



Preventive or punitive disciplinary measures in South African schools: Which should be favoured?

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Abstract

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Recent research shows a major paradigm shift towards preventive and positive rather than punitive disciplinary measures. Since the essence of learner discipline is correctional and educational rather than punitive, this approach seems to be the correct one – especially after the abolition of corporal punishment in South African schools. However, the question remains: is there still room for punitive and reactive learner discipline in our schools? And if so, which is the better approach, and where should the emphasis be? This article endeavours to evaluate the two approaches by means of a normative framework. Rather than ruling which approach is the more successful one, the authors argue that it is not the one or the other, but rather a combination of the two approaches. One of the guiding determinants for correct decision-making is vested in maintaining a safe, harmonious and orderly environment conducive to education and learning. The decision regarding the most effective form of discipline in a particular instance should therefore be determined by the context of the situation. For example, it depends on the seriousness of the misconduct, the attitude of the learners (e.g. was it as a result of intent or negligence?), the age of the learner, the influence it had on the teaching-learning environment, et cetera.

Opsomming

Voorkomende of bestraffende dissiplinêre maatreëls in Suid-Afrikaanse skole: watter benadering moet voorkeur geniet?

Onlangse navorsing toon dat daar 'n klemverskuiwing vanaf (be)straffende dissiplinêre maatreëls is na voorkomende maatreëls. Aangesien die grondslag van leerderdissipline korrigerend en opvoedend eerder as bestraffend van aard behoort te wees, blyk hierdie benadering korrek te wees – veral in die lig van die afskaffing van lyfstraf in Suid-Afrikaanse skole. Die vraag ontstaan nou onwillekeurig: is daar nog ruimte vir (be)straffende maatreëls in Suid-Afrikaanse skole? Indien wel, waar moet die klem val? Ten einde 'n antwoord hierop te probeer vind, word die twee benaderings in die gang van hierdie artikel teen 'n normatiewe raamwerk afgeweg. Op grond van sodanige oorwegings bevind die outeurs dat nie net een van die twee benaderings aangewend behoort te word nie, maar eerder 'n kombinasie daarvan. Een van die basiese determinante vir besluitneming oor die korrekte benadering in 'n gegewe situasie is die grondliggende opvoedende oogmerk: die voorsiening van 'n geborgenheidsruim wat essensieel is vir opvoedende onderwys. Die ideale benadering is dus 'n konteks-tuele benadering waar oorwegings soos die erns van 'n oortreding, die gesindheid van die leerder (bv. was daar sprake van opset of nalatigheid?), die ouderdom van die leerder, die invloed wat sy optrede op die leeromgewing gehad het, ensovoorts, in ag geneem word.

1. Statement of the problem

Learner discipline is a major problem in South African schools (cf. De Wet, 2003a; De Wet, 2003b; Van Staden, 2003; Geyser & Wolhuter, 2001:94). The extent, nature and causes/correlates of the problem are discussed in other articles in this volume. The most pressing problem, however, at least for educators, is how to create and maintain discipline in schools, and to decide whether preventive or punitive measures should be favoured. This problem is evident in for example the empirical study of Mentz, Steyn and Wolhuter (2003), who found that in the sample of their study, 10% of schools still used corporal punishment, despite the fact that this form of punishment had been abolished six years prior to the study, and that its application held dangers of criminal charges and prosecution for educators. Morrell (2001) too found that the use of corporal punishment was still relatively common in the historically black township schools.

For the purposes of this discussion, alternatives to corporal punishment will be divided into two main categories: preventive and punitive disciplinary methods.

2. Aims and strategy

The objectives of this article are to *analyse* and *compare* the various manifestations and characteristics of both the preventive and punitive forms of discipline and to *evaluate* their effectiveness against the background of a *normative theoretical framework, in this case a reformational one, i.e. a Biblically-based perspective*. Since learners find themselves in a state of continuous exposure to education, all arguments pertaining to learner development (including discipline) also have to be evaluated in the perspectives provided by several other fields of science such as education, psychology and jurisprudence. Statements about learner development and disciplinary measures cannot be presented without taking the life-conceptual, educational and psychological foundations of learner development into account. In the following discussion, attention will be focused on two key concepts: “education” and “discipline”.

The discussion is aimed at finding an answer to the following question: which approach is to be favoured in contemporary South African schools – the preventive or the punitive? Information on the two approaches was obtained from a study of relevant subject-related literature as well as from the findings obtained from a qualitative and quantitative research project on learner discipline (PU for CHE, 2003).

