

CUTTING THE CANE: A COMPARATIVE ANALYSIS OF THE STRUGGLE TO BANISH CORPORAL PUNISHMENT FROM SCHOOLS IN BRITAIN AND SOUTH AFRICA (PART 2)

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SUMMARY

For centuries corporal punishment was used as a method for disciplining school children in Britain. Britain was one of the last countries in the European Union to abolish this form of punishment in its schools, and did so only after a long and bitter struggle waged in parliament, on the streets, and in various courts of law. This article traces the manner in which this practice became deeply entrenched in the British way of life, as well as the long battle to dislodge it. The focus then shifts to the evolution and eventual demise of this form of punishment in South African schools. During the long years of British rule in South Africa, British attitudes towards the corporal punishment of school children profoundly influenced those responsible for education in this African country. However, the attachment of South African educational authorities, educators, and parents to corporal punishment cannot be explained simply by reference to the influence of British educational values, and the article seeks to take account of the general history of corporal punishment in the African context. This history is entwined with the history of colonialism on the continent, and the article explores the unique social meanings attached to this form of punishment in the African context, as well as its historical importance as a means of social control. The article is divided into two parts. In part one of the article, the evolution and eventual demise of corporal punishment in British schools is traced, followed by a brief general overview of corporal punishment in the African context, as well as a short discussion of the use and eventual abolition of this form of punishment in South

African schools. In part two of the article, the continued use of corporal punishment in South African schools, even after this form of punishment was legally abolished following the end of "apartheid", is examined in detail.

1 INTRODUCTION

In Part One of this article, the evolution and eventual demise of corporal punishment in British schools was traced. A concise general overview of corporal punishment in the African context was provided, and the use and eventual abolition of this form of punishment in South African schools was discussed. In Part Two of this article, the continued use of corporal punishment in South African schools, even after this form of punishment was legally abolished following the end of "apartheid", is examined in detail. A number of nationwide surveys substantiating this are discussed as well as specific examples in the media confirming this general trend despite official condemnation of the practice. Factors which contributed to the continued use of this illegal form of punishment are discussed in some detail, including: a general failure to report educators who persisted in using this method of discipline; the perception of educators that they are no longer able to discipline learners in the face of increasing school-based violence; social, religious or cultural approval of corporal punishment as a form of discipline; and frustration on the part of educators at the perceived lack of viable alternatives.

2 THE CONTINUED APPLICATION OF CORPORAL PUNISHMENT IN SOUTH AFRICAN SCHOOLS

Although the use of any form of corporal punishment was legally abolished in South African schools in 1996, this form of punishment continued to be used in schools throughout the country after this date. This is shown in the results of a number of nationwide projects and surveys carried out between 1996 and 2008, which incorporated findings on the continued use of corporal punishment in South African schools.

Between 1997 and 2000 a nationwide project was carried out by the Department of Education. The aim of this project was to assess the viability of implementing a public system of early childhood development in the form of a compulsory school reception year for five-year olds. Altogether 2,730 sites, serving approximately 66 000 learners were chosen to participate in the project, and the results of the project were released in 2001.¹ In relation to the continued use of corporal punishment in schools, it was stated as follows:

"There is cause for concern with the standards applying to the management of learner behaviour, as threats and corporal punishment are still regularly practised by a third of the practitioners observed."²

¹ <http://www.education.gov.za/content/documents/179.pdf> 21.

² Report on the National ECD Pilot Project, May 2001 www.capegateway.gov.za (accessed 2007-20-04).

In 2005 an extensive survey of South African schools was carried out by the Centre for Justice and Crime Prevention. In this study, entitled the National Youth Victimization Survey, a total of 4409 respondents between the ages of 12 and 22 were surveyed. The finding of this survey in respect of the continued use of corporal punishment in South African schools was shocking. According to the survey "corporal punishment remains a common experience" with 51.4% of the respondents being caned or spanked at school. Of this number 64.6% of the learners were between the ages of 12 and 14.³

Between 2005 and 2006 another survey was conducted in Ekurhuleni and Soweto by the Education Rights Project, together with youth activists from community-based organisations. This survey sought to reveal the perceptions of high school students in relation to schooling and their rights in field of education. The survey involved 1700 students, and included a household survey completed by parents or the head of households. The survey revealed that corporal punishment was pervasive in South African schools, and stated as follows:

"About 80% of the respondents (1353 of the 1665 students who answered the question on corporal punishment) said that teachers meted out corporal punishment at least once a week. Even starker was the revelation by 376 learners between grades 8 and 12 that educators were administering corporal punishment every day ... Corporal punishment was outlawed in 1996 but 53% of the study's respondents from 15 schools surveyed were not aware that it is an illegal practice ..."⁴

Finally, in 2007, a survey was carried out by the Centre for Justice and Crime Prevention, entitled the National Schools Violence Study 2007. The aim of the survey was to investigate the "extent and nature of various forms of violence" taking place in South African schools. In total 12,794 learners, 264 principals, 521 educators were interviewed from a total of 245 primary and secondary South African schools. The results of the survey showed that 47.5% of the learners interviewed in secondary schools and 70.1% of the learners interviewed in primary schools had been beaten by a principal or teacher for wrongdoings.⁵

In addition to the national surveys discussed above, individual cases of the continued use of corporal punishment in South African schools have been reported in the newspapers from time to time. Among the many examples of the continued use of corporal punishment are a number of

³ The CJCP is s 21 Company that works to develop, inform and promote evidence-based crime prevention practice, with a particular focus on children and youth. The survey was conducted between August 2005 and December 2005 and the results of the survey were presented by Leoschut and Burton at the Sheraton Hotel, Pretoria, in May 2006. Centre for Justice and Crime Prevention website <http://www.cjcp.org.za/admin/uploads/Seminar%20presentation-final.ppt#256,1>, (accessed 2008-10-01).

⁴ Vally "Disturbing Statistics on Corporal Punishment: School Survey in Gauteng: Research" April 2007 e-publication Article 19 3(1) 5-6.

