THE PERCEPTIONS AND MENTAL MODELS OF TEACHERS ON CORPORAL PUNISHMENT IN SCHOOL

By
MKHIZE NDABEZINHLE BUYISWA SIHLE

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Supervisor: Mr S. Hardman

DECLARATION OF ORIGINALITY

I, Ndabezinhle Buyiswa Sihle Mkhize, declare that this dissertation entitled: "PERCEPTIONS AND MENTAL MODELS OF TEACHERS ON CORPORAL PUNISHMENT IN SCHOOL" is my own work and that all the sources I have used or quoted have been duly acknowledged by means of references.

At Durban on the 27th day of August 2008

Date: 27 August 2008

Signature: *[signature]*

(i)

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ABSTRACT

Some of our teachers are so imbued with the idea that violence solves problems for them at school that they don't realize that there is an effective alternative discipline that is humane and violence free. They are not alone in this trap. Parents and learners too also strongly believe that inflicting reasonable pain is morally an acceptable disciplinary measure, and a deterrent. This study seeks to understand the reasons that make teachers perpetuate the culture of corporal punishment today, despite the fact that the 1996 South African Schools Act abolished the practice in all public and private institutions by declaring that the use of any form of physical punishment is unlawful and unconstitutional. Anyone, therefore, who contravenes the act, is guilty of an offence. This legal concept seems to be confined within public and private institutions, and does not extend to the parents at home and to society at large, where the culture of physical punishment is still widely practiced.

From the point of view of Systems Theory we regard a school as a social system. Regard for the perspectives of the people involved in this human system is important in identifying problem situations, exploring them, and developing a grounded theory to account for them. In this study I employ the Primary Research Paradigm and use surveys as a means of collecting the research data. Winberg (1997:30) says that Primary research occurs through direct interaction between the researcher and the researched. It is sensitive and sees with the eyes of the researched and walks in their shoes. I use triangulation, combining conversations, interviews, observations, questionnaires and documentary analysis to collect data on the feelings, attitudes and perceptions of teachers, learners and parents.

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CHAPTER 1

INTRODUCTION

1.1   TITLE OF THE STUDY

PERCEPTIONS AND MENTAL MODELS OF TEACHERS ON CORPORAL PUNISHMENT IN SCHOOL

1.2. PRACTITIONER IDENTITY

My research topic came about as a result of an observation I made that corporal punishment is still widely practised in many Umlazi schools and that the argument among many teachers and parents is that there is no discipline in schools without corporal punishment. In fact, teachers argue that if people want to bring discipline back into schools, then corporal punishment must be allowed. King Shaka High School is a typical township school located at Umlazi in Unit E, the biggest township south of the greater Durban Municipality. Umlazi is generally associated with violence, crime and poverty. Unit E is specifically regarded as one of the crime hot-spots, and is associated with hijacking, political violence, house-breaking, assault, and many other forms of violence. Our school in particular has made headlines in the news because of drug abuse and violent crimes. In Systems Thinking we regard a school as a social system open to its environment, so much so that if we look hard enough we usually find connections between these phenomena. Senge (1990:7) indicates that we deliberately draw boundaries to separate those items we deem to be part of the system and the context in which it operates.

Being the Head of the Humanities Department (HoD) at school, I am individually responsible for managing the work of five educators, but collectively assist in the day-to-day running of the school in accordance with the Employment of Educators Act 76 of 1998 (Brunton 2003:C-66). Working with high-school learners gives me an opportunity to become a facilitator, assisting them to think about their difficulties and to see their situation in new ways. I am interested in finding out about the discrepancy that exists between theory and practice at work when it comes to administering discipline. In theory national legislation prohibits the use of corporal punishment in all public and private schools, but in practice we

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observe that some schools still today rely very much on maintaining discipline through corporal punishment.

In fact, the Human Rights Commission South Africa (HRCSA) recently alluded on TV to the sexual and physical abuse that is still rife in our schools, and said that a massive Rights Awareness Campaign is soon to be taken into schools (SABC News (2006) TV1, 26 September, 07h30.) Part of my work as a manager is to help my colleagues and subordinates to translate theory into practice and to develop independence of mind and action in order that we may achieve a common organizational practice from which we can all learn.

Our government, in line with the human rights movements, banned the practice of corporal punishment in 1996, and gave parents the authority to play a significant role and lead in matters of school discipline and codes of conduct. To my dismay, some school regimes do not have in place appropriate mechanisms that can supplement the legislative intervention on issues of discipline. It seems to me that legal clarity alone cannot effectively wipe out the banned practice in schools as long as so many parents in school governing bodies, many religious groups and 'defenders of family values' still believe in 'beating the devil out' of the child. Teachers themselves have also been brought up in a culture of physical violence and taught that if you spare the rod you spoil the child. At the moment, teachers express support for corporal punishment because, according to Morell R. (2000:253), 'they know of little better way of creating discipline. To move teachers to a new mode of discipline, teachers need to be trained and the school regimes will need to be transformed.'

My research seeks to investigate whether or not corporal punishment is still administered in school today, why teachers who still administer corporal punishment knowingly run the risk of being found guilty of continuing in this practice, to explore the conditions on the ground that encourage its use, and to discover why teachers find it difficult to maintain discipline today. To investigate this matter I will have to understand the mental models and perceptions on corporal punishment possessed by teachers in particular, and parents and learners in general, and to look critically into the prevailing conditions that allow such practices to go on unabated at school.

1.3   PURPOSE STATEMENT

At this stage of the study the general definition of corporal punishment will be any physical

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pain inflicted upon a learner at school in an attempt by a teacher to maintain discipline. The purpose of this study will be firstly to determine whether or not corporal punishment is still used, and secondly to understand the reasons why some of the teachers at school still use it today, although the South African Schools Act of 1996 banned its use. I will investigate the history of its existence, review the literature on different theories, inquire about the policies in place today and, finally, employ hybrid strategies in the course of performing this study, in order to tap multiple sources of evidence (the practice of triangulation). These will include interviews, observations, questionnaires, and documentary analysis to explore the mental models and perceptions of teachers, learners and parents and the other conditions prevailing on the ground that allow the continued use of corporal punishment. I will use a Survey Research design because it allows direct interaction between the researcher and the researched.

1.4 PROBLEM STATEMENT

The fundamental questions we ask ourselves are: Should we blame the Department of Education for failing to make our schools free from all forms of abuse for our children? Should we blame school principals, teachers, School Governing Bodies, and parents? Why do we still hear our society and government calling for the reinstatement of the death penalty and corporal punishment? This is indeed a crisis that calls for drastic measures. Children's rights are being violated and yet few prosecutions occur.

The practices of discipline can affect the child in a number of ways, resulting for example in alcoholism, aggression, delinquency, depression, low self-esteem, and other adult behavioural problems (Global Initiative. 2000:1). Most of our school communities seem to care or know little about other positive disciplinary measures. Socolar R.S. et al (2005:31) states that corporal punishment has been studied extensively, but that much less is known about other types of discipline.

This study seeks to explore the dilemma that teachers go through whenever faced with administering discipline at school. It is a dilemma to some, because training and experience often confine them in a particular way of thinking about administering discipline at school. A Zulu newspaper reports that the atmosphere is tense at Langa Public Secondary in KwaDabeka, Clermont (Durban). Learners are determined to beat teachers in retaliation, following their corporal punishment for their failure to pay their school fees. The police had to intervene to calm down the volatile situation. Sihle Zondi, the president of the School

Learners Representative Council said 'we have now had enough of corporal punishment in our school, it is still widely practiced here and usually for no legitimate reason.' Shangase M. (2006:4). Kushubile abanfundi befuna ukushaya othisha (ISOLEZWE, 14 September:4). It is the teacher who determines what is inappropriate behaviour, and the form of punishment. In some cases the learner is not even made to understand that it is only the behaviour that is being punished.

At policy level, our government introduced the South African Schools Act of 1996 in line with the country's constitution, to protect every learner from all forms of physical or mental abuse and to allow parents to play a role in school affairs. This approach was based on respect for human dignity, respect and consideration for others, a philosophy stressing consensus and non-violence, and recognition of the need for the development of school communities. Despite this legal clarity about corporal punishment, teachers, parents and even state officials do not necessarily have a common understanding. Morrell R. (2001:292) says '... many teachers do not agree that all beatings constitute corporal punishment and most do not believe that corporal punishment is undesirable.' Differently put, Geoffrey Vickers says 'We the trapped tend to take our own state of mind for granted – which is why we are trapped.' (Davies M.T. 551:2)

Morrell R. (2000:254) draws this conclusion from a survey conducted between September and October 1998 with sixteen Durban Schools:

> Legislative intervention did not end the use of corporal punishment in schools ... Corporal punishment has effectively disappeared from middle-class, formerly white schools, but is still relatively common in township schools. A neglected explanation is that corporal punishment persists because parents use it in the home and support its use in school.

Marie Parker-Jenkins (2000:253) states that South African parents are not, for the most part, opposed to corporal punishment, nor is there a wide condemnation of corporal punishment in the media or in discourse. In fact, the debate in South Africa centres on calls for the return of corporal punishment in the context of unruly pupils and social lawlessness. There is a strong view that how you 'see' things is heavily influenced by the culture of the society in which you live and work, and by your education and training. With reference to the previous situation, Prinsloo J.G. and Beckmann J.L. (1995:267) point out that disciplinary power was vested in parents and teachers. The disciplinary power of the teacher was viewed as an original one and not delegated, punishment being an indispensable educational aid to the

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educator. Many different forms of punishment were used, ranging from verbal criticism to brute force and isolation.

As long as parents use it at home and support its use in school, children will always be subjected to unpredictable environments, unsafe and not free from harm, because there are no mechanisms in place to supplement the policies. A visit in 2000 by the then Minister of Education, Kader Asmal, accompanied by the then Director-General, Thami Mseleku, to schools in Umlazi, Durban, resulted in canes being confiscated and stern warnings delivered. (Parker-Jenkins M. 2000:253) In the questionnaires submitted to the learners from the same school in 2006, all of the respondents clearly stated that caning was still widely used in the school.

In 2004, the *International Save the Children Alliance* conducted a qualitative survey on the experiences of corporal punishment by children in four of the nine South African provinces, with 410 girls and boys aged 6-18 years. It found, among other things, that children from rural areas and low-income environments were exposed to the most severe forms of corporal punishment in the home and at school. (Global Initiative 2005:2)

The study found that factors other than income, such as relative levels of stress and possibly associated relationship problems, influence the use of corporal punishment. Corporal punishment was common in all schools situated in areas with low-income households, irrespective of children's age and gender. In more affluent areas, most schools had clearly developed policies to implement the legal prohibition of corporal punishment, and such schools were generally using alternative, non-violent forms of discipline.

Some other schools had not yet managed to get rid of the practice among teachers. Many children described corporal punishment as humiliating, particularly when administered in front of other people. Most children preferred to be disciplined in a non-violent manner. Sadness, anger, fear, crying, non-compliance, withdrawal and being embarrassed were common reactions. The research is taken from the International Save the Children Alliance's global submission to the UN Study on Violence, Ending Physical and Humiliating Punishment of Children – Making it Happen. (Global Initiative 2005:3)

Our society at large, and learners and teachers in particular, still confuse discipline with punishment. To many people the words 'discipline' and 'punishment' mean the same thing. The narrow view that abusive measures such as spanking, shouting, pinching, etc, are ways of teaching children a lesson or ensuring that they never 'step out of line' remains ingrained

in their minds. School authorities' failure to intervene to protect children from violence in school denies them their right to be free from all forms of physical or mental violence and the full enjoyment of their right to education.

Even when children do make reports or abuse is exposed, perpetrators are rarely investigated or persecuted. Those in a position to take action may be complicit in the abuse, reluctant to discipline or prosecute a colleague, or fearful of negative publicity. In KwaZulu-Natal, the then newly-appointed Provincial Minister of Education, Nkosazana Ellen ka Shandu, openly supported corporal punishment and even announced her desire to arrange for her child to be punished in this manner by the school, though a spokesperson for the National Department of Education released a statement indicating that her declared support was simply an expression of her personal opinion. (Sloth-Nielsen J. 1999:10)

Another aspect of this problem is what is called 'double jeopardy.' The humanist, Dr Green, has this to say:

> Children are placed in double jeopardy by being victims of corporal punishment in school. Imagine the child who is abused or brutalized at home. Upon coming to school, predictably engages in aberrant or disruptive behaviour as a mirror of his or her unwholesome home situation. Now the child is 'biblically punished' by the teacher, when really the 'bad' behaviour was a cry for help that deserved therapy, not punishment. (Green F. 1988:3)

The perception that corporal punishment is a solution is perpetuated by the fact that the Bible, in its literal sense, condones it. In the Old Testament, the use of corporal punishment is not only justified, but recommended, time and time again, as in Proverbs 23:13 and 14, for example. In A body of 196 independent schools in Christian Education South Africa v The Minister of Education (August 2000) the schools challenged the provision of Section 10 of the South African Schools Act of 1996, their main contention being that corporal punishment is a vital element of their Christian religion.

Parker-Jenkins M. (1999:1) states that 'issues of morality have legitimized the practice with an acceptance and an expectation, that bringing up a child and corporal punishment go hand in hand.' A plethora of evidence suggests that corporal punishment is not an effective deterrent. Corporal punishment engenders rebelliousness and does little to inhibit bad behaviour that may have its root in a lack of affection or some other disruptive influence in the home. 'When a punished behaviour recurs, it usually does so at a rate higher than before the punishment was originally imposed.' (Walker J.E. and Shea T.M. 1988:46)

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We must not overlook the role of mental illness in the perpetuation of corporal punishment. For some adults, spanking or hitting children of the same or opposite sex is a source of sensual or sexual gratification. (Green 1988:3) In the conference on *Corporal Punishment In Schools,* held in Washington, D.C., in February 1997, reference was made to the fact that one out of every ten people in the general population suffers from some form of mental illness. Teachers are no exception. Thus, there is a high probability of an ill teacher, an ill child, or – the worst possible circumstance – both an ill teacher and an ill child being involved in an episode of corporal punishment. These risks are just too great. There will always be a potential for disaster as long as we continue to sanction corporal punishment in our schools.

Another concern is that of the potential and actual effect on the emotional health of the child, such as the provocation of severe emotional problems. Hinchey (2003:97) tells a story of a young adult forced to bend over a desk and submit to several blows inflicted by an adult male teacher whom she had trusted until the incident. For the girl, the consequences included not only the physical pain of the beating, but also menstrual haemorrhaging and long-lasting trauma.

The fact that the punished child identifies the punishment with the punisher rather than with the inappropriate behaviour should be of great concern to teachers. Hyman and Snook (1999) point out that despite the arguments that the case involved not only physical but also sexual abuse, the school won the case. (Hinchey P.H. 2003:97)

1.5   THE SIGNIFICANCE OF THE STUDY

When we watch television, read newspapers or listen to radio talk shows, we often come across court cases and debates about the use of corporal punishment in schools. For example, Penny Dlamini of *Soul City* was heard on TV responding to a popular view that teachers are calling for the reintroduction of corporal punishment in order for people to see the return of discipline in schools. Her response was 'We can't stop fire with fire. A solution lies in all relevant stakeholders working together with School Governing Bodies (SGBs) to put in place proper mechanisms to assist in the total removal of corporal punishment.' (SABC News, TV3, 28 September 2006, 22h00) The fact is that the present legal clarity alone is not enough, as long as the rejection of the practice does not extend into families where the practice still prevails.

Teachers themselves are often heard in their staff rooms, school corridors, in-service courses, and marking centres, to bemoan the ban on corporal punishment. Even parents in their SGBs debate the issue. In fact, the debate is about the return of corporal punishment in the context of unruly pupils and social lawlessness. This study will help us to foreground and test the mental models held by many with regards to the administration of discipline at school. One's deeper mental model often differs from the theory one thinks one espouses. Senge (1990:15) states that 'to recognise gaps between espoused views and theories in use, is pivotal to deeper learning ... so long as they fail to see the interrelationships they are trapped.' It is wise to have different tools for thought, in order to be able to think about a problem, to explore it from new perspectives, to test different boundaries, and to develop a rounded appreciation of the problem.

I believe 'systems thinking' in its various forms to be a paradigm that encourages thinking holistically. April K, Macdonald R and Vriesendorp S state that 'People don't change their mental models under pressure. But gradually, as people re-examine the issues for themselves in conversations, they may see how the mental models of the past reinforce problems, and that may pave the way for deeper changes in attitudes.' (2000:185)

Governments can be judged by how far they take strong action to implement the provisions of the Convention of the Rights of the Child, thus fulfilling their promises to their children. The year 2006 marked the sixteenth year after the adoption of the Convention, the treaty that guarantees to children the right to be protected from cruel and inhumane treatment, access to a justice system that treats them appropriately to their age, and many other rights.

The South African Bill of Rights gives children much greater ability to resist corporal punishment. We need to ask ourselves some questions: are we doing enough to empower our children and law enforcement agencies, to educate our teachers, communities and child care centres? Achieving these rights remains a challenge.

The recent Human Rights Conference held in Cape Town issued a statement on TV alluding to the fact that teachers, parents and our communities at large either seem to care little or know little about the rights of children, and that a Children's Bill is currently under consideration by national parliament. (SABC News, TV3, 27 September 2006, 22h00.)

This study intends to bring to light the feeling, views, attitudes and mental models of teachers, learners and other people about the prevalence of the practice in schools. The

experiences of the recipients of corporal punishment could enlighten many adults about the unintended negative consequences of the practice.

It may also be significant to learn how psychology and human rights education can be usefully applied in the workplace, and how they can be used to help solve the problems we may come across in everyday life. Learning is the process of acquiring relatively long-term changes in behaviour brought about by experience. New ways of thinking about discipline have to be developed. The debate won't be simple, but it is vital that it should take place.

Docking J.W. (1980:205) raises a set of questions on the issue of punishment in schools, and insists that we should attempt to answer them:

♦   Is punishment as an institution justified in schools?

♦   Is a teacher justified in punishing a particular child for a particular offence?

♦   When punishment does appear right for an individual, there remain questions about its form and severity.

♦   Questions about the effectiveness of punishment as a deterrent must take into account empirical evidence and psychological theory.

1.6   LIMITATIONS OF THE STUDY

Lemmer and Badenhorst (1979:409) state that teaching takes place in a legal context. All aspects of teaching are influenced in one way or another by the law. The continuous use of corporal punishment is a direct contravention of Section 12 of the 1993 Constitution and Section 10 of the South African Schools Act of 1996. (Brunton 2003: B-37) The subject remains a very sensitive matter and teachers find it not easy, in fact, are not willing and are even afraid to admit that they are using it to administer discipline.