3. Normative framework

As explained above, educators from time to time find themselves in positions where they have to express preference for either preventive or punitive disciplinary measures. To be able to make a responsible choice one has to apply criteria, and these flow from a normative framework. Where criteria and their underlying normative framework are lacking, the choices one makes become arbitrary, random and even relativistic.

The question, therefore, to be answered by educators is: Will an approach to discipline (i.e. preventive or punitive) contribute towards the “educated-ness” of the learner and to being a true disciple (of Jesus Christ), or will it be detrimental to these ideals? To be able to determine whether an approach to learner discipline can be regarded as “positive” or “negative”, theoretical – educational as well

as psychological – views on learner discipline have to be taken into account, as well as how specific educational measures affect the psychological (personal) well-being of the learner. In other words, how should life-conceptual, educational and psychological perspectives be applied to ensure educated-ness and discipleship? And what does it mean to be truly “educated”, and to be a true “disciple”?

3.1 The notion of being “truly educated”

To be truly educated (also in the Biblical sense of the word) is to have attained the necessary dispositions (cf. Van Brummelen, 1988: 5), in other words the abilities, skills, capacities, and attitudes that learners are expected to master. Learners should be educated, that is, guided, assisted, unfolded, enabled and disciplined, to eventually become “fully” educated, responsible adults. Education concerns the shaping of the total life of a learner, which implies that education has to be a *paideia Christi* – a well-rounded education in Christ (Westerman, 1997:61). The following are aspects (criteria) of “well-rounded” education:

3.1.1 Education provides guidance

True educators are always prepared to lead their learners, inter alia through the process of modelling. The educator specifically must model discipleship, in order to invite learners to follow along – learners are guided into discipleship (Van Dyk, 1993:158, 159). Educators are guides who direct learners onto a particular aim/path/direction. Guiding involves a gentle nudge of learners in a certain direction (Van Dyk, 1993:157).

3.1.2 Education takes place in a structured environment

Learners need a structured approach in terms of a worldview that will let them experience and want to follow that way of life. Educational structures must be permeated by love, understanding and righteousness, which essentially are the characteristics of a Christian way of education, without which education will only reach the minds of students but not their hearts, and which will be, in the opinion of Van Brummelen (1988:29; also cf. Van Dyk, 1993:159), relatively ineffective in guiding learners to become responsible adults, as persons who understand and live out a Christian worldview – according to the will of the Lord.

3.1.3 Learners experience the processes of unfolding during education

In the process of guiding, educators unfold to learners the basis, the contours and the implications of a righteous (Christian) way of life. The work of Christian educators proclaims God's handiwork in creation, the effects of sin, and the possibilities of reconciliation and restoration. Educators also disclose the secrets of Divine creation by letting learners acquire an understanding of themselves. As such, an unfolding education demands far more than the mere imparting of factual information. Instead, learners are guided to evaluate information critically, to solve problems with it, and consciously develop a related value system towards any new information (Van Brummelen, 1988:30). Educators unfold information and knowledge when they open up to learners the world of the various subject areas in school. Through the learning of this information, learners also learn the various skills that they will need in adult life. They also unfold the potential talents that God has placed in each of them (Van Dyk, 1993:160).

3.1.4 Learners become enabled

Educators know that they have to enable learners to use their talents in service to God through service to their fellow creatures. Enabling is a natural consequence of effective structuring and unfolding. Enabling embraces the development of personal dispositions, also on the basis of Scriptural norms and principles. For instance, learners are enabled to exercise communication and cooperation skills that can contribute positively to human relationships, as described in Scripture. In this way, educators enable learners to apply God's norms for morality, for family and social life, for leisure and for economics (Van Brummelen, 1988:31). Gradually educators should attempt to diminish their own structuring and unfolding, and encourage learners to take charge of their own enabling (Van Brummelen, 1988:31). In this way, learners are also enabled for true discipleship (Van Dyk, 1993:161).

3.1.5 Learners become responsible stewards

True discipleship, says Van Dyk (1993:158), refers to a life of service. Educators teach their learners to also do the will of God, in terms of servanthood. Servanthood consists of two dimensions: stewardship and caring. People are created as well as called upon by God to be his stewards in creation – that means, people have to take care of themselves, of one another and of all of the rest of

creation. Care-taking and stewardship lie at the very core of all human relationships, including educational (disciplinary) relationships. Disciples, according to Van Dyk (1993:159), are servants who exercise their servanthood in communal stewardship and reconciliation, the healing of brokenness wherever it is encountered. To train such disciples, is in his opinion the ultimate goal of Christian education.

