

## POSITION PAPER

# Corporal Punishment in Schools

## *Position Paper of the Society for Adolescent Medicine*

### *Definition*

Corporal punishment refers to intentional application of physical pain as a method of changing behavior [1]. It includes a wide variety of methods such as hitting, slapping, spanking, punching, kicking, pinching, shaking, shoving, choking, use of various objects (wooden paddles, belts, sticks, pins, or others), painful body postures (as placing in closed spaces), use of electric shock, use of excessive exercise drills, or prevention of urine or stool elimination [2,3]. Corporal punishment in schools does not refer to the occasional need of a school official to restrain a dangerous student or use physical force as a means of protecting members of the school community subject to imminent danger.

### *Historical Perspective*

Corporal punishment against children has received support for thousands of years from interpretation of legal and religious doctrines, including those beliefs based on Judeo-Christian and other religions [4,5]. In the United States, corporal punishment has been a conventional method in disciplining children and youth since our colonial times [6,7]. Only during the past 30 years has a growing outcry emerged condemning such practices with school children [8,9]. In 1972, the American Civil Liberties Union (ACLU) and the American Orthopsychiatry Association sponsored a formal conference on this subject [6]. At that time, only two states (Massachusetts and New Jersey) legally banned corporal punishment in schools. In 1974, the American Psychological Association passed a formal resolution banning corporal punishment in schools and established the Task Force on Children's Rights, further dealing with this issue. A National Education Association report was published during that decade that denounced corpo-

ral punishment in schools and officially recommended that it be abolished [6].

In 1987, a formal organization named the National Coalition to Abolish Corporal Punishment in Schools was developed. This coalition included the National Center on Child Abuse Prevention, the American Academy of Pediatrics, the American Bar Association, the American Medical Association, the Parent-Teacher Association, the National Education Association, the Society for Adolescent Medicine, and over 20 other groups who were united in their efforts to ban the practice of physically punishing children and youth in school. This coalition has continued an active movement, with national and local meetings, newsletters, articles in various publications, and other means designed to cultivate public awareness regarding this important issue [4,5,8,9].

Corporal punishment in schools has been proscribed in Europe, (including Eastern Europe), as well as in Israel, Japan, and other countries. One can trace the roots of corporal punishment in the United States to England, which remains the only European nation legally allowing it. In 1979, Sweden further advanced the rejection of corporal punishment in schools by banning physical punishment by parents as well [10,11]. Other countries have subsequently passed laws banning parents from spanking children: Norway, Denmark and Finland [11].

States in the United States which have legally banned corporal punishment in schools include Alaska, California, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, Nevada, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin, in addition to the District of Columbia [9,12,13]. In some states (Alaska, Connecticut, Iowa, Minnesota, North Dakota, Oregon, Pennsylvania,

Rhode Island, South Dakota and Virginia) state board of education directives and/or local school precepts exist which repudiate corporal punishment [9]. Various estimates suggest this ban includes over 200 cities (including 30 or more large urban regions) and many school districts by the action of local school boards or other local restrictions [9,14].

### *Incidence*

Yet, 23 states continue to authorize corporal punishment in their schools [3,15–17]. Experts note that about 1.5 million cases of physical punishment in school are reported each year, but calculate the actual number to be at least 2 to 3 million; as a result of such punishment, 10,000 to 20,000 students request subsequent medical treatment each year [8,9,12,18]. In the 1997–1998 school year, the top ten states in which students were being hit, in order of highest to lowest frequency, were: Mississippi, Arkansas, Alabama, Tennessee, Oklahoma, Louisiana, Georgia, Texas, Missouri, and New Mexico [19]. Current studies indicate that physical punishment is more common in kindergarten through grade 8 (versus high school), in rural schools (versus urban), in boys (versus girls), and in disadvantaged children (versus middle-class and upper-class Caucasians) [2,3,8,9,12,20]. The lowest incidence tends to be in those states and school districts that have outlawed corporal punishment [2,3,4,9,12,21].

### *Au Courant Corpus Juris Milieu*

A major obstacle to establishing a universal ban on corporal punishment is the current popular opinion in the United States that it is legally permissible to apply physical punishment to children in school. The common law since before the American Revolution has provided that, although teachers may use reasonable force to discipline children, any excessive or unreasonable force will subject the educator to either criminal liability or a civil claim for personal injuries [4,6,18]. Owing in part, no doubt, to the inability of students to interest overburdened prosecutors and police forces in filing criminal actions against teachers for alleged assaults, attempts have been made by recipients of corporal punishment to expand their common law rights to the level of constitutional claims. These attempts have met with limited success [2,13,21,22].