To explore the mental models and perceptions of teachers on the subject a researcher is required to guarantee the principles of confidentiality, personal safety, honesty, privacy, and other ethical considerations, such as first getting a school's permission to allow the researcher access to confidential information such as that contained in the so-called 'Misconduct Book.'.

As I am employed as the Head of the Humanities Department at a school, time constraints and other administration responsibilities have not allowed me adequate time to investigate

remote rural schools or to compare former 'Model C' schools with schools from low-income communities, which would have been desirable exercises to perform.

The money factor is another aspect that determines the extent to which this research could be conducted. It is unfortunate that my employer, the Department of Education, does not provide us teachers with bursaries for upgrading ourselves beyond a junior degree. This suggests that I was always struggling financially to conduct my research without a sponsor. It was difficult to access information.

1.7 DEFINITION OF TERMS

Key concepts that are central to the study were identified and will be defined here.

(i) Corporal punishment

Thompson D. (1996:108) defines the Latin word 'corpus' as meaning the human body, and 'punish' as meaning inflicting retribution on an offender for an offence.

Walker E.J. and Shea T.M. (1998:46) define punishment as the addition of an aversive stimulus to the environment, for example, paddling, or the subtraction (taking away) of a pleasurable item or activity such as the loss of recess, for example.

The Department of Education (2000:6) document entitled *Alternatives to Corporal Punishment, a Practical Guide for Educators* defines corporal punishment as any deliberate act against a child that inflicts pain or physical discomfort to punish or contain him or her. This includes, but is not limited to, spanking, pinching, slapping, paddling or hitting a child with a hand or with an object; denying or restricting a child's use of the toilet, denying meals, drink, heat and shelter, pushing or pulling a child with force, forcing the child to do exercise.

(ii) Teacher

Any person who teaches, educates or trains other persons or who provides professional educational services, including professional therapy, educational and psychological services, at any public school, further education and training institution, departmental office or adult basic education centre and who is appointed in a post on any educator establishment under the Employment of Educators Act 76 of 1998. (Brunton 2003: B-4)

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(iii)   Learner

The Cambridge Learner's Dictionary (2004:380) defines a learner as someone who is gaining knowledge or a new skill. '"Learner" means any person receiving education or obliged to receive education.' (Brunton 2003: B-4)

(iv)   Child

Goldstein et al (1997:7) say 'In the eyes of the law, to be a child is to be at risk, dependent and without capacity or authority to decide, free of parental control, what is best for oneself.' (Cited by Parker-Jenkins M. 1999:148)

(v)   Discipline

Docking J.W. (1980:12) states that

> Discipline, for some, is associated with 'disciplining' and 'being a disciplinarian', carrying connotations of a regime that is at best rigid and circumscribed and at worst arbitrary and cruel.
>
> For others, it is more associated with 'discipline' and 'disciplined thinking' denoting the very essence of civilized behaviour and characterizing a style of living which distinguishes human society from the life of the jungle.

According to the Cambridge Learner's Dictionary (2004:353) discipline is a training which produces obedience or self-control, often in the form of rules, and punishments if these are broken. (Good) discipline is the ability to control yourself or other people, even in difficult situations.

(vi)   Mental models

According to the Cambridge International Dictionary of English (1995:887) the word 'mental' involves the process of thinking, or about the mind. The word 'model' means a representation of something. Mental models are the internal pictures a person holds about the world.

Mental models (or paradigms) are constructed from experiences of living, that never-ending process of trying to make sense of the world we live in.

(vii)   Perception

Bloomer (1990:17) says that the term perception is commonly used in a number of different ways. It can refer to responses of the nervous system to external stimulation

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(sensations), or to primitive awareness – as in 'I perceived a sudden movement out of the corner of my eye.' At the other extreme, perception can refer to more complex and higher-level thought processes (cognition) - as in 'I perceived deep religious qualities in his paintings.'

The Cambridge International Dictionary of English defines perception as a belief or opinion, often held by many people.

(vii) Discipline versus punishment

Many people take the words 'discipline' and 'punishment' to mean the same thing. Corporal punishment was a component of an authoritarian approach to managing the school environment, which was based on the view that children need to be controlled by adults and that measures such as sarcasm, shouting and other abusive forms of behaviour were ways of teaching children a lesson or ensuring that they were so afraid that they never 'stepped out of line.' Many of the measures used to maintain 'discipline' were reactive, punitive, humiliating and punishing rather than correcting and nurturing.

Discipline rather than punishment is a component of another view on how to manage the school environment, when it is used proactively and constructively. In such a system, learners experience an educative, corrective approach in which they learn to exercise self-control, to respect others, and to accept the consequences of their actions.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

For a full understanding of social attitudes towards corporal punishment, like any other aspect of our society, we must go back to the earliest records. When I go down memory lane to my school days I always remember, among other things, the cruelty with which we were punished, from primary school right up to high school level. There was absolutely no regard for age or sex, and there were no regulations observed by our teachers whenever administering corporal punishment.

I recall instances during which our grade six teacher used to order us to lie down on the bench and beat us on our buttocks. That teacher was highly respected by my community for his 'effective disciplinary method' that led to many unnecessary 'drop-outs.' Corporal punishment in our African families has been seen since time immemorial as the most effective disciplinary measure. In our Zulu culture, for example, we have traditional idioms like *'ugotshwa usemanzi'* etc, translated as: 'beat them while young.'

If you go through the Bible you find the common theme that corporal punishment is the only effective method to be used. Some people may believe in the literal truth of the Biblical test, particularly because non-violent parenting techniques are not often described. Others may emphasize the positive teachings that follow the model of Jesus' treatment of children in the book of Mark after His disciples had rebuked those who had brought the children to Him: 'But when Jesus saw it, He was greatly displeased and said to them, "Let the little children come to Me, and do not forbid them, for of such is the kingdom of God."' (Mark 10:14)

Putting aside theological issues, mankind has throughout history believed in the use of corporal punishment, the popular idiom being that if you spare the rod you spoil the child. This thought is still popular In most South African communities across the racial divide, as is demonstrated by court challenges like Christian Education South Africa v the Minister of Education. (Department of Education, 2001:5) I have witnessed and also heard that some schools are still using this outlawed practice.

Most of them are still trapped in the illusion that corporal punishment is an effective deterrent. Some teachers seem not even to regard it as abusive, simply because most families rely on it very much in the practice. The new constitution provides basic human rights for all, including children, and our new democratic government has gone a step further to set up different commissions to safeguard such rights. Yet we still find right-wing authority figures in government, religious institutions, and the mass media advocating for corporal punishment in school (Benjamin and Airlin, 2006:5).

I will present both sides of the argument with regard to the use of corporal punishment. I will first provide historical evidence of the existence of corporal punishment in the Bible, then from ancient civilization to the twentieth century, and end up with the South African legislation that regulates the use of the practice in education.

Secondly, I will look at the justification of corporal punishment in schools today by so-called 'right-wing authority figures,' and their utilitarian position. Thirdly, I will provide psychologists' views against corporal punishment and their preferred methods. Finally, I will discuss the broader human rights movement and focus on South Africa's current constitution and legal position.

2.2 HISTORY OF CORPORAL PUNISHMENT

2.2.1 Biblical punishment: the Book of Proverbs and Deuteronomy

King Solomon wrote the Book of Proverbs, in which he expressed strong views on child rearing. The popular phrase 'spare the rod and spoil the child' presumably describes his parenting beliefs with respect to his son, Rehoboam.

- Proverbs 13:24, 'He that spareth his rod hateth his son, but he that loveth him chasteneth him betimes (diligently).'
- Proverbs 19:18, 'Chasten thy son while there is hope, and let not thy soul spare for his crying.'
- Proverbs 22:15, 'Foolishness is bound in the heart of a child, but the rod of correction shall drive it far from him.'
- Proverbs 23:13, 'Withhold not correction from the child, for if thou beatest him with the rod, he shall not die.'
- Proverbs 23:14, 'Thou shalt beat him with the rod, and shall deliver his soul from hell.'

- Proverbs 29:15, 'The rod and reproof give wisdom, but a child left to himself bringeth his mother to shame.'
- Deuteronomy 21:18-21, a man with 'a stubborn and rebellious son' is commanded to stone him to death.

The logic of the attitude, according to Wilson R.M. (1999), is quite simple: the child, and the man, must be saved from damnation. He who fails to punish the child for his wickedness is doing the child a grievous wrong, and is therefore himself sinful. The justification for beating is motivational: the child will be prevented from doing wrong by punishment and will be spurred into a moral and devout life.

We should note that a lack of wisdom is also looked on as being sinful. There does not appear to be any distinction between sin and a failure to learn. If anything, a failure to learn was regarded as a sin. The negative effect of King Solomon's parenting style on his son Rehoboam is well recorded in the Bible. Rehoboam became a widely hated ruler after his father's death, and chose to go into retreat to avoid being assassinated.
- 1 Kings 12:13-14, 'My father made your yoke heavy, but I will add to your yoke, my father chastened you with whips, but I will chastise you with scorpions.'

2.2.2   Texts contradicting the proverbs

But there are those texts that would seem to contradict the texts from Proverbs. Primary examples include:
- Ephesians 6:4, 'Fathers, do not provoke your children to anger, but bring them up in the nurture and instruction of the Lord.
- Mark 10:13-16, 'They brought little children to Jesus that He might touch them, but the disciples rebuked those who brought them. But when Jesus saw it, He was greatly displeased: "I say to you, whoever does not receive the kingdom of God as a little child will by no means enter it."'

Curiously, the gentleness of Christ towards children is usually ignored. A false image is created that without punishment children will grow up completely without discipline.

2.2.3   Corporal punishment in ancient schools

Fear of the rod was the educational legacy handed down from the earliest societies. Evidence of that can be found in the Spartan constitution compiled by Lycurgus (850-800 BC). He declared that individuality is an illusion. Man was a 'political being' obliged to live in

and for the community. When talking about teaching for boys in Spartan barrack schools, Verster et al tell us that 'discipline in the form of physical punishment was strict and even cruel, being inflicted for moral offences, disobedience and a lack of zeal, in short, Spartan "school life" was decidedly grim.' (1982:7).

During the time of Ezra, in about 458 BC, synagogues were built throughout Israel. These synagogues served as the sites of various colleges or religious schools, and were actually institutions for higher learning. The term 'synagogue' means assembling or gathering in Greek, but it can also mean a place of prayer. According to Verster et al (1982:4), 'Physical punishment was very strict, a pupil's failure was ascribed not to a lack of knowledge, but rather to the consequences of obstinacy and thus deliberate rebellion against God.'

2.2.3.1 The ancient Greeks

The Hellenes (Aeolians)

Wilson (1999:4) says that Plato (427-347 BC) gives a description of the typical educational practices of the time: 'If the child obeys, well and good; if not, he is straightened by threats and blows like a piece of wood.' (Plato, Protagoras, 1953 ed.324) Either Plato changed his mind, or is inconsistent, or we must interpret *The Republic* as describing an ideal approach when we read: 'The free man should learn to study under bondage. And while enforced bodily labours do no harm to the body, study forced onto the mind will not stay there.' (Plato, *The Republic*:53). There seems to be conflict here between ethics and instrumentalism in methods of teaching here. 'Train your children in their studies not by compulsion but by games, and you will be better able to see the natural result.' (Wilson, 1999:4) Aristotle (384-322) did not believe that education could be pleasant or easy: 'Now obviously youths are not to be instructed with a view to their amusement, for learning is no amusement, but is accompanied with pain' (*Politics*, 1943 ed: v111, 5).

2.2.3.2 The Ancient Romans

Many references to the use of corporal punishment in Roman schools are made by such people as Plautus, Horace, and many others. According to Wilson (1999), schools were described as places of regular beatings with different instruments including among others the rod, a leather strap, and the flagellum. Quintilian (35-95 AD) is the first influential Roman schoolmaster who had no reservations whatsoever about rejecting corporal punishment:

> By that boys should suffer corporal punishment, though it is received by custom, and Chrysippus makes no objection to it, I by no means approve; first, because it is a disgrace, and a punishment fit for slaves, and in reality an affront, secondly, because if a boy's disposition be so abject as not to be amended by reproof, he will be hardened,

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like the worst of slaves, even to stripes; and lastly, because if one who regularly exacts his tasks be with him, there will not be the need of any chastisement. (Quintilian, as cited by Wilson, R.M. 1999:6)

Quintilian is more concerned with the shame than the physical pain. The Spartans considered it noble to absorb pain and saw nothing shameful in the beating itself. Orme N. (2006:11) states that if anyone does imagine medieval schools, it is probably as few in numbers, poorly equipped, with unimaginative teaching, and pupils kept in order by vigorous corporal punishment, altogether different from what good modern schooling should be.

2.2.4   The Middle Ages

Verster et al state that 'During the Middle Ages new types of schools were created against the background of the control which the church exercised over such schools.' (1982:21) Flogging was part and parcel not just of education but of life generally in the Middle Ages. Monroe (1913) states: 'We may take it as certain that English and Western Education directly inherited corporal punishment, as it inherited so many other characteristics, from Roman Imperial education.' (Cited by Wilson, 1999:7) Corporal punishment here reflected the violence and cruelty of the medieval times. 'To beat the devil' out of someone was not just a catch-phrase, argues Wilson (1999:7). It was often an attempt to purge a physical presence.

The universal practice of the clergy, including nuns, of thrashing each other, received sanction from the highest officers of the Church. The offences for which a beating was inflicted and the methods of infliction were laid down. We know from other sources that corporal punishment was not only used in monasteries but was common. The best known court school that offered both primary and secondary education was that of Emperor Charlemagne (742-814) which was founded in 782. Punishment remained strict and harsh in all medieval schools. Verster et al (1982:19) say 'Judged in terms of present-day situations, it seems impossible to believe that any medieval child could have enjoyed his school years or learned anything of worth. Generally, it was expected by teacher and pupil alike, that physical punishment was part of learning, it was supported by religious belief and popular opinion.'

Orme (2006:16) says that if we stop the history of education in Middle Ages, the achievement of the medieval schools is that they were modern in being free-standing, self-governing institutions, but they used corporal punishment in a way that we would find

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unacceptable today, but that was taken for granted down to the twentieth century, both in the home and in the judicial system.

2.2.5   The Renaissance

The Renaissance came up with a method of punishment that reflected the humanist spirit. It was more humane and reasonable. Reformers like John Calvin (1509-1564) believed that all authority derives from God and for this reason youth must be strictly but justly disciplined with love (Verster et al, 1982: 21)

As a properly differentiated schooling system came into being, smaller children in the primary school found a safe educational niche, away from bigger children and young adults. Corporal punishment was often meted out regardless of the child's age. Desiderius Erasmus (1467-1536) regarded the child's love for the teacher as very important and recommended that pleasant methods be implemented right from the start. Martin Luther (1483-1546) stated that schools should not appear to be a hell where children in fact learn nothing because of blows and fears and rigid methods. He saw school as an attractive locality where study was made pleasant and disciplinary measures restricted. Philip Schwarzerd Melanchton (1497-1560) recommended corporal punishment as an essential disciplinary measure, but viewed it as an unpleasant aspect of the teacher's duty (Verster et al, 1982:58).

2.2.6   From the Seventeenth to the Twentieth century

Jean-Jacques Rosseau (1712-1778), an exponent of Naturalism, argues that 'Punishment should not be applied, since nature itself will punish.' (Verster et al, 1982:68)

Johann Heinrich Pestalozzi (1712-1778), an exponent of the Psychological movement, declares: 'I considered love to be a fundamental element in the process of education.' He strongly believed that children's love and trust must be gained before they can be successfully instructed. (Verster, 1982:70)

The Durban Metropolitan Library (2001:15) compiled the following on corporal punishment:

"WORLD WIDE BANS ON CORPORAL PUNISHMENT"

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YEAR		COUNTRY
1783	....	Poland
1820	....	Netherlands
1845	....	Luxembourg
1860	....	Italy
1867	....	Belgium
1870	....	Austria
1881	....	France
1890	....	Finland
1917	....	Russia
1923	....	Turkey
1936	....	Norway
1949	....	China
1967	....	Denmark
1967	....	Cyprus
1970	....	Germany
1970	....	Switzerland
1982	....	Ireland
1983	....	Greece
1986	....	United Kingdom
1990	....	New Zealand
1996	....	South Africa

2.3 THE SOUTH AFRICAN LEGAL POSITION ON THE BAN IN 1996

Corporal punishment was a traditional feature of school discipline, like detention and exclusion, in accordance with the British model. (Parker-Jenkins, 1999:25) Prinsloo and Beckman (1995:273) state that corporal punishment as a form of chastisement was defined in various acts, ordinances and regulations, and applied to various population groups and to pupils in various schools and institutions. Discipline, punishment and admonition were indispensable educational aids to the educator. The law recognised teachers' authority to discipline and punish learners, and even defined the legal parameters within which punishment could be administered. Schools were expected to draft and implement codes of

conduct and school policy to reflect their community's attitude. Only the principal and the authorised teacher could administer physical punishment. Every act of corporal punishment inflicted was to be recorded in a Punishment Book in accordance with Regulation 704 of 1990, Department of Education and Culture, March 1990.

2.3.1   Sources of law

Lemmer E.M. and Badenhorst D.C. (1997:225) describe at length the sources of education law:

1.   Common-law Principles of Reasonableness and Fairness

For punishment to be fair and reasonable:

♦   *Nature of the offence:*

It is important to determine the offence committed by the student.

♦   *Type of punishment:*

The method of punishment is to be reasonable and appropriate for the offence. For example, the use of cruel or excessive force is incompatible with a petty case.

♦   *Age, mental and physical condition of the child:*

It is inappropriate for a teacher to punish a child for being unable to work when, in fact, his or her inability is the result of a learning problem.

♦   *Reason for the punishment:*

The punishment must be justifiable, administered in good faith, and for the right reason, not to satisfy anger or frustration, because the purpose is correction. (Lemmer and Badenhorst, 1997:409)

2.   Rules of Natural Justice

Wiechers (1985) (as cited by Lemmer and Badenhorst, 1997:410) indicated that the rules of natural justice include the *audi alteram partem* rule and the *nemo iudex in sua causa* principle

♦   *The* audi alteram partem *rule:*

Translated, this means 'to hear the other side.' Anyone affected by an administrative action must be given an opportunity to be heard on the matter. Any information that might act against a party must be made available to that party to prepare a case. A teacher must give reasons for the decision he takes.