3.2 The notion of being truly “disciplined”, to be a true disciple

In Van Brummelen’s opinion (1988:2, 7), education should equip learners for a life of responsible discipleship in Jesus Christ. Disciples are professing followers who grasp and live according to the vision of the educator. A disciple is one who hears the Word of God and also does it (Van Dyk, 1997:41). Becoming disciples of Jesus Christ involves understanding and committing oneself to Christ and the vision of God’s kingdom. Disciples respond to the mandate of the kingdom and, by God’s grace, endeavour to carry it out in their lives. According to Fernhout (1997:76), the inculcation of a Christian life-view has been deemed to be the (educator’s) key contribution to the overall goal of fostering a life of discipleship. Discipleship refers to, on the one hand, hearing the Word (the will, the laws) of God, and on the other, the willingness to act in response. Doing, in response to hearing, is a matter of loving servanthood (Van Dyk, 1993:158).

The above provides the pre-theoretical (normative) framework against which the two sets of disciplinary measures, i.e. preventive and punitive, will be evaluated: does either measure lead to a better and more profound state of “educated-ness” and discipleship in learners? The rest of this article will be devoted to finding (an) answer(s) to this question.

3.3 The meaning of discipline in educational and psychological terms

According to Sonnekus (1986:6) the “authority” relationship is probably the most important relationship (of all educational relationships) for successful education, since society as a whole is based upon maintaining authority, including the authority of government, God and neighbour. The other educational relationships, namely the “trust” and “understanding” relationships, however, are prerequisites for the realisation of authority by educators. The learner who is in an understanding relationship with his (her) educators and knows that

he (she) can rely upon them, feels emotionally comfortable and secure (trusting relationship) enough to readily accept authority from them.

If trust in the relationship between educator and learner is lacking, the educator is in a position of power instead of authority, in which case the educator will have to force the learner to be obedient, which in turn will adversely affect the relationship of "trust" even further. The effect of authority appropriately exercised by the educator is that the learner feels that he "belongs" and subsequently can develop self-trust (self-confidence) and accountability for his actions.

Authority appropriately applied can be described as invitational education towards the learner to develop his potential to become a responsible adult (Kok & Grobler, 2000:303). Non-invitational education communicates to the learner that he is unworthy of attention, unable to develop his potential. Non-invitational education does not always imply ignoring the learner at all times; it may also be communicated to the learner through harsh discipline that he is not worthy of more sympathetic treatment by the educators in his life. It is commonly known that disruptive (undisciplined) behaviour often is a learner's attempt towards attention seeking from the educator, and mostly with the purpose of receiving more sympathetic attention.

Unfortunately, the educator does not always realise this, and generally attempts to nip the undesired behaviour in the bud by merely dictating and applying more rigid rules and disciplinary measures, since this appears to be the easiest way out of a battle for control that often wages between educator and learner.

The theories of child-rearing espoused by the Christian Right movement in the USA emphasise physical punishment, the breaking of the child's will, and obedience to authority (Berliner, 1997:381-416), in the belief, or fear, that control over the child's will and thinking will be lost if the child is allowed too much independent thought. In this regard Morrell (2001:292) states that corporal punishment persists because parents use it at home and support its use in school. This approach could, however, lead to the over-emphasis of the punitive nature of discipline while neglecting the (pedagogical) growth aspect thereof (Van Wyk, 2001:195). Such theories, therefore, cannot be supported by modern education and psychology, as they are in contrast with the pedagogic and psychological view of the child as a human being with equal rights to other human beings, who can only develop his potential to grow into

responsible and independent adulthood if he feels secure and safe in his relationship with his educators, as indicated above.

These theories are also incompatible with (educational and psychological) constructivist models of learning, which describe the child as a learner who has to construct his own meaning (knowledge) from reality for adequate learning to occur, rather than knowledge merely being factually presented (in an authoritative way) to the learner.

At the other end of the spectrum, educators should, however, *not* let go of all forms of discipline, fostering the myth that learners come into the world (and into their classrooms) with fixed hereditary traits, or that *all* learning has to take place through self-constructed knowledge, and that teaching (discipline) therefore will make no difference to learners' development of their potential into adulthood. According to Sternberg and Grigorenko (1999:550),

... one of the worst mistakes we can make in the classroom is to believe that we cannot make a difference, because once we believe it, it is likely to become a self-fulfilling prophecy. Wherever the answers may be to understanding the power of educational interventions, they most assuredly are not in studies of heritability.