⁵ National Schools Violence Study 2007, Centre for Justice and Crime Prevention [http://www.cjcp.org.za/admin/uploads/Seminar%20Schools%20Presentation%20Final%20extended%20version\(2\).pdf](http://www.cjcp.org.za/admin/uploads/Seminar%20Schools%20Presentation%20Final%20extended%20version(2).pdf) (accessed 2008-10-09).

reported cases in which the corporal punishment meted out was extreme in nature.

In 2001, for example, two incidences of corporal punishment resulting in serious injuries to learners were reported in the press. The first involved a certain Grade 5 pupil by the name of Emily Tema, who was beaten so badly by her teacher that she was left with a crippled hand. The second involved a Grade 2 pupil by the name of Mokgadi Seale, who lost an eye as a result of the beating she received from her teacher.⁶ In 2003, a Bulwer Primary School teacher was charged with murder for allegedly banging together the heads of three of her pupils as punishment for making a noise. One of the children died shortly after the ordeal.⁷ Finally, in 2007, the *Sowetan* reported as follows on a serious case of corporal punishment which was carried out in a secondary school in Mpumalanga:

“it is rather disturbing that certain teachers are still enforcing corporal punishment at various schools in Mpumalanga in defiance of the law. Last week four teachers were filmed on a cellphone at Mpumalanga’s Kusasaletu Secondary School taking turns whipping pupils.”⁸

It is interesting to note that not all South African schools appear to have been guilty of the continued use of corporal punishment following abolition. It is a phenomenon which seems to have affected the more poorly resourced schools in particular. Primary schools appear to have been more adversely affected than secondary schools, and it is the most vulnerable learners in society who appear to have been most at risk as a result of the continued use of this illegal form of punishment. In 2002, for example, the *Sowetan Sunday World* reported as follows:

“Many teachers continue to beat students, say the department of education and many parents. The outlawed practice is popular with teachers in the rural areas, particularly in primary schools where children are unable to defend themselves or fight back.”⁹

In 2006, a newspaper serving the Eastern Cape region reported that corporal punishment was more prevalent in township schools, since learners in these schools often were unaware that it is against the law. Pupils at nine Eastern Cape township schools were questioned, and all admitted to having witnessed corporal punishment of pupils by teachers or principals. The report went on to state that the education spokesman in Bhisho had admitted that the department was aware that corporal punishment was being

⁶ Mathe “Blinded by a Brutal Teacher” 24 May 2001 *Drum* 10.

⁷ Maree and Cherian, “Hitting the Headlines: The Veil on Corporal Punishment in South Africa lifted” 2004 17(3) *Acta Criminologica: South African Journal of Criminology* 72-74, citing an extract from Khumalo “The Beating Continues” 2003 *Natal Witness* 1-3.

⁸ “Archaic Discipline is Criminal” 13 February 2007 *Sowetan* 10.

⁹ Wa Maahlamela “Rule of the Rod” 2002 *Sowetan Sunday World* 26. The extract quoted is cited by Maree and Cherian 2004 17(3) *Acta Criminologica: South African Journal of Criminology* 74.

used in some schools but that "it was up to each school's management body to put a stop to it."¹⁰

3 OFFICIAL CONDEMNATION OF THE CONTINUED USE OF CORPORAL PUNISHMENT

At an official level, there was unanimous and regular condemnation over the years of the ongoing use of corporal punishment in South African schools following the legal abolition of the practice. On numerous occasions the Department of Education acknowledged that corporal punishment continued to be used in South African schools, despite its abolition in 1997, and admitted that there was official concern about this state of affairs. In 2003, for example, the Department of Education's spokesperson, Assegai, stated:

"We cannot defend teachers who defy the regulations concerning corporal punishment. There will come a time when teachers will be jailed and tried in a court of law for their wrongful actions. Large classes, and learners who misbehave, do not justify the use of corporal punishment."¹¹

In June 2004, Swartz, head of the Western Cape Education Department, reportedly stated that over a period of 18 months some 210 complaints had been lodged in respect of corporal punishment, and of those, 210 had been finalised. He made it clear that the Western Cape Education Department had "a zero-tolerance approach to corporal punishment", and that it aimed to finalise each case within three months.¹²

During the same month, it was reported that the spokesperson for the Northern Cape Department of Education had expressed the department's regret at the continued use of corporal punishment by educators in schools. In an effort to address the problem, it was reported that the Education Department had issued all schools with practical guides and conducted numerous workshops on the subject.¹³

A month later, at a conference of the National Teachers' Union, The Minister of Education, Pandor, also broached the subject of the continued use of corporal punishment.¹⁴ She stated:

"One thing I will be talking to teachers about is the continuing reports of corporal punishment in our schools. We do not tolerate corporal punishment; it is illegal. Our approach is towards corrective discipline, fostering good behaviour rather than punishing bad behaviour. When we do need to punish, which we will on occasion, we must do it in a manner that is humane, and that does not strip the child of his or her right to dignity. The Department has produced some useful materials on alternatives to corporal punishment, and I

¹⁰ Dimbaza "Caning Still Popular at Eastern Cape Schools, Despite Ban" 27 May 2006 *Weekend Post* 1.

¹¹ Maree and Cherian 2004 17(3) *Acta Criminologica: South African Journal of Criminology* 73, citing Kwon Hoo "More Attacks on Learners in City" 2003 *Diamond Fields Advertiser* 1.

¹² Greenfield "260 Teachers Probed for Hitting Children" 11 June 2004 *Cape Times* 5.

¹³ Tukakhomo "Education Department Lashes Out at Punishing Teachers" 21 June 2004 *Diamond Fields Advertiser* 3.

