

## **Educators' disciplinary capabilities after the banning of corporal punishment in South African schools**

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*The escalation of learner indiscipline cases in schools suggests failure by teachers to institute adequate alternative disciplinary measures after corporal punishment was outlawed in South African schools. We sought to address the following two research questions: (a) How do educators view their disciplinary capabilities in the post-corporal punishment period? and (b) How do educators view the usefulness of alternative disciplinary measures? The study adopted a qualitative approach. A case study of three purposively selected practising junior secondary school educators was used. Data were collected through interviews. We found that educators generally feel disempowered in their ability to institute discipline in schools in the absence of corporal punishment. Educators revealed that learners do not fear or respect educators because they know that nothing will happen to them. Although educators are aware of alternative disciplinary measures, they view them as ineffective and time consuming.*

**Keywords:** corporal punishment; educator capacity; indiscipline; schools; South Africa

### **Introduction**

The democratization of the South African school system in line with the new democratic constitution enacted upon attainment of independence in 1994 has brought with it emphasis on respect and preservation of children's rights. As a signatory to the Convention on the Rights of the Child, the country is compelled to pass laws and take social, educational and administrative measures to protect the child. Resultantly, disciplinary measures like corporal punishment were abolished. Section 12 of the South African Constitution Act 108 of 1996 states that "everyone has the right not to be treated or punished in a cruel, inhuman or degrading way". In line with the Constitution, the National Education Policy Act of 1996 (Republic of South Africa, 1996a:A-47) states that "no person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution". Schools have to come up with functional alternative measures in order to deal with indiscipline. This shows the dilemma schools face in trying to respect children's rights and at the same time finding adequate and meaningful measures to deal with learner indiscipline without infringing on the said rights (Chisholm, 2007).

Current research shows that cases of learner indiscipline are on the increase in South African schools and in some cases, learners are alleged to have murdered others in school premises (Harber, 2001; Zulu, Urbani, Van der Merwe & Van der Walt, 2004). As such, a lot of learner indiscipline cases have been reported in schools and this has raised concerns about the safety

of schools and classroom environments. In their study, Zulu *et al.* (2004) reported cases of learner indiscipline in high schools in KwaMashu in northern Durban. In a similar vein, Aziza (2001) reported a sharp rise of cases of learners suspended and expelled from the Western Cape schools. Reasons that have led to suspensions and expulsions include physical and verbal confrontations, theft, substance abuse and watching pornography (Aziza, 2001).

Such cases of learner indiscipline have impacted negatively on teaching and learning in the schools (Zulu *et al.*, 2004). Cases of learners injured and killed within the confines of the school are on the increase in South African schools. Press reports continue to alert the public on the rise of indiscipline cases (Thompson, 2002). The magnitude of reported cases of learner indiscipline warrants the use of different kinds of punishment-based disciplinary measures and the question still remains on the usefulness of such measures in curbing future occurrences of indiscipline or in helping the perpetrators. The next section looks at the South African constitutional legal requirements.

#### The South African Constitution (1996)

The constitution of any country is the supreme law upon which all other pieces of legislation are drawn. The constitution shapes the world view of a country in its socio-political and economic outlook. South Africa managed to have a democratic constitution in place after a bitter and protracted resistance to a divisive, degrading and almost inhumane apartheid system that treated the majority of blacks in the country as second-class citizens. The new democratic constitution sought to address the previous imbalances of the apartheid system. The preamble of the constitution states:

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past and establish a society based on democratic, social justice and fundamental human rights.

The South Africa Constitution of 1996 (Republic of South Africa, 1996b), therefore, explicitly enshrines, guarantees and protects human rights in general and children's rights in particular. The second chapter of the constitution focuses on the Bill of Rights and states in unequivocal terms the need to protect such rights. For example, Section 12 (1) of the constitution which states that:

Everyone has the right to freedom and security of the person, which includes the right not to be tortured in any way; and not to be treated or punished in a cruel, inhuman or degrading way (Republic of South Africa, 1996b:7).

This section has direct implications to what happens in schools and classrooms. Learner misbehaviour can be gross at times and negatively affect the smooth running of the schools and the safety of educators and learners. Disciplinary strategies that school authorities and educators use to punish learners must not result in torture that demeans the humaneness of a child. In line with the constitutional requirement, corporal punishment was banned

in South African schools. Morrell (2001), however, states that even after the banning of the use of corporal punishment in schools, educators still used it as a strategy to discipline learners. Wittingly or unwittingly educators may be unaware that they are committing crimes under the guise of disciplining learners. Mtsweni (2008) observes that after the banning of corporal punishment in schools, most educators feel incapacitated and helpless in dealing with learner indiscipline in schools. Learners are believed to have now become ill disciplined to the extent that they even openly challenge the teacher's authority because they know that nothing would be done to them (Masitsa, 2008).