♦   *The* nemo iudex in sua causa *principle:*

This means that a teacher conducting an investigation must be impartial and fair. No one may be a judge in his or her own case. Anyone with a personal interest in a matter in which discretion must be exercised is regarded as being biased.

2.3.2 Regulation 704 of March 1990

Badenhorst D.C., Calitz L.P. et al (1991:196) summarised Regulation 704 (1990) of the Department of Education and Culture as follows: Corporal punishment is to be administered to pupils only:

1. On account of neglect of duty, disobedience, theft, property damage, assault, dishonesty, bullying and indecency – serious misconduct.
2. After the guilt has been proved to the satisfaction of the principal in a full enquiry in which a pupil stated his or her case.
3. By the principal, or by an authorised person, or by another teacher in the presence of the principal.
4. In the office of the principal/the office of the teacher.
5. On buttocks covered with normal attire, with a cane to a maximum of 5 strokes. In the Cape Province it was specified that only a suitable cane strap could be used.
6. With consideration of the age and physical condition of the pupil.

Dekker and Lemmer (1993:30) added that corporal punishment might not be administered to pre-primary pupils, pupils in levels 1-3, and female pupils. Prinsloo J.G. and Beckman J.L. (1995:274) point out that this restriction did not apply to girls attending a school administered under the provision of the Children's Act, 1960, because the regulation did not expressly forbid the administering of corporal punishment to girls; the Common Law applied. And corporal punishment could also not be administered to handicapped pupils without the permission of a medical officer, or to a pupil in the presence of other pupils. (Dekker and Lemmer, 1993) Prinsloo and Beckman (1995:275) point out that this applied In Natal too, but was qualified in the sense that in the case of joint offenders (only) punishment might (but did not have to) be administered to pupils in the presence of other joint offenders waiting on punishment in respect of the same transgression. (Ordinance 46 of 1969, Section 24 (4))

Common law principles apply to corporal punishment, in particular the principle of what constitutes reasonable punishment and the rules of natural justice. Reasonableness and fairness underpin every decision concerning punishment. In the case of a teacher a court of law ruled that 'If corporal punishment inflicted by a teacher on a pupil goes beyond the regulations (or Ordinance), the teacher is guilty of assault.' (Prinsloo and Beckman, 1995:275) According to the ruling, a parent or one placed in *loco parentis*, such as a principal, is entitled to inflict only moderate and reasonable chastisement on children for purposes of correction and discipline.

Regard must be had, however, to the nature of the offence, the age, bodily and mental condition of the child, the amount of punishment inflicted, the nature of the instrument used, the motive of the person inflicting the punishment and the effect of the punishment. If a discretion to inflict corporal punishment is exercised in an arbitrary or capricious manner, without proper enquiry or without having due regard to the nature of the offence, the person who administers the punishment is guilty of assault (Prinsloo and Beckman, 1995: 274).

In practice, argue Prinsloo and Beckman, teachers rarely adhered to the rules. For example, in the case of *T.C. Goosen v the State of 4 November, 1984, case no. A 658/85,* punishment was administered in front of other pupils with a small plank, and the court found the teacher guilty of assault (1995:275). For many children around the country, violence was a regular part of the school experience.

Sometimes children were caned for 'offences' such as talking in class, late-coming, being unable to answer a question, or failing to achieve target marks set on exams. These measures resulted in bruising, swelling and small cuts. At times children suffered more serious injuries such as sprained or broken fingers, internal injuries, and even death.

2.4. JUSTIFICATION OF CORPORAL PUNISHMENT IN SCHOOLS

Wilson (2000:2) raises interesting issues with regard to the ban of corporal punishment in schools and indicates that most of the material put forward emanates from academic or clinical sources.

> It is usually supported by anecdotal evidence and clinical theory, but theory that has no significant scientific support. It is usually a story of how someone had turned into a criminal or had suffered terribly in adult life as a result of childhood beatings. But it would be easy to show that many adults renowned for their humanity or achievements were treated that way, and many adults who became criminals or suffered debilitating mental problems were treated as children. Advocates have been highly selective in their evidence.

He goes on to say that he has seen nothing to change his opinion that opposition can be based only on moral grounds, not psychological. The advocates for the complete ban, according to Wilson, point to its success in homogeneous cultures with strong traditions. 'How well the success there can be to such countries such as the United States and Canada with diverse cultures of large immigration populations and differing religious and ethnic

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traditions in which it is accepted is not clear ... Those who are attempting to ban corporal punishment even within a family appear to be naïve at the best.' (Wilson, 2000:2)

2.4.1 Right-wing authority figures

There are people out there who still see the movement against corporal punishment as just another instance of society going soft, and the precursor to a generation of spoiled, unruly children. (Corporal Punishment, 2006:31) Wilson (1971) refuses to see pain as necessarily evil: 'It is only pain inflicted for no good reason that is evil, and since punishment is inflicted for a reason it need not be regarded as evil.' He sees punishment as conceptually related to discipline rather than to control. (Cited by Docking J.W. 1980:143)

One argument often heard in support of physical punishment in schools is that this is the only language some children understand. This argument is found in the traditional Japanese perspective on the issue of child rearing: 'In training dogs and horses, they receive a treat whenever they behave, and they are whipped when they don't. The same stance should be taken with children. Children are animals being taught to be human.' (Kinji Kato, as cited by Parker-Jenkins, 1999:1)

2.4.2 Utilitarian position

The philosopher, Jeremy Bentham (1748-1832), justifies corporal punishment in preventing offences but feels nevertheless that, in as much as punishment involves the infliction of pain, it is an evil – if a 'necessary' one. He argues: 'But all punishment is mischief; all punishment in itself is evil ... it ought only to be admitted in as far as it promises to exclude some greater evil.' (In Docking J.W. 1980:203) In the *Protagoros* Plato puts it that 'He who decides to inflict rational punishment does not retaliate for a past wrong, which cannot be undone, he has regard to the future, and is desirous that the man who is punished, and he, who sees him punished, may be deterred from wrong doing again.' (In Docking J.W. 1980)

The utilitarian argument is that it would be wrong to inflict punishment if it was unlikely to bring about greater social order, or if it produced problems worse than those it was designed to prevent, or if the wrongdoing could be prevented by some other means. The German philosopher Immanuel Kant (1724-1804) argues:

> We are justified in punishing an offender not in relation to the consequences of our punishing but on the grounds of moral desert. Where the culprit was blameworthy, was responsible for his actions, knew the consequences of them, and gained

satisfaction from his misdeeds, then it is the moral responsibility of society to inflict punishment as moral retribution. (In Docking 1980:204)

2.5 PSYCHOLOGISTS AGAINST CORPORAL PUNISHMENT

Many psychologists seem to agree that punishment tends to suppress the undesirable behaviour rather than to extinguish it. The suppression is of short duration, and frequently the behaviour recurs in the absence of the punisher. Newell P. (2002:8) says 'Of course in the short term it may stop the child doing something – wouldn't you stop at least for the moment if someone several times larger than you slapped you?'

The potential and actual effect on the emotional health of the child raises another concern. (Walker J., and Shea T. M., 1988:45) Bezuidenhout (1998:48), arguing in the context of Industrial Psychology, warns about the dangers of punishment. With punishment, the termination of the inappropriate behaviour is not determined by the child but by the person externally. The control of the behaviour is located externally. The results of punishment are often different from the intended effects.

1.   It often negatively reinforces the person who is doing the punishing; this may lead to excessive use of punishment.

2.   It has a general inhibiting effect. This leads to the increasing lack of communication.

3.   Children often react to painful punishment by actively disliking the person inflicting the pain. Surely no teacher wants his or her children to hate her/him.

4.   Criticism often does not stop a particular behaviour because the child repeats the behaviour to get the attention that he/she receives by being criticized.

5.   Even though punishment does stop a particular behaviour, it does not teach the person more appropriate behaviour. (Bezuidenhout 1998:48-49)

2.5.1.   Bandura's theory of social learning: modelling

According to Bezuidenhout (1998:50), the Social Learning Theory of Bandura emphasizes observational learning–modelling. Modelling is learning that occurs by copying the behaviour of others. It is a theory used in teaching people how to behave in certain situations. In organisations, modelling is used as an effective training method to teach recently appointed managers how to manage tasks related to the control and discipline of staff and related to leadership roles.

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I am convinced that it has a place in the field of education in teaching teachers and learners the full concept of discipline. Bandura warns that behaviours learned through modelling are not always the most appropriate or even socially desirable. Problems such as family abuse, alcoholism, smoking, etc are thought by many psychologists to be perpetuated by children modelling their parents. (Bezuidenhout 1998:50)

Skinner (1972:211) believes that human behaviour is controlled solely by environmental contingencies and goes on to say that a person does not act upon the world, the world acts upon him. (Citied by Docking J.W. 1980:54) The techniques of behaviour modification for teachers involve being trained to ignore unacceptable behaviour while waiting for pupils to emit more appropriate responses, which are then systematically and immediately reinforced.

♦ **Bandura's Relevance in Education**

If teachers continue to use abusive forms of punishment as a way of discipline, argues Tyson, they are simply teaching children that inflicting pain is an effective measure to use whenever administering discipline, thus perpetuating a culture of violence. A child physically abused by a teacher at school will, when he grows up, continue the pattern of abuse. Children imitate various role models, from teachers to film celebrities. The antisocial and violent behaviour observed will be imitated and accepted as normal (modelling). A teacher is a social agent, interacting with children within a cultural institution, and is also an instrument of cultural influence. If we see the need to warn our children or remove violence from our TV programmes, then obviously our schools can no longer be places associated with violence. Through observation children can learn the likely consequences of aggression and may imitate those aggressive acts that are seen to be successful.

Aggressive models may also serve to arouse undue emotion, thereby increasing impulsiveness and aggressiveness. This may make children feel less inhibited about displaying aggression. They may feel less guilty about behaving aggressively as they become habituated to violence. (Tyson G.A. 1987:177) The practical implications for teachers, according to a social learning theory, are that unacceptable behaviour which has been learned outside school can be modified inside school through observational learning. Teachers must avoid adopting punitive attitudes towards children and instead present themselves deliberately as models of socially desirable behaviour. (Docking 1980:54)

2.5.2. Erikson's theory of personality development

According to Bezuidenhout (1998:57-58), Erikson's theory is often called a psychosocial

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theory of personality development because of the interdependency of society and the individual. Erikson identified eight universal stages of development, including the infancy stage, early childhood, the play age and the school age. Stage 5, the development of fidelity, is one of Erikson's most important stages, in which the adolescent must consolidate all the knowledge he has about himself, to form an identity. He must decide what type of person he is, what his values are, and what career he will have. This social and emotional maturation involves new ways of evaluating the world and one's relationship to it. Physical changes that take place and family and social pressures all make life difficult for an adolescent. The adolescent often explores the values of his society and finds that there are inconsistencies that may confuse or disappoint him. The failure to develop a personal identity because of unfortunate childhood experiences such as physical abuse for example, or present social circumstances, results in an 'identity crisis,' which is characterized by the inability to select a career or pursue further education. He may eventually feel inadequate, depersonalized, or alienated, and may sometimes seek even a negative identity – the opposite of what his teacher or parents want. (Bezuidenhout 1998:58-59)

2.5.3 Maslow's theory of motivation

Maslow's contribution to the understanding of motivation is immense, according to Bezuidenhout. Maslow theorises that human motives and needs form a hierarchy. The five basic needs he identified are summarised below:

(i) Biological needs:

These are the most basic and the strongest. If they are not satisfied they override all other needs. They are extrinsic needs.

(ii) Safety needs:

These are associated with safety and protection – a safe environment. They are extrinsic needs.

(iii) Love and belonging needs:

Each person needs to feel that he belongs to a group of people who care for him and that he has a meaningful role to play within the group. They are intrinsic needs.

(iv) Esteem and appreciation needs:

Each person needs to feel self-respect and sense his own value. He needs to be appreciated and respected not only for the part he plays in his group activities but also for himself. They are intrinsic needs.

(v) Self-actualisation:

These are needs for personal growth. How far and in what direction a person will seek self-expression depends on his own abilities, talents and culture. Self-actualisation depends on constant tension, not the reduction of tension. (Bezuidenhout 1998:79-81)

♦   **Relevance in Education**

Teachers should try to create, in schools, an atmosphere conducive to effective learning whereby learners are free to express themselves without any fear of being physically, sexually, spiritually, or mentally abused. The environment must be healthy and safe, and the learners' needs should be accommodated without bias, as outlined in prevailing policy. The learner's desire for esteem and appreciation can be satisfied by positive reinforcement. Each child at school needs to feel that he belongs to a group of classmates and schoolmates. The school environment must be predictable, and the teachers must be friendly, loving, caring, guiding and trustworthy. The learner needs to feel loved first by his family, and then by his schoolmates, teachers, and society at large.

The teacher will need to be aware that the learner's overriding needs are biological, which means that inappropriate behaviour on the part of a child is sometimes the product of circumstances beyond his control, such as socio-economic problems for example, the most common being a lack of sleep or food, and so on.

2.5.4   Piaget's cognitive development theory

Docking J.W. (1980:51) states that Piaget's approach emphasizes the way a child's mind interprets experience and how the developing child accommodates new knowledge and so constructs increasingly complex patterns of meaning. Conceptual growth occurs because the child actively attempts to adapt to his environment, both the physical and the social.

To do this, he or she organises cognitive schemes that enable him or her to develop purposeful behaviour in a predictable environment through a process of adaptation, assimilation and accommodation. The emphasis is on the crucial importance of the quality of the social environment.

♦   **Relevance in Education**

The authority of both the parents and the teachers ought to be exercised in such a way that the child feels that he or she matters. The remedial treatment for children whose social behaviour is markedly at odds with a school's expectation should be educational and not only therapeutic: 'It should be concerned with helping the child to relearn in an environment

of specially contrived, individually designed learning experiences. The school must try to prevent its structures reinforcing feelings of alienation which are typical of children who are difficult to control.' (Docking, 1980:51)

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2.5.5   Stress in the learning situation

Everybody experiences stress in their lives, from teachers and children at school, to the parents at home, to the business executives at work. It is a human phenomenon which cannot be avoided and one can only learn how to live with it. Kruger (1992:92, as cited by Bester and Swanepoel, 2000:225) defines stress as a 'phenomenon that manifests itself as a result of various stresses that arise from the self and the environment, and affect the individual in accordance with the way in which he or she experiences such events.'

Badenhorst and Scheepers (1995:71) define stress as a condition of tension and anxiety caused by real and imaginary pressures on individuals. A certain level of stress is necessary for high performance, but unacceptable stress levels can lead to under-performance, psychological disturbances and even physical illness. Stress in teachers is the experience of unpleasant emotions such as anger, tension, frustration, anxiety, depression and nervousness resulting from aspects of their work as teachers.

Argyle (1972) calls this 'the frustration and status theory' and sees aggression in learners as a drive which is partly instinctive and which is triggered by situations of frustration. '[M]any children regard school as a place which they associate with frustration. In so far as frustration does sometimes trigger off aggressive behaviour, it is, therefore, important for teachers to minimize unnecessary frustration-provoking situations.' (Cited by Docking 1980:55)

Besides experiencing feelings of frustration, some adolescents experience identity crises, feeling that in general they lack significance and status. Derek Miller (1969:135) also sees the behaviour of some adolescents as reflecting a disturbed society more than a disturbed mind, and as symptomatic of a crisis of identity:

'The commonest cries of such young people are "who am I? What am I? What do I want?" and sometimes they complain of a desperate feeling of complete emptiness.' (Cited by Docking, 1980:55) Schools, he feels, often promote misbehaviour through regulations that create conflicting values in children at a time when their need for emotional independence from their parents makes them more susceptible to the school's influence.

♦ **Relevance in Education**

An empirical investigation carried out using a sample of 286 learners from Grade 8 to 12, found out that the general stress in a learning situation relates to an inability to cope – a feeling of helplessness. The average stress level was the highest for grade 12 learners and differed significantly from stress levels for the Grade 8, 9 and 10 learners. Self-concept and motivation also correlated negatively with stress.' (Bester G. and Swanepoel C, 2000:255)

2.5.6   Some teachers' stressors

♦ Being excluded from decision-making processes which affect them
♦ A timetable which makes unreasonable demands upon them
♦ A shortage of materials and equipment
♦ Lack of support in the teaching of disruptive children
♦ Receiving unfair criticism of their professional performance
♦ Issues of redeployment
♦ New curricula
♦ Low salaries
♦ Overcrowded classrooms
♦ Increasing protection of learners, while the teachers' authority is diminishing, etc. (Smith C.J. and Laslett R. 1993:115).

Recent research confirms that disruptive behaviour is an important factor in the development of stress among teachers. (Lawrence et al, 1984:134)

2.5.7   Some school management personnel stressors

♦ Lack of time
♦ Role overload
♦ Staff discipline
♦ Lack of role clarity and definition of responsibilities
♦ Management of physical resources
♦ Parental pressure, etc
♦ Colleagues not doing their work
♦ Insufficient personnel
♦ Dealing with crisis situations
♦ Inadequate salary

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- ♦ Excessive paperwork
- ♦ Poorly motivated colleagues
- ♦ Lack of recognition for good work
- ♦ Frequent interruptions
- ♦ Colleagues not doing their work (Monteith J.L., Smith S. and Marais J.L. 1999-2000:197).

Everyone has an aggressive drive, but it usually becomes active and directed towards hurting others only when a person becomes frustrated. These situations can contribute to stressed teachers responding punitively to children's often expressed needs to be cared for, loved and protected. (Tyson, 1987:170)

2.5.8   Some learners' stressors

- ♦ The time factor (not being able to complete homework)
- ♦ School tests and evaluation in general
- ♦ Failing school subjects
- ♦ Conflict with teachers or classmates
- ♦ Pressure from the home and community, if the children feel rejected
- ♦ Parental pressure to achieve
- ♦ Learning disorders, etc (Bester and Swanepoel, 2000: 255).

In addition, child poverty in South Africa is alaarming, according to Robinson (1999:1). Six out of every ten children live in poverty. Mokutu (1999-2000: 2) says that some children 'have the ability to rise above stressful situation because of their resilience, but others can develop behavioural problems or become perpetrators of violence.'

2.5.9   Psychologists' guidelines for teachers

2.5.9.1   Humanist psychology: Teaching techniques
Biehler R.F. and Snowman J. (1993:492) recommend eight humanistic techniques a teacher should use in the classroom.
(i)   Try to remain aware of the extent to which you direct and control learning. Permit and encourage students to make choices and to manage their own learning.

