CORPORAL PUNISHMENT AND 21st CENTURY

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‘Spare the rod and spoil the child’ has been a philosophy of child rearing strongly held by both professionals and laymen. Kennedy (1995) reported that both parents and teachers use corporal punishment for the purpose of discipline. It has been reflected from many studies that corporal punishment has been still being used at home as well as educational institutions. A heavy majority of 83% parents were reported spanking their children (Cryan, 1987), and 75% of teachers were in favor to using corporal punishment in classroom if needed (Brown & Payne, 1988). Corporal punishment is an intentional infliction of physical pain subsequent to misconduct for the purpose of deferring future misconduct. It involves pinching, paddling (with or without an instrument), strapping, slapping, pushing, wrestling holds, ear pulling, cracking fingers with ruler, arm twisting and shaking. Despite large scale condemnation, it has been practiced in schools of many countries legally, such as United States, Pakistan, Singapore, United Kingdom, India, Bangladesh, Australia, and many others (Kennedy, 1995; Essex, 1989; Rose, 1989; Cryan, 1987; Freeman, 1966). Countries like Japan, Canada, France, Israel, Sweden, Denmark, Norway, Poland, Luxembourg, Holland, Austria, Finland, Belgium, Philippine, Portugal and all the communist Block have abolished such punishment long ago (Awender and Plantus, 1983).

Every morning we receive news from the entire world over through both electronic as well as print media, about the discipline problem in educational institutions; students are not following the

procedures determined by the education/ school authorities. Therefore, the purpose of this article is to once again bring out this issue in front of the professionals and invite them to start 21st century with a possible solution.

HISTORY OF CORPORAL PUNISHMENT:

The history of corporal punishment began hundreds, or even thousands of years ago, in the times of barbarians and the Greeks and Romans (Neal, 1720). One of the earliest recorded statements related to the practice of corporal punishment, according to Fall (1941) is found in the Bible. The words of Solomon were, "Foolishness is bound up in the heart of a child but the rod of correction shall drive it far from him" (Fall, 1941). Fall also reported the use of corporal punishment by a teacher Ezekial Cheever (1614-1708) in school, using a rod on a student because the student was not getting the lesson competently.

In United States corporal punishment was used when American education began (Rose, 1989; Alexander, K. and Alexander, M.D., 1985; Manning, 1979; Bolmeier, 1976; Williams, 1973; Freeman, 1966). Essex (1989) summarized the other writers and reported in this regard:

The use of corporal punishment in this country as a use of means of disciplining school children dates back to the colonial period. It has survived the transformation of primary and secondary education from the colonials' reliance on optional private arrangements to our present system of compulsory education and dependence on public schools (Essex, 1989).

PURPOSES OF CORPORAL PUNISHMENT:

With the broad definition that has been offered, there has been a long list of the purposes to be gained from the use of corporal punishment which surface from the literature on the subject are to:

- a) Compel students to behave in a responsible way.
- b) Force students to learn by memory religious prayers or course work materials etc.
- c) Maintain discipline within the classroom.
- d) Stop violation of rules in school.
- e) Terminate an unpleasant behavior.
- f) Decrease certain behavior by removing a pleasant or reinforcing stimulus.
- g) Increase the probability of a response.
- h) Use as a technique to ameliorate negative behavior.
- i) Remind the student what not to do.

(Fox, 1993; Demo, 1988; Scott, 1951; Fall, 1941)

THE ORIGIN OF SCHOOL CORPORAL PUNISHMENT:

The schools apparently adapted the use of corporal punishment under the influence of religious and political practices. Throughout history for the fulfillment of religious commandments and teaching or mandating of political doctrine *IN LOCO PARENTIS* employed to authorize the use of corporal punishment especially with the statutory provisions of compulsory school attendance for maintaining discipline (Bolmeir, 1976; Hyman, McDonwell and Raines, 1973).

DILEMMA OF CORPORAL PUNISHMENT:

For over a century and a half American courts have been important centers regarding making determinations relative to corporal punishment. A variety of court decisions can be found in literature and law books. Most of these were decided in favor of both teachers and schools, and on less frequent occasions they were found in favor of students and parents. Through the study of these cases and decisions it was found that an impasse existed in the following cases:

- a) Whether corporal punishment can be given or not by law,
- b) Under what circumstances corporal punishment can be given,
- c) To what extent it becomes positive,

- d) To what extent it becomes negative,
- e) What type of corporal punishment teachers can give?
- f. How much corporal punishment can teacher give legally (how many strokes of the rods or paddles or slaps),
- g) Whether equal punishment is given to a habitual and to a mild mannered student on a single mistake.