The answer to intervention in disciplinary problems rather has to be found in the appropriate *educational and psychological approach* to children (learners) experiencing difficulties. The *wrong* approach would be to apply corporal or other punitive forms of punishment:

[E]vidence strongly suggests that corporal punishment, not only in the early years but also when it extends into adolescence, is a major cause of negative behaviour. This includes depression, physical abuse of children, et cetera ... Proponents of corporal punishment are of the opinion that it builds character, contributes to rapid reduction or elimination of unwanted behavioural patterns, whilst at the same time it teaches respect for rules and authority... Research, however, tells a different tale (Maree, 1999:56, 59).

Cryan (1995:37) claims the following:

[T]he psychological effects of corporal punishment may be just as harmful as the physical effects, and may include loss of self-esteem, an increase in anxiety and fear, damage to ego functioning, creation or enhancement of feelings of loss, helplessness and humiliation, enhancement of feelings of aggression, and destructive and self-destructive behaviours, a shortened attention span, attention-deficit disorder, and impaired academic achievement. Apart from this, the administration of corporal punishment conveys the message that it is acceptable to express one's feelings of anger by hitting someone else. Children are natural

imitators and they learn through modeling: when they experience their parents trying to solve problems by hitting, they do not learn creative ways of solving problems. If parents beat them, they learn that it is acceptable to hurt others smaller than themselves physically. This aspect has a most negative bearing on the formation of an ability to establish meaningful relationships.

Lytton (1997:12, as cited by Maree, 1999:59) also stresses the fact that corporal punishment is usually associated with hostility and rejection, an aspect which will have an enormous negative effect on children's relationships of trust, not only with their educators, but also with themselves, in terms of the weakening of the self-image and the development of a negative self-esteem. There is also a wealth of evidence¹ suggesting a link between corporal punishment in the early years, and the development of criminal behaviour in later years.

"Less drastic" punitive measures like for instance time-out or even expulsion, are not more acceptable either, since these procedures violate learners' right to education (Yell, 1990). Moreover, to try and replace corporal punishment with psychologically undesirable measures, like humiliation in front of the class, will not solve the matter, as pointed out by Maree (1999:62), but will rather contribute to the development of other personality disorders, like aggression, regression, withdrawal, and acting out, which will probably result in delinquent or criminal behaviour (Vogel, 2002:24).

Behavioural dysfunctions like the above-mentioned actually necessitate professional *intervention* in (disciplinary) problems, as provided by child-guidance and in special-education programmes respectively. While *child guidance* has become increasingly narrowed down to only a portion of the middle-class, native-born, school-age population, excluding problems exceeding the likelihood of treatment to be successful, e.g. delinquent children, *special education* broadened its jurisdiction (to all learners facing all kinds of difficulties), and has helped to shape a view of full inclusion in public education (Richardson, 2002:563). Therefore special education, as a branch of inclusive education in terms of the formal education policy in South Africa, has to accommodate and face all problems (including disciplinary problems) encountered and exhibited by the

1 See Agnew (1983:234); Cryan (1987:151); Bauer, Dubanowski, Yamauchi and Honbo (1990:285); Cherian (1990:98); Strauss and Donnelly, (1993:439); Pete and Du Plessis (2000:111).

contemporary South African youth. This change of direction in intervention signals an expanded ethical commitment, away from a focus on difficulties based within the individual learner only, to the treatment of learners' difficulties within the whole integrated context of schooling in which the learner may find himself. This approach is regarded as the only responsible (and therefore ethical) way in which to approach the treatment of learners experiencing difficulties. Disciplinary problems, therefore, have to be addressed and dealt with, by educators as well as professionals in the regular as well as special-education classroom, thereby compelling regular educators in the classroom to cooperate with professionals in special education in the diagnosing and treating of *inter alia* disciplinary problems as they occur in the regular classroom.

The discussion in this section (3) constitutes the normative framework against which a decision has to be taken whether to favour preventive or punitive disciplinary measures when combatting deviant behaviour in schools. Theoretical considerations – based on a Biblically-based life-concept or cosmoscope, as well as educational and psychological considerations – have to be taken into account when considering the choice. The rest of this article will be devoted to firstly discussing both preventive and punitive measures, and finally to reach a decision about which to favour.

4. Preventive methods

Preventive methods of discipline refer to methods designed to deter or avoid the incidence of disciplinary problems, in contrast to punitive methods, which refer to steps in reaction to deviant behaviour after it has occurred. Preventive methods fall into several categories:

4.1 Security measures

The fact that a lack of security is no minor problem at South African schools is evident from a recent empirical study by De Wet (2003a). For example, 73.35% of the learner sample in this study reported that they did not feel safe at school entrances, 69,44% did not feel safe in the school's cloakrooms and 79,86% on the school premises (De Wet, 2003a:88).