♦   This humanist technique is developed to give students opportunities to make choices and manage their own learning. However it is neither logical nor possible to give students complete freedom of choice.

(ii)   Establish a warm, positive, accepting atmosphere. Communicate the feeling that you believe the students in the class can learn and that you want them to learn.

♦   Humanistic psychologists call attention to the extent to which the manner in which you teach will influence the response of your students. Biehler and Snowman (1993:492) point out that the behaviourists ignore the impact of the teacher's attitude. Exude warmth, enthusiasm and high expectations, if you want to get a positive response from your students.

(iii)   When it seems appropriate, function as a facilitator, encourager, helper and assister.

♦   Even self-motivated students will at times need and probably welcome prescriptions. At times they will need to be coaxed into completing even self-selected programmes. If they see you as a facilitator, encourager, and helper you will probably get a better response.

(iv)   Occasionally show your students that you are a 'real person' by telling them how you feel. When you express anger, comment on the situation, not on the personality traits of your students.

♦   Students are more likely to examine their emotions if they observe a teacher doing the same. In addition, students may become more sensitive to ways in which their behaviour may hurt others. Biehler and Snowman (1993:495) warn teachers not to hesitate to show when they are pleased, angry, afraid, disappointed, etc.

(v)   Help your students develop positive feelings about themselves. Empathise with them, and show that you are sensitive to their needs and feelings.

♦   Biehler and Snowman (1993:495) cite a study by Sharon Morgan (1984) that found that high-empathy teachers of emotionally disturbed children were only moderately sensitive to their own needs and feelings, had moderate feelings of self-worth, and were not fearful of spontaneously expressing their feelings. They depended on others

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for emotional support and were sensitive to the approval and disapproval of others. Try to see things from the student's point of view.

(vi)   If appropriate, ask students to participate in role-playing or simulation games.

♦   Some learning situations can be made more meaningful if students are encouraged to act out, identify with, or become involved in an activity.

(vii)   Do your best to provide learning that will lead to the development of the habits and attitudes you want to foster.

♦   Biehler and Snowman (1993:497) advise teachers to prepare a list of value and attitude goals and then to think about how they might encourage such attitudes by using techniques other than values clarification strategies.

(viii) Set a good example.

♦   Some advocates of values clarification contend that systematic efforts to build attitudes are more likely to be effective than modelling because there is no way to determine which models will be imitated.

The fact remains that children acquire many types of behaviour by imitating others and you will be one of the adult models they will have extended contact with. Therefore, warn Biehler and Snowman (1993:497), the example you set may have an impact on your students, and you should make an effort to serve as a good model.

2.5.9.2   Discipline: Industrial Psychology

♦   A teacher must use the least painful method of punishment possible.
♦   A teacher must positively reinforce appropriate behaviour rather than punishing inappropriate behaviour.
♦   Punishment is not a total indictment of the individual. Therefore, the person being punished should understand that it is only the behaviour that is being punished. The punishment is a result of the behaviour.
♦   A teacher must not mix punishment with rewards for the same behaviour.
♦   If a teacher decides to punish a learner, he or she must do so as he or she has said because to step down means that begging, pleading or other inappropriate behaviours are being reinforced (Bezuidenhout 1998: 49).

2.5.9.3 Behaviour management

According to Walker and Shea (1988:129–133), the following is a summary of features of behaviour management that can be effective.

1. Extinction

Systematic ignoring of the inappropriate behaviour is very effective if the teacher is consistent and persistent in implementation of the intervention.

2. Time-out

(i)   Observational time-out

Placing a learner on the outer perimeter of the activity, where the child can see and hear the activity but not participate in it – removing activity materials.

(ii)   Exclusion

A learner is made to leave a reinforcing situation and go to a non-reinforcing situation while remaining in the classroom, and is not allowed to observe the group.

(iii)   Seclusion

A learner leaves the classroom and goes to an isolated room.

3.   Time-out is contingent on the following factors:

♦   Removal of the learner from a reinforcing setting to a non-reinforcing setting for a specified and limited period of time.

♦   Time-out is good for an aggressive, group-oriented learner, not for a withdrawn and passive learner.

♦   A teacher must be consistent over a period of time, because inconsistency leads to confusion.

♦   Time-out rules must be communicated so that a learner knows that specific behaviours are unacceptable.

♦   The duration of the time-out must not be too long or too brief – preferably between 2 minutes and 5 minutes.

♦   Records of time-out incidents must be kept and analysed by the teacher in the log.

4.   Satiation

A teacher must decrease or eliminate unacceptable behaviour by means of a continued and increased reinforcement of the behaviour. If one is smoking, give him cigarette after every minute to smoke throughout the day till he becomes uncomfortable.

5. Punishment

Punishment is either an addition of an aversive stimulus or a subtracting (a taking away) of something pleasurable. (Walker and Shea, 1988:133)

2.6 HUMAN RIGHTS MOVEMENT

Osler and Starkly (1996:118) emphasize that human rights are about the importance of individual human dignity, the equality of rights, and the reciprocal responsibility of ensuring that the rights of others are respected. Human rights operate in the belief that human relations can be governed by ethics and principles that transcend all civil, cultural and national differences. Diaz (1992:173) argues that human rights are based on the following a priori assumptions:

(i)   All humans are members of one race, the human race.

(ii)   Humans exist as ends in themselves.

(iii)   Humans are typically equal.

(iv)   Humans live in communities governed by natural and civil laws.

(v)   Within human society, for every right there exists a concurrent responsibility. (Cited in Goduka and Swadener 1999:64)

Peter Newell, the Joint Co-ordinator of the Global Initiative to End All Corporal Punishment of Children, says 'the only respectable goal and one that is long overdue, must be full acceptance of children as people who have the same right to physical integrity and human dignity as the rest of us.' He goes on to say that most countries now claim to have some sort of child protection system, yet about ninety still allow the whipping or caning of children as part of their penal system for young offenders, and rather more still allow teachers to beat children with sticks or belts. 'In about eleven countries, parents and others are still given special legal protection for hitting their children. Extremist minorities within Christianity and other major religions are still getting away with preaching that hitting children is not just a right, but a duty. There are other defenders who claim to be passionate defenders of family values, but put little value on the dignity and safety of the children, the smallest family members.' (Newell, 2002:1)

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Hinchey, P.H. (2003: 96) states that 'Early in his term of office, President George W. Bush promoted legislation that would protect educators who had beaten children from lawsuits. Remarkably, both teachers' unions, the National Education Association (NEA) and the National Federation of Teachers (NFT) opposed this legislation, intended to protect their members.'

The fact of the matter is that many people who work in child protection are still trying to defend, or turn a blind eye, to corporal punishment as if it were a separate phenomenon from abuse. It is shaming to find out that children are singled out for assaults on their fragile bodies, minds and dignity.

Newell (2002:2) argues that human rights are universal, and that hitting people, including small people, therefore breaches their fundamental rights to physical integrity and human dignity. Article 19 of the United Nations Convention on the Rights of the Child (CRC) requires states to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence while in the care of parents and other care-givers.

2.6.1 The history of children's rights

Leach (1994:224) says that children may be smaller than we are, but their rights must weigh as heavily as our own. 'Human rights have been cherished through the centuries in many lands... The struggle for human rights is as old as history itself because it is always apparent in the endeavour to protect the individual against the abuse of power by the monarch, the tyrant or the state.' (Cited in Parker-Jenkins M. 2000:127) Fundamental documents include the Magna Carta (1215) of England, which declares that even the king must obey the law and not violate the rights of his subjects, the Petition of Rights (1628), the Bill of Rights (1689), etc. The children's rights movement, according to Parker-Jenkins, can be traced to earlier times, in particular the Children's Petitions of 1669. In South Africa we annually commemorate 16 June 1976, commonly referred to as a Soweto Day, in which 'black' learners across the country rejected the imposition of Afrikaans on them as a medium of instruction.

2.6.2 Broader history of Human Rights

Greek philosophers such as Plato and Aristotle discussed the ideas of justice and natural rights. The Declaration of the Rights of Man and Citizens underpinned the 1789 French

revolution against their king. A Bill of Rights was produced in the USA. Several formulations associated with the declarations made during the struggle for American Independence (1776) and the French Revolution (1789) have passed directly into the codification of the United Nations Charter (1945) and the Universal Declaration of Human Rights (1948). (Osler and Starkely, 1996:2)

2.6.3 International law

When the League of Nations was established in 1920, membership was open to any state. This marks the beginning of the present system in which international law applies automatically to all states, whatever their location or character. Parker-Jenkins (2000:253) says that international law has also contributed to the promotion and development of human rights because, in addition to the evaluation of the legal systems of each state, it has induced diverse countries to co-operate in common endeavours.

The United Nations Organisation (UN) was established after the Second World War, in 1945. Representatives of the 51 countries meeting in San Francisco on 26 June 1945 signed the UN Charter. The preamble reads:

> We the People of the UN determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of the nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom ... (Osler and Starkly, 1996:2)

The protection of human rights was taken further three years later by a team including Rene Cassin from France and Eleanor Rooseveldt from the USA. They drafted the United Nations Declaration of Human Rights (the UNDHR). The UNDRH was adopted by the General Assembly of the UN at its meeting in Paris on 10 December, 1948. Article 1 states that 'all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' And Article 5 states that 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment' (Osler and Starkly, 1996:118).

Laqueur and Rubin (1979) (as cited by Osler and Starkly, 1996:2) point out that the President of the UN General Assembly of December 1948 which proclaimed the Universal Declaration of Human Rights, Dr H.E. Evatt of Australia, observed that this was the first occasion on which the organised world community had recognised the existence of human rights and fundamental freedoms transcending the laws of sovereign states. The Declaration, argues Parker-Jenkins (1999:25), is not a legally binding instrument as such, but serves as an authoritative guide to the interpretation of the Charter.

2.6.4 Human rights education (HRE)

The world leaders met in the UN and pledged to promote universal respect for and observance of the fundamental rights and freedoms. The preamble of the UNESCO constitution reads 'Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.' (Osler and Starkly, 1996:97)

Education was seen as a major antidote to the abuses that the world had just experienced. Each member state was strongly urged to teach its people about this new charter. The General Assembly required every individual and every organ of society to strive through teaching and education to promote respect for these rights and freedoms. The Assembly spoke of the inherent dignity and the inalienable rights of all members of the human family, and the protection of human rights as the foundation of freedom, justice and peace in the world. (Osler and Starkly, 1996:98)

Children and young people are citizens with citizenship rights. Schooling is thus about educating citizens who are entitled to help shape their present as well as the future. Education is not only a process of cultural transmission, linking the past to the present and the future, but among other things, for citizenship and democracy.

Democracy is concerned with the issues of equality, of participation, and of representation. In order to enjoy rights, citizens must know about them, and human rights education is therefore essential. Rights do not exist in a vacuum, argue Osler and Starkly (1996:60). They become real when exercised in the context of democracy, social justice and civil society.

Lohrenscheit C. (2002:184-185) asks the following fundamental questions:
♦ How can HRE contribute to the transformation of educational institutions and educational systems on the basis of human rights principles and democracy?

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- How can we learn and teach about all human rights in surroundings where some of them are denied as for instance in smaller, patriarchal organised communities where women's rights are denied?

- How can we integrate human rights education into existing national education systems? For example, should human rights education in schools be a special course, project oriented, or a general principle to be integrated into the whole curriculum?

- What do we tell our learners when they know about their human rights but cannot find meaningful ways to realize them (basic rights like education, health, housing etc, are not fulfilled in poor countries)?

2.6.4.1 Assumptions underlying deliberate human rights education

Human rights and peace cannot be taught didactically. Learners are more likely to practice the ethics and values they experience rather than those they are told to embrace. Teaching about human rights is not enough, warn Goduka and Swadener. We also need to teach for human rights and peace.

Lyseight-Jones (1992) reminds us of the Chinese proverb:

What I hear, I forget

What I see, I remember

What I do, I understand

What I do together with others,

I understand and remember well (Cited in Goduka and Swadener, 1999:70)

(i) Violence is not a solution, but a consequence to be avoided.

(ii) The best solution is when both sides win. A winner and a loser mean that both have lost.

(iii) Today's children and youth are tomorrow's parents and teachers who need to be highly sensitized to human rights concerns.

(iv) We must allow children to experiment with solutions to their problems if they are to become competent. Practice is necessary for the development of flexible   problem-solving strategies.

(v) For every right there exists a concurrent responsibility. (Goduka and Swadener, 1999:70).

2.6.4.2 Positive guidance

Goduka and Swadener (1999:171) state that positive guidance focuses on helping children to develop self-control. It is a self-centred, unselfish approach that focuses on what a child needs and not so much on what an adult wants or needs. An adult must take a child's

perspective and demonstrate empathy towards the child. An adult does not have the right to use indiscriminate power over a child, and should set the standards for appropriate child behaviour.

2.6.4.3 Discipline with dignity

Hunter (1995:1) says 'we all always try at all costs to maintain our dignity. Therefore, when we help students maintain control of their behaviour we are working towards the same objective. When our actions cause students to lose their dignity of being in charge of themselves, we are working at cross-purposes.' (Cited by Goduka and Swadener, 1999:171)

2.6.5 European commitment to human rights

In 1953 the member states of the European Convention for the Protection of Human Rights and Fundamental Freedoms committed themselves to respect human rights and fundamental freedoms, a commitment that carries obligations, and is not just a set of words. Osler and Starkly (1996:98) state that the European Court and the Commission for Human Rights challenged the traditional notion of state sovereignty and placed the individual in a more effective position to seek redress against a violation of human rights. For example, individuals who feel that their rights have been violated can appeal to the Court of Human Rights in Strasbourg. Many governments of European States have been obliged to change their laws and in some cases offer compensation as a result of decisions of the Court.

The Council of Europe views human rights education as essential for life in a democratic society, for upholding human rights and fundamental freedoms. In 1985 the Ministers of Education in the European Council signed the Recommendations, which contain valuable principles and guidelines for teaching human rights in the schools of its member states:

> Throughout their school career all young people should learn about human rights as part of their preparation for life in a pluralist democracy... Schools are communities which can and should be an example of the respect for the dignity of the individual and for difference, for tolerance and for equality of opportunity.' (Osler and Starkly, 1996:99)

The European Union is based on the same principles as the Council of Europe. The treaty of the European Union (Maastricht Treaty) of 1992 begins with a preamble that spells out the basic aims of European Unity (Osler and Starkly, 1996: 5). The heads of states confirm 'their commitment to the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law.' The fundamental principles of Europe are not just

European but universal, and it must be understood that Europe is part of the world community whose main institution is the UN.

2.6.6   The convention of the rights of the child (CRC)

The drafting of the United Nations Convention on the Rights of the Child was started in 1978 and was completed in 1989. Freeman (1992:70) says 'It represents what is currently world consensus on the status of the child.' (Cited by Parker-Jenkins, 1999)

Article 19 deals with 'the state's obligation to protect children from all forms of maltreatment perpetrated by parents or others responsible for their care, and to undertake preventive and treatment programmes in this regard. (Osler and Starkly, 1996:118)

The Committee on the Rights of the Child (CRC) is the highest international authority for interpretation of the Convention and thus monitors implementation of the Convention on the Rights of the Child. This 10-member body meets three times a year in Geneva. State Parties submit an annual report on progress towards implementation of the Convention within two years of ratification, and then the periodic reports are submitted every five years. In a concluding statement to the *General Discussion on Children's Rights in the Family*, organised as the Committee's contribution to International Year of the Family in October 1994, the Vice-Chair stated:

> As for corporal punishment, few countries have clear laws on this question. Certain States have tried to distinguish between the correction of children and excessive violence. In reality the dividing line between the two is artificial. It is very easy to pass from one stage to the other. It is also a question of principle. If it is not permissible to beat an adult, why should it be permissible to do so to a child? (*The Global Initiative* (2006:2)

The first decade of the implementation of the Convention of the Rights of the Child ended in 2001. *The Global Initiative to End All Corporal Punishment of Children* (2006) is convinced that much was achieved for children over that time, but much more still needs to be done. 'Furthermore, we need to acknowledge that many families struggle to meet their daily survival needs, and that some families tragically lost the will or capacity to provide adequate care for their children.'

2.6.7   Amnesty International

Amnesty International campaigns for the release of men and women imprisoned for their

political or religious beliefs, or for their colour, race, language or ethnicity, provided they have not advocated violence. Such people are called 'Prisoners of Conscience.' Amnesty International opposes torture, inhumane treatment and capital punishment in all cases, and the bulk of its human rights education work round the world takes place in school and college settings.

Their programme is about civil, political, economic and social rights. It involves learning about fair treatment and the rule of law, about the International Bill of Rights and the history of the movement for human rights internationally over the centuries, about fundamental rights and freedoms, about patterns of human rights violations, about responsible citizenship, international understanding and democracy. Amnesty International is of the view that 'the study of human rights in schools should lead to an understanding of and sympathy for the concepts of justice, equality, freedom, peace, dignity, rights and democracy.' (Amnesty International, 1990:98)

2.6.8   World Vision International

Gow M. (2001:9) says that the World Vision International confirms that the problem lies in the non-enforcement of the Convention. Signatories often openly ignore and even actively violate CRC obligations. The CRC has the weakest enforcement mechanisms of all the human rights instruments, and weaker mechanisms than any international economic agreements. It is important to recognise that, while states have obligations to children, all of us partake in these responsibilities. Thus, an aspect of states' obligations is to enable people to realise their responsibilities. Measures to strengthen implementation and enforcement at the local, national and international levels are urgently needed.

As a starting point, argues Melanie Gow, states should undertake greater training on the CRC, most especially among those responsible for the care of children such as parents, teachers, welfare officers and law-enforcement agents. The CRC must be incorporated into the domestic law of its signatories, and children be actively engaged in monitoring compliance with the CRC through their own networks. (Gow, 2001:15)

At the international level, we must build on the CRC monitoring system that is already in place, including the elaboration of elements for a petition procedure under the CRC by the Commission on Human Rights. In addition, the CRC should not be isolated from the wider human rights system.

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Gow (2001:16) states that World Vision endorses a call made by the CRC that a minimum set of standards has to be established for the professional qualification and training of individuals working in institutions caring for children, in alternate systems, in the police and in juvenile penal institutions. States must have effective referral systems to deal with situations of abuse. For example, if law-enforcement agencies are the first to be involved, they must be able to draw on trained welfare workers, and vice versa.