¹⁴ National Teachers' Union (NATU) 86th Annual Conference <http://www.info.gov.za/speeches/2004/04070811451002.htm>.

must ask your organisation, with its influence, to assist in driving this message home."¹⁵

In 2006 the Gauteng Department of Education spokesperson, Lesufi encouraged parents to report cases of corporal punishment. She said that reported cases would be referred to the South African Council of Educators, which would monitor and regulate the behaviour and conduct of the teacher in question. Should the offending teachers be found guilty, they would be declared incapable of teaching and dismissed.¹⁶

Despite the official condemnation of this practice and the fact that certain cases were dealt with by the Department of Education, corporal punishment continued to be used in schools throughout South Africa. There are a number of reasons for the continued use of this form of punishment, including: the general failure to report the continued use of corporal punishment; educators' lack of authority over assertive, and sometimes violent learners; approval of corporal punishment due to social, cultural or religious reasons; and low teacher morale and frustration due to a perceived lack of viable disciplinary alternatives. These reasons will now be examined in turn, starting with the general failure to report many instances of the continued use of corporal punishment.

4 THE GENERAL FAILURE TO REPORT MANY INSTANCES OF THE CONTINUED USE OF CORPORAL PUNISHMENT

More than a decade after the practice was outlawed, corporal punishment continued to be used in many South African schools, yet most of the teachers guilty of employing this illegal form of punishment against learners in their care were not prosecuted for their actions. One of the main reasons for this appears to be that offences were not reported to the authorities. The reasons for the lack of reporting were varied.

In some instances it was reported in the press that educators guilty of this misconduct had persuaded parents not to report instances of corporal punishment to the authorities so that the good name of the school would not be tarnished. For example, in 1997 the KwaZulu-Natal Education Department investigated a matter in which the parents of a young victim of corporal punishment were convinced by the principal and other members of staff not to report the incident so as to avoid negative publicity for the school. In this case the allegations were made by an eight-year-old who claimed to have been beaten after the disappearance of ice cream sticks. The Sunday Tribune reporting on the incident quoted the girl's mother, Mhlongo of Umlazi, as saying that the principal had taken no action. It was reported that the principal and other members of staff had visited Mhlongo at her house and asked her not to pursue the matter any further. Mhlongo was reported

¹⁵ Pandor, Ministry of Education, NATU 86th Annual Conference, 6 July 2004, Empangeni.

¹⁶ Molosankwe and Dali "Stronger Punishment for Abusive Teachers" 25 July 2006 *Pretoria News* 5.

as saying: "They told me that they were sorry about the incident. They asked me to make sure the matter did not receive publicity as this would damage the image of the school."¹⁷

Another reason for the lack of reporting appears to be that parents feared that their children would become targets of the educators should the incidences of corporal punishment be reported to the authorities. For example, in June 2004 the *Cape Times* reported that pupils' fear of teacher retaliation was hindering the reporting of illegal punishment. The Western Cape Childline manager, Fransman, was quoted as saying that an estimated 150 children telephoned every month to report corporal punishment, but that pupils were afraid of becoming a target in the classroom.¹⁸

In other instances it appeared as if teachers were under the impression that there was no need to report their actions, since they believed that they had circumvented legislation banning such punishment by getting learners to beat each other.¹⁹ For example, in 2004 the *Daily News* reported on one such alleged incident, stating that, "teachers hoping to avoid prosecution, suspension or dismissal for using corporal punishment, are getting school pupils, some as young as six, to cane each other."²⁰

Another reason for the lack of reporting appears to be that parents in a vulnerable financial situation were put under pressure not to report. These parents, often from rural areas, were persuaded by the promise of financial compensation to remain silent about incidences of severe beatings. For example, in 2004 a school offered to pay the medical costs of a child who had been the victim of an illegal beating:

"She hadn't done her homework, so her teacher allegedly pinned her on the blackboard and beat her to a pulp ... The girl's mother was reluctant to have details published ... [because] she has entered into an agreement with the school that they pay the medical costs in exchange for her not pressing charges."²¹

In 2006, another example of poor, vulnerable parents being coerced into silence about illicit canings, was given by Van Niekerk of Childline who stated that certain educators and their colleagues were in favour of "non-reporting", and even encouraged children not to disclose incidents of corporal punishment. She gave an example of a child who:

"after a beating at school which resulted in a broken arm, was sent by taxi to a local clinic accompanied by an educator to ensure the child did not disclose the origin of the injury. All medical expenses were paid by the educator

¹⁷ Maree "Spoil the Rod, Spare the Child: Some Views on Corporal Punishment in South Africa 1999" 1999 12(2) *Acta Criminologica* 56 57, quoting Ngidi "School Faces Beating Probe" 21 September 1997 *Sunday Tribune* 8.

¹⁸ Greenfield "Corporal Punishment Still Meted Out at Schools" 10 June 2005 *Cape Times* 3.

¹⁹ This would also constitute a crime as the prohibition contained in the South African Schools Act, 84 of 1996, in s 10(1) is not limited to members of staff but clearly states that "No person may administer corporal punishment at a school to a learner".

²⁰ Chetty "Pupils Cane Each Other ... on Teachers' Orders" 23 June 2004 *Daily News* 3.

²¹ Maree and Cherian 2004 17(3) *Acta Criminologica: South African Journal of Criminology* 75, citing an extract from Hosken "Teacher Beats up Girl" 2004 14 *Pretoria News* 2.

responsible, and damages were offered to and accepted by the child's parents, who were living in deep poverty."²²

In yet other instances the continued use of corporal punishment was not reported, as teachers in certain schools had received permission by their school governing bodies to practise this form of punishment. In March 2008 the Eastern Cape SA Democratic Teachers' Union (SADTU) provincial secretary, Dimaza, was reported as saying that "some school governing bodies gave consent for teachers to hit pupils, but on condition that they did not injure them".²³

Clearly the continued use of corporal punishment will not come to an end until parents, educators and learners begin to report beatings administered in schools to the authorities. The lack of reporting for the reasons discussed above is of serious concern. This general point is made by Dr Alston, a senior lecturer in the Faculty of Education of Fort Hare University (East London), who states unequivocally as follows:

"School is not paradise. Teaching is tough. But using criminal behaviour to control children is simply insane. How can anyone teach children to respect the law by demonstrating by example the breaking of the law? ... It is time to bring an immediate end to all corporal punishment. Those teachers who still want to take their chances will have no right to resent the consequences. If the principals or education officials will not act then parents need to act. Report the matter. If need be get a medical certificate ... do whatever it takes but don't sit silently. Remember, 'Evil flourishes when good people do nothing'."²⁴

5 EDUCATORS' LACK OF AUTHORITY OVER ASSERTIVE AND SOMETIMES VIOLENT LEARNERS

Over the last decade there have been numerous reports of increasing violence within and outside²⁵ South African schools. With corporal

²² "Pupils Still Victims of Brutality at School" 27 January 2006 *Star* 6.

