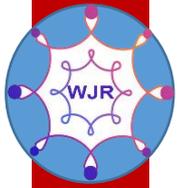


Conference Paper

**ETHICAL RELEVANCE OF CORPORAL PUNISHMENT IN THE CONTEMPORARY PEDAGOGY**

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Abstract— The practice of corporal punishment (CP) in many countries and schools today, has been described to be prevalent as a result of the belief that the practice of CP is effective in changing the behavior, or in building the character of the concerned human subjects. Apparently, this is done without considering the ramifications of its engagement, or neglecting other measures that could be taken to address the situation on the ground. Unarguably, the subject of corporal punishment is one which, though often discussed, is usually discussed without a reached consensus, for its real outflow lies too deep for the purposes of controversy. While the issue of corporal punishment can be best described as that of virtue and vice in our contemporary pedagogy, this paper seeks to take a philosophical and a sociological stance by examining the positioning power, practical prospects of corporal punishment and relevance of various moral theories in the contemporary pedagogy.

Keywords— Ethics, Corporal Punishment, Moral Theories, Pedagogy

INTRODUCTION

The practice of corporal punishment (CP) in many countries and schools today, has been described to be prevalent as a result of the belief that the practice of CP is effective in changing the behavior, or in building the character of the concerned human subjects. Apparently, this is done without considering the ramifications of its engagement, or neglecting other measures that could be taken to address the situation on the ground. Unarguably, the subject of corporal punishment is one which, though often discussed, is usually discussed without a reached consensus, for its real outflow lies too deep for the purposes of controversy. The aim of this paper is to assess the moral permissibility and impermissibility of corporal punishment in our contemporary pedagogy, solely on the basis of two schools of thought – one that believes in the widespread view that

corporal punishment is morally legitimate (and should be legally permitted) and, the opponents, who believe in the ideology that all corporal punishment even parental spanking, is morally impermissible (and ought to be legally proscribed), as emphatically argued by Patrick Lenta in his book titled, *Corporal Punishment: A Philosophical Assessment* (Lenpa, 2008). More importantly, it is not in the interest of this paper to seek empirical concerns or empirical data, as the main concern of this paper is to examine the subject of corporal punishment from the foundational perspective, especially from a philosophical realm.

The purpose of education is to bring about a formative effect on the character, mind and physical ability of the learner. And to achieve this favorable position, it would be deemed fit if the learners are considered appositely before any infliction or flogging is done. Like the pragmatists and existentialists argued, education must equally involve both teacher and students, reaching out for the purpose of effective and desirable learning. Thus, teaching-learning process in schools goes beyond gathering students for learning, but rather teaching morals, basically for the purpose of addressing any form of behavioral problems, which might tend to arise.

The paper further considers the foundational perspectives toward corporal punishment – sociological and philosophical perspectives at disposal, for the basis of clarification and justification. Corollary to the afore-established tenets, some concepts will be established in the course of seeking clarification, and to further guide the focus of the study.

CORPORAL PUNISHMENT

Corporal punishment has been in existence for centuries. Dupper and Dingus dated this type of punishment back to the Victorian era (18th century), where people believed in the concept of *In loco parentis* (Dupper and Dingus, 2008). Under this precept, teachers gained parental rights over minors, and were expected to help students educationally as well as morally. Teachers believed that corporal punishment was acceptable, and, in fact, required. From the basis, beating children would allow to rid them of sin and prepare them to become socially correct. Years later, the views of corporal punishment were only faintly changed. According to Chenoweth and Just, it was standard for both parents and schools to use corporal punishment until the 1960's. This changed when the civil rights movements arose in the 1960's and 1970's, and at that point, people became more aware of the rights of children.

The term, corporal punishment is a broad term and has been literally described as the infliction of punishment on the body. It can be used to refer to a wide spectrum of punishments ranging from forced labor to mutilating torture. The infliction of pain without injury appears to be the variety of corporal punishment that is at stake in the debate, albeit opponents of corporal punishment make frequent reference to those instances of corporal punishment that result in injury. Corporal punishment goes by a variety of names including, but not limited to, 'beating', 'hitting', 'spanking', 'paddling', 'flogging', 'swatting' and 'caning'. Some of these terms are generic, others are specific to the severity of the punishment or the instrument used to inflict it.