In the United States of America, the National Center for Education Statistics commissioned a survey on violence in schools, and found that schools took the following measures regarding security, in order

to address the problem (National Center for Education Statistics, 2002):

- 2% of schools had stringent security measures, which were defined as a full-time guard and daily or random metal detector checks;
- 11% had moderate security measures: a guard, restricted access to schools or metal detectors with no guards;
- 84% had low-level security-restricted access to schools, but no guards or metal detectors, and
- 3% of schools had no security measures.

These preventive measures should also be considered for possible application in South African schools, bearing in mind legal constraints and official, national and provincial policy. However, in South Africa the official policy does not provide for random drug testing or searches. Drug testing or searches may only take place if based on reasonable suspicion (SA, 2002).

4.2 Aesthetic considerations

The research undertaken by the Elton Commission of investigation into school discipline in schools in the United Kingdom produced evidence of links between the appearance of school premises and the behaviour of learners (Department of Education and Science and the Welsh Office, 1989:13). Providing an attractive environment seemed to be inversely related to the incidence of misbehaviour. Classrooms and corridors should be well decorated, be kept clean, with no litter and no graffiti (Department of Education and Science and the Welsh Office, 1989:115). Evidence collected by the Commission indicated that, where learners were provided with a pleasant environment, they respected it, and where they contributed to it, they treated it as their own. This sense of participating in the ownership of the school was found to play an important part in the way learners behave.

On the basis of their research, the Elton Commission recommended that headmasters and staff adopt comprehensive policies for the care of the premises, with responsibilities allocated to specific people, including pupils (Department of Education and Science and the Welsh Office, 1989:116). Such policies should include the following (Department of Education and Science and the Welsh Office, 1989:118):

- Damage and graffiti control: staff and students should be encouraged to notice and to report damage and graffiti as quickly as possible. Graffiti should be removed and damage repaired immediately;
- litter control: the adequate supply and sensible placing of dustbins should be ensured. Dustbins should be regularly emptied;
- learners' work should be displayed.

The Elton Commission was especially impressed by the effect carpets had on the school atmosphere (apart from its effect on noise reduction). It appeared to improve learners' respect for their schools.

4.3 Organisational arrangements

In their quest to raise the standard of school discipline, the Elton Commission also focused their research on aspects such as time-tabling, circulation and supervision. The following recommendations were submitted (Department of Education and Science and the Welsh Office, 1989:120, 122):

- Movement in "nil" time: Some timetables allow no time for movement between lessons. Strictly spoken this implies that everybody is late. In schools with large grounds and scattered buildings, both learners and teachers may be several minutes late. Research evidence suggests that "late lessons" are associated with lower standards and deviant behaviour. Lesson time should be set to allow time for movement, and to make punctual commencement of classes possible. In this regard some schools use two or three bells – the first bell acts as a warning signal (Du Plessis, 2002).
- Circulation between periods should be such as to avoid bottlenecks of learners. Bottlenecks in narrow corridors or stairs and in badly placed avenues tend to lead to pushing, jostling and other problematic behaviour which can affect the atmosphere negatively, sometimes leads to the damaging of school equipment, and can at times escalate into more serious problems such as fights.

4.4 The notion of positive discipline

In view of the normative framework concerning discipline (see 3 above), positive discipline is depicted as methods of discipline that do not damage, but rather build the learner's self-esteem. Not only does positive discipline effect this, but it also allows the learner to

feel valued. It also encourages the learner to participate and to co-operate. Positive discipline gradually enables a learner to learn the various skills involved in assuming responsibility for what happens to him/her and helps him to take the initiative, relate successfully to others and solve problems. Ultimately, it promotes the development of self-discipline (ERIC Digest, 2003). The ERIC Digest² offers several practical guidelines for positive discipline (ERIC Digest, 2003).³

Positive discipline is to be contrasted with harmful, negative (punitive) disciplinary methods, such as criticising, discouraging, shouting, creating obstacles and barriers, blaming, shaming, using sarcastic or cruel humour, or using physical and other forms of punishment which are harmful to a learner's self-esteem, for example, removing the learner from the group, or isolation in a time-out chair or a corner (ERIC Digest, 2003).