²³ Matomela "Corporal Punishment Widespread" 21 March 2008 *The Herald (EP Herald)* 3.

²⁴ Alston "Corporal Punishment May be Outlawed but It's Still Not Out" 1 February 2006 *Daily Dispatch* 9. This view was expressed in his personal capacity.

²⁵ It is interesting to note that the general crime statistics for the period April 2006 to March 2007 showed that there were 249,665 burglaries at residential premises alone, in South Africa. This was just one of 34 categories of crime listed on the South African Police Service website that police are responsible for investigating. See <http://www.saps.gov.za/statistics/reports/crimestats/2007/categories.htm> (accessed 2007-11-05). As a matter of interest, some crimes statistics from 1999 are given by Morrell, who states as follows: "The police services have not been able to prevent murder, rape, gang invasions, assaults and levels of successful prosecution of suspects are very low. While the average criminal whose actions were reported to the police stood a one in four chance of being prosecuted in 1949, his odds improved to one in ten in 1996. The same criminal stood a one in five chance of being convicted in 1949. In 1996, his chances of being found guilty by a court had dropped to almost one in thirteen." See Morrell "Corporal Punishment in South African Schools: A Neglected Explanation for Its Persistence" 2001 21(4) *South African Journal of Education*, 293, quoting Schonteich "Assessing the Crime Fighters: The Ability of the Criminal Justice System to Solve and Prosecute Crime" 1999 *Occasional Paper No. 40, Institute for Security Studies* (<http://www.iss.co.za/pubs/papers/40/paper40.html>).

punishment no longer a legitimate means to discipline unmanageable learners, educators have been left feeling powerless to stem the tide of violence. In 2001, in an article entitled "Corporal punishment in South African schools: a neglected explanation for its persistence" Morrell writes:

"For some serious violent crimes, the chances of being arrested, prosecuted and successfully convicted are as low as 1 in 50. Teachers are therefore often expected to act as law enforcers. They are also required to act as counsellors and mediators (to assist victims of violence and deal with situations that are threatening to turn ugly). Most schools no longer employ psychologists. In short, teachers are expected to handle more teaching, more administration, larger classes as well as cope with factors beyond their control. Little wonder that the easy expedient of corporal punishment is still used."²⁶

In September 2006, following a number of highly publicized incidents of school-based violence, the Human Rights Commission held public hearings²⁷ on this issue. Stakeholders who participated in these hearings included members of relevant government departments (national and provincial), members of the public, and a number of other interested parties. The report²⁸ on these hearings stated that the violence that was presenting itself in schools²⁹ had escalated beyond simple bullying and was resulting in fatalities, with many learners being under constant threat of violence from other learners, educators and principals. It stated that "the environment and climate necessary for effective teaching and learning is increasingly undermined by a culture of school-based violence – and this is becoming a matter of national concern."³⁰

It is interesting to note that the same report highlighted the fact that a considerable number of educators still administered corporal punishment in the classroom, sometimes with parents' consent. The report stated that the Eastern Cape exhibited the highest number of schools that still administered this form of punishment (65.3%), followed closely by Mpumalanga (64.1%) and Limpopo (55.7%).

²⁶ Morrell 2001 21(4) *South African Journal of Education* 293.

²⁷ The hearings were held on 28 and 29 September 2006 in the Western Cape, since this province experienced a high level of violent crime that flowed over into schools. There were, however, also round-tables and meetings held in other provinces to encourage as broad as possible further participation in the process.

²⁸ Report of the Public Hearing on School-based Violence http://www.sahrc.org.za/sahrc_cms/publish/cat_index_41.shtml. This report was a synthesis of the views expressed at the public hearings.

²⁹ The violence perpetrated by educators and other school staff included, *inter alia*, corporal punishment as well as cruel and humiliating forms of psychological punishment.

³⁰ Report of the Public Hearing on School-based Violence: Chapter 1 1, quoting Tomasevski "Right to Education Primers No 3 Human Rights Obligations: Making Education Available, Accessible, Acceptable and Adaptable" 2001 *Novum Grafisk* http://www.sahrc.org.za/sahrc_cms/downloads/SBV%20Report_Chapter%201_2.pdf. At the hearings, the Community Action towards a Safe Environment (CASE) voiced its concern over how endemic sexual violence has become in South Africa, to such an extent that it is becoming a part of children's identities. *Eg*, children have been witnessed playing games such as "hit me, hit me" and "rape me, rape me". These games involve children running after each other and when they reach the person they want to catch, they pretend to rape them. Chapter 2 7.