In Nigerian schools today, the use of corporal punishments is often treated as an integral part of education, especially in the public schools, while some private schools consider it as matters of virtue and vice. Considering the arguments raised by Timothy Hsiao, an advocate of corporal punishment in schools, he argued that punishment is a matter of justice, not correction, rehabilitation, or deterrence. For him, there is nothing wrong with corporal punishment and it still has a place in the civil society (Hsiao, 2019) – *De gustibus non est disputandum*. On the contrary, the other school of thought argued that, corporal punishment should never be inflicted, because it leads to abuse; it is degrading; it is psychologically damaging; it stems from and causes sexual deviance; it teaches the wrong lesson; it arises from and causes poor relationships between teachers (or parents) and children; it does not deter, as highlighted by David Benatar in his paper titled, *Corporal Punishment* (Benatar, 2019).

The consideration from these two sides are germane, as both parties argued from various realms. However, the use of corporal punishment could be wrong considering how it occurs in many instances. What happens to a teacher who gives his student a severe flogging, and as a matter of circumstance, the child fell ill in return because of the fact that he or she is not used to such? On this note, this paper is not totally of the view that the use of corporal punishment should be proscribed, likewise not of the view that corporal punishment should be allowed in the contemporary teaching and learning process. Thus, further theories and thoughts would be considered for the purpose of emphasis and justification.

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METHODOLOGY

Philosophy or philosophical analysis can help one see through conflicting arguments, so as to decide what is reasonable and justifiable, as well as support the most reasonable point of view, or to avoid any form of indoctrination or dogmatism. Hence, the methodology employed in this paper can be traced to that of reasoned inquiry championed by Socrates and his descendants. Therefore, emphasis is to interrogate the subject of corporal punishment, see through the arguments and infer the possible way forward.

FOUNDATIONAL PERSPECTIVES TOWARD CORPORAL PUNISHMENT

Considering the sociological perspective at disposal, social control theory, which is based on the way society through its norms, rules, law and structure of the society regulates human behavior, emphasizes that corporal punishment is one of the tools for social control, and its use and disuse highly depend on the immediate structural context in which it occurs. In furtherance, factors as gender, race and culture, socio-economic status play important role in the use of corporal punishment as a means of social control. Englus and Harris (2017), asserted that men are more likely to accept the use of cultural punishment than women. They emphasized in their findings that, 62% of the male population among the blacks and the Latinos in the United States are residual of the fact that children once in a while needs good spanking to deter them from bad behaviors, and also to instill discipline (Englus, 2017). Considering the immediate milieu, in Africa, the existing of cultural undertone is that, if you spare the rod, you will spoil the child, thus, corporal punishment remains a measure to be used in the African milieu.

From the philosophical perspective, Utilitarians believe that, 'we ought to do that which produces the greatest amount of happiness or pleasure for the greatest amount of people'. This principle looks mainly at the consequences of an action. The motive and act itself are not what matters to a utilitarian. With the idea of corporal punishment, the theorist would take into account the intensity and duration of happiness, as well as the quantity and quality. In the short term, a utilitarian would approve of corporal punishment. When one student receives the physical punishment, it is only that student who feels the pain. For instance, a proprietress of a school may decide to result to the use of flogging, and finds it very useful. Such proprietress might believe that the use corporal punishment could be immediate, and further keep the children out of class for a shorter amount of time than other form of punishments would. This takes a utilitarian view because, although there is pain at the time, it brings less pain than other forms of punishment may later on. If a student is suspended, such student will feel the pain, although not physical, for a longer period of time because he or she will experience the sting of make-up work afterward. This form of punishment also delivers less pain to the teacher. It is a type of immediate reinforcement, allowing the misbehavior to discontinue without delay. This, in turn, permits the class to waste less time with distractions.

Utilitarians also take cost versus benefit into deep consideration (MacKinnon, 2019). Wilson, according to MacKinnon (2019) believes that corporal punishment is 'cheap and easy administered'. Many people agree with this statement

because there is only one monetary cost: the paddle. With other forms of punishment, additional costs may be present. For example, detention as it exists in the outside countries, can require teachers to be paid for that extra time, and schools may need to stay open longer. With the one-time cost of a paddle, the benefits far outweigh the costs. Corporal punishment leaves fewer distractions and gives more immediate feedback. Although advocates of utilitarianism may look at this issue in several ways, they would most likely agree that corporal punishment is ethical. In the right conditions, very little pain is caused to the offender and he or she is the only person receiving any pain. Along with that, the rest of the students involved will receive pleasure because they are able to continue with class. But, does the corporal punishment of one student affect the behavior of others? Furthermore, utilitarians look at the likelihood of results (MacKinnon, 2019). Since the likelihood of students turning to violence after the punishment is not high enough, utilitarians would probably rule that out as well.