Equally, provisions must exist for the care of children who need to be removed from their families for their own safety. The CRC Committee, says Melanie Gow (2001:16), has also recommended that special training attention be given to promote direct and constructive dialogue between police and children and welfare officers. World Vision's Cambodian study indicates that in some instances, rather than being protectors, law-enforcement officers can be part of the violence perpetrated in all areas of the government, particularly those in direct contact with children. This has implications in those cases where children are witnesses in child abuse cases. World Vision's first-hand experience in the justice system has shown that children are inadequately cared for and protected by the system.

Children must be supported and must not be re-traumatised by the very system that is supposed to protect and promote their rights. In line with this, Governments should be encouraged to develop child-protection systems that promote the obligation to report instances of or suspicions of violence against children, and that ensure the investigation of these reports.

To raise awareness of violence against children, says Melanie Gow, World Vision International recommends that we need to educate the public and provide help-lines and support to abused and at-risk children where feasible. Even if there is provision and a legislative framework for training welfare and law-enforcement agencies, neither will have sufficient impact if children feel unable to voice their concerns and if communities discount the possibility of abuse.

A study carried out across five countries indicates that while children in communities report their abuse, adults routinely deny that abuse has or could have occurred. A cycle of hidden abuse becomes possible in situations in which children feel unable to speak. Children must feel that they are able to speak, and adults need the awareness that would compel them to listen. We need to have public education campaigns informing people that child abuse such as corporal punishment, for example, is a violation of children's human rights. Passive

perpetrators, those who see and know that violence is occurring but do nothing about it, should not be tolerated.

> We are not just seeking to end violence, but to replace the attitudes and practices that produce violence with alternatives that will foster respect for human dignity and promote healthy development. So much of the work that needs to be done in stopping violence is in awareness raising, education and conflict resolution. (Gow, 2001:17)

UNICEF research indicates that governments often lack the expertise to develop and implement policies and strategies to tackle violence against women and children. Melanie Gow (2001:18) suggests that governments should work more co-operatively with community groups, churches and other organisations to address violence issues. Civil society organisations have the strongest links to and relationships within communities. Channelling government resources through civil society organisations can be very effective in reaching out to people at the grassroots level and to localize action. Community protection measures such as hotlines, crises centres, safe houses and experiential counsellors can provide immediate support to children in situations of violence at the family or school level. 'Although it is often true that civil society organisations are most in touch with community realities, it is important to remind ourselves that development initiatives themselves can lead to or exacerbate the problem of violence, particularly domestic violence, for example, cultural norms or people may feel the need to compete for resources.' (Gow, 2001:18)

Successful community interventions supported by government policy have included school-based prevention strategies against violence. Interventions by the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) in school-based violence-prevention programmes have had positive results. Surveys by ISPCAN indicate that those children involved in the programme were increasingly likely to use self-protection strategies and talk more openly and be more knowledgeable about abuse; they are also more likely to report abuse after it has been attempted. (Gow, 2001:18)

Research suggests that poverty can place an inordinate amount of stress on familial relationships. This can trigger violent responses and reactions. Wealthy nations and lending institutions such as the World Bank and the International Monetary Fund should consider child-protection policies and strategies to be a fundamental part of the way in which they work with governments.

World Vision, says Melanie Gow, believes that all available mechanisms of development finance should be made compatible with child-protection priorities. Mechanisms such as

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poverty-alleviation strategies can play a significant role in ensuring the allocation of resources to the area of child protection. Child-protection-impact assessments should be a standard aspect of development-related loans and major donor grants. (Gow, 2001:20)

The focus has changed away from broad education to the very specific concern of 'child abuse,' which at times has been associated with corporal punishment. (Parker-Jenkins. 1999:148) According to Parker-Jenkins, specific welfare rights advocated for children, such as education, are:

♦ Rights of protection [which] focus on vulnerability of children and to inject more responsibility into the parental role such as child abuse, corporal punishment, and so on.

♦ Social Justice Rights [which] are grounded in social justice and claims that rights which adults have, should be extended to children as well, such as a Bill of Rights for example.

♦ Autonomy rights [which] require more freedom from control for children, a greater recognition of their capacity to choose from alternatives, and a greater autonomy over their lives.

Kimberly, Vally et al (2001:6) state that South Africa is a signatory to the Convention of the Rights of the Child, which compels it to pass laws and take social, educational and administrative measures to protect the child from all forms of physical and mental violence, injury or abuse. The African Charter on the Rights and Welfare of the Child commits its member countries to the same measures. Article 11.5 states that the state parties to the Charter shall take all appropriate measures to ensure that a child in school shall be treated with human dignity and in conformity with the Charter.

2.6.9 The Human Rights Movement in South Africa

There are many different human rights organisations in South Africa, for example, the South African Society for the Prevention of Child Abuse, Southern Natal Children's Rights Committee, Childline, Children in Distress, Save the Children, the Child Rights Project of Lawyers for Human Rights, etc. The government structures include the Commission for Gender Equality, the Child Protection Unit (South African Police Service), the Department of Welfare, and the Office of the Senior Public Prosecutor. Some of them were already in existence during the Apartheid regime. Kader Asmal, the then South African Minister of Education, has said that 'no one has really noticed how strongly the language of the resistance movement was linked to the language of human rights.' (Lohrenscheit, 2002:179)

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2.6.9.1   1955 Freedom Charter

The Freedom Charter is the most important document in South African history and was produced by the Congress of the People who met at Kliptown near Johannesburg on 26 June 1955. Clause 3 reads:

> ALL NATIONAL GROUPS SHALL HAVE EQUAL RIGHTS
>
> There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races; All people shall have equal rights ... All Apartheid laws and practices shall be set aside.

Article 7 states:

> The law shall guarantee to all their right to speak, to meet together, to publish, to preach, to worship and to educate their children, and all other laws restricting these freedoms shall be abolished. (Selebi, Delius et al. 1999:305)

2.6.9.2   The New Constitution of South Africa

The year 1994 will for a long time remain ingrained in the memories of South Africans because for the first time, Apartheid was repealed and a new constitution ushering in an era of freedom and democracy was drafted. In his State of the Nation address Mandela, the then President of South Africa, said:

> Our endeavours must be about the liberation of the woman, the emancipation of the man and the liberty of the child... The Government I have the honour to lead and I dare say the masses who elected us to serve in this role are inspired by the single vision of creating a people-centred society... We must construct that people-centred society of freedom in such a manner that it guarantees the political and the human rights of all our citizens.
>
> As an affirmation of the Government's commitment to an entrenched human rights culture, we shall immediately take steps to inform the Secretary-General of the United Nations that we will subscribe to the Universal Declaration of Human Rights. (South Africa, Houses of Parliament 1994: Mandela, N.R.: State of the Nation Address, South African Government Information Service)

'The preamble of the constitution states that the people of South Africa have adopted the constitution in order to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights, and to improve the quality of life of all citizens and free the potential of each person, and build a united democratic

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South Africa that will take its rightful place in the family of nations.' (Goduka and Swadener, 1999:67)

The Constitution established many different commissions. The ANC Secretary-General, Kgalema Motlanthe, says that the Constitution's Chapter Nine bodies include the Human Rights Commission of South Africa (HRCSA), the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector, the Commission for Gender Equality, etc. These are independent state institutions aimed at supporting and strengthening constitutional democracy and dealing specifically with human rights issues. (Motlanthe K., 2006. *An official history of SA must not be non-partisan. Sunday Times* 15 October, 2006:37)

(i)   Paragraph 184 (1) (ibid: 100) states that the HRCSA must

♦   promote respect for human rights and a culture of human rights,

♦   promote the protection, development and attainment of human rights; and

♦   monitor and assess the observance of human rights in the republic.

The HRCSA has a specified function to carry out research and to educate. Lohrenscheit (2002:180) states that the HRCSA, whilst focused on South Africa, is in touch with developments in other African countries and uses some educational materials and training services from international organisations (like UNESCO and Amnesty International). It is involved in a wide range of activities, and its target groups include school teachers, communities and community organisations, unions, women, HIV-positive people, handicapped persons and the rural population. Public campaigns such as 'Human Rights Week' ensure that their presence in the public arena is noticed.

(ii)   The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities promotes values like peace, respect, tolerance and national unity among cultural, religious, and linguistic communities.

The Truth and Reconciliation Commission (TRC) was established in 1995. Kgalema Motlanthe indicates that the TRC was not created as a Chapter 9 institution, but was especially concerned with identifying and recording gross human rights violations over a limited historical time-span, and in providing perpetrators and victims with the opportunity for confession and catharsis. (Motlanthe K. *Ibid.*). Sloth-Nielson J. (1999:26) argues that implementation of children's rights was a key goal of the Government of National Unity. Substantial and measurable gains for children were achieved within a short period. More

recently, however, evidence of real and quantifiable transformation appears to have dwindled for a range of reasons.

2.7 SOUTH AFRICA'S PRESENT LEGAL POSITION

The South African legal system moved a step closer to justice on the day a landmark decision was taken in the Constitutional Court in S. v Williams, which abolished whipping as a juvenile sentence to be imposed by the courts. Joubert and Faris, (2004:59) state that the constitutional court made a ruling that corporal punishment is unconstitutional as it is cruel, inhumane and degrading.

1. In the South African Constitution you find the Bill of Rights. Section 12 of the South African Constitution provides that everyone has the right not to be treated or punished in a cruel, inhumane or degrading way.

2. Section 3(4) of The National Education Policy Act of 1996 states that no person may administer corporal punishment or subject a student to psychological or physical abuse at any educational institution.

3. The South African Schools Act of 1996 states that no person may administer corporal punishment to a learner. Any person found guilty of such an offence is liable on conviction to a sentence for assault. (Department of Education, 2001:5)

Professor Kader Asmal, the then Minister of Education, announced on TV that corporal punishment is against the law. 'The constitution guarantees a right to human dignity, equality, freedom and security. By using physical or psychological means to 'discipline' or 'punish' the children we are taking these rights away from them. This means that any educator who beats a child can be charged with assault and possibly sued for damages by parents.' (SABC News, TV1, 27 October 1996, 19h30)

Parents have the right to subject their children to moderate and reasonable chastisement, some form of restrained corporal punishment. It is the parent's discretion that determines the nature of the punishment to be imposed. It looks as if this is a weakness in our Constitution. A parent may delegate the authority to punish a child to a person in loco parentis but not to a teacher because of the prohibition by law. As long as it is legal for a parent to administer 'reasonable chastisement' at home, physical beating will remain in use in our schools.

2.7.1. Alternatives to Corporal Punishment

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The Department of Education (2001:25-27) supplied guidelines on levels of misconduct and disciplinary proceedings appropriate to them. Each school, in terms of the South African Schools Act, must draw up its own code of conduct. In the absence of a school's code conduct, the guideline code of conduct supplied by the department must be used. A summary of the levels of misconduct and disciplinary proceedings might read as follows:

Level 1 – misconduct inside the classroom

Failing to be in the class on time, bunking classes, failing to finish homework, failing to respond to reasonable instructions, being dishonest with minor consequences.

Disciplinary actions carried out by class educator:

 ❖ Verbal warnings;
 ❖ Community service;
 ❖ "Demerits" – losing gained credits;
 ❖ Small menial tasks like tidying up the classroom;
 ❖ Detention within the confines of the classroom i.e. they cannot go home.

Level 2 – misconduct by breaking school rules

Frequently repeating Level 1 misconduct, smoking or carrying tobacco, leaving school without permission, abusive language, classroom interruption, minor vandalism like graffiti, being dishonest with more serious consequences.

Disciplinary actions carried out by higher authority such as the head of department:

 ❖ Any of the disciplinary actions listed above;
 ❖ Disciplinary talk with the learner;
 ❖ Talks with learner's parents or guardians;
 ❖ Written warnings;
 ❖ Signing 'contract' with learner who agrees to improve;
 ❖ Daily report taken by learner and signed by all educators;
 ❖ Performing duties that improve the school environment such as cleaning or administrative tasks.

Level 3 – 'serious' misconduct or serious violation of school rules:

Frequently repeating Level 2 misconduct, inflicting minor injury, gambling, severe disruption of classes, forging documents, discriminatory behaviour, possessing pornographic materials, possessing dangerous weapons, theft, vandalism, cheating in exams.

Disciplinary actions for serious misconduct carried out by the principal or an external counselling agency:

 ❖ Any of the disciplinary actions listed above;

- ❖ If the principal believes that a learner is in possession of drugs, weapons, etc, the principal or an educator may search the learner;
- ❖ Written warning;
- ❖ Referral to a counsellor or social worker;
- ❖ Community service, once permission is granted by the department.

Level 4 – 'Very' serious misconduct or very serious violation of school codes:

Repetition of level 3 misconduct, threatening with a dangerous weapon, intentional limited injury, verbal threat, engaging in sexual activity, possession or using alcohol or drugs, disrupting the entire school, forging documents with serious consequences.

Disciplinary actions for 'very' serious misconduct carried out by the principal or the school governing body with the department.

- ❖ Any of the disciplinary actions listed above
- ❖ Referral of the learner to an outside agency for counselling;
- ❖ Application to the department for limited suspension.

Level 5 – criminal acts which breach the law:

Repetition of Level 4 acts, intending to inflict major physical injury (assault), murder, sexual harassment, sexual abuse and abuse, robbery, major theft.

Disciplinary actions for criminal misconduct carried out by the principal and the school governing body with the department:

- ❖ Application to the department for expulsion or transfer from school;
- ❖ Allow for criminal or civil prosecution which may follow
- ❖ Suspension and expulsion after a fair hearing may be recommended by the school governing body to the department. Only the Head of Department may expel the learner from a public school, but must also find an alternative school for him or her.
- ❖ A disciplinary hearing is similar to a court case at a school. The School Governing Body must appoint in writing a tribunal of three neutral people who must follow due process in conducting the hearing.

2.7.2. Court challenges against the ban in South Africa

Christian Education South Africa v Minister of Education
Constitutional Court – CCT4/00
18 August 2000

Sloth-Niesel J. (1999:26) says that Constitutional Court Judge Pius Langa said in 1995 that corporal punishment is 'a practice which debases everyone involved in it, juvenile whipping is cruel, it is inhuman and it is degrading... Its effect is likely to be coarsening and degrading rather than rehabilitative.'

Although most people accept that corporal punishment has no place in schools, some still believe that 'to spare the rod is to spoil the child.' Their argument is that their cultural/or religious freedom to discipline children with physical force is being violated. Christian Education South Africa (CESA), an association of 209 independent Christian schools around the country, mounted two unsuccessful court challenges against the state, arguing that the South African Schools Act contravenes the constitution by outlawing corporal punishment in independent schools as well as public schools, and that educators in these independent schools should be allowed to beat children if granted permission by parents.

In CESA v Minister of Education of the Republic of South Africa, a judgement of the South Eastern Cape Local Division of the High Court was asked to consider the issue of corporal punishment in private schools. The South African Schools Act 84 of 1996, Section 10, prohibits the use of corporal punishment in schools. It is this provision that was challenged in the above case. The application claimed that the provision should be ruled unconstitutional and invalid in independent schools. Their main contention, according to Julian Sloth-Nielsen (1999:26), was that a teacher's right to use corporal punishment was a vital element of their Christian religion, quoting well-known texts in the Book of Proverbs. It was argued that Section 10 of the Act constituted an intolerable interference with the applicant's religion and cultural liberties.

Sloth-Nielsen (1999:26) says that the Court's approach was first to establish whether the relied-on belief is in fact part of the religious doctrine that CESA claims to believe in. The second question was whether there is a conflict between belief and the legislation, and whether it is in fact burdensome or 'intolerable' to the applicants. On examining the first question, the court found no religious grounds for the belief that teachers have the right to administer corporal punishment.

The Bible refers only to parents' right to use the rod. The concept that parents may delegate this right to teachers is a legal principle, not a religious one. In other words a teacher may not claim a right to use corporal punishment on religious grounds. The judge, quoting an example from the Book of Deuteronomy, found that Christians themselves do not consider all the biblical guidelines on punishment to be part of modern day religious doctrine - for

example, the stoning of deviant children. CESA's application paper stated that girls at secondary school would be exempted from corporal punishment.

The judge was unimpressed by this reasoning. 'If this is correct, must one also accept that girls in primary schools are more often guilty of serious transgressions than girls in secondary school?' Finally, the judge asked whether the administration of corporal punishment in schools is itself unconstitutional. The judge concluded that whipping, whether judicially imposed or imposed in schools, is a violation of the constitutional right to be free from all forms of violence, not to be tortured, and not to be treated or punished in a cruel, inhumane or degrading way. In short there is no way that the cultural or religious belief can be permitted to contravene the Bill of Rights.

On 1 April 2000 the CESA's case against the State was heard in the Constitutional Court. The court in its judgement ruled that corporal punishment was unconstitutional and a violation of the basic human rights upheld in the South African Bill of Rights. In its judgement the court stated that 'The prohibition of corporal punishment is part and parcel of a national programme to transform the education system and bring it in line with the letter and spirit of the constitution. The creation of uniform norms and standards for all schools is crucial for educational development. A coherent and principled system of discipline is integral to such development.' (Sloth-Nielsen J. 1999:27)

2.8   SUMMARY

Corporal punishment obviously seems to have been a universal procedure for maintaining discipline and enforcing learning, dating as far back as the early civilizations, and to have been supported by social and religious attitudes. Orme (2006:5) points out that such unacceptable use of corporal punishment in schools was taken for granted, down to the twentieth century. Only a few voices were raised against corporal punishment before modern times. On one occasion Plato opposed it, though not consistently. The strongest voices against its use came from Quintilian and Plutarch. Their main objection was that it debased the receiver, and that it was a poor teaching method. The fact that teachers and learners share the same space and time does not mean that a school is a battleground for teachers and learners, a place where confrontations and minor skirmishes occur daily. Goduka and Swadener (1999:172) warn that the teacher who is in a position of power can destroy a learner. Most psychologists emphatically reject the theory of corporal punishment is a deterrent, and agree that such a punishment, on the contrary, leaves psychological,

emotional and physical scars, and sometimes leads even to death. 'Smacking' is sexually pleasurable to a significant number of those who receive it, because it is an intense excitation of the erogenous zones of the skin of the buttocks and of the muscles below the skin. (New York Amsterdam News, 2006:4) B.F.Skinner (cited in Docking, 1980:212), the eminent behavioural psychologist, found that although punished behaviour will disappear temporarily, it is likely to reappear after the contingencies are withdrawn.

