

VIEWPOINTS

Usually we have, for our "Viewpoints," two views which do not agree the one with the other. Perhaps that adds a little to our readers' interest in the articles; but our intention never was to use this rubric only for mini-debates. In fact, for this issue, we have two writers who obviously are in basic agreement with each other with regard to the subject at hand. Mr. Jim Lanting, who as a practicing attorney and a strong supporter of Christian education makes it his business to keep abreast of legal developments which are likely to affect us, was asked to write an article for Perspectives. He decided to write on the subject of corporal punishment. Mr. Gary VanDerSchaaf, a teacher at Adams Street Christian School in Grand Rapids, had to write an article for the December issue of Adams' "Announcer." By coincidence he chose the same topic. We decided therefore to borrow Gary's piece from the "Announcer" and use it to provide, for this issue's "Viewpoints," a pair of complementary articles on corporal punishment, especially as that is (or was) exercised in the schools.

The Demise of Corporal Punishment in Schools:

Quasi in Loco Parentis?

James Lanting

Mr. Creakle came to where I sat, and told me that if I were famous for biting, he was famous for biting, too. He then showed me the cane, and asked me what I thought of that, for a tooth. Was it a sharp tooth, hey? Was

it a double tooth, hey? Had it a deep prong, hey? Did it bite, hey? Did it bite? At every question he gave me a fleshy cut with it that made me writhe. Not that I mean to say these were special marks of distinction, which only I received. On the contrary, a large number of boys (especially the smaller ones) were visited with similar instances of

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notice, as Mr. Creakle made the round of the schoolroom. Half the establishment was writhing and crying, before the day's work began. . . .

Charles Dickens,
David Copperfield

Although such torments as those endured by young Copperfield and his classmates at Mr. Creakle's dreary Salem House school are virtually nonexistent today, the debate over corporal punishment by school teachers has not abated. Many parents, educational experts, child psychologists, and public interest professionals are demanding a permanent moratorium on physical punishment of disobedient children in the school setting. The anti-corporal punishment movement is active on several fronts.

First, numerous state legislatures have adopted statutes outlawing corporal punishment in schools. As of 1986, eight states (Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont) have passed laws prohibiting physical punishment of school children in state schools.

In many other states, parents, guardians, and state social service agencies are filing legal actions in the local and federal courts against school teachers and headmasters alleging violation of children's rights, battery, or other

civil wrongs, even where the children were subjected only to relatively mild spankings. The courts have historically dismissed such actions as inconsistent with the doctrine of *in loco parentis*, but recent decisions in several states seem to indicate that teachers' traditional shield of legal immunity for reasonable corporal punishment is being pierced. (Indeed, some state courts have recently punished *parents* because state agencies alleged they spanked their children too severely or too frequently).

Although the U.S. Supreme Court in 1977 decided that reasonable corporal punishment of children in schools was not violative of children's rights, only last spring the Court appeared to retreat from that ruling by allowing a state trial to proceed in Penasco, New Mexico, against a principal who had paddled a 4th grader on the buttocks. Moreover, numerous local school systems, such as the Chicago City Schools, have banned corporal punishment entirely.

There also appears to be a growing consensus among psychologists, sociologists, and educators that corporal punishment is not only ineffective, but is actually counterproductive, contributing instead to the insidious societal problems of anxiety, violence, and abuse:

"... the Supreme Court simply

should forbid all corporal punishment, especially of children by teachers. In a society appalled by widespread child abuse, why is the deliberate inflicting of pain allowed in schools? . . . What corporal punishment usually produces is not better behavior, but rebelliousness, fear, and hatred of schools and often nightmares, anxieties, and loss of self-esteem, according to the American Academy of Pediatrics. . . ." Joan Beck, "A Small, Good Move on School Paddling," *Chicago Tribune*, March 8, 1988. Such arguments against corporal punishment are not new, of course, but one does get the impression that such views are gaining momentum in the last decade or so. For example, in 1979 the Swedish parliament banned all corporal punishment of children (including parental punishment) by a vote of 259 to 9.

On the other hand, it should be noted that by far the majority of states still permit corporal punishment in schools. A brief survey of school law in the states in which our Protestant Reformed schools are primarily located discloses that Michigan, Illinois, Iowa, Minnesota, and Colorado have no legislation or case law prohibiting corporal punishment, and California only provides certain statutory guidelines for the administration of such punishment. The language of a fairly recent Illinois

appellate opinion is typical of these states which still sanction corporal punishment:

"A teacher, standing *in loco parentis*, has the right to inflict corporal punishment so long as such action is reasonable under the circumstances. Furthermore, the use of corporal punishment by a teacher will not give rise to civil liability unless the punishment was actuated by malice or inflicted in a wilful and wanton manner." *Gordon v. Oak Park School District*, 320 N.E.2d 389.