#### The National Education Policy Act of 1996

The Act (Republic of South Africa, 1996a) among other issues clearly defines the specific roles of the education on South African schools and one of the roles is 'Community, citizenship and pastoral role' in which the educator is required and expected to uphold the constitution and promote democratic values and practices in schools. This implies that in whatever way educators operate, they should not violate the constitution when disciplining learners.

#### South African Schools Act 84 of 1996

The Act states that discipline must be maintained in the school and classroom situations so that the education of learners flourishes without disruptive behaviour and offences (Republic of South Africa, 1996:8). The Act places the responsibility of maintaining discipline on the educators. Under the Schools Act of 1996, the use of corporal punishment in schools is banned. According to the Act, the perpetrator is liable to a sentence. Therefore, educators need to devise strategies that take cognizance of learners' rights and protection. However, the Act is not explicit on the disciplinary strategies educators should adopt to handle learner indiscipline in schools.

The Schools Act of 1996 also stipulates Regulations for Safety Measures at Schools and categorically states that that dangerous objects and drugs are not allowed in schools premises. However, learners continue to bring weapons into school premises and at times use them against other learners and their educators (Zulu *et al.*, 2004). The issue is: What disciplinary measures should be instituted against perpetrators in a way that would not infringe on their rights? The Act reiterates the provisions of the constitution and states categorically that learners should not be punished in a cruel or demeaning manner and should not be detained in solitary confinements or locked out of safe environments. This implies that the educators should protect, promote and respect the rights of learners. As such, the implementation of disciplinary measures in schools results in a dilemma on how educators should discipline learners without infringing on the learners' rights.

#### Alternatives to corporal punishment

Prior to independence in 1994, the maintenance of discipline in schools heavily relied on the use of corporal punishment and discipline was taken as

synonymous with punishment (Porteus, Vally & Ruth, 2001). In order to help educators come up with alternatives to corporal punishment, the then Minister of Education, designed a comprehensive document entitled 'Alternatives to Corporal Punishment'. Disciplinary measures to be taken in South African schools are clearly documented in different levels.

Revelations from Department of Education (DoE, 2000) are full of contestation insofar as the recommendations they suggest for different cases of learner indiscipline. Since this study was triggered by safety and security concerns in schools, it is Levels 4 and 5 cases that face contestation. In both levels, suspension and expulsion are recommended and it is always a concern on whether suspension and expulsion of learners from school really serve the desired purpose of curbing learner indiscipline. Are these measures deterrent enough?

### **Statement of the problem**

This study was triggered by the escalation of cases of learner indiscipline in schools which now raises safety and security concerns. This is against numerous press reports of fatalities in schools as a result of learner indiscipline. In a recent study of the experiences and observations of a group of Free State educators of learner-on-learner, learner-on-educator and educator-on-learner violence and violence-related behaviour, De Wet (2007) found that Free State learners and educators are mostly exposed to verbal and physical violence. The study also found that school size, age and its location had a statistically significant influence on most forms of violence and violence-related behaviour. Furthermore, the study found that secondary schools, schools with 500 or more learners and schools located in rural areas reported the highest incidence of most forms of learner and educator violence and violence-related behaviour. Similar findings were reported by Harber (2001) who found that violent crime was widespread in South Africa and schools in disadvantaged areas suffer from serious problems of gang-related crime. It is a cause for concern whether or not educators' control of learners has always hinged on the use of corporal punishment. As such, the escalation of cases of learner indiscipline in schools suggests failure by teachers to institute adequate alternative disciplinary measures after corporal punishment was outlawed in schools. It is against this background that this study sought to address the following research questions: (a) How do educators view their disciplinary capabilities in the post-corporal punishment period? and (b) How do educators view the usefulness of alternative disciplinary measures?

### **Method**

The study was qualitative in nature and was guided by the interpretivist paradigm that seeks to understand phenomenon wholly in its context (Merriam, 1998). This study sought insights that are crucial to children's rights issues and punishment from the point of view of educators themselves. Qualitative

data were collected on views, feeling, attitudes, likes and dislikes pertaining to the issue under investigation.

### Sample

A purposive sample of three experienced educators (one male, two females) from three rural schools in the Eastern Cape was used in this study. Senior educators who taught during the time when corporal punishment was still allowed in schools and were currently teaching at that time when corporal punishment had been outlawed were used. The use of a case study enabled the researchers to gain insight into the perceptions, feelings, concerns and aspirations of the educators.