5. Punitive disciplinary measures

Punitive disciplinary measures can be described as those measures adopted by a school and/or an educator in the classroom to punish

2 ERIC: Education Resources Information Centre – an electronic database for education publications.

3 The ERIC Digest offers the following practical guidelines for positive discipline (ERIC Digest, 2003):

- Recognise and accept the reason why the child is doing, what in your judgement, is the wrong thing: E.g.: "You want to play with the truck ..."
- State the "but": "You want to play with the truck, but Jessica is playing with it right now."
- Offer a solution: E.g.: "Soon you can play with the truck."
- Often it is helpful to say something indicating your confidence in the child's ability and willingness to learn: E.g.: "When you get older I know you will be able to ..."
- In some situations, after firmly stating what is not to be done, you can demonstrate how to do it, or a better way: E.g.: "Puzzle pieces are not for throwing. Let's put them, in their pieces, together."
- Redirect the child to something similar, but in an acceptable way: E.g.: "Peter needs that toy. Here is something for you."
- Avoid accusations. Even with babies, communicate in respectful tones and words. This approach promotes children's self-esteem and enhances their tendency to co-operate.

For every "no", offer two acceptable alternatives. This encourages the child's independence and emerging decision-making skills, and spells out definite limitations at the same time.

or curb the misconduct of a learner. (In the case of preventive measures the focus was on reinforcement of acceptable behaviour and on actions conducive to education.) Punitive measures call for a combined effort from all the stakeholders: educator, parents and government. The government is responsible for sensible statutory provisions to regulate misconduct effectively. The parents as primary educators of their children are responsible for the discipline of their children. This is confirmed as such by statutory provisions (SA, 1996b): "The ultimate responsibility for learners' behaviour rests with their parents or guardians."

The following are some of the punitive disciplinary measures frequently applied by educators.

5.1 Code of conduct

In terms of section 8 of the South African Schools Act (1996b), a governing body has to adopt a code of conduct for learners after consultation with learners, educators and parents. The objectives of such a code are to establish a disciplined and purposeful school environment (SA, 1996b). Based on these statutory provisions, it is clear that a code of conduct that adheres to the necessary legal stipulations is to be seen as a valid legal document and as such has to be adhered to by learners. Consequently Visser (1999:147) defines a code of conduct as a document providing a legal basis for the identification and elimination of those forms of conduct that threaten the learning process. (In this sense, then, a code of conduct can be regarded as a preventive disciplinary measure.)

Although educators are to play a primary role in adopting a school's code of conduct, it would be a sensible approach to include the learners (and parents) in the process as well. The findings of Mabeba and Prinsloo (2000:34) in their empirical survey confirmed this. Their research among learners, parents and educators in 24 South African schools showed shared decision-making to be much more acceptable than a one-sided imposition of disciplinary measures by teachers. Not only is this kind of approach based on a sound managerial perspective of shared decision-making, but it is also in line with the democratic values entrenched in section 7 of the Constitution (SA, 1996a). (The participation of all the stakeholders in the drafting of the code of conduct will reinforce the preventive nature of this disciplinary measure.)

However, as essential as this kind of participation might be, one should bear in mind that the educator has to play the key role. Due

to their role as *in loco parentis*, educators are not only responsible for the learners entrusted to them, but also have the authority vested in them to create a disciplinarily sound environment that is conducive to teaching and learning (Oosthuizen, 2003:60). The teacher is the one who is professionally trained and qualified to fulfil this role. In terms of section 16(1) of the South African Schools Act (SA, 1996b), this approach is also in line with the statutory provisions, which leave the professional aspects pertaining to education in the hands of the educators.

An analysis of the statutory phrase “in consultation with learners, parents and educators” sheds more light on the process. Referring to the court’s ruling in *MAWU v Hart Ltd* of 1985, Visser confirms that a governing body is not obliged to accept all the views of parents and learners, but that it is merely bound to consider such views with an open mind. The judge in the said case phrased the meaning of the word *consultation* as follows: “To consult means to take counsel or seek information or advice from someone and does not imply any kind of agreement.”

Moreover, the shared decision-making of learners and parents should be based on knowledge of the basic principles of policy-making, including the requirements for its validity and its functions. Participating parents and learners should be taught how to approach these things (Mabeba & Prinsloo, 2000:40).

It should be borne in mind that a code of conduct should not merely exist in theory but should be consistently applied. The policy of zero tolerance towards perpetrators, which was followed between 1993 and 1998 in New York City, showed an improvement in the success rate of 138% in curbing transgressions and crime (Mischke, 2003:8). It can be concluded that, although a code of conduct is essentially a preventive measure, it has a punitive aspect as well. It describes acceptable conduct but also the punitive steps that can be taken by the (school) authorities in cases of transgression.

5.2 Referrals to the governing body

Qualitative research in a project on learner discipline undertaken by the Faculty of Education Sciences (PU for CHE) indicated that – apart from hearings for possible expulsions and suspensions – misconduct was often referred to the governing body’s disciplinary committee for disciplinary action. In many cases this seemed to have a positive effect on learners. One respondent in the survey reported that the experience to appear in front of such a committee

generally filled a learner with such awe that it had a deterring effect on learners to avoid a repetition of a similar experience (Herselman, 2003).