Kantianism would view corporal punishment in a different way. Kant follows three categorical imperatives. The first states, 'act only on that maxim that you can will as a universal law'. This means that, for an action to be ethical, it must be appropriate for everyone to execute in all situations. The second categorical imperative states, 'always treat humanity, whether in your own person or that of another, never simply as a means but always at the same as an end'. People must be treated as rational creatures and not as objects (MacKinnon, 2019). Corporal punishment tends to break the first categorical imperative because it is illegal in some parts of the countries. And, for an action to follow the categorical imperative of the universal law, it must be willed to happen in every circumstance. The second and third categorical imperatives? According to Ferraro and Weinreich (2018), corporal punishment is degrading. Nothing but humiliation and shame can come from forcing a child to bend over and receive a paddling (Ferraro et al, 2018). This proves that students are being treated as things instead of autonomous, rational human beings. If a student feels humiliated and degraded, they are not being respected. For instance, a case of a student who came late to school or came late to class (which was quite unusual), but was not given the chance to give reasons why he or she came late, and this later resulted into flogging by the school master. This is a clear example of a student being denied the right to be treated as a rational being and make decisions. As corporal punishment breaks this categorical imperative, it is apparent that a Kantian would not rule this as ethical.

Religious ethics often plays a huge role in the use of corporal punishment. For this reason, religious ethics should be considered as well. Centuries ago, people turned to the Bible to prove the necessity of corporal punishment - Proverbs 23:13-14 states: Withhold not correction from the child: for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod, and shalt deliver his soul from hell. And, Proverbs 29:15, the rod and reproof give wisdom: but a child left to himself bringeth his mother to shame. These verses are still considered by many teachers or educators today. In the Evangelical Protestant religion, many parents and teachers take the words of the Bible very seriously. They believe that they must obey what the Bible says. In this case, corporal

punishment is evidently ethical because the Bible states it that way (Dupper and Dingus, 2008).

Another argument to be considered here is that of social contract theory, which captures our relationships with other people. For this theory, when human beings have relationships with one another, be it friends, family, others, there is bound for certain expectations. According to this theory, there exists a web of mutual rights and duties that we owe each other (Ferraro and Weinreich, 2018). When people don't live up to those duties, the relationships may fail. This is relevant for all types of relationship, even the student-teacher relationship. Corporal punishment in this manner can easily ruin any student-teacher relationship. For instance, a teacher who flogs his students on a daily basis without considering the children in question will likely not have a good rapport with the students, even if s/he does, the relationship cannot be like what Buber regards as I-thou relationship (Buber, 1958). To buttress this, it is argued that nothing taught by force stays in the soul (Plato, 1943). There is also a need for respect in any given relationship, especially the student-teacher one. Corporal punishment may deteriorate any respect that once existed. A student that is punished in that way may likely see the teacher as someone who is abusive and cruel. However, this clearly shows that corporal punishment is not ethical, considering the social contract theory.

Considering the afore-established theories and arguments, it is clearly seen that the subject of corporal punishment is discussed without a reached consensus, for its real outflow lies too deep for the purposes of controversy. The mere conception and utility of flogging, as a deterrent from evil-doing, may, indeed, be a matter for argument, and its advocates may be rashly contended to take their stand on its efficacy; but to its opponents, this method of reasoning can never be fully conclusive, for how- ever clearly they may grasp the proofs that history gives of the uselessness of flogging, they must feel that, even if it were effective, there are other and higher reasons for condemning it.

CONCLUSION

With a thorough perusal and critical analysis paid by authors quoted, and that of the writers of this paper, taking many ethical principles into consideration, the subject of corporal punishment is more unethical than it is ethical. Corporal punishment must have its limitations, thus, should be used infrequently, and should be used with caution, so as to avoid any injury on the recipients.