Immediately after the release of the report on these public hearings, Kollapen, chairperson of the South African Human Rights Commission, was quoted in the *Cape Argus* newspaper as saying, "Corporal punishment will not provide any relief and will not prevent pupils from carrying weapons to school". The article went on to say:

"Kollapen yesterday slammed principals who called for corporal punishment to be reinstated at schools. With an increase in violence at schools, including murder, rape and stabbing, some principals say re-instating old disciplinary methods is needed ... [Kollapen] urged principals and governing bodies to come up with 'more creative ways' of dealing with the problem. Dave Balt, head of the National Professional Teachers Organisation, said they were against corporal punishment and principals should discuss disciplinary measures with the department."³¹

Around the same time, in October 2006, an article in the *Rapport* newspaper stated that, because of the high incidences of violence, sexual assault and drug use in South African schools, school principals nationwide were desperate for corporal punishment to be brought back. In the article the principal of Die Burger high school in Johannesburg was quoted as saying that a good beating was the only way to control an unruly child, and the principal of the Dr EG Jansen High School in Boksburg was quoted as saying that the police are also mostly not inclined to help with these cases.³²

In November 2006 the opinions of individual school principals were garnered in the Eastern Cape in a survey administered by the *Herald*. In the survey principals were asked whether corporal punishment should be re-introduced in schools to combat violent, disorderly behaviour, which seemed to be becoming increasingly prevalent. Results of the survey showed a mixed response to the return of corporal punishment. Some responses gathered were as follows:

- The principal of New Brighton's Newell High School, Makamba, was quoted as saying, "Violence is the only word for it. They are attacking each other with things like knives and planks and bricks. They are injuring each other to the point of fatality. They break chairs, desks, and doors and vandalise the schools. So we cannot eliminate the idea of corporal punishment as a form of discipline."
- The principal of Canzibe Public Primary School in Motherwell, Phenya, said that corporal punishment could be effective in deterring problems but that the punishment should not be done "more than is necessary", or cause "too much pain".
- New Brighton's Gqebara High School principal, Faku, was very much against corporal punishment and was quoted as saying, "It will not stop the violence in schools. It has to be a joint effort between officials, the parents and the teachers."

³¹ Keating "Big Stick Won't Stop School Violence, Says Human Rights Body" 1 November 2006 *Cape Argus* 6.

³² Meyer and Malan "Bring Lyfstraf Terug, Pleit Skoolhoofde" 29 October 2006 1.

- Victoria Park High School principal, Vermaak, said: "In a case where there is a proper relationship between staff and pupils, it could work wonders for discipline, but I am the first to say that corporal punishment should not be introduced in schools because it would be abused too often."³³

A number of particularly disturbing incidents of school-based violence have also been reported in some provinces. For example, in June 2007 an incident was reported in the Western Cape, which involved a pupil who was stabbed to death with a pair of scissors, resulting in the banning of scissors in all Western Cape schools. The *Independent Online* reported that teacher and parent associations were worried about the ongoing violent and sometimes fatal attacks by school children.³⁴ The article stated as follows:

"Musa Gumede, spokesperson for the National Teachers Union, ... suggested the department of education look at ways of re-instating corporal punishment in a regulated manner saying it would serve as a deterrent to pupils thinking about taking the law into their own hands."³⁵

Three months later in September 2007 the same newspaper polled the public's perception of violence and children in particular. Readers were asked whether children were becoming more violent. As many as 94% of the readers (679 votes) felt that children were becoming more violent, while only 6% (42 votes) felt that they were not.³⁶

The following year, in 2008 the Eastern Cape South African Democratic Teachers' Union provincial secretary, Dimaza, mentioned the problem of violence in Eastern Cape schools as one of the reasons for the continued use of corporal punishment when he was quoted as saying: "Violence on school premises, lack of discipline, frustration and high class numbers were just some of the factors that lead to teachers using corporal punishment at schools".³⁷

Two months later a headline in an Eastern Cape newspaper again linked the province to incidents of school-based violence when it stated as follows: "Expulsions on Rise as School Violence Escalates: caning ban is making pupil discipline difficult, say parents and principals." The article went on to state that:

"With incidents of violence on the increase, Eastern Cape schools are forced to suspend or even expel pupils as a means of discipline since the banning of corporal punishment ... [I]n the latest incident, at Port Elizabeth's St Thomas High School, pupils went on a rampage that included burning curtains and throwing eggs at their teachers last week."³⁸

³³ Capazorio "School Principals in Eastern Cape Against Caning" 6 November 2006 *The Herald (EP Herald)* 9.

³⁴ Kuppan "School Violence: What Went Wrong?" 1 June 2007 *Independent Online*. See also Kempen "Are There Lasting Alternatives to the Rod?" 1 June 2008 *Servamus* 8.

³⁵ *Ibid.*

³⁶ Lamani "Readers: SA Children Becoming More Violent" 22 September 2007 *Independent Online*.

³⁷ Matomela 21 March 2008 *The Herald (EP Herald)* 3.

³⁸ Matomela "Expulsions on Rise as School Violence Escalates" 29 May 2008 *The Herald (EP Herald)* 10.

6 APPROVAL OF CORPORAL PUNISHMENT DUE TO SOCIAL, CULTURAL OR RELIGIOUS REASONS

Another explanation for the continued use of corporal punishment since its abolition is that it enjoyed a degree of support and approval from sections of the community and from learners themselves. Reasons for this support and approval may be found in the social, cultural or religious contexts within which the continued use of this form of punishment was condoned.

An example of a permissive social context allowing the continued use of corporal punishment is to be found in the attitudes of learners at the Reasoma High School in Soweto in the years following the abolition of this form of punishment. In 1999 it was reported that the learners of this school had devised their own rules pertaining to school discipline. The school was reported as having a disciplinary policy so effective that representatives from the school had been invited to give motivational talks to other schools. The disciplinary policy in force at this school required pupils to draw up their own code of conduct each year, to which they were bound for that year. Pupils who arrived late were sometimes caned (a maximum of three lashes at a time) for breaking school rules. It was reported that these pupils accepted the beatings without complaint because the rules were drawn up by the pupils themselves and it was claimed that the pupils felt that it would not make sense to refute a code of conduct that had been agreed upon by all pupils. The school had a Learners Representative Committee (LRC) on which seventeen pupils served. The principal of the school was reported as saying that everyone in the school respected one another and that "Very few matters arrive at my door because most of the problems are solved by the student body without involving me and wasting time. Everybody has a responsibility to police themselves before they can be policed. And it works".³⁹

As far as religiously motivated support for the continued use of corporal punishment is concerned, it became clear soon after the practice was abolished, that there was strong support for this type of punishment amongst certain religious groups. For example, in 2000, an association of independent Christian schools⁴⁰ argued in the South African Constitutional Court⁴¹ that the constitutional right of its members to cultural and/or religious freedom had been infringed by the ban on corporal punishment. It was argued that the South African Schools Act⁴² contravened 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. The court in its judgment

³⁹ Msomi "Why Our School is the Best" 3 June 1999 *Drum* 12-13.