Humanists also see corporal punishment as being abusive, degrading, injury prone, non-rehabilitative, illegal and unconstitutional. Children are holders of human rights. To protect children from all forms of physical and mental violence, humanists advise us to extend their protection beyond the school premises into their families and communities. Rev. Thomas E. Sagendorf, of Bexley United Methodist Church in Ohio, says:

> There is nothing 'manly' about beating women. There is nothing 'adult' about hitting children. Whether sanctioned or capricious, all such violence really is cowardly activity. It can leave deep emotional scars and almost always begets further violence. Our culture needs to give priority attention to this problem. We need to isolate abusive behaviours wherever they exist and insist that people and institutions find alternative solutions. Failing at this, the lust for violence may do to us what no outside enemy has succeeded in doing. It may tear us apart at the seams. (NCAPS, 2006:2)

CHAPTER 3

RESEARCH METHODOLOGY

3.1 INTRODUCTION

The data I am investigating is both observable, i.e. events of administering corporal punishment, and non-observable, i.e. attitudes, opinions, feelings, etc. Conducting a survey is an appropriate research strategy to help me find out what people think or feel about the use of corporal punishment in school. I will confine my study to the urban African population of Umlazi simply because many recent researchers seem to suggest that corporal punishment is still widely used by low-income schools such as those in Umlazi.

Anthony and Graziano et al (2000:140) argue that the major goal of a survey is to learn about the ideas, knowledge, opinions, and attitudes of a defined population. (2000:140) I wanted to find out how teachers, parents and learners have responded to the South African Schools Act, what are the conditions that perpetuate the existence of corporal punishment, and why some people still see punishment as a necessary disciplinary measure irrespective of its global rejection.

Education is embedded in the social sciences. In Systems Thinking we view a school as a social system that is open and interactive with its environment. Cunningham (2000:8) refers to it as a 'complex adaptive system.' In a social system the perspectives of the people involved are important. The researcher (a human being) researches about human beings (the researched). The participants are teachers and learners, together with the parents of the learners. I have therefore observed instances of administering discipline, explored the mental models prevailing in the minds of the participants, and attempted afterwards to suggest solutions to the problem.

I have carried out my research against the background of the following recent survey. The Human Sciences Research Council (HSRC) in 2006 published the South African Social Attitudes Survey (SASAS), entitled: *What do South Africans think about education?* One third of all the respondents supported corporal punishment. According to the survey, corporal punishment is most favoured by Whites in the Free State. Indians were vehemently opposed to it, with 98% favouring discussion and additional learning tasks, while Coloureds were keen on detention after school. Black Africans were not entirely opposed to corporal

punishment by the teacher (50%) and the principal (64%). (Glenda, D., 2006. 'Teachers Still Tops.' *The Teacher,* October 2006:1-2)

3.2   SURVEY RESEARCH DESIGN

A research design is a plan that guides the investigator in the process of collecting, analysing, and interpreting observations. Nachmias and Nachmias (1992:77) define Research Design as a logical model of proof that allows the researcher to draw inferences concerning causal relations among the variables under investigation. Philliber, Schwab and Samsloss (1980) define Research Design as a 'blueprint' of research, dealing with at least four problems: what questions to study, what data are relevant, what data to collect, and how to analyse the results. (Cited in Yin R.K. 2003:20-21)

My main purpose was to avoid the situation in which the evidence does not address the initial research questions. Yin (2003:21) argues that Research Design deals with a logical problem and not a logistical problem.

To collect as much data as possible, I chose hybrid strategies that allow me to use multiple sources of evidence in order to add data relating to the same phenomenon. Anthony, Graziano et al (2000:139) insist that survey research is not a single research design. Rather, it utilises several basic research procedures to obtain information from people in their natural environments. Surveys, according to Graziano and Raulin, impose some constraints on the respondents by posing specific questions.

It was expected of this research to produce descriptions of how and why teachers still administer corporal punishment in schools, what perceptions and attitudes they hold, and what are the conditions on the ground that allow the illegal practice to go on despite the twelve-year-old ban.

To access such data I needed to engage in fieldwork, i.e. visiting schools to interview members of staff, requesting learners and parents to respond to questionnaires, or observing what took place. The process of going out to collect research data is called fieldwork. (Blaxter, Hughes and Tight, 2001:65) I hope the research process has given a voice and a role to teachers, parents and learners, and shifted their positions.

The issue of corporal punishment in schools remains a sensitive matter because of the legal implications of the South African Schools Act of 1996 and other national legislation. Research can in one way or another affect the people being researched. I acknowledged my perspectives and predispositions, but set aside my bias and took nothing for granted.

I had to get to know them personally and experience what they experience in their daily struggles. My interaction with the members of the research population was humane. My methods were sensitive, my observation was unobtrusive, and my interviews were modelled on normal conversation. (Winberg, 1997:40)

3.3   RESEARCH SITE

My research site was in the first instance a typical township school, King Shaka High, located in Unit E of Umlazi. It enrols learners, boys and girls, from grade 8 to grade 12, and has a population of 1006 learners. There are 33 fully qualified educators, 13 males and 20 females. I involved 30 teachers, 50 learners and 30 parents from King Shaka High and 15 teachers from 5 Umlazi schools.

Secondly, I involved 25 learners from Umlazi schools and 25 from former Model 'C' schools to widen the investigation and make a comparison.

3.4   SAMPLE POPULATION

I explored the perceptions and attitudes of teachers in relation to the banning of corporal punishment, but because part of the answer lies in the attitudes and perceptions of both parents and learners, I included them as well. I worked with the African groups only, because the majority of low-income schools where corporal punishment is still widely used are in previously disadvantaged communities. It was also convenient for me to share personal opinions with them in their situations and in their language:

(i)   30 teachers (King Shaka High) – questionnaires (out of 33 observed).

(ii)   15 teachers (Umlazi schools) _ Interviews

(iii)   30 parents (King Shaka High) _ questionnaires

(iv)   50 learners (King Shaka High) _ questionnaires

(vi)   25 learners (Umlazi schools, low-income schools) _questionnaires

(iv)   25 learners (former Model C schools, high-income schools) _ questionnaires

All the respondents in the schools, families and communities were Africans, including African learners in former Model 'C' (affluent) schools.

3.5   DATA COLLECTION TECHNIQUES: TRIANGULATION

Denzin (1970, as cited by Maxwell, 1996:53) defines Triangulation as a rationale for using multiple sources of evidence, collecting information from a diverse range of individuals and settings, using a variety of methods. 'It allows you to gain a better assessment of the validity and generality of the explanations that you develop.'

3.5.1 Normal conversation

Discussions with teachers took place within school premises, whether in staffrooms, classrooms, verandas, etc, and also outside school premises in meetings, workshops, teacher unions and elsewhere

♦   Procedures followed:

I introduced myself together with my research topic, explained the teacher's right either to participate or not, and asked for his or her honest views on the topic. There were fundamental questions, structured and semi-structured. I avoided interruptions at all costs, and encouraged my interviewee by constantly thanking him or her each time a point was made.

3.5.2 Documentary analysis

'Documentary analysis investigates all forms of documentation relevant to the research study, including data gathered to supplement statements made in interviews or observations made.' (Flood 1999:38) I targeted the school policies of different schools and Punishment Record Books to find evidence of existence of the practice of corporal punishment, to check if policies in place speak against the practice, and whether individual school mechanisms are in place to effectively supplement the South African Constitution and the Schools Act of 1996.

♦   Procedures followed:

I assured the school principal that the purpose for looking at the Misconduct Book was to learn about the cases the school had experienced and how the school had responded to each individual case, what the dominant cases were, and who the common offenders were. This book is highly confidential, and I therefore respected the school's integrity at all times and conducted my research with an acknowledgement of the sensitivity of the data. I guaranteed that I would not expose the contents of the book.

3.5.3 Interviews (n=15)

The interviews were aimed at obtaining the views and experiences of and establishing rapport with the teaching staff before observation took place. The interviews were not tape recorded, but I made notes. I conducted face-to-face interviews with teachers to elicit their opinions, attitudes and information about the practice of corporal punishment in schools.

- Procedures followed:

  - I introduced myself first and then requested permission from the school principals to conduct an interview with the teachers (my selected respondents). I explained what the study was about, its importance, what would be done with the results of the study, and why the study was pertinent to them.
  - I used open-ended questions to invite the interviewees to expand their ideas. I included Yes/No questions.
  - I varied the degree of difficulty but included easy-to-answer questions first, to secure cooperation rather than early termination.
  - Throughout the interview I carefully observed the following guidelines:

(i)   Good manners

(ii)   I used the interviewee's language

(iii)   I avoided interruptions but waited for a convenient moment to turn the conversation back to a more pertinent line of enquiry

(iv)   I avoided expressing my own opinions

(v)   I paid occasional compliments to encourage and show my interest in the person to whom I was talking

(vi)   I watched the interviewee's body language, observing every look, gesture, and so on, to add meaning to the message being conveyed by the spoken words

(vii)   I took notes, after having been given permission to do so

(viii) I cross-checked the information I received

3.5.4 Questionnaires (n=160)

This instrument contained a series of related questions for the respondents to answer. The type of information I needed from teachers, learners and parents included both open-ended and closed-ended questions to allow my respondents to use their own words and to choose from a list of provided responses.

As a result of my observation, the interviews with the participants, and the literature review, certain issues began to emerge. A questionnaire was based on these issues.

♦ Procedures followed:

♦ I began with an introduction of the study and then requested respondents to take the study seriously:

♦ *What the study is about?*

♦ *What will be done with the study?*

♦ *Why I selected the respondents?*

♦ The questionnaires conveyed an easily understood request for information.

♦ Section A of each questionnaire was demographic, i.e. sex, age, grade, or the number of years of teaching experience.

♦ I first pre-tested the questionnaires on a few people in an attempt to avoid ambiguity. Cazja and Blair (1996:20) argue that 'pre-testing,' like a dress rehearsal before opening night, is one of the most important components of a survey.

3.5.5 Observation (n=33)

I observed 33 teachers of King Shaka High, using observation as a fact-finding technique. Bingham, J. and Davies, G. (1992:105) state that observation is a subjective assessment. I was observing the act of administering corporal punishment over a period of time in my place of work. Participant observation was performed over a period of five months in the classrooms, staffroom, principal's office and corridors, between teaching periods. The primary aim was:

♦ To observe if corporal punishment was practiced

♦ To observe the management's role in the practice

♦ To establish learners' feelings following the corporal punishment.

♦ Procedures followed:

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Bingham and Davies (1992: 105) say that the mere act of observing may alter the behaviour of the individuals concerned. Being conscious of the 'Hawthorne effect,' I avoided altering the behaviour of teachers and management at all costs.

♦ I took a purely passive and patient role, not interfering in any way with the process itself.

♦ I moved around the school during my free periods and always recorded in my diary each time I came across corporal punishment being administered.

3.6 RELIABILITY

Yin, R. K. states that 'The goal of reliability is to minimize the errors and biases in a study.' (2003:38) I conducted research as if someone were always looking over my shoulder. My approach was that if a later investigator followed the same study all over again, the later investigation should arrive at the same findings and conclusions. I documented the data collection procedures. I used open-ended questions to entice responses, and the Likert scale to record the people's opinions and to facilitate comparison on five options (agrees, strongly agree, neutral/uncertain, disagree, and strongly disagree). The measurement instruments were sufficiently reliable to elicit the views. I used alternative ways to measure the same variable, for example, questionnaires, interviews and normal conversations, to explore their views and attitudes. I asked the same question in two different parts of the questionnaire or interview, asked different respondents the same questions, and asked the same questions using different instruments, to minimise reliability threats. Attitudes are very susceptible to be changed by several factors. The way a questionnaire is worded can make a person reconsider his or her response. I pre-tested the questions and used careful wording to avoid ambiguity and misunderstanding.

Walizer and Wienir (1978:406) warn us that 'Aspects of the situation in which measurement takes place may change from the first measurement to the second measurement...'

3.7 VALIDITY

Maxwell, J.A. (1996:92) argues that methods and procedures do not guarantee validity but increase the credibility of the conclusions made. I examined the measure itself to see if the items appeared to reflect the concept and to see if the measure related to the measures of

other variables, as expected. My approach resembled the approach of a physician trying to diagnose a patient's illness.

3.7.1 Triangulation

Choosing the correct measures to elicit the opinions and gather information is very important in minimising validity threats. Given the fact that my research topic is highly a sensitive matter, my responsibility was to borrow from multiple sources of gathering evidence – a technique known as triangulation. I included observation, a questionnaire, document analysis and interviews, to reduce the risk of chance associations and of systematic biases due to the use of a specific method, and to allow a better assessment of the generality of the explanations that I had developed. I was cautious about what particular sources of error or bias might exist in survey techniques such as the interviews and the questionnaire. Hence I triangulated in terms of validity threats, to include observation and document perusal. I went through a process that can be recovered by anyone interested in critical analysis.

3.7.2 Searching for discrepant evidence

To me validity means among other things the truth, credibility and that which is normatively correct. Any sensitive matter has the potential to lead to discrepant data. I was expecting teachers who use corporal punishment to deny using it in the interview or questionnaire, and to discover the opposite to be true from observation or documentary analysis. I identified and analysed discrepant data. I rigorously examined the supporting and discrepant data to assess whether it was more plausible to retain or modify the conclusion.

3.7.3   Feedback

I solicited feedback from a variety of people as a useful strategy for identifying validity threats, my own biases and assumptions, and flaws in my logic or methods.

3.8   ETHICAL CONSIDERATION

Ellen, R.F. (1984:125) says 'social laws cover matters such as privacy and confidentiality, freedom of information, data protection and libel, in relation to which neither they nor their data may be protected or privileged.' As a researcher I amassed a considerable quantity of

information about individuals, groups and organisations in their field files, dockets, etc. Research ethics is an important issue when conducting a research.

A basic ethical principle is the concept of informed consent. I therefore informed each and every subject about the purpose and the procedures of the study in order for the person to be able to make an informed decision. The main reason was that corporal punishment is a highly sensitive matter. I then promised to honour all of the promises I made in our agreement. I guaranteed that no risk of harm or embarrassment would result from the subject's participation. Raulin and Graziano (1993:61) warn that a research subject should be protected against deception, dangerous procedures and invasion of privacy, that subjects have the right to be informed very clearly, and that they are free to consent to participation or refuse. After the data collection was complete I ensured that there would be no damaging consequences for the participants.

3.9 SUMMARY

As a researcher using multiple sources of evidence and collecting information from a diverse range of individuals and settings, I have had an opportunity to use the same measure at different times and different measures at the same time. This Survey research design has attempted to describe the perceptions and mental models that teachers hold, and the conditions on the ground that allow the illegal practice to go on. I have observed the basic ethical principles because of the high sensitivity of the matter. The legal implications have created a space for discrepant data which I had to rigorously examine. I hope that meaning has been made out of data and I understand that data is not a reality but just a representation of reality. It was my aim to provide a broad overview of a representative sample of a large population. After collecting all of the data through the various techniques I used, I have analysed it.

The information that has emerged from this reliable and valid natural setting would be valuable because the contexts include the situations people find themselves in. The findings are discussed here, conclusions are drawn and recommendations made. The outcome, therefore, has not only been a gain in insight into the subject under investigation, but also some kind of resolution of the problem identified. To present the views of such a diverse population, including teachers, learners and parents, was in itself a challenge, and I have therefore used graphs as an aid in the presentation.

CHAPTER 4

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 INTRODUCTION

This chapter presents the findings collected through the methods described above. I have extracted only the fundamental questions from the questionnaire and presented them here as they appear in the appendix, and then presented the views or opinions of the teachers and learners in response to the chosen questions. I have also used some graphs to illustrate the views in the form of percentages. Only the views of the learners and teachers of King Shaka High School feature here. With regard to the views of the learners from former Model 'C' and other township schools, I have simply reported the findings. Percentages have been attached to each item investigated. I have begun with the findings, then drawn a conclusion and made recommendations.

4.2. FINDINGS

4.2.1 Observation (March to July 2006)

All of the 33 teachers of King Shaka High, both male and female, including the school principal and his management team, were seen beating learners either inside classrooms, in the office or elsewhere.