In 1975, the U.S. Supreme Court concluded that the due process provisions of the Fourteenth Amend-

ment require that students are entitled to a hearing prior to any prolonged ejection from school for disciplinary reasons [23]. In the landmark case of *Ingraham v. Wright* [24], 2 years later, questions of students' constitutional rights in a disciplinary setting were again considered. Specifically, the Court considered two questions: (a) whether the reprimand-induced paddling of two male students violated their Eighth Amendment right to be free from "cruel and unusual punishment"; and (b) whether the action violated their Fourteenth Amendment right to due process, i.e., their right to a hearing before the infliction of punishment.

The Court answered both questions in the negative declaring that the Eighth Amendment proscription against cruel and unusual punishment is designed to protect those charged and/or convicted of a crime, rather than students in a school disciplinary setting. Second, the Court held that the common law remedies of both civil and criminal liability adequately protected the students' Fourteenth Amendment due process rights. The court noted that the school milieu is an open organization with sufficient public surveillance to minimize the chance of abusing children.

The Court in *Ingraham* specifically left open the question of whether, and under what circumstances, corporal punishment of a student might give rise to an independent federal cause of action to vindicate substantive rights under the due process clause. Since *Ingraham*, several U.S. court of appeals have proceeded through the opening provided by the U.S. Supreme Court and have remanded for trial, cases in which students alleged violations of their substantive due process rights. In *Hall v. Tawney* [25] the Fourth Circuit Court of Appeals defined this as "the right to be free from state intrusions into the realm of personal privacy and bodily security through means so brutal, demeaning, and harmful as literally to shock the conscience of a court." The Tenth Circuit Court of Appeals has agreed with *Hall* stating that "we believe that *Ingraham* requires us to hold that, at some point, excessive corporal punishment violates the pupil's substantive due process rights" [26] (remanding for trial a case in which a 9-year-old girl was held up by her ankles and hit with a board on the front of her legs until they bled, resulting in a permanent scar). Agreeing with the Fourth and Tenth Circuits, the Eighth Circuit Court of Appeals established a 4-step test to be used in determining whether particular conduct has resulted in violation of a student's substantive due process rights [27]. The Eleventh Circuit ruled that excessive corporal

punishment (allegedly striking a student with a metal weight resulting in the loss of one eye), at least where not administered in conformity with a valid school policy authorizing corporal punishment, may be actionable under the substantive due process clause when it is "tantamount to arbitrary, egregious, and with conscience-shocking behavior" [28].

Nevertheless, the burden of establishing a substantive due process violation, regardless of which circuit's definition is used, is a very difficult burden to meet. Generally speaking, it would be easier to prove a criminal case of assault and battery than to prove that a teacher has violated a student's substantive due process rights in a particular school disciplinary action. An example is a Texas case involving two girls (ages 5 and 6 years) who were struck three times across their buttocks because their teachers saw them giggling in a hall. In that case, the Federal Appeals Court ruled that there was no due process violation with excessive corporal punishment, because plaintiffs could turn to Texas common law. On March 6, 1989, the U.S. Supreme Court denied a review of this Texas case [13]. Studies consistently note that Texas is one of the states having a high rate of corporal punishment [12].

Thus, attempts to expand students' common law rights by invoking the U.S. Constitution have met with limited, and generally, unsatisfactory results. Using the court system to prove that corporal punishment has been excessive remains difficult. The burden of proof always lies with the punished minor to show that punishment in a particular case was excessive, rather than on the involved school official to show that the punishment was reasonable under the circumstances [29].

### *Corporal Punishment Presented as a Positive Disciplinary Method*

There remains a strong undercurrent of opinion in the United States favoring corporal punishment in schools, and such advocates include various fundamental churches, the National Association of Secondary School Principals, and the American Federation of Teachers [30,31]. A 1985 poll [30] revealed that such punishment is acceptable to 47% of the American population and 60% of school officials (teachers, administrators, board members). More recent surveys of teachers and administrators reveal continued support of corporal punishment in the classroom [4,32,33]

Current research notes that adults (parents and teachers) who were physically punished as children

are more supportive of corporal punishment than those who were not [30,31]. Part of the argument often advanced in support of such punishment is from parents who note they were subjected to such disciplinary means (at home and/or school) and did not suffer negative consequences. A 1995 Gallup Poll noted that 74% of children under age 5 years had been hit by their parents [34]. Also, 90% of parents of 3-year-olds note they have spanked their children [35]. Other reports conclude that the majority of children in America have been spanked, at least on occasion, by their parents. [5,36-40] The approval of these parents to physically discipline their own children leads to their approval of such measures by school authorities toward their children. In a legal principle derived from English law of 1770, teachers are considered to be authority figures who may act *in loco parentis* and discipline the child just as would the parent, if present [41].