Constitutional theory has not become clear as to whether public schools were authorized for corporal punishment or other such treatment. Counsel Murphy (quoted in Kerrigan, 1971) observed that standards regulating the administration of corporal punishment were arbitrary, vague and overboard. Lunenburg and Ornstein (1996) further pointed out the situation of lack of clarity as "although the Supreme Court has held that the Federal Constitution does not prohibit corporal punishment in schools. Its use may conflict with state constitutions, state statutes, or local school policies... some states authorize it; others forbid it. Still others are silent on the matter, but implication allows it". Harris and Field (1977) summarized the overall situation:

Consideration of these cases was hampered by the fact that no nuclear national decision on this issue existed in case laws. Until 1975 the legal frame work of the issue consisted of a list of questions that had gone unanswered through the hodge-podge of conflicting state law and lower court decisions dating back over 100 years (Harris and Field, 1977).

Being a sensitive issue, corporal punishment has gotten the full attention of the scholars, teachers, diplomats, parents, administrators, researchers and the government officials. Much research has been conducted in the field of corporal punishment over the past four-or-five decades of this century. The writer reviewed the research and identified the main points in favor and against the use of corporal punishment.

The use of corporal punishment in schools is a major pedagogical, legal, and emotional issue. Questions about the

usefulness and constitutionality of this approach have become the focus of discussion and litigation at local, state and national level (McNamara, 1981; Hess, 1985). In recent years, the use of corporal punishment in schools has been a widespread concern. Being a sensitive issue it got much attention, and a lot of research was conducted in various parts of the world. Corporal punishment was advocated and condemned. It has been the cause of numerous controversies based on ethics, morality, legality, and efficacy of its use, as a means of disciplining school children. (Hess, 1985; Maurer, 1982; Elrod, 1983; Raichle, 1977-78; Owens and Straus, 1975)

Despite being a highly controversial issue, corporal punishment is practiced in most states of the United States and many other countries such as United Kingdom, Singapore, Japan, Saudi Arabia, Pakistan, Canada, Australia, India, Bangladesh, Germany. The studies reveal that there are many persons both in favor of and against corporal punishment. The Deskbook Encyclopedia of American school law (1989) indicates that: most states in America have allowed the use of reasonable physical force to correct unacceptable behavior and to maintain the order necessary to conduct an educational program, however, some states prohibited corporal punishment, where state law permitted. Richardson and Evans (1994) noted that corporal punishment, was legal in schools in twenty-three states and illegal in twenty-seven states, but even with these legal restrictions the actual position about the practice was not clear. Some other states banned corporal punishment after 1994; for example Michigan State banned it in 1996.

PROPOSERS OF CORPORAL PUNISHMENT:

Proponents of corporal punishment have promoted the concept that corporal punishment is useful when given carefully. Moreover they have indicated that it has:

- a) Provided rapid reduction or elimination of misbehavior,
- b) Facilitated learning,
- c) Taught respect for rule and authority,

d) Deterred similar misbehavior,

e) Helped in building character.

(Dubanoski, Inaba and Gerkewicz, 1983; Reinholz, 1979)

In the United States, many have accepted that decisions of the Supreme Court as a disciplinary procedure and not a violation of one's constitutional rights support corporal punishment. Furthermore, many others have promoted the concept that the Eighth Amendment's ban on cruel and unusual punishment did not apply to corporal punishment in public schools (Richards and Evans, 1994; Lunenburg and Ornstein, 1996). In 1845, the Massachusetts Teachers Federation offered support for teachers who enforced the "wholesome restraints of the rod when necessary". The Federation, in its opening meeting, supported schoolroom corporal punishment for the overall purpose of school reform (Student Rights Litigation Packet, 1972).

Proponents have argued that corporal punishment has an immediate and measurable impact. They have contended that the practice had generated short-term change in behavior and deterred criminal activity (Reinholz, 1977; Hess, 1985). It was revealed from the study of Rose (1989) that use of corporal punishment, (spanking with paddle and spanking with hands) gave very positive results in stopping student from fighting and misbehaving. Further, she found that principals also considered corporal punishment useful. They observed that it helped them to decrease and occasionally abolish the fighting problems in their schools. Similarly, it helped with a wide range of disobedience. Many other researches have revealed that corporal punishment has been effective in decreasing harassment, race, sexual, and emotional problems (Agnew, 1983; Welsh, 1978; Essex, 1989).