⁴⁰ Christian Education South Africa, an association of 209 independent Christian schools around the country.

⁴¹ *Christian Education South Africa v Minister of Education* 2000 4 SA 757 (CC).

⁴² 84 of 1996.

ruled that corporal punishment is unconstitutional and a violation of basic human rights guaranteed by the Constitution.

Cultural perceptions also seem to have played a part in the continued use of corporal punishment among certain groups. For example, in 2004 a Masters dissertation by Luggya examined perceptions held by learners, educators, parents and the school principal of a rural black high school in the Eastern Cape. The principal of the school, speaking about his perception of the local (Xhosa) traditions of disciplining children, was quoted as saying:

“Culturally (but now as I say in the light of these new rights, they are quite serious problems), culturally we used to beat somebody. Punish somebody qha (only). Or else we normally go to imbizo (meetings), where we gather men and women and talk about issues affecting our village. There you are fined ... But what was very common was ‘beat’. That was the only language they understood. But now then, as I said, even there, once you beat somebody you can be charged. The sentence ranges from two years up to eight years. As I said, we are living in a very contradictory situation.”⁴³

Certain educators interviewed as part of the study seemed to believe that different methods were needed to discipline learners of different racial groups. The study found that:

“In comparing the traditional ways of disciplining children both at home and at school, the major theme that seemed to emerge from the perceptions of most of the stakeholders was that the black child can only obey and do his/her work, if he/she is ‘scared’ of an impending punishment. This is a theme that was observed in the general implications of the abolition of corporal punishment on management.”⁴⁴

7 LOW TEACHER MORALE AND FRUSTRATION DUE TO A PERCEIVED LACK OF VIABLE DISCIPLINARY ALTERNATIVES

Another reason for the continued use of corporal punishment in some schools following its abolition in 1996 may perhaps be found in low teacher morale and frustration due to a perceived lack of viable disciplinary alternatives. For example, between 1994 and 2004 a survey of 80 respondents from schools located in Bloemfontein in the Free State, was conducted. The results of the survey showed that the lack of learner discipline was linked to a general feeling of low morale amongst the educators:

“There is a direct correlation between (teacher) morale and (learner) discipline at school. Since the scrapping of corporal punishment, a sense of despair seems to have taken over amongst teachers of South Africa. The findings of this study indicated that more than 65% of teachers ... claimed that discipline at schools had deteriorated, and that their passion for teaching and joy they had once found in their work had been adversely affected since the decision

⁴³ Luggya *A Case Study of Stakeholders’ Perceptions of the Management Implications of the Discipline Provisions of the 1996 Schools Act in a rural Eastern Cape High School* 2004 Masters Dissertation 59.

⁴⁴ Luggya 2004 Masters Dissertation 61.

had come into effect. Amongst the many reasons for low morale, cited by the teachers, lack of discipline was clearly the most prevalent and common concern, and generally seemed to be attributed to the abolition of corporal punishment.⁴⁵

The survey also pointed to the fact that educators appeared to be experiencing high levels of frustration in relation to the issue of learner discipline, and the perceived lack of viable alternatives to corporal punishment:

"[O]ne of the most daunting tasks teachers today are grappling with, is how to maintain a balance between learner discipline and performance without losing their sanity. It is an undisputed fact that, prior to the abolition of corporal punishment, most teachers in this country (if not all) found solace in the assurance that they could rely on this method of discipline as a last resort to curb any form of inappropriate behaviour in and around the classroom."⁴⁶

There were complaints by educators that the new educational policy had been implemented without adequate training on alternatives to this mode of punishment. Carrim and Tshoane comment in this regard as follows:

"The National Department of Education did not provide alternatives to corporal punishment before it passed the policy. Educators felt frustrated with the lack of consultation in the making of the policy ... and particularly with the lack of knowledge and skills to apply other methods. It is not surprising therefore that corporal punishment continued unabated in many schools without any action taken against the schools despite the fact that the NDE was aware that such practices were rampant in schools."⁴⁷

Despite the perceived lack of alternatives to corporal punishment discussed above, it appears that official guidelines were in fact compiled to provide guidance on this issue. In 2000 the National Department of Education released a document on alternative means of disciplining learners. The document encouraged educators to reflect on their own disciplinary practices before offering ideas on how to establish discipline and a positive culture of learning and teaching in the classroom. Since not all educators would use identical methods of discipline, the document considered four broad approaches with which educators could identify, and offered strategies for the implementation of each of these approaches.⁴⁸ The document also set out examples of possible disciplinary action for each level of offence committed as well as due process for disciplinary hearings. Examples of recommended disciplinary action included: verbal and written warnings; community service; additional, constructive work; disciplinary talks with learners and their parents; and referral to a counsellor or social

⁴⁵ Naong "The Impact of the Abolition of Corporal Punishment on Teacher Morale: 1994-2004" 2007 27(2) *South African Journal of Education* 283.

⁴⁶ Naong 2007 27(2) *South African Journal of Education* 288-289.

⁴⁷ Carrim and Tshoane "The Holy State?: Values, Legitimation and Ideological Closure in South African Education" December 2000 7(4) *Quarterly Review of Education and Training* 1 19-21.