Advocates for corporal punishment in schools feel, as noted by the *Ingraham* decision, that it is, or can be, an efficacious, non-injurious technique of training and discipline [6,42-45] According to this opinion, these children are better-controlled, learn appropriate appreciation for authority, develop better social skills, as well as improved moral character, and learn to better discipline themselves. Those with this belief often feel that our teachers do not have proper classroom order and that, for many students, physical punishment is the only technique left to preserve academic control. They are of the opinion that if this technique is thus removed, greater disciplinary difficulty in our schools and reduced teacher security will result [6,31,42]. This is of particular concern in light of the recent school shooting incidents heavily covered by the media. Because current legal, religious, and popular opinion suggests that it is acceptable for parents to physically punish their children, it is thus fully acceptable for school officials, based on the *in loco parentis* principle [41,46]. Such reasoning leads to the unsubstantiated conclusion that schools have a moral and legal obligation to physically discipline minors.

It is also argued that no proven negative effects to such discipline in families who have been studied exist and that noncorporal forms of discipline simply do not work [5,47]. Supportive of such arguments is that the majority of family physicians and pediatricians uphold corporal punishment for various misdeeds of the child [48]. Also, an added qualification to such arguments is that corporal punishment is only used as a "last resort" when all else has failed [6].

### *The Case Against Corporal Punishment*

The Society for Adolescent Medicine believes that the vast majority of the evidence leads to the conclusion that corporal punishment is an ineffective method of discipline and has major deleterious effects on the physical and mental health of those inflicted [1,4,49–61]. No clear evidence exists that such punishment leads to better control in the classroom [12,13,42,43]. Physically punishing children has never been shown to enhance moral character development, increase the students' respect for teachers or other authority figures in general, intensify the teacher's control in class, or even protect the teacher [2,6,8,29,62]. Such children, in our view, are being physically and mentally abused and no data exist demonstrating that such victims develop enhanced social skills or self-control skills [2,7,18].

Current research concludes that corporal punishment is not always used as a method of last resort, and that there is not an increase in violence in schools that reject use of this technique [4]. Corporal punishment in schools continues a cycle of similar punishment that may have already occurred in the home that led to increased aggressiveness in the child. Children who are spanked or subjected to other corporal punishment means in the home may arrive at school already programmed to be aggressive [55]; corporal punishment in the schools only perpetuates this cycle of violence. Many effective alternatives to corporal punishment are available, and it is possible for school authorities to learn them and for children to benefit from such techniques [2,9,20,30,31,39,42,63,64]. Children and youth must learn from society to reduce, not increase, an aggressive response to the violence that is around them [65].

Current research in behavior modification concludes that using positive reinforcement techniques that reward appropriate behavior is more efficacious and long-lasting than methods utilizing aversive techniques [66]. Punishment is based on aversive techniques and produces very limited results [66]. A student may cease acting out in one class only to continue in others. Such a child or adolescent learns the wrong message, one of avoidance or escape from getting caught or negative ways of eluding detection for wrong-doing [67]. This student very likely will learn techniques that actually lead to reduced self-control, with negative behavior characterized by more acting out, school absence, malingering, recidivism, and overt academic revocation. [4,9,12,18,20,29,30,31,61,68,69].

Research notes that corporal punishment constructs an environment of education that can be described as unproductive, nullifying, and punitive. Children become victims, and trepidation is introduced to all in such a classroom. There is a limited (if any) sense of confidence and security; even those children who witness this type of abuse are robbed of their full learning potential [43,46,66–68,70]. Students who are witnesses or victims of such abuse can develop low self-esteem, magnified guilt feelings, and various anxiety symptoms; such results can have baneful results in the psychosocial and educational development of these students [46,49,60,62,66,67,71]. When studies look at the milieu of these classrooms, one finds that all are subjected to less, not more, learning. Because of fear, the nurturing of open communication, so vital to effective education, is severely spoiled in such aversive settings.