In the United States common law did not protect students against all corporal punishment, the administration of which was governed in many jurisdictions by state statutes or school board regulations except in few states (Remmlein and Ware, 1970). United State's courts have allowed the use of corporal punishment. Many parents have also supported the use of corporal punishment

but have suggested that it be administered carefully. In the court case of *State V. Pendrgrass* a useful citation was given which stated: corporal punishment must be administered without malice, be reasonable in light of the age, sex, size, and physical strength of the child; be proportional to the gravity of the offence, and be performed to enforce reasonable rules, not producing degradation and psychological reaction (Kerrigan, 1971).

Essex (1989) enlarged upon rules to govern administration and identified the items to be considered in administering corporal punishment which might reduce the risk of lawsuits or criminal charges. He suggested such items as under:

1. When the corporal punishment is administered for offenses that, clearly does not warrant physical force.
2. When students are not informed in advance that certain infraction would result in corporal punishment.
3. When age, sex, size and physical conditions of the child are totally ignored.
4. Failure in use of a reasonable instrument.
5. Without providing minimal due process for the child prior to administering corporal punishment.
6. When they fail to have a witness present during the administration of corporal punishment.
7. When corporal punishment is administered with malice or anger.
8. When it is used with excessive force or excessive poor judgement is used.
9. When they insist that corporal punishment is the only option and administer punishment over a student's or parent's objection.
10. When state of local policy is not followed.

In summary, the proponents of corporal punishment appear to support the use of corporal punishment when it was deemed necessary, but that it be administered carefully.

OPPONENTS OF CORPORAL PUNISHMENT:

Opponents of the use of corporal punishment considered the practice an out dated form of discipline. Americans of the eighteenth and nineteenth centuries used the approach literally to "beat the devil" out of children. This medieval basis of corporal punishment had been contrasted with other approaches to discipline governed by sweet reasonableness and "the love of its scholars" (Hyman, McDowell and Raines, 1977).

Over the period of time, some studies have been conducted in the psychological area related to corporal punishment. Owens, Straus and others (1979) argued that face to face application of physical force generated a profound, negative impact on the attitude of young people. Some studies (quoted in Hess, 1985) produced the impact of this practice on the psychology and behavior of children. It revealed the connection between physical punishment and the disruption of the learning process. Some of these efforts focused on the incidence of truancy, tardiness, and dropping out of school in selected districts where corporal punishment was practiced (Hess, 1985). The group End Violence Against Next Generation (EVANG) opposed corporal punishment by noting the negative impact on the younger generation (Essex, 1989). Hess (1985) reported that studies of Bongiovanni and Reinholz, focusing practical impact of the use of corporal punishment, suggested opposition by considering that it did not really effect student behavior. Much of their research work indicated that no durable changes in student behavior resulted from physical discipline. Also opposing corporal punishment Straus and Donnelly (1993) commented that it was just authoritarianism and created negative attitude among children. A professional group of researchers, on the evidence of their research work, considered that corporal punishment was harmful, and it was associated with an increase and probability of violence and other crimes (Kandel, 1991; Straus, 1991), depression (Straus, 1993), and alienation and lowered achievement (Straus and Gimpel, 1992), likely seems to interfere with the development of independence and to humiliate,

and antagonize and infantile children (Iroquoian, 1950, 1959; Kohlberg, 1969; Piaget, 1965).

Scharfenberg in (1996) opposed corporal punishment and stated that it was clearly pointed out by the findings of researches that corporal punishment did more harms than good. He also suggested that students, who were hit, experienced lower self-esteem and fear of the one who struck them. He stated that good teachers never wanted their students to fear them.

Studies conducted in the early years of the second half of this century, indicated the following undesirable effects of corporal punishment:

- (a) Children may avoid or withdraw from the punishing situation whenever possible (Azrin, Hake, Holz and Hutchinson, 1965; Bongiovanni and Hyman, 1978).
- (b) Children may imitate adults' act of punishment (Bandura, 1965).
- (c) Children may continue the behavior for what they were punished, which then may be imitated by other students when the teacher is not present (Bandura, 1965).
- (d) Children may be at greater risk for subsequent adjudication and delinquency (Agnew, 1983).
- (e) Children's self-concept and subsequent social interaction may be damaged (Bryan and Freed, 1982).
- (f) Children's behavior improvement may not generalize to different settings (Birnbrauer, 1968; Bongiovanni, 1979; Johnston, 1972; Risley, 1968).
- (g) Children's aggressive reaction may increase, increasing both operant aggression (i.e., attacks against the source of the punishment)(Delgado, 1963) and elicited aggression (i.e., attacks directed toward other people or property in the environment). (Azrin, Hake, and Hutchinson, 1965; Azrin, Hutchinson, and Sallery, 1964).