### Instruments

Interviews were the main source of data collection in the study because they enabled the researchers to converse naturally with the participants. This also allowed participants to freely express their feelings. Interviews also enabled the researchers to probe on answers given and to observe the body language of participants.

### Procedures

Consent was sought from participants in this study. Pseudo names were used to protect the identity of participants. The purpose of the study was explained to participants before the interview process. Participants were also assured that data collected would be kept confidential and would only be used for purposes of this study.

### Data analysis

Qualitative data collected were analysed using themes derived from the two research questions that guided the study. Reporting of data took the form of thick description and verbatim quotations.

## Results

The following were the results of this study:

### Educator 1

Mr Malata was a qualified and experienced educator in the school. He joined the school in 1990 (4 years teaching during the apartheid period and 14 years post-apartheid) and held a Diploma in Education. He specialized in teaching Economic Management Sciences (EMS) and Technology and was one of the senior educators in the school. He was selected because of his long service experience.

#### *Mr Malata's views on their disciplinary capabilities in the post-corporal punishment period*

Mr Malata started by looking at the period when teachers would use corporal punishment in schools. He explained what used to happen during the time

and apparently to him they were 'good old days.' He said:

*Of course, the use of corporal punishment then was controlled. It was really stipulated as to who should administer it and on what grounds. It was also clarified on the number of strokes to give and the type of switch to use. However, the fact that corporal punishment made it possible for every teacher to use it in the classrooms without any records kept. Learners were aware that if they misbehaved, they would be canned. It helped a lot and it was easy to keep learners under control and to keep them focused.*

According to Mr Malata, corporal punishment was liberally used and from his explanation it helped him and other teachers to ensure discipline in schools and classroom. He was then asked on his opinion of the use of corporal punishment in relation to children's rights. He explained that their intention of using corporal punishment was not to harm any learner but to correct them. He explained:

*I have read a lot about children's rights and the so called abuses through caning. The worst abuse of children is to produce lawless and undisciplined kids in the name of children's rights. Are we saying children know what to and they do not need any guidance? Look at the gravity of indiscipline in schools today. In the past it was unheard of that a learner would kill another learner within the school premises. Without disciplining, we are killing the future of our country.*

Asked if he was advocating the reintroduction of corporal punishment, he said that its reintroduction was long overdue. On how the educators were currently controlling learners in the absence of corporal punishment, he said that most of the teachers were no longer concerned about ensuring discipline in the schools because the current legislation has made all efforts impossible. He said:

*The child has more rights than a teacher. Imagine a teacher being hauled before the courts for being accused of threatening a learner, not even beating, threatening. It shows you the problems we face in these schools. Learners are not only aware of their rights but very sensitive to them. You only need to teach and whether these learners listen or do assigned work its not our concern, for any attempt to deal with them is putting your future at risk.*

Mr Malata talked with a lot of emotion and the interviewer always interrupted to ensure completion of main concerns on the interview. The emotions showed a lot of concern and real involvement in the issue from the part of the interviewee.

#### *Mr Malata's views on the usefulness of alternative disciplinary measures*

Mr Malata indicated that although there were several suggested alternative disciplinary measures, these were not as effective as corporal punishment. To him corporal punishment was effective as a deterrent measure because learners were afraid of suffering the pain. Asked on what alternative measures he particularly used in his classroom, he said that at times he asked learners

who were negligent of their work to kneel on the floor or to do some menial tasks like picking up papers but these never seemed deterrent enough. When asked if he ever talked to the misbehaving learners, he said that he did so and at times invited their parents into the school. He however said that some parents did not come and some of those who came were not supportive and always sided with their children. He termed some of the alternatives time consuming, time wasting and ineffective. It was clear from the interview with Mr Malata that he was frustrated and disenchanted by learner indiscipline and the banning of corporal punishment in schools.

#### Educator 2

Ms Mangaliso was an experienced educator with 18 years of teaching experience (four years teaching during the apartheid period and 14 years post-apartheid). She held Bachelor of Education (Honours) degree and had taught in three other schools prior to her coming to the school where she was currently teaching.