Hyman et al [6,20,30] persistently assert that approximately one-half of students who are subjected to severe punishment develop an illness called Educationally Induced Post-Traumatic Stress Disorder (EIPSD). In this disorder is a symptomatology analogous to the Post-Traumatic Stress Disorder (PTSD). As with PTSD, EIPSD can be identified by a varying combination of symptoms characteristic of depression and anxiety. This mental health imbalance is induced by significant stress; with EIPSD the stress is the inflicted punishment. Such victimized students can have: difficulty sleeping, fatigue, feelings of sadness and worthlessness, suicidal thoughts, anxiety episodes, increased anger with feelings of resentment and outbursts of aggression, deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints, a tendency for school avoidance and school drop-out, and other evidence of negative high-risk adolescent behavior [42,46]. This is consistent with research noting that punished children become more rebellious and are more likely to demonstrate vindictive behavior, seeking retribution against school officials and others in society [9]. Such punishment can result in what is termed *operant aggression* (a direct verbal or physical attack against the punishment source). The intent is to destroy or immobilize that source to prevent delivery of further punishment. Elicited aggression can also result in verbal and physical attacks; however, the aggression may be directed toward others in the environment, even those who are not the source of the original punishment. The intent is simply to destroy or immobilize anything that might cause delivery of additional punishment [67,72].

Social learning theorists such as Gerald Patterson, offer a different explanation for the counter-aggression exhibited by children who experience aggression in the home. Patterson's extensive research on aggressive behavior and the coercive family concludes that an aversive consequence may also elicit an aggressive reaction and accelerate ongoing coercive behavior [68,70]. These victims of aggressive acts eventually learn via modeling to initiate aggressive interchanges. These events perpetuate the use of aggressive acts and train children how to behave as adults. They learn to control unwanted behavior through the use of coercive techniques [68,70]. Some research notes that the more corporal punishment is used in schools, the higher is the rate of student violence and homicide [73].

Children and adolescents can also be physically damaged by such punishment. Advocates of corporal punishment note that it should be proportioned out in limited doses, based on the offense and without attempt to physically harm. In the case of parents, corporal punishment may have more to do with the parental mood than their children's actual misdeeds [37].

Therefore, a very angry parent may inadvertently administer punishment that actually harms the child. In the case of corporal punishment in schools, many students are hurt. As noted previously, at least 10,000 to 20,000 American students needed medical treatment after becoming victims of corporal punishment in their school environments during the 1986–1987 school year [8,9,12]. Medical complications may prevent students from returning to school for days, weeks, or even longer. Reported medical findings include abrasions, severe muscle injury, extensive hematomas, whiplash damage, life-threatening fat hemorrhage, and others (including death) [9,12,18,29]. If one goal of discipline is to facilitate moral internalization, then corporal punishment fails to achieve this end. The student does not learn to adopt societal values and attitudes as his or her own and is not motivated by intrinsic or internal factors; rather, the child or adolescent learns to elude detection, and to use violence as a means to influence others [61,62].

### *The Promotion of the Wrong Message: Violence*

The use of corporal punishment in schools promotes a very precarious message: that violence is an acceptable phenomenon in our society. It sanctions the

notion that it is meritorious to be violent toward our children, thereby devaluing them in society's eyes [14,29,74]. It encourages children to resort to violence because they see their authority figures or substitute parents using it. It also sanctions the use of physical violence by parents toward their children. Parents are not trained to use alternatives to corporal punishment and encouraging them to hit their children is a dangerous message to promote in our violent society. Many parents were abused themselves as children, and this will only worsen the violence our children must face. The result is that we are harming our children by teaching them that violence is acceptable, especially against the weak, the defenseless, the subordinate, a message which will negatively effect generations yet unborn. Violence is not acceptable and we must not support it by sanctioning its use by such authority figures as school officials [42]. We must develop and maintain a nonviolent temperament and orientation toward our children [12,63,65,75].

A myriad of cautions issued to adults who have a tendency toward abusive behavior are not likely to be effective. Corporal punishment is most likely to be administered under conditions of emotional distress on the part of the parent or teacher (triggered by some behavioral incident of the child or adolescent). The immediate suppressive effects of corporal punishment may occur co-incident with the down-regulation of high emotions on the part of the adult, and thus, the behavior is automatically self-reinforced. In other words, the teacher or parent may come to "feel better" and that may, in the end, comprise the principle motivation for using this technique. Such a situation demands self-control on the part of the parent or teacher in the long-term interest of the child or adolescent. The risk is too great to do otherwise.

In the longer run, the best evidence indicates that children and adolescents subjected to corporal punishment also are more likely to utilize violence in their own families in the future. This includes not only in childbearing, but in romantic relationships as well [61]. Thus, the cycle of violence proliferates. Gershoff completed a comprehensive review of the literature on corporal punishment, covering 6 decades of investigations into this form of punishment [61]. She analyzed 88 studies published since 1938 that tracked short- and long-term effects of spanking on children. She identified 10 negative behaviors that are linked to corporal punishment, including problem behaviors covering aggression, antisocial behavior, and mental health problems in the child victims.