The paper has rightly considered some moral and social theories to justify the convergence and divergence of thoughts surrounding the discourse, between the advocates and opponents of corporal punishment (CP). Further, the paper iterates and reiterates that violence does, in fact, breed violence, and by the study done by Straus, most children in this position respond with anger and rage when asked how they felt after being corporally punished (Ferraro and Weinreich, 2018). Considering reported cases of corporal punishment at various levels: a secondary school teacher in Awka, Anambra State, who was reported to have flogged a female student to death on the basis that the girl refused to do her assignment; also, in Osun State, a pupil beaten to death by his teacher over a case of truancy; in Port Harcourt, Rivers State, a 13-year-old student

alleged to have been flogged by his principal till he slumped to the floor and died (Olupohunda, 2013), it would be deemed fit to establish that corporal punishment should either be proscribed, or accept the Platonic warning that says nothing taught by force stays in the soul (Plato, 1943).

Teachers who fail to establish a positive relationship with their students might have such problem of misunderstanding vis-à-vis parents who do not take time to understand their children, hence, corporal punishment becomes a corrective tool in their hands. The emphasis however, is that the users must learn, unlearn and relearn that the negative effect of corporal punishment outweighs the positive aspect, therefore, teachers and parents confronted with the subject of corporal punishment must endeavor to accept its use in an ideal manner, if and only if, it cannot be proscribed in the African or Nigerian milieu.

Bringing to the fore, users of corporal punishment (CP) are to be reminded that the popular belief that corporal punishment is effective in changing the behavior, or in building a good character in students might not be always true, considering the wider ramifications attached to its use in both short and long run. It is therefore suggested or recommended that the concerned user should strive to be acquainted with their learners, or possibly puts into consideration other measures that could be taken to address the situation on the ground, rather than the frequent use of corporal punishment. Having signaled the warning, it is imperative to know that the authors of this paper are only of the interest to analyze the aged theme, corporal punishment with the interest to bring it into reality.

REFERENCES

[1] Baruwa, I. B. (2020). A revision of Kola Babarinde's stance on value statements in education. *International Journal of Emerging Issues in*

- [2] Benatar, D. Corporal punishment. Retrieved from <https://philpapers.org/rec/BENCP-3>. Accessed 20th May 2020
- [3] Buber, M. (1958). *I and thou*. 2e. Edinburgh: T & T. Clark. Translation: R. Gregory Smith
- [4] Dupper, D. R., & Dingus, A. M. (2008). Corporal punishment in U.S. public schools: A continuing challenge for school social workers, children & schools, 30, 243-250
- [5] Englus, F. C., & Harris, K. A. (2017). Spanking, ethnicity, gender and religion: The development of spanking scale. *International Journal of Scholarly Academic Intellectual Diversity*, Vol (19) No(1),p. 1
- [6] Ferraro & Weinrich. (2018). *The use of corporal punishment in schools*. Philosophy Essay. Retrieved from <http://www.ukessays.com/philosophy/the-use-of-corporal-punishment>. Accessed 20th May 2020
- [7] Hsiao, T. *The moral case for corporal punishment*. Retrieved from <https://www.google.com/amp/s/whatswrongcvsp.com/2018/11/16/the-moral-case-for-corporal-punishment/amp/>. Accessed 25th May 2020.
- [8] Lenta, P. (2018). *Corporal punishment: A philosophical assessment*. Routledge, ISBN 9781138079991
- [9] Locke, J. (1996). *Some thought concerning education and of the conduct of the understanding*. Edited by NatanTarvov and Ruth W, Grant. Indianapolis,IN: Hackett
- [10] MacKinnon, B. *Ethics: theory and contemporary issues*. Retrieved from <https://b-ok.africa/book/3677297/24d32c?regionChanged=&redirect>. Accessed 20th May 2020
- [11] Ojo, F. Y. (2018). *Corporal punishment in Nigerian schools from psychological perspective: Issues and Recommendations*. Punch Newspaper
- [12] Olupohunda, B. (2013). *Time to end corporal punishment in schools*. *Punch Newspaper* (Lagos, Nigeria), Retrieved from <http://www.punchng.com/opinion/time-to-end-corporal-punishment-in-schools/>
- [13] Plato. (1943). *The republic*. New York: Books, Inc.
- [14] Salt, H. S. (1905). The ethics of corporal punishment. *International Journal of Ethics*, Vol(16),No. 1,pp. 77-88 Published by The University of Chicago Press