#### *Ms Mangaliso's views on their disciplinary capabilities in the post-corporal punishment period*

When asked about how educators controlled learner indiscipline in the absence of corporal punishment, Ms Mangaliso said that most teachers used corporal punishment illegally. She said:

*During this time, the use of corporal punishment was abused by many educators. The set guidelines on the use of corporal punishment were disregarded in the classroom by educators. Educators would beat learners without permission from school authorities and no records were kept. However, learners never complained because they are aware that corporal punishment was part of the disciplinary measures.*

She indicated that maintaining discipline before corporal punishment was outlawed in schools was a lot easier than at present. She indicated that in the past an educator would threaten to beat up learners who misbehaved and they would take him seriously as opposed to the present day when learners know that they cannot be beaten. Ms Mangaliso further indicated that what made it worse for teachers to fail to maintain discipline in schools was the awareness by the learner that they have rights. She had this to say:

*I believe the issue of rights has been taken too far. Learners now feel completely liberated and as teachers we now feel powerless because the learners we teach have rights and they know. It is humiliating when you want to discipline a learner and he or she tells you in the face that you are abusing him or her. In the eyes of our learners we are now weak as far as maintaining discipline is concerned.*

When asked about whether or not there was need to protect children's rights when disciplining them in schools, she indicated that children have rights which certainly needed to be protected but there was still need to ensure that they were disciplined so as to create conducive teaching and learning environ-

ments. She also said:

*Imagine now we have serious cases of indiscipline by learners in schools. There are a lot of cases of drug abuse in schools, rape and killings. A child would bring a gun to school and shoot another innocent child. We fold our arms and say children have rights, what rights?*

It is clear from the above educator's sentiments that it is increasingly difficult to maintain discipline in schools in the absence of corporal punishment.

*Ms Mangaliso's views on the usefulness of alternative disciplinary measures*

On the issue of her awareness of alternative disciplinary measures to corporal punishment, Ms Mangaliso said she was aware of the suggested alternatives and she indicated that she had a copy of the "Alternatives to Corporal Punishment" document somewhere in her files. She said that the alternatives were a problem and further complicated the issue of disciplining learners. She said:

*It is very difficult, for example, to suspend a learner from school. There should be permission from the department and the justification for suspension; has to be substantiated and a decision is arrived after many long and winding meetings. Justice is actually delayed and at times never realized. A learner may commit a very serious act of misconduct but remains in the school while the hearing meetings are held and letters are written. The process is long, tedious and boring that it really sends wrong signals to other would-be offenders.*

It was clear from Ms Mangaliso that she was aware of the existence of alternative disciplinary measures to corporal punishment but in her opinion these were not very helpful.

### Educator 3

Ms Ribatika was also another experienced educator with 16 years teaching experience (two years teaching during the apartheid period and 14 years post-apartheid) and also held a teaching degree.

*Ms Ribatika's views on their disciplinary capabilities in the post-corporal punishment period*

Ms Ribatika said in the past, it was very easy to maintain discipline in her class. She indicated that learners were not as unruly as they were nowadays because corporal punishment had immediate deterrent effects that ensured the smooth flow of lessons. She said:

*You did not need to always beat learners every time. It was a question of demonstrating your seriousness on a few culprits at the beginning of the term and then no one would dare misbehave for they knew the consequences.*

On the usefulness of this kind of discipline that was based on fear when compared to the use of methods that taught responsibility and self discipline, she said:



*You need to understand disciplining of learners within the context of a classroom where you need to deliver your lesson. For you to effectively deliver your lessons, you need order and attention from learners. The kind of order you need is not negotiated order but you need to be in control of the situation.*

Asked on the kind of problems she was currently facing in the absence of corporal punishment, she said:

*Classrooms are chaotic these days. There are some classes you really dread to enter. Apart from fearing for your own safety, you also see that teaching under the circumstances is sheer waste of time. At times I struggle just to ensure that learners maintain silence while you teach. If I give learners work to do, most of them do not do it ...*

It was clear from her that maintaining learner discipline in schools was a nightmare for teachers and that she was very frustrated by the situation.

#### *Ms Ribatika's views on the usefulness of alternative disciplinary measures*

Ms Ribatika indicated that she was aware of the existence of alternative disciplinary measures. When asked about how she dealt with learners who did not do homework, class work assignments or tests, she said that at times she asked them to leave the classroom but this would not solve anything. She also tried calling in their parents to come to the school for discussion but some parents did not come and in some cases parents were not supportive. She added:

*Most of these alternative methods are actually time wasting. A teacher would spend weeks just trying to deal with the case of a child who is not doing his or her work at school. This takes a lot of the teacher's time and also disturbs serious learners as the teacher may not attend classes while attending to disciplinary hearings or talking to parents summoned to the school.*

It was clear from Ms Ribatika that alternative disciplinary measures had proved ineffective and time consuming for her.

## **Discussion**

The study found that educators generally feel disempowered in their ability to maintain discipline in schools in the absence of corporal punishment. This concurs with Makapela's (2006) findings that learners literally take advantage of educators because they know fully well that whatever punishment that is given, will not equal the pain of corporal punishment. The disempowering of educators has also led to feelings of abdication of the critical role of disciplining learners. The seeming abdication of this role could be attributed to the rise in cases of learner indiscipline in schools (Kgosana, 2006; Van Wyk, 2001).