Based on her findings, she cautions parents, professionals, and schools to resist the temptation to use or recommend corporal punishment because it does not teach what is wrong from right and may not stop the inappropriate behavior when parents are gone.

### *Alternatives to Corporal Punishment*

An important technique in maintaining classroom control is to develop a milieu of effective communication, in which the teacher displays an attitude of respect for the students. School officials can exhibit cordiality to students and an attitude that they generally enjoy working with children in the academic setting. Students must be taught in an environment that clearly states they are valued and understood. The emphasis is on positive educational exchanges between teachers and students, not futile, contentious, win-lose contests.

Teachers can learn sound blueprints regarding student motivation and nonviolent techniques of classroom control. It is critical to present educational material that is stimulating to the pupils and is aimed at their ability levels. Some students may benefit from alternative academic courses, and these should be offered. Students, as well as their parents, should be carefully involved in decision-making about school issues affecting them, including educational goals and disciplinary rules. Schools should have peer support programs that utilize techniques such as Rap Groups and Sociodrama to encourage acceptable behavior. Furthermore, some evidence suggests that student self-governance offers an alternative means for constructive management of selected problem behaviors in the classroom [76]. In general, the lack of parental involvement in the education of their children is cited by teachers as one of the main causes for current classroom disciplinary difficulty [77].

Behavior modification techniques for classroom control can be effectively utilized by school officials [78-82]. Alternative nonviolent punishment includes *extinction*, *distractions* and *rewarding appropriate behavior*. Extinction is a technique that removes access to, or eliminates, the reinforcers that maintain inappropriate actions leading to classroom disruption; however, teachers often do not favor this technique because of problems with tantrums or increases in inappropriate behaviors that often occur during the extinction process [42,66-68,72]. Extinction should be used in an enriched classroom environment where students have the opportunity to

earn rewards and praise for appropriate behavior. A variety of nonviolent disciplinary techniques can be taught and utilized, such as soft verbal reproofs or social isolation in addition to the persistent use of rewards (as love, praise, and attention by the teacher) for appropriate behavior [2,30,80-84]. Such methods can be powerful, compelling tools, changing unacceptable behavior, and helping the locus of control to become placed within the student in this model [67].

It is critical that our teachers receive as much support and training as possible in their efforts to maintain effective classroom control without resorting to violent techniques. Such training should include instructions on the deleterious short- and long-term consequences of corporal punishment. Schools should have an ample supply of counselors, especially for younger children. Also, schools need to have in-school suspension facilities for students requiring such measures. Schools' policies need to allow for a wide variety of teaching and disciplinary methods that de-emphasize the necessity for corporal punishment. The input of parents and students into such policies is critical to its overall success. An effective relationship must be developed between school officials, parents, and students to develop sensible rules that have appropriate consequences when infractions inevitably occur.

Much can be done at local and state levels to advocate the ban of corporal punishment in schools. Various court rulings have noted that corporal punishment in schools is an issue that can be resolved by state law and/or local district policies. Individuals can join various groups to evaluate their local and state climates in this regard [9,12]. Banning corporal punishment at the local level has evolved from various effective strategies, such as civil suits against local schools using corporal punishment, promotion of publicity about such schools, and comparing the computerized corporal punishment rates of some schools. There is evidence that public opinion is gathering against such punishment. A survey report in 1989 noted 61% of 1250 questioned adults disapproved of corporal punishment in schools, versus 51% in 1968 [85]. Many organizations have called for a ban on corporal punishment in schools, including the American Medical Association, American Academy of Pediatrics, National Bar Association, the National Educational Association and the Association for Childhood Education International [3,17,60,86-88]. Unfortunately, the United States remains one of the few industrialized countries allowing corporal punishment [89].

### Summary Position

The Society for Adolescent Medicine concludes that corporal punishment in schools is an ineffective, dangerous, and unacceptable method of discipline. The use of corporal punishment in the school reinforces physical aggression as an acceptable and effective means of eliminating unwanted behavior in our society. We join many other national and international organizations recommending that it be banned and urge that nonviolent methods of classroom control be utilized in our school systems [9,12,43,60,86–88].

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\*The committee dedicates this work to Adele D. Hofmann, M.D. who was a member of the original committee and whose spirit as well as guidance lives on in perpetuum in this document.

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