Silverman (1958) pointed out that corporal punishment had deleterious effects on children. He suggested that it disrupted the learning process by repressing the natural tendency of children to explore.

Nash (1963) considered the use of corporal punishment very seriously. He indicated that it might inhibit the development of self-criticism and self-direction in the child. He stated that corporal punishment drove students to concentrate their energies on conflict with the teacher instead of encouraging them to adjust to their classroom situation. The famous psychologist Piaget (1965), Iroquoian (1950 & 1959), and Kohlberg (1969) considered strongly that corporal punishment impeded the process of moral development, identity formation and independent attainment. Estes and Skinner (1963) thought that corporal punishment in the public schools was producing harmful results, and was ineffective and useless in controlling behavior. The National Education Association (1972) concluded, after the completion of the study project on corporal punishment that the practicing of corporal punishment was ineffective and did not give the required results for the purpose of behavior problems control. According to Kerrigan (1971) the use of corporal punishment was brutality and it undermined human dignity. He stated that students were placed at the mercy of teachers who had the power to beat them without explanation or justification and should therefore always be considered unreasonably. Richardson and Evans (1995) reported that there were numerous national organizations that opposed the use of corporal punishment. The list included: The Council of Exceptional Children, The American Medical Association, The American Academy of Pediatrics, The American Association for Counseling and Development, The National Association of the Advancement of Colored People, The National Congress of Parents and Teachers, and The American Humanist Association.

Fall, as early as 1941, was very optimistic and stated that:

I am safe in saying that it (corporal punishment) never occurs in the junior and senior high schools and very infrequently in the elementary schools. We

hold to the general theory that the school should be able to solve its discipline problems without the use of corporal punishment (Fall, 1941).

In summary, corporal punishment is educationally unsound and fundamentally wrong and time has come to discard the despotism of the hickory stick and to stop the beating as majority of the people considers corporal punishment harmful.

There are opponents and proponents of corporal punishment. At the same time this is a fact that in almost every school there is a discipline problem. The teachers are devoting a big share of their time to manage teaching class. School administrators (Assistant Principals and Principals) spend a lot of their time to keep students on the right track. It is a challenge for the professionals for the 21st century.

McFadden (1987), in this regard, reported useful alternatives by The National Education Association, Canada:

- 1) Quiet places (corners, small rooms, and retreats) where a disruptive student can regain his/her composure.
- 2) Student teacher agreement on immediate alternatives.
- 3) Teaming of adults to talk privately with disruptive students until stability returns.
- 4) Provision of alternative experiences (independent projects, work-study) for students who are bored, turned off, or otherwise unreceptive to a particular area or experience.
- 5) Class discussion/ participation on the need for, and consequences of, good and bad behavior.
- 6) Privileges to bestow or to withdraw.

All above are short-range solutions. Intermediate range solutions include:

- 1) Student involvement in the decision making process of the school, and in curriculum revision and experience.

- 2) Alternative program for students.
- 3) Work-study programs for students.
- 4) Alternative education, including early college education.

Finally long range solutions include:

- 1) Staff helps from local mental health and human relation's agencies for counseling.
- 2) Relocation of some education experiences, with "class" in business, industry, and social agencies.
- 3) Intensive training – and – retraining – of teachers in constructive discipline procedures.

These methods look sound and might be helpful to improve the school environment. To avoid corporal punishment, it is necessary to regard education as a top priority. We should work for education like we worked for nuclear technology. We have the ability to land on the surface of the moon and do many more technological wonders. Therefore, I would suggest the following:

- 1) To conduct extensive research into the study of human nature, attitude, behavior, aptitude, priorities of the society in terms of education and living style, as they are very much inter- linked.
- 2) To provide positive incentives so that we can manage behavioral problems in the classroom. For this purpose, the following will be helpful:
 - a) The classroom should be rich with a variety of attractive curriculum related materials. There should be plenty of fresh, value based, literature available for students. Teachers should keep the student busy. All students should have access to a computer under appropriate supervision. Working as a Principal, I rarely received complaints about students due to discipline problem from the classrooms where teachers kept the student busy, and involved the students in classroom affairs.

- b) Providing positive activities, like sports, debating competitions, writing clubs, science club can reduce the problems, and festival organizations under close supervision.
- c) Teacher training institutions should increase courses on human psychology, and teachers should be given extensive training in dealing with children in a humanitarian way. Furthermore, administration and teacher training programs should be more research oriented in regards to classroom management and human psychology.

I look forward to professionals accepting the challenge for this very important issue in the 21st century.

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