But even though the majority of states still permit corporal punishment, I think it is safe to say that in many schools even mild physical punishment of children by teachers is becoming rare. I recently interviewed several of our principals who informed me that it is not unusual for an entire school year to pass without a single occurrence of corporal punishment. This is in stark contrast with, for example, many southern fundamentalist schools today where spankings by headmasters are frequent and brisk. It appears that, unlike the past, corporal punishment may be virtually nonexistent in our schools.

Why is this? Could it be that just recently our children have scaled heights of sanctification, compliance, and obedience unattained heretofore? Unlikely.

Could it be that we no longer embrace the Biblical notion that a

parent who "spareth the rod hateth his son?" Probably not.

Or could it be that, although we still believe that *parents* should inflict physical punishment upon disobedient children (Proverbs 23:13, 14), we no longer think it appropriate for someone *other* than parents (teachers) to inflict bodily punishment? Is it possible that we now perceive teachers to be "in the place of parents" except for infliction of punishment upon disobedient children? Has *in loco parentis* become *quasi in loco parentis*?

I think it has; and it may not be all bad. Cruel Mr. Creakle aside, all of us know of instances "in the old days" when teachers abused their right (rite?) of corporal punishment in many creative ways. Moreover, perhaps at times teachers became insensitive to the delicate dynamics of inflicting pain upon someone else's children and the natural resentment parents experience when others spank their little darlings.

In any event, the pendulum seems to have swung the other way and many school children today enjoy, for better or worse, a spank-free environment. But I suspect that sometimes frustrated teachers in our school federation are deliberately refraining from corporal punishment *even* when it is indisputably necessary because (1) they fear reprisal by offended

parents, and (2) they are uncertain of their school's policy on corporal punishment. My interviews with some of our principals disclosed also that few, if any, of our schools have formal policies on corporal punishment.

Given this state of affairs, it may be advisable for each school board to adopt a formal written corporal punishment policy. There are at least four reasons for this. First, parents, teachers, and administrators are apparently uncertain what corporal punishments, if any, are acceptable. Secondly, teachers should formally be given the right to administer reasonable corporal punishment when necessary without fear of retaliation from mawkish or protective parents. Thirdly, a written policy will safeguard against any potential abuses. Finally, such a written policy in this controversial area will serve the school well in the event of possible (albeit improbable) legal action by litigious guardians or zealous state agencies.

Although several national school associations have recently published suggested corporal punishment policies, I propose the following for our school boards and staffs to consider:

Corporal Punishment Policy

The Board recognizes the Biblical imperative that parents must at times inflict corporal punish-

ment upon disobedient children. The teachers and administrators, standing *in loco parentis*, likewise have the right and duty to exercise reasonable corporal punishment to maintain discipline, provided the following guidelines are observed:

1. Corporal punishment should be exercised with prudence, moderation, and discretion.

2. Corporal punishment shall be limited to spanking the disobedient child on the buttocks with a paddle designated for that purpose.

3. Corporal punishment shall be inflicted by the teacher or principal in the presence of another staff member.

4. The child's parents shall be notified the same day by the

school principal.

5. Parents may request in writing that the Board exempt their children from corporal punishment for medical or other well-grounded reasons.

Generally speaking, school boards should loath adopting restrictive rules. But because of recent developments in this sensitive area of corporal punishment, it may be advisable to consider such minimum guidelines as suggested above. The desired goal should be a balanced and workable policy to guide teachers and principals who are often burdened with the difficult task of disciplining with love the disobedient children of others.

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Sparing the Rod

Gary VanDerSchaaf

"Reading and writing and 'rithmetic/All to the tune of a hickory stick." So goes the old ditty; but so it definitely does not go in American schools today. The hickory stick is all but forgotten, banned by law in some places, or used only as a last resort, reserved for the most dire offenses in most schools, as it is in our own.

I've been thinking of corporal punishment lately, not because I've got a particularly bad class

this year, but because within the last few weeks, the Michigan State Legislature came perilously close to passing a law which would ban any form of corporal punishment in all state and private schools. According to this bill, school staff could not administer a spanking, or cause a spanking to be given. In other words, not only could the school not spank; the school could not tell the home to spank, or give information to