Common forms of punishment included:

(i)   Beatings using the cane either on the buttocks or on the hand

(ii)   Pinching the body

(iii)   Forcing learners to stand outside the classroom

(iv)   Suspension

(v)   'Push-ups,' 'sit-ups,' standing on toes, etc

(vi)   Cleaning the school premises

(vii)   Invitation to parents to partake in the case

4.2.2 Questionnaire Responses:

4.2.2.1 Graph 1 represents the views of King Shaka High School teachers, parents and learners (no = 110).

Does corporal punishment instil discipline and respect?
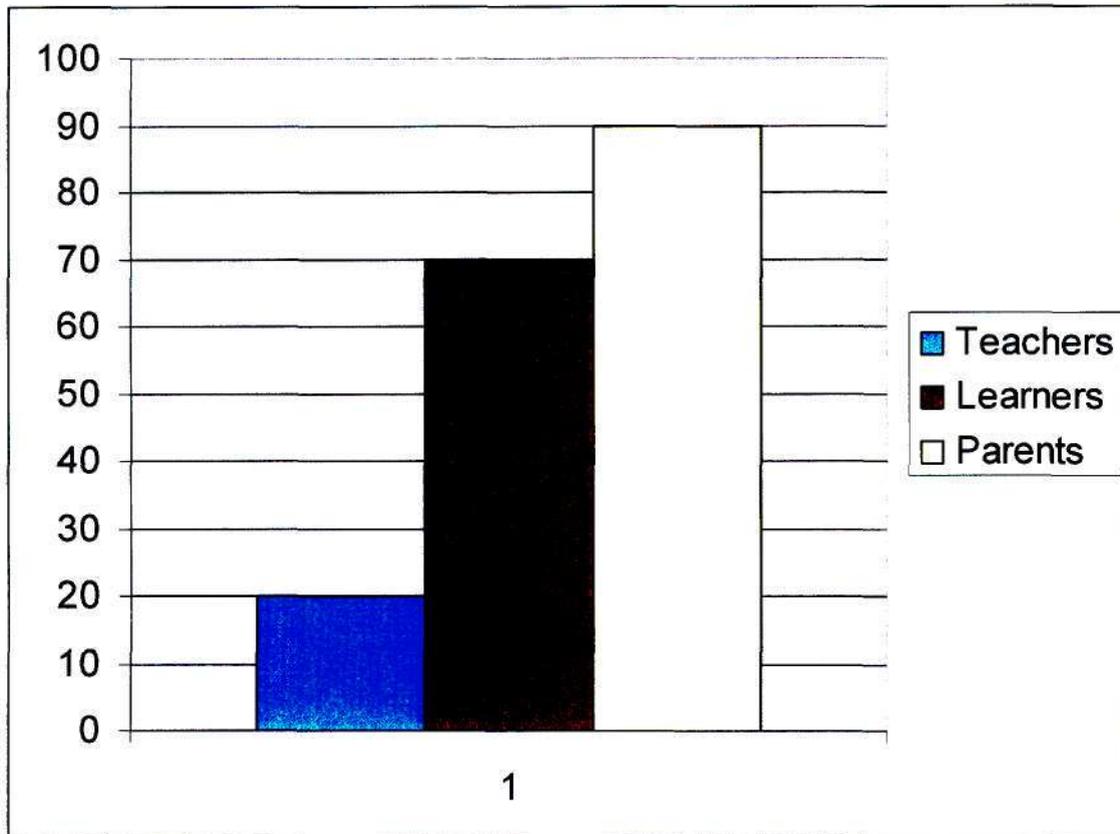
(n=30) King Shaka	Teachers	= 23% Yes
(n=50) King Shaka	Learners	= 70% Yes
(n=30) King Shaka	Parents	= 89% Yes

4.2.2.2 Graph 2 represents the learners' views from King Shaka High, former Model C and Umlazi schools (n = 100)

Does corporal punishment instil discipline and respect?
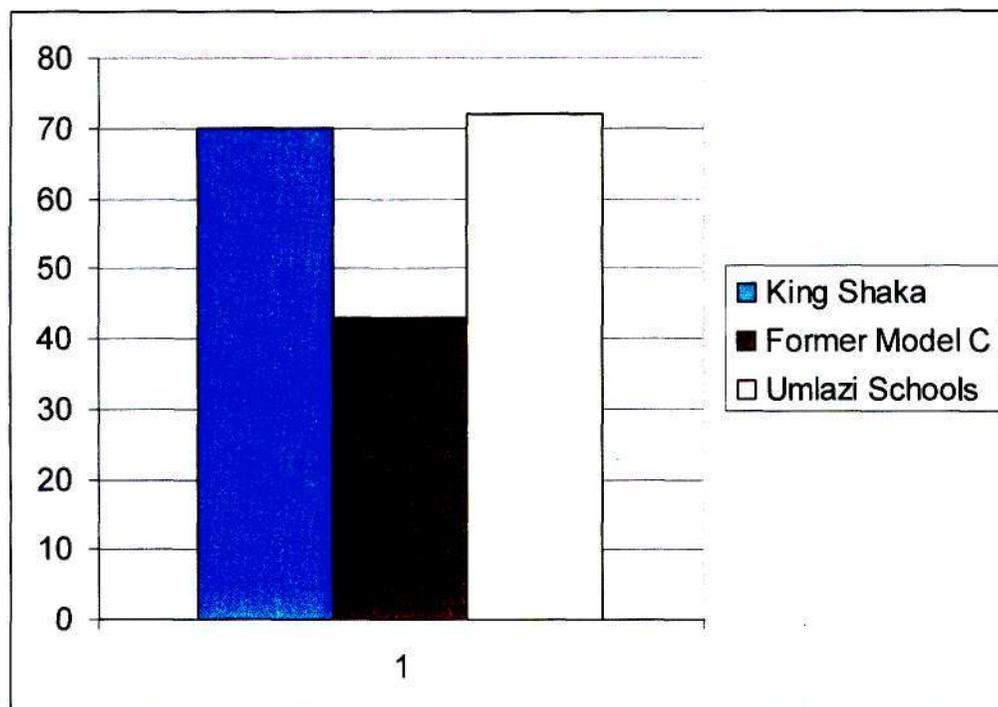
(n=50) King Shaka   Learners   = 70% Yes

(n=25) Former Model 'C'   Learners   = 43% Yes

(n=25) Umlazi Township   Learners   = 72%Yes

4.2.3 King Shaka High teachers' responses to a questionnaire

1.   To spare the rod is to spoil the child

     (a)   33% females

            34% males   = 67% Yes

     (b)   22% females

            11% males   = 33% No

2.   Do you administer corporal punishment at school?

(a) 44% females
    22% males   = 66% Yes

(b) 11% females
    23% males   = 34% No

3. Does it feel good in you to administer corporal punishment?

   (a) 8% females
       0% males   = 8% Strongly agree

   (b) 11% females
       4% males   = 15% Agree

   (c) 33% females
       0 % males   = 33% Disagree

   (d) 22% females
       22% males   = 44% Strongly disagree

4. Corporal punishment improves academic performance

   (a) 0%   = Strongly agree

   (b) 51%   = Agree

   (c) 15%   = Uncertain

   (d) 27%   = Disagree

   (e) 7%   = Strongly disagree

Graph 3 represents teachers' views

5.   Is corporal punishment practiced at your home?
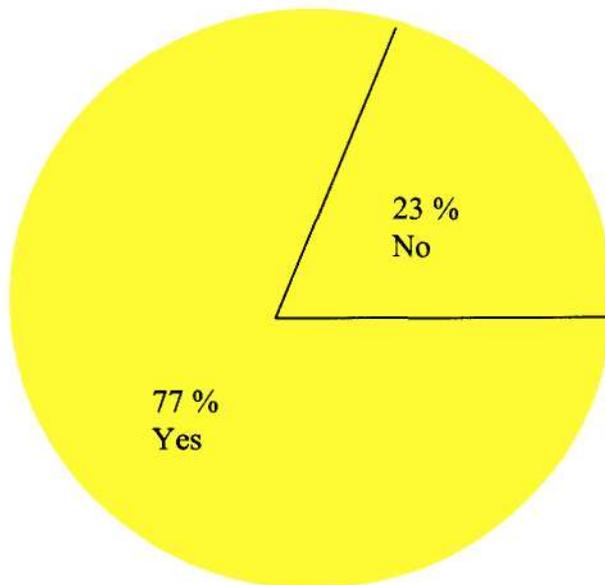
(a)   77%   = Yes

(b)   23%   = No

6.   Corporal punishment is the most effective disciplinary measure,

    (a)   11% females
           1% males   = 12% Strongly agree

    (b)   11% females
           11% males   = 22% Agree

    (c)   11% females
           0% males   = 11% Uncertain

    (d)   22% females
           22% males   = 44% Disagree

    (e)   11% females
           0% males   = 11% Strongly disagree

7. Do you support the ban/prohibition of corporal punishment?

    (a)   12% females

           11% males   = 23% Yes

    (b)   44% females

           33% males   = 77% No

Graph 4 represents teachers' views

8. Were you sufficiently retrained to use alternatives to corporal punishment?
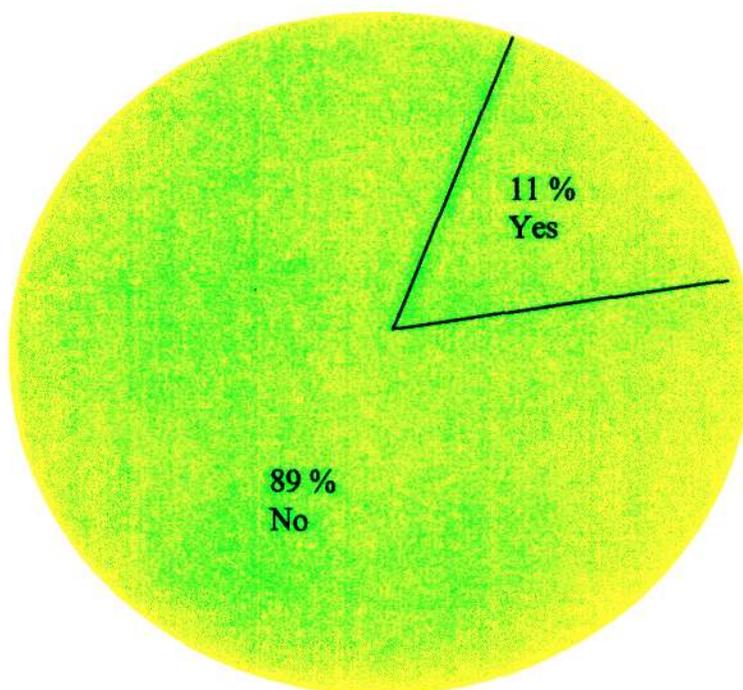
    (a)   11%   = Yes

    (b)   89%   = No

9. Do you oppose the ban / prohibition of corporal punishment?

    (a)   44% Female

           33% Male   = 77%Yes

    (b)   15% Female

           8% Male   =23% No

10. To spare the rod is to spoil the child...

    (a)   33%Female

              32%Male   = 65% Yes

    (b)   22%Female

              13%Male   = 35% No

Graph 5 represents teachers' views

11. There is no discipline and respect without corporal punishment...
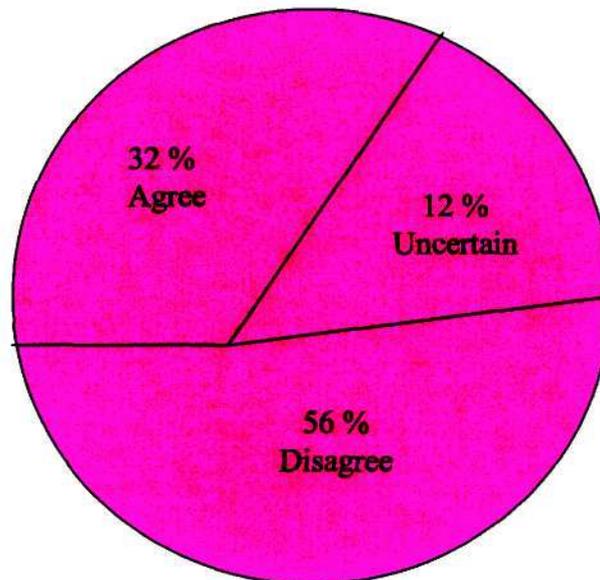
    (a)   8% Female
              2% Male   = 10% Strongly agree

    (b)   12% Female
             10% Male   = 22% Agree

    (c)   7% Female
             5% Male   = 12% Uncertain
    (d)   24% Female
             19% Male   = 43% Disagree

    (e)   9% Female
   4% Male   = 13% Strongly disagree

4.2.4 Interviews with teachers (n=15)

The purpose of the interviews was mainly to establish whether teachers do or don't support the banning of corporal punishment, whether they see discipline as being effective without corporal punishment, and why.

Of the 15 teachers from five Umlazi schools:
- (a) 40% support the ban/prohibition of corporal punishment
- (b) 60% want corporal punishment back
- (c) 60% oppose the ban of corporal punishment
- (d) 40% support the ban of corporal punishment

4.2.5 Teachers' reasons for not supporting the ban

- (a) Children today don't abide by the rules, study or work hard because they know they won't be beaten. Teachers have lost the power to use corporal punishment to push them hard.

- (b) Corporal punishment was never replaced with any form of punishment after it was abolished. The disciplinary policy in fact supports learners' bad behaviour. Alternative methods are too complicated to be understood by both teachers and learners.

- (c) Alternative methods handed down to teachers by the Department of Education are not working at all.

- (d) Corporal punishment is a 'quick fix' because other methods are strenuous to the teacher in terms of time, and so on, for example, if you order a learner to do some work after school; you have to remain with him or her. Children today are more difficult to deal with.

- (e) Learners lack discipline. Some are drug addicts, criminals, aggressive, unruly, while others suffer socio-economic hardships and as a result they fail. Corporal punishment helps them to be alert and keeps them on their toes. Corporal punishment is part of our culture and religion. We grew up being beaten, why should we not do the same to our children?

- (f) Classrooms are highly congested / overcrowded and yet again we are expected to nurse their deliberate acts of misbehaviour. There is no time and patience for individual attention under such circumstances.

4.2.6 Teachers' reasons for supporting the ban

(a) Violence breeds violence, fear, hatred, revenge, aggression, etc. It also causes physical, emotional and psychological harm to the child.

(b) The ban allows the teacher to be creative, patient, loving, caring and respectful. It is a welcome challenge.

(c) Corporal punishment allows no communication about the real socio-economic problems a child has.

(d) Corporal punishment is sometimes used by the teacher out of his/her personal stress or without legitimate reason.

4.2.7 Documentary analysis

February to September 2006	= 19 cases of misconduct on record
January to December 2005	= 37 cases of misconduct on record

It is on record officially that the office of the principal administers corporal punishment, because out of the 56 cases:

• corporal punishment was used 14 times = 25%

• parents requested the office to cane their children 6 times = 11%

The common types of misconduct on record are gambling, dagga smoking, late-coming, insubordination/disrespect, truancy, assault/fighting, and theft.

• Documentary analysis seems to confirm that this school does not have a local policy formulated to deal with issues of discipline. The absence of such an important document on disciplinary measures and a code of conduct implies that there has never been an in-depth discussion of such matters.

• Teachers' files also indicate that not even once has a teacher been reprimanded for the use of corporal punishment.

4.2.8 King Shaka learners' responses (n=50)

1. Are you subjected to corporal punishment at school?

(a) 95% = Yes

(b) 5% = No

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2.   Corporal punishment instils discipline at school

    (a)   28%   = Strongly disagree
    (b)   11%   = Disagree
    (c)   6%   = Uncertain
    (d)   32%   = Agree
    (e)   23%   = Strongly agree

3.   Learners like a teacher who uses corporal punishment

    (a)   30%   = Strongly disagree
    (b)   42%   = Disagree
    (c)   22%   = Uncertain
    (d)   5%   = Agree
    (e)   1%   = Strongly agree

4.   Corporal punishment is used at home

    (a)   40%   = No
    (b)   60%   = Yes

5.   Does the law allow teachers to use corporal punishment?

    (a)   69%   = No
    (b)   13%   = Yes
    (c)   18%   = Uncertain

4.2.9 Learners' preferred forms of punishment

    (a)   Corporal punishment   = 20%
    (b)   Cleaning the school   = 24%
    (c)   Excluded/ordered out of the classroom   = 17%
    (d)   Cleaning the classroom   = 13%
    (e)   Temporary suspension from school   = 12%
    (f)   Given more work (either academic or manual) to do   = 8%
    (g)   No need for any punishment   = 6%

4.3 CONCLUSION

♦   It seems that all of the teachers at my school in theory know very well that corporal punishment is illegal and unconstitutional, but in practice, most of them were seen administering corporal punishment. In all of the other five low-income Umlazi schools, too, physical beating is part and parcel of the culture and is widely practiced there.

♦   The leadership and management style of the school encourages the use of corporal punishment, because right from the office of the principal down to a post-level 1 teacher, physical beating is not condemned and occurs at any time from the moment a learner passes through the gate, and anywhere including the office, classrooms, staffroom, etc.

♦   It is true that the use of corporal punishment is gradually declining, but it is all due to external pressure exerted by the media and pressure groups, rather than internal pressure. Corporal punishment touches on teachers' conscience or becomes a topic for discussion in schools only after a media event involving corporal punishment.

♦   It appears that parents hold on to the belief that corporal punishment is an effective deterrent for wrongdoing, because on many occasions they request teachers to punish their own children. It seems as if it will take some time before we see parents and their School Governing Bodies vigilantly protecting children's right to be free from fear of violence, as long as parents in their families exercise physical beating against family members.

♦   Learners are themselves brought up in a culture of violence to unconditionally accept corporal punishment. There is a mistaken assumption that discipline and punishment are the same, because in some instances learners preferred punishment to involving parents in their misconduct cases. (Magna's Campus Legal Monthly, 2006:2)

♦   Although they support the prohibition, the teachers' unions are not as vocal and vigilant as they should be. Obviously this human rights issue is not a priority to them.

♦   Teachers themselves are less empowered to use alternatives to punitive measures, and therefore opt for a quick fix.

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♦ Clearly, the physical abuse in our schools is fed by the cultural and religious belief in inflicting pain as a deterrent. While the children's constitutional rights are enshrined, their constitutional right to safety is not guaranteed the moment they pass through school gates. Real efforts to achieve this are not visible. Our government has not set up a well-co-ordinated monitoring mechanism.

♦ *Our society and government appear to be still stuck in a culture of violence. Take note of the following:*
    (i)   The renewed calls for the reinstatement of the death penalty
    (ii)   The proposal to convert deserted mine shafts into prisons
    (iii) The building of a 'super, maximum-security' prison near Kokstad
    (iv) The call to allow police to use maximum force in certain circumstances
    (v)   The fact that the Safety and Security Minister on the day of the establishment of the Scorpions unit said something to the effect that the unit's officers are going to 'deal with criminals like a dog dealing with a bone.' (Mokutu, 1999/2000)

♦ Many families in South Africa struggle to meet their daily survival needs and as a result some families, tragically, have lost the will or the capacity to provide adequate care for their children. Factors such as poverty, HIV/AIDS, unemployment and alcohol abuse have a direct relationship to abuse. There is a visible link between levels of physical abuse and issues related to poverty.

4.4 RECOMMENDATIONS

♦ The South African Schools Act clearly specifies that each school must have a code of conduct that is based on an ethos that is congruent with the South African Constitution, relevant legislation and 'Ubuntu.' The Department of Education has outlined the disciplinary measures and procedures referred to as 'alternatives to corporal punishment.' Teachers must adhere to the Schools Act to address proactively the whole problem of discipline. It appears that teachers on their own won't comply unless proper structures are put in place to monitor the observance of the Act.

♦ Together with other relevant stakeholders, government needs to transform people's perceptions, values and behaviours through adequately sensitising parents, teachers and the nation at large on the negative impact of physical violence and other forms of abuse. Public campaigns in all forms of the media must be speedily embarked upon to

ensure the presence of nation-building activities that are premised upon 'Ubuntu' and human rights in the public arena. These campaigns must investigate, expose, educate, and communicate all cases and forms of human rights abuse, and enable pressure groups to play a role.

- The Department of Education should put in place structures and measures for learners and everyone else to blow the whistle on offenders, and both the School Governing Bodies and the Students Representative Councils must be empowered to closely monitor the observance of the South African Schools Act and ensure that such stipulations are part of the school policies and are observed. Human Rights Education should be implemented in order to transform the educational institutions and education systems.

- Our communities have a deeply entrenched culture of violence that reinforces corporal punishment in schools. Banning corporal punishment in schools only and not extending the prohibition into families appears to be self-defeating. The ban must extend beyond schools into communities. Government, NGOs, and all other relevant stakeholders must intervene to offer the skills of conflict resolution, mediation, etc to teachers and learners in order to have non-violent schools. For an impact beyond the school environment, parents, school governing bodies and community groups should be equally involved to bring into being a more peaceful community.

- South Africa needs a national independent monitor of children's rights, such as a children's commissioner or a children's ombudsperson, the position being linked to complete policy formulation, implementation and advocacy in tandem with monitoring its enforcement.