Examples of punitive measures imposed by governing bodies included the following: a matric pupil had to spend his/her study block for the mock examination at school while the rest of the learners were allowed to stay at home. Added to this was a suspended ban on attending the matric farewell (Herselman, 2003).

5.3 Suspension

Suspension can be defined as the temporary refusal by a school governing body to admit a learner to a school and/or its hostel (Oosthuizen, 2003:82). In terms of section 9 of the *SA Schools Act* (1996b) a learner may be suspended for a maximum period of one week after a fair hearing.

The forms and incidence of learner misconduct vary from school to school. The qualitative research of Van Wyk (2001:197) in South African black schools showed the forms to range from rape and the carrying of dangerous weapons to coming late for classes. It is not only the forms of misconduct that vary but also their incidence. In their empirical research among 76 schools in South Africa, statistics showed an incidence ranging from more than ten disciplinary hearings per month (6,6% of the responding schools) to fewer than three disciplinary hearings per month in other cases (Mentz *et al.*, 2003:10).

5.4 Expulsion

Expulsion is defined as the permanent refusal of admission of a learner to the particular school and/or hostel (Oosthuizen, 2003:82). In terms of section 9 of the *SA Schools Act* (SA, 1996b) suspension may only be done by the Head of Department in question, and only if the particular learner has been found guilty of serious misconduct at a fair hearing.

Two kinds of expulsion are distinguished: out-of-school expulsion, where a learner is expelled from school, and out-of-class expulsion, where a learner is expelled from a specific class only, owing to misconduct.

5.5 Detention

The Oxford Dictionary (2002:280) describes detention as the detaining of a person (i.e. the learner) in order to punish. In essence, detention could be seen as the system where a learner has to sacrifice his/her free time due to misconduct or unruly behaviour from his/her side. Research has indicated mixed opinions regarding the effectiveness of detention. In many cases it was said that it did not modify the behaviour of the learner(s) in question and that it laid an extra administrative and supervisory burden on educators (Andrews & Taylor, 1998:4).

It could very well be said that the basic idea behind detention should be to discomfort the learner concerned by taking away his/her free time, thereby attempting to modify his/her behaviour to a more positive or disciplined approach. One form of detention, which was highly rated as an effective method of discipline, is the lunch-break detention. Earlier on, in-depth American research on the effectiveness of detention showed this to be a method of detention which was favoured by learners and educators – one of the reasons being the “thin line” that existed between the administrative burden on educators and making the learners “feel uncomfortable” by having to sacrifice their free time (Andrews & Taylor, 1998:4). They concluded (Andrews & Taylor, 1998:5):

As schools experiment with disciplinary programs, lunch detention appears to be a potential alternative program which, when tailored to fit a given school, might be more effective than current programs more punitive in nature.

Various forms of detention are suggested in subject-related literature. One method is to invoke the assistance of the parents who then have to come to school and “literally baby-sit” their unruly children and/or those of other parents (Anon., 1995:1). Another form of detention is to take away certain privileges from the learners in question. Some of these privileges are for example the privilege to participate in sport for a period of time or to attend the matric farewell, the permission for learners to wear “civilian clothes” to school on certain days, etc. Learners can also be expected to perform menial duties during detention, such as the cleaning of school furniture or classrooms, gardening, etc. (Ngubane, 2000:5).

5.6 Criminalisation

From time to time learner misconduct becomes so serious that it takes on the form of a criminal offence. Occurrences of such

behaviour in the case of learners take on various forms, such as physical assault, violence, rape, etc. (Rademeyer, 2002:6; Magnus, 2002:2). When this kind of behaviour spins out of control, it could very well become a threat to an orderly school environment, which is essential for effective learning. Unsettling a learning environment in this manner may constitute the serious condition known as environmental harassment – affecting the emotional and psychological ability of the learner (Lewis & Hastings, 1994:9). Therefore, as a last resort, and in order to protect an environment securing learner and educator safety – which is a *sine qua non* for effective learning and teaching – the school should consider reporting such behaviour as a criminal offence.

Apart from these serious forms of misconduct, some other forms of deviant behaviour could also be classified as criminal offences. Reports from Great Britain on learner discipline indicate a serious decline of learner respect towards their parents and educators. Occurrences of swearing and spitting, or learners insulting their educators, are not uncommon (Jansen, 2002:10). In a dispensation where human rights are respected it should be borne in mind that in terms of section 10 of the SA Constitution (SA, 1996a) teachers also have a right to human dignity, and teachers' dignity thus has to be respected at all times. Some forms of disrespectful behaviour towards another person could constitute various forms of criminal offences, such as *crimen iniuria* and criminal defamation. *Crimen iniuria* can be defined as the intentional and serious violation of the dignity or the privacy of another person⁴.