The revelation in the study that "learners had neither fear nor respect for teachers and behaved as they pleased" signals a recipe for chaos in our schools. Indiscipline creates unsafe schools that are a danger to both learners

and educators. Such school environments are marked by violence that can result in injuries and fatalities on learners (Aziza, 2001). Educators need to be able to control learners and enforcing security and safety in schools is of utmost importance (Fishbaugh, Schroth, & Berkerely, 2003).

The study further found that educators seem to view the rights given to learners as more than those given to the educators themselves. It is interesting to note from the findings that educators are aware that children's rights were important and need to be protected. However, their argument is that leaving children to act as they pleased is not only unacceptable but equally a form of abuse that does not consider the children's future as responsible citizens. Nieuwenhuis, Beckmann and Prinsloo (2007) observe that schools have a crucial role to perpetuate societal values and this can only be done if learners are taught to be responsible for their own behaviours. Similarly, Du Bois (2006) argues that a school system should mirror the society and teachers in the school should be in total control of learners. In every society, every citizen is expected to live within the confines of laws, by-laws, rules and regulations with the transgression of these laws yielding consequences that are at times too ghastly to contemplate.

The issue of children's rights within the context of disciplinary measures was found to be one critical issue in the dispensation of modern education (Chisholm, 2007). As a result of the stress on children's rights, it should be stressed that these rights have limitations and one important observation is that an individual's rights should not interfere with the rights of others. For example, Masitsa (2008:240) observes that children in schools now engage in criminal activities that are "injurious to teachers and fellow learners and hamper academic activities". This implies that educators need to act professionally and administer the necessary disciplinary measures in order to ensure a conducive learning environment for the majority of the learners (Tauber, 2007).

In this study, educators suggested that alternatives measures to corporal punishment were not very effective in curbing learner indiscipline in schools. There are arguments for the use of corporal punishment but with the thrust on protection of children's rights and the documented negative effects of corporal punishment (Zaibert, 2006). There is increasing need for teachers to be ware of effective alternative measures and embrace them (Belvel & Jordan, 2002). Educators could make use of co-operative disciplinary measures as compared to punitive and harsh disciplinary measures. Punitive measures may not always achieve the intended objectives. Co-operative discipline is a theory of discipline that seems to work for children today because it offers corrective, supportive, and most important, preventive strategies (Canter & Canter, 2001). Preventive measures to dealing with learner indiscipline are more proactive and useful than reactive ones that may not repair the damage caused (Scharle & Szabo, 2000). With the changing needs of society, new techniques and strategies should work for children in order to achieve order and control in today's classrooms.

The ultimate goal of co-operative discipline is to inspire children to make smart choices and develop positive behaviour (Canter, 2007). It is a collaborative effort on the part of the student, teacher, administration, and parent (Mtsweni, 2008). Child development research indicates that self-esteem is critical for successful growth and emotional development (Gwirayi & Shumba, 2007). Learners with positive self-esteem feel valued and independent in school and this helps to foster co-operation and responsibility. Positive discipline creates a climate that promotes self-discipline because the child has a positive self-esteem and is therefore better able to maintain self-control (Hue & Wai-Shing, 2008). This implies that children should realize that they are solely responsible for appropriate behaviour. Discipline solely from a position of power teaches learners that they only have to behave when someone is around to punish them.

### **Conclusion and recommendations**

This study sought an in-depth understanding of educators' disciplinary capabilities in the absence of corporal punishment in South African schools. The study also looked at how educators viewed the use and usefulness of alternative disciplinary measures. The study found that teachers felt disempowered by the outlawing of corporal punishment. It has become increasingly difficult for educators to ensure discipline in schools as a result of the banning of corporal punishment. Some educators are almost abdicating the responsibility of maintaining discipline in schools citing frustrations because of exiting legislative instruments. The study also found that the thrust on children's rights and subsequent banning of corporal punishment has ushered an era of freedom for learners who no longer have respect or fear for their educators. The study also found that educators were aware of the need to protect children's rights and also ensuring that they were disciplined. However, educators felt that the alternative disciplinary measures to corporal punishment were not effective.

We recommend that: (a) Educators should be staff-developed on the use of co-operative and supportive disciplinary approaches. This would arm them with skills necessary to administer discipline at all times without resorting to corporal punishment. (b) There should be the teaching of Human Rights Education as a separate subject in schools with emphasis on responsible behaviours. (c) There should be close collaboration between parents and educators to ensure the development of self-discipline.

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