- Finally, if we wish to completely break the cycle of violence and work towards the long-term construction of a culture of peace and human rights, government must address socio-economic problems such as poverty, social inequality, etc that sustain and reinforce the violence. It looks as if the low-income schools are the ones most experiencing the problem of discipline. Our children and youth are the principal victims and the future perpetrators of violence.

4.5. WHAT THE STUDY MEANS TO SCHOOLS AS ORGANIZATIONS

1. The Constitution of the Republic of South Africa, the 1996 National Education Act and the 1996 South African Schools Act, all prohibit the use of corporal punishment in schools. Any teacher found guilty of such an offence is liable to a sentence for assault. It is neither a right nor a duty of a teacher to administer to learners illegal and unconstitutional corporal punishment at school.

2. School management personnel often turn a blind eye to 'child abuse' and ignore their obligation to help teachers at school re-examine their mental models and pave the way for deeper changes in their attitudes. Schools operate in a legal environment and are judged by their conformity to the constitution and legislation.

3. School management personnel have a responsibility to protect and empower the victims of all forms of abuse and give them space and time to defend their human rights. School managers and officials of the Department of Education must initiate programmes to educate perpetrators about the dangers of child abuse, blow the whistle and expose them so that they may no longer get away with it.

4. Schools as social systems are influenced by their environment as much as they influence it. Teachers and learners experience stress and frustration. The learners' inappropriate behaviour is sometimes influenced by socio-economic circumstances beyond their control. Schools must therefore refrain from reinforcing feelings of alienation. All of the institutions of learning have a responsibility to help teachers present themselves as models of socially desirable behaviour. The results of inflicting physical and mental pain are often different from the intended effects.

5. Teachers can no longer afford to unilaterally deal with the difficulties of ill-discipline. Schools faced with the reality of inappropriate conduct and unruly learners must open up and network with the police services, social workers, NGOs, teacher unions, human rights organizations and other external actors. It starts with having internal policies and measures that reflect the letter and spirit of the constitution put in place to effectively maintain order and discipline. School communities have a joint responsibility to inculcate a culture of discipline, to monitor and assess the

observance of human rights, and to establish a proper Code of Conduct in their schools in accordance with the South African Schools Act.

6. Finally, teachers have in place the guidelines on misconduct and disciplinary proceedings referred to by the Department of Education (2001) as the *Alternatives to corporal punishment*. This document offers a response to the discipline dilemma by providing ideas on how to fill the 'void' through proactive and constructive alternatives. Teachers are expected to embrace change, make the transition to peace, tolerance and respect for human rights and play a critical role in the transformation and growth of our society. This must ultimately be done for the sake of our children. My word of hope for each teacher out there is that this booklet attempts to help you.

REFERENCE LIST

BOOKS

1. Anthony, M., Graziano, A.M. and Michael, L. (2000). *Research Methods*. USA: Allyn & Bacon.

2. April, K., Macdonald, R. and Vriesendorp, S. (2000). *Rethinking Leadership*. Cape Town: UCT Press.

3. Amnesty International. (1990). *Amnesty International Handbook*. Britain: Macdonald & Co. (Publishers) Ltd.

4. Badenhorst, D. C., Calitz, L. P. et al, (1991). *School Management: The task and role of the teacher*. Cape Town: HAUM Tertiary.

5. Badenhorst, J. and Scheepers, L. (1995). *School Management: Training*. Johannesburg: Kagiso Publishers.

6. Bezuidenhout, D. (1998). *Industrial Psychology*. DO 133. USA: McGraw-Hill.

7. Biehler, R. F. and Snowman, J. (1993) *PSYCHOLOGY APPLIED TO TEACHING*. Boston: Houghton Mifflin Company

8. Bingham, J and Davies G. (1992). *Systems Analysis*. New York: The MACMILAN Press Ltd.

9. Blaxter, L. Hughes, C. and Tight, M. (2001). *How to Research*. USA: Open University Press.

10. Bloomer, C.M. (1990). *Principles of Visual Perception*. USA: The Herbert Press

11. Brunton, C. (2003). *Policy Handbook for Educators*. Pretoria: Universal Print Group.

12. *Cambridge International Dictionary of English.* (1995). UK: Cambridge University Press.

13. *Cambridge Learner's Dictionary, second edition.* (2006). UK: Cambridge University Press

14. Czaja, R. and Blair, J. (1996). *Designing Surveys.* California: Pine Forge Press.

15. Dekker, E. & Lemmer, E. M. (1993). *Critical Issues in Modern Education.* Durban: Butterworths Publishers (Pty) Ltd.

16. Denzin, N. K. (1988). *Education Research Methodology and Measurement: An international Handbook.* New York: Pergamon Press

17. Department of Education. (2001). *Alternatives to Corporal Punishment.* Pretoria: Universal Print Group.

18. Docking, J. W. (1980). *Control and Discipline in Schools.* London: Harper & Row, Publishers.

19. Ellen, R. F. (1984). *Ethnographic Research: A Guide to General Conduct.* San Diego: Academia Press.

20. Flood, R. L. (1999). *Rethinking the Fifth Discipline.* Chichester: Willey.

21. Goduka, M. I. and Swadener, B. B. (1999). *Affirming Unity in Diversity in Education: Healing with Ubuntu.* Cape Town: Juta and Co Ltd.

22. Joubert, W. A.and Faris, J. A. (2004). *The Law of South Africa.* Durban: Lexis Nexis Butterworths.

23. Kimberely, P., Vally, S. and Tamar, R. (2001). *Alternatives to Corporal Punishment.* Sandown: Heinemann Publishers (Pty) Ltd.

24. Lawrence, J. Steed, D. & Young, P. (1984). *Disruptive children – Disruptive schools?* London: Routledge.

25. Lemmer, E. M. and Badenhorst, D. C. (1979). *Introduction to Education for South African Teachers.* Cape Town: Juta & Co Ltd.

26. Maxwell, J. A. (1996). *QUALITATIVE RESEARCH DESIGN: An Interpretive Approach.* USA: Sage Publications, Inc.

27. Osler, A. and Starkly, H. (1996). *Teacher Education and Human Rights.* London: David Fulton Publishers.

28. Parker-Jenkins, M. (2000). *Sparing the Rod: schools, discipline and children's rights.* England: Trentham Books Limited.

29. Prinsloo, J. G. and Beckmann, J. L. (1995). *Education and the rights and duties of parents, teachers and children.* Johannesburg: Lex Patria Publishers

30. Raulin, M. L. and Graziano, A. M. (1993). *RESEARCH METHODS: A Process of Inquiry.* USA: Harper Collins College Publishers

31. Selebi, Y, Delius, P, et al. (1999) *LOOKING INTO THE PAST.* Cape Town: Maskew Miller Longman (Pty) Ltd.

32. Senge, P.M. (1990). The Leader's New Work: Building Learning Organization. London: Random House Business.

33. Smith, C.J. and Laslett, R. (1993). Effective Classroom Management. London: Routledge.

34. Thompson, D. (1996). *The Oxford Dictionary of Current English.* New York: Oxford University Press.

35. Verster, T. L., Van Heerden, S.M. and Van Zyl, A.E. (1982). *Educational Themes in time Perspective.* Durban: Butterworths.

36. Walizer, M.H. and Wienir, P. L. (1978). *Research Methods and Analysis: searching for relationships.* USA: Harper & Row Publishers

37. Walker J.E and Shea T.M (1988). *Behavior Management*. Columbus, Ohio: Merrill Publishing Company

38. Winberg, C (1997). *Learning how to Research and Evaluate*. Cape Town: Juta and Company Ltd.

39. Yin, R. K. (2003). *CASE STUDY RESEARCH: Design and Methods*. Thousand Oaks: Sage Publications, Inc.

JOURNALS

40. Benjamin Jr. & Airlin, J. (2006). THE RELATIONSHIP BETWEEN RIGHT WING AUTHORITARIANISM AN ATTITUDES TOWARD VIOLENCE: Further Validation of the Attitudes Toward Violence Scale. Social Behaviour and Personality. *An International Journal*, Vol. 34, no 8, pp. 923-925.

41. Bester, G. & Swanepoel, C. (2000). Stress In The Learning Situation: A multivariable & development approach, Vol.20, no 4, pp. 255-258.

42. Durban Metropolitan Library. (2001). Corporal Punishment In Schools: File 1. *The South African Journal of Education*. Vol. 21, pp. 10-16.

43. Hinchey, P. H. (2003). Corporal Punishment: Legalities, Realities, and Implication. *Clearing House*, Vol. 76, no.3, p. 127.

44. Lohrenscheit, C. (2002). INTERNATIONAL APPROACHES IN HUMAN RIGHTS EDUCATION. *International Review of Education*. Vol. 48, no. 3. pp. 173-185.

45. Men's Health. (2006). Corporal Punishment. Vol. 21, no. 1, p. 13.

46. Mokutu, M. (1999/2000). Changing The Culture Of Violence: In search of a non-violent role models. *Children First*. Vol. 3, no 28, pp 11-14.

47. Monteith. J. L., Smith, S. and Marais, J. L. (2001). WORK STRESS IN MANAGEMENT PERSONNEL IN SECONDARY SCHOOLS IN SOUTH AFRICA. *South African Journal of Education*, Vol. 21, no 2, pp 89-91.

48. Morrell, R. (2001). Corporal punishment in South African schools: a neglected explanation for its persistence. *South African Journal of Education*, Vol. 21, no. 4, pp. 292-299.

49. New York Amsterdam News. (2006). Children Speak Out About Spanking in School. Vol. 97, no. 19.

50. Orme, N. (2006). What did Medieval Schools Do For Us? History Today. Vol, 56, no. 6, pp10-17.

51. Parker-Jenkins, M. (2000). Sparing the Rod: School discipline and Children's Rights. *South African Journal of Education*, Vol. 20, no. 3. pp 253-254.

52. Robinson, S. (1999). Child Poverty demands focused funding. *Children First*, Vol. 3, no. 26, pp 34-35.

53. Sloth-Nielsen, J. (1999). Spare the rod or face the law. *Children First*. Vol. 3, no 24, pp 1-2.

54. Sloth-Nielsen, J. (1999). Whipping lobby nears its final beating. *Children First*, Vol. 3, no. 27, pp 25-27.

55. Socolar, R.S.; Keyes-Elstein, L. and Evans, H. (2005). Factors That Affect Parental Disciplinary Practices of Children Aged 12 to 19 Months. *Southern Medical Journal*, Vol. 98, No. 12.

ELECTRONIC DOCUMENTS

56. Cunningham, R. (2000). Chaos, Complexity and the study of Education Communities. Retrieved on 06 / 06 / 2005 at
http: // www. ioe. Ac. Uk / ccs / conference 2000 / papers / Cunningham.html

57. Global Initiative. (2000). Human Rights: Key Judgments. Retrieved on 17/02/2006 at
http://www.endcorporalpunishment.org/pages/hrlaw/judgements.html

58. Global Initiative (2006). Research and Children: South Africa. Retrieved on17/02/2006 at

http://www.endcorporalpunishment.org/pages/research/children/south africa.htm

59. Gow, M. (ed), (2001), A SAFE WORLD FOR CHILDREN: Ending Abuse, Violence and Exploitation, Retrieved on 04/09/2006 at

http://www.wvi.org/imagine/pdf/ SafeWorld.pdf

(World Vision International, 2001)

60. Green, F. (1988). Corporal Punishment and Child Abuse: Why do we continue to sanction child abuse in the classroom? Retrieved on 15/02/2006 at

http://www.nospank.net/green.htm

61. Mandela, N.R. (1994). State of the Nation Address, Retrieved on(31/03/2006)

Available at

http://www.info.gov.za

(South African Government Information, 24 May 1994)

62. Newell, P. (2002). Ending Legal Violence to Children: Accelerating the End of Corporal Punishment of Children. Retrieved on 19/04/2006 at

http://www.stophitting.com/news/chartGlobProd/PeterNewell.php

(IPSCAN, 2002).

63. NCACPS. (2006). Discipline at School. Arguments Against Corporal Punishment. Retrieved on 01/04/2006 at

http://www.stophitting.com/disatschool/argumentsAgainst.php

64. World Vision International. (2001). A Safe World for Children. Ending Abuse, Violence and Exploitation. Retrieved on 09/04/2006 at

http://www.wvi.org.image/pdf/ SafeWorld.pdf

65. Wilson, R.M. (1999). The History of Education and Childhood: A Study of Attitudes Towards Corporal Punishment as an Educational Procedure from the Earliest Times to the Present. Retrieved on 23/02/2006 at

http://www.socsci.kun.nl/ped/whp/ histeduc/wilson/wilson02.html

66. Wilson R.M. (1997-2000). The History of Education and Childhood: A Study of Attitudes Towards Corporal Punishment as an Educational Procedure From the Earliest Times to the Present. Retrieved on 23/02/2006 at http://www.socsci.kun.nl/ped/whp/histeduc/wilson/wilson08.html (Nijmegen University, NL, 1999)

67. www.concourt.gov.za/cases/2000/christianedusun.shtml

APPENDIX 1

LEARNERS' VIEWS

Corporal punishment refers to any physical pain inflicted upon a learner at school.

INSTRUCTIONS

This Questionnaire is part of my research study purely for academic purposes in partial completion of the Master of Commerce degree at the University of KwaZulu-Natal. The purpose is to seek to understand the experiences, perceptions and attitudes of teachers, learners and parents about the use of corporal punishment in school. I request you to respond accurately and honestly to the statements and questions below. You are guaranteed anonymity, confidentiality and safety from any risk or harm that may result from your views. You are, therefore, free to participate or withdraw at any time. Please do not mention your name or that of your school. Tick the box that best represents your view or fill in the blank spaces provided.

SECTION A

1. **Are you male or female?**
   Female
   Male

2. **How old of age are you?**
   10-12 years
   13-14
   15-16
   17-18

3. **Grade you are in**
   6-7
   8-9
   10-11
   12

SECTION B

4. Is corporal punishment practiced in your school?

Yes

No

5. Tell us the forms of corporal punishment practiced in your school

(a)   Caning

(b)   Pinching

(c)   Slapping

(d)   Push-ups, standing against the wall

(e)   Exclusion from classmates

6. Common forms of punishment practiced

(a)   Caning and pinching

(b)   Detention

(c)   Exclusion from classmates

7. How do you feel after being punished? Elaborate please

_____

_____

_____

8. Corporal punishment improves my academic performance

(a)   Strongly agree

(b)   Agree

(c)   Uncertain

(d)   Strongly disagree

(e)   Disagree

9. Corporal punishment makes me never to repeat the same mistake

(a)   Strongly agree

(b)   Agree

(c)   Uncertain

(d)   Strongly disagree

(e)   Disagree

10. **Corporal punishment creates in children respect and discipline**

    (a)   Strongly agree

    (b)   Agree

    (c)   Uncertain

    (d)   Strongly disagree

    (e)   Disagree

11. **Learners like the teacher who uses corporal punishment**

    (a)   Strongly agree

    (b)   Agree

    (c)   Uncertain

    (d)   Strongly disagree

    (e)   Disagree

12. **Teachers use corporal punishment out of love and good reason**

    (a)   Strongly agree

    (b)   Agree

    (c)   Uncertain

    (d)   Strongly disagree

    (e)   Disagree

13. **At home corporal punishment is used**

    (a)   Yes

    (b)   No

SECTION C

14. **Does the law in South Africa allow the use of corporal punishment in school?**

    (a)   Yes

    (b)   No

    (c)   I don't know

15. **Do you support the ban of corporal punishment in school?**

    (a)   Yes

    (b)   No

    (c)   Uncertain

16. **Are there bad things about corporal punishment?**

(a) Yes

(b) No

17. If yes, please describe bad things about corporal punishment

_____

_____

_____

_____

18. Are there any alternatives to corporal punishment?

(a) Yes

(b) No

(c) Uncertain

19. If yes, what are the alternatives you would like to see practiced in your school?

_____

_____

_____

_____

APPENDIX 2

A TEACHERS VIEWS

NOTE:

You are requested to freely participate by responding to the statements or questions below. This is a research design purely for my Dissertation in completion of the Master of Commerce degree with the University of KwaZulu - Natal. The purpose of this research is to explore the mental models, attitudes and views of teachers with regard to the use of corporal punishments in schools. Corporal punishment is defined as any physical pain inflicted by the teacher upon the learner in an attempt to maintain discipline and order at school. Your safety is guaranteed, and in no way will your responses be used against you or your school.

INSTRUCTIONS:

Please don't mention your name or even your school for the sake of anonymity and confidentiality. You are at liberty to refuse to participate. Indicate by simply ticking what best represents your views or fill in the blank spaces provided. You are requested to be honest in your responses please.

SECTION A

1. **Are you male or female?**
   Male
   Female

2. **How old of age are you?**
   Between 20-25 years
   25-30
   35-40
   40-45
   45 and above

3. **Years of teaching experience**

0-5 years

5-10

10-15

15-20

20 and above

SECTION B

(Please tick what best represents your views)

4. **To spare the rod is to spoil the child.**

Yes

No

5. **Is corporal punishment still used in your school to maintain discipline?**

Yes

No

6. **Do you administer corporal punishment in your school?**

Yes

No

7. **What are the common forms of punishment practiced in your school?**

Caning

Pinching

Slapping

Push-ups, sit-ups, standing on toes, etc.

Other, specify

_____

8. **Does it feel good in you to administer corporal punishment?**

Agree

Strongly agree

Disagree

Strongly disagree

9. **Corporal punishment improves academic performance**

Strongly agree

Agree

Not sure

Disagree

Strongly disagree

10. **Corporal punishment is an effective deterrent guaranteed to ensure that a learner never repeats the same mistake**

Strongly agree

Agree

Uncertain

Disagree

Strongly disagree

11. **Without corporal punishment there is no discipline and respect**

Strongly agree

Agree

Uncertain

Disagree

Strongly disagree

12. **Corporal punishment is abusive and unnecessary violence**

Strongly agree

Agree

Uncertain

Disagree

Strongly disagree

13. **Corporal punishment breeds revenge and hatred for teachers**

Strongly agree

Agree

Uncertain

Disagree

14. Does the law in South Africa allow you to administer corporal punishment to learners?

    Yes

    No

15. Is corporal punishment practiced at your home?

    Yes

    No

SECTION C

16. Do you support the ban of corporal punishment in schools?

    Yes

    No

17. Give reasons for your answer to question 16 above.

    _____

    _____

    _____

    _____

18. Are there any effective alternatives to corporal punishment?

    Yes

    No

19. If yes, what are the effective alternatives?

    _____

    _____

    _____

    _____

20. Were you sufficiently trained/work shopped to know and effectively use alternative methods?

    Yes

    No