4 Some of the elements of this crime are as follows:

- It has to be serious. In the words of Snyman (2002:458) the High Court of South Africa described the seriousness as follows:
“What is of a sufficiently serious character depends to a large extent upon the modes of thought and conduct prevalent in a particular community at a particular time and in a particular place.”
- The act in the case of *crimen iniuria* can be committed either by word or by deed.
- Basically the word *dignity* refers to self-respect. The *Reader's Digest Dictionary* defines it as “the sense of pride in oneself” or “the state or quality of being worthy of respect”. An actual example of such behaviour where one person was convicted of *crimen iniuria* was where he had addressed another in language that humiliated or disparaged him/her. Another example was where the driver of a vehicle swore at a traffic officer and was convicted of the crime.

Another less severe option for the emotionally harassed educator (or learner) is to file suit for delictual damage on the grounds of defamation, which could be dealt with in a small-claims court.

6. The decision: which category of disciplinary measures should be favoured?

The answer to this question has to be taken in view of the normative framework discussed above in section 3 – i.e. in the light of the theoretical – educational and psychological – views regarding the growth of learners into responsible adults. In view of the normative framework it can be concluded that learners have to be guided and enabled to learn new social behaviour and a better comprehension of how to make his/her behaviour conform to school standards. To this end, preventive measures clearly have to be preferred to punitive ones. This conclusion is based on the following arguments flowing from the normative framework:

- Learner discipline is to be prospective rather than retrospective. It is the future of the learner that is at stake. Consequently, the ideal focus for learner discipline is on guidance, enabling and disciplining, and – if necessary – correction rather than punishment.
- Education has to take place in a structured and orderly environment. Enabling the learner to become enabled himself is a consequence of effective structuring and unfolding. The thrust of education law is, therefore, to ensure the creation of a secure environment aimed at the enhancement of orderly, systematic and harmonious education (Van der Westhuizen & Oosthuizen, 2003:18). In terms of this, an attitude of vengefulness or retribution in an educator towards a perpetrating learner is not acceptable.
- Furthermore, the idea behind the creation of a safe and secure environment conducive to learning and teaching is that it should also be a secure environment for all participants – not only learners but also for the educators. Not only the delinquent learner has a fundamental right to education; so have the rest of the learners (as a group). And once the ill-discipline or misconduct of one learner becomes a threat to or disturbs the harmony of education and learning, one has to ask oneself: should the collective right of the learners to a secure environment, conducive to learning, not be protected against the ill-discipline and misconduct of the individual? The High Court of South Africa has repeatedly found in favour of the collective rights

of learners to an orderly environment conducive to teaching and learning. This implies that although the emphasis in learner discipline is a prospective approach that focuses on being preventive and corrective rather than on punishment, there are times when the collective interests of the group outweigh those of the individual perpetrator and there remains no alternative but to punish (and even temporarily remove) the perpetrator.

- It is also the task of the educator to see to it that education takes place in an environment of care, one conducive for helping the child learn his task of stewardship. It is the duty of the educator to create an environment where every learner (including the ill-disciplined ones) is guided towards an attitude of caring for other learners (*i.c.* fellow learners and their rights to an orderly environment conducive to learning). The educator is not only called to establish a model environment, but also to model true discipleship for the learners to emulate.

The answer to the question: which approach is to be favoured – the preventive or the punitive? – implies a combination of both. In other words, a contextual approach is required: certain instances call for preventive action while others call for punitive measures. The contextuality lies in the seriousness of the misconduct, the age, attitude and motives of the perpetrator, the circumstances that persisted at the time of the misconduct and the impact of the misconduct on the teaching-learning environment.

7. Conclusion

In view of the educational and psychological fundamentals of learner development as described above in section 3, it must be argued that the preventive approach in discipline is to be favoured on principial grounds. However, this can only be valid in school settings where there are no serious disciplinary problems and transgressions – a highly improbable scenario. In view of this unfortunate reality, a combination of preventive and punitive approaches seems to be indicated; that is, on condition that all the circumstances of a learner facing possible disciplinary measures are taken into account as well as that the measures taken are conducive to the guiding, enabling, modelling and discipling of the learner in question.

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Key concepts:

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dissiplinêre maatreëls
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voorkomende dissipline