⁴⁸ This document is available at the Website address: www.capegateway.gov.za/eng/pubs/public_info/D/11807 14-19.

worker.⁴⁹ Finally the document set out a five-step guideline which educators and learners were encouraged to follow when establishing a disciplinary code.⁵⁰

In the years following the release of these guidelines, however, there was a lack of proper implementation of the guidelines by certain educators in certain South African schools. For example, in 2001 a study conducted in an urban township school in Free State Province stated that: "Frequently educators do not have a thorough understanding of the assumptions that undergird various discipline approaches nor sufficient knowledge of theory and practical applications."⁵¹ Further, the study found that: "Without this knowledge informed choices on alternative disciplinary strategies are impossible."⁵²

It would appear that the National Department of Education did devote resources to informing educators about alternatives to corporal punishment, and training them in the implementation of such alternatives. For example, in 2004 it was reported in the *Sunday Times* newspaper as follows:

"Provinces this year will spend R2-million training educators in ways to spare the rod while maintaining classroom discipline. The National Education Department has a budget of R2-million for the same exercise ... Lubisi said the department had developed a manual to train provincial and district officials as well as school management teams and governing structures in how to find alternatives to corporal punishment. This year R1.2-million would be spent on training people to use the manual."⁵³

The following year, however, a paper prepared for distribution at the regional consultation of the United Nations study on violence against

⁴⁹ This document is available at the Website address: [www.capegateway.gov.za/eng/pubs/public_info/D/11807 25-28](http://www.capegateway.gov.za/eng/pubs/public_info/D/11807%2025-28).

⁵⁰ This document is available at the Website address: [www.capegateway.gov.za/eng/pubs/public_info/D/11807 28-30](http://www.capegateway.gov.za/eng/pubs/public_info/D/11807%2028-30).

⁵¹ Van Wyk "Perceptions and Practices of Discipline in Urban Black Schools in South Africa" August 2001 21(3) *South African Journal of Education* 195 196, quoting Edwards *Classroom Discipline and Management* 1993.

⁵² Van Wyk 2001 21(3) *South African Journal of Education* 196-197.

⁵³ Mthethwa and Geldenhuys "It Costs Millions to Beat Caning" 13 June 2004 *Sunday Times* 11. Other educational initiatives have also been introduced. Eg, in 2005 the Education Rights Project (ERP) of the University of the Witwatersrand Education Policy Unit (EPU) published a booklet (One of a series of booklets on the Education Rights for Learners, Parents and Educators) entitled "Corporal Punishment and Bullying: The Rights of Learners". The booklet covered such topics as "What is Corporal Punishment?", "What is the Difference Between Punishment and Discipline?", "Why Does Corporal Punishment Continue to be Practised in Our Classrooms?", "What Does the Law Say About Corporal Punishment?", "Are There Alternatives to Corporal Punishment?", and "Helpful Books and Websites on Alternatives to Corporal Punishment". Written by Vally, it has been translated into isiZulu, Sesotho and Afrikaans and is dedicated to Duma who in 1998 was assaulted so brutally by her teacher that her arm had to be amputated. At the time, Thandiwe was seven. Her "crime" – not being able translate an isiZulu word into English. It is also dedicated to the memory of Zuma (16) who died of his injuries shortly after being beaten by his teacher last year – for coming late to school! This can be accessed on the website http://www.erp.org.za/pdf/punish%20booklet_WEB.pdf. Another example of an educational initiative was reported in 2006 where the Association of Professional Educators of KwaZulu-Natal were organising a conference to equip teachers with alternatives to corporal punishment. Mchunu "Teachers Still Hitting Pupils" 26 July 2006 *The Mercury*.

children stated that, although the South African Schools Act was a positive move towards changing prevailing attitudes and practices to corporal punishment in the country, teachers needed to be assisted with “other resources and techniques of discipline”, failing which “attempts to reduce violence to children and assert their rights in the school context will struggle for success.”⁵⁴

Educators continued to complain about a lack of training in viable alternatives to corporal punishment. It was reported that certain schools had taken extreme measures in an effort to improve discipline, in the absence of this form of punishment. For example, in August 2005 it was reported that the Leeuwspruit Primary School in Sasolburg, as well as Die Burger High School on the West Rand, had installed closed-circuit television cameras, which had resulted in greatly improved discipline among learners. According to the principals of these schools the drastic step to install this equipment was necessitated primarily because of the abolition of corporal punishment. Spokesperson for the South African Teachers Union, John Lewis, commented that nothing had really replaced corporal punishment and that he blamed the Department of Education because they had not done enough to train teachers on alternative methods of discipline.⁵⁵

The unabated use of corporal punishment in South African schools continued into 2006. For example, Van Niekerk, of Childline South Africa, commented in the press that a lack of knowledge of alternative methods of discipline on the part of educators had resulted in the continued physical and psychological abuse of learners. According to the report: “One educator at a school in the Ladysmith area would put pencils between a child’s fingers and then squeeze the child’s fingers shut – an excruciatingly painful thing to do to anyone, let alone a child.”⁵⁶ Another example of abuse provided by Van Niekerk was of an 8-year-old boy who, because of misbehaviour, was locked in his classroom after school by his teacher during winter in Limpopo. Van Niekerk stated that “[a]ll night the child’s family searched for him in great distress. All night the terrified child searched for a way to escape from the dark and cold room, injuring his hands in his efforts to get out.”⁵⁷ According to Van Niekerk this was not the first of such incidents, and Childline had been made aware of many occasions on which children were “humiliated and hurt emotionally and psychologically because of a lack of knowledge of alternative methods of discipline.”⁵⁸

Later that year a report on school-based violence by the Human Rights Commission,⁵⁹ pointed out that educators frequently justified their continued

⁵⁴ Dawes, De Sas Kropiwnicki, Kafaar and Richter “Corporal Punishment of Children: A South African National Survey” July 2005 Paper prepared for distribution at the regional consultation of the United Nations study on violence against children 1 21.

⁵⁵ Fitzpatrick “Terries op ons Skoolbanke” 25 August 2005 428(25) *Die Huisgenoot* 12-13.

⁵⁶ “Pupils Still Victims of Brutality at School” 27 January 2006 *Star* 6.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ A report on public hearings which were held on 28 and 29 September 2006 by the Human Rights Commission in the Western Cape, following a number of highly publicized incidents of school-based violence. http://www.sahrc.org.za/sahrc/cms/publish/cat_index_41.shtml.

use of corporal punishment, despite its abolition a decade previously, on the fact that they were unaware of other disciplinary methods that could be used in place of this form of punishment. The report conceded that adapting to alternative forms of discipline was a challenge. Both parents and educators needed to be encouraged to obtain an understanding of different forms of behavioural management. To this end various training programmes on human rights and values were presented during the public hearings and it was suggested that such programmes should be implemented in schools in order to assist educators in seeking alternative behavioural management solutions in their classrooms.⁶⁰ The report recommended that “alternative” disciplinary methods should become the norm. Educators were made aware that it was illegal to use violence as a disciplinary tactic, and that to do so would have negative repercussions. A further recommendation of the report was that the Department of Education should continue to inform educators as to the best practices to employ as alternatives to corporal punishment.⁶¹

In October 2006, the press reported that the head of the Human Rights Commission had stated that it appeared as if school principals were not aware of all the options available to them to instil discipline in schools. He was also reported as stating that it was time that clear guidelines were drafted on what educators could do and could not do, and that they should receive the necessary support from the departments of education.⁶²

The following year, in May 2007, educators’ lack of knowledge of alternative methods of discipline was again highlighted in a report by the *Independent Online*, which stated:

“South African Teachers’ Union president Steve Roux said the ill-discipline in schools ... could be blamed on the department not reacting quickly enough to complaints about pupils, parents passing the buck and a lack of training on how to implement disciplinary measures in schools ... The department needed to put in place a system that teachers could use to discipline pupils, he said. ‘When corporal punishment was banned no other form of punishment was granted to teachers to use in order to restore discipline.’”⁶³

Shortly thereafter in August 2007 the Cape Gateway government website announced that its Northern Education Management and Development Centre had produced a manual on Learner Behaviour Management, which aimed to promote healthy, positive discipline. The manual gave advice on issues such as the development of a supportive Code of Conduct for learners, and duties and responsibilities of principals, learners and parents. A copy of the manual, as well as a CD in three languages was distributed to schools and specific training and support of educators was to take place over a period of three years. The Education Management and Development Centre North’s Director, Barry Volschenk, commented on the initiative:

⁶⁰ Report of the Public Hearing on School-based Violence: Chapter 5 36. http://www.sahrc.org.za/sahrc_cms/downloads/SBV%20Report_Chapter%205_Recomm.pdf.

⁶¹ *Ibid.*

⁶² Rademeyer “Lyfstraf sal nie Terugkom nie” 30 October 2006 *Beeld* 9.

⁶³ “Department Blamed for Ill-discipline” 29 May 2007 *Independent Online*.

“After the abolishment of the old system of corporal punishment and control, an urgent need arose to deal with behavioural issues in innovative ways. The new approach to positive behavioural support represents a shift from a focus on deficit and control, towards a developmental and restorative approach ... teachers who only knew one method of discipline, suddenly felt confused, they felt frustrated, and resigned themselves to be without power ... Coupled with the fact that children have rapidly become aware of their human rights, they have started to test the boundaries of discipline to the extreme ... And perhaps this is the crux of the matter, that for over centuries force and physical coercion were seen as a form of “authority” and the only way of asserting yourself ... I think this document provides an excellent framework for the establishment of structures in schools for the effective management of healthy, positive discipline. I’m happy that it is in all three languages.”⁶⁴

It would appear from the above discussion that despite the publication of guidelines and various initiatives over the years to inform South African educators on alternatives to corporal punishment, this form of punishment continues to be applied more than a decade after it was legally abolished.

8 CONCLUSION

The continued use of corporal punishment in South African schools for many years after it was legally abolished, is a complex issue. In 2001, for example, Morrell pointed out as follows:

“Corporal punishment was much used and favoured by teachers. Many felt it to be indispensable to their work. The transformation of the education system – for example, trying to equalize the number of teachers working in public schools and trying to introduce a curricular (outcomes-based) alternative to Christian National and Bantu Education – pushed the issue of corporal punishment down the agenda. Confused, over-worked and under-qualified teachers were unlikely voluntarily to give up corporal punishment when they considered it their only means of keeping order in class. And effective alternatives were not initially introduced. Teacher resolve to continue using corporal punishment was strengthened by assertive and rebellious students who challenged traditional concepts of classroom authority.”⁶⁵

This article has attempted to highlight the many complex reasons for the persistent influence which corporal punishment continues to exert over the South African educational system. It began by tracing the continued use of corporal punishment following its abolition in 1996. It then went on to examine the unanimous and regular official condemnation of the practice during the decade which followed. Despite this official condemnation the practice continued unabated. A number of themes were suggested to explain the tenacity of this form of discipline within South African schools. In the first place the general failure to report many instances of corporal punishment was suggested as a reason for its continued use. Various reasons were put forward for this lack of reporting, including the exploitation of parents in a vulnerable financial situation on the part of school authorities who were anxious to avoid negative publicity; rationalisation on the part of

⁶⁴ Volschenk “MEC Dugmore Lauds Learner Behaviour Management Model” 21 August 2007 Western Cape Education Department (Provincial Government of the Western Cape) <http://www.capegateway.gov.za/eng/pubs/news/2007/aug/160725>.

⁶⁵ Morrell 2001 21(4) *South African Journal of Education* 292.

educators; and fear of reprisal on the part of learners and parents. The second theme which was suggested to explain the continued use of corporal punishment in South African schools was educators' perceived lack of authority in the face of escalating school-based violence perpetrated by increasingly assertive learners. The third theme which seemed to play a part in the continued use of corporal punishment concerned the approval of corporal punishment for social, cultural or religious reasons. The final theme suggested to explain the tenacity of corporal punishment within the South African educational system was the prevalence of low teacher morale and frustration, due to a perceived lack of viable disciplinary alternatives. This was despite the provision of guidelines setting out alternatives to corporal punishment, and the allocation of resources by authorities to train educators in the implementation of these alternatives.

In conclusion, this is a multi-dimensional problem involving complex social, cultural, religious and economic issues. For all the reasons discussed in this article it does not appear as if the issue of the continued use of corporal punishment in South African schools will be resolved in the near future.