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## Opposing Viewpoints: Everything in Moderation: Why Corporal Punishment Can Still Be an Effective Punishment for Juveniles in the Home and in Schools

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*Opposing Viewpoints:*  
**Everything in Moderation: Why Corporal Punishment Can Still Be an  
Effective Punishment for Juveniles in the Home and in Schools**

*By: Ryan Scandaglia*

**I. BACKGROUND**

Corporal punishment has been used as a technique to discipline for hundreds of years. The earliest recorded forms of corporal punishment were used in many ancient Greek states such as Sparta, Troy, and Athens. The original purpose for this type of discipline was to serve as public humiliation of the person believed to violate a certain societal rule or regulation. This punishment served as a visual warning to any individual that this behavior would not be tolerated. Corporal punishment in this era was known to be extremely barbaric. This could include anything from public lashings and small form abuse, to public executions. Societies such as ancient Greece believed that the public element of humiliation would prevent recidivism by instilling fear in any passing observer. This discipline served these societies both in educational environments and also as a legal remedy.

The early forms of corporal punishment have painted an unfairly broad brush of an effective technique of discipline. In the modern era, corporal punishment for juveniles is used less by governing bodies, and more so by teachers, and also by parents within the confines of the home. This paper will discuss the important points of corporal punishment in both of these places.

The unfair characterization of corporal discipline as only a barbaric form of punishment stems from both the history of corporal punishment and the extremely vague definition of it. The exact definition of corporal punishment has been widely debated, but generally speaking, corporal punishment is any physical form of punishment used as a repercussion for an action or inaction dictated and often used by a governing individual. Because any physical form of punishment can be characterized as corporal punishment, the assumption that the juvenile would experience serious physical injury makes for an unfortunate stereotype to a logical form of discipline. This paper suggests that corporal punishment, when executed within reason, should be a common form of punishment for misbehaving juveniles.

**II. CORPORAL PUNISHMENT IN SCHOOLS**

Corporal punishment in schools has served as an effective means of punishment for misbehaving juveniles in educational settings. Unlike in the home where corporal punishment can take shape in a variety of different ways, it is usually done by academic professionals with large wooden boards or paddles, striking the buttocks of a child. Many

educational facilities have strict rules on the size and length of the paddle and the degree that the contact can occur. For instance, the Board of Education in Pickens County, Alabama, recommends that schools use a “wooden paddle approximately 24 inches in length, 3 inches wide, and ½ inch thick.”

The importance of corporal punishment in an educational setting is both fundamentally sound and backed by Supreme Court precedent. In 1977, *Ingraham vs. Wright* was the first case before the Supreme Court that analyzed whether or not corporal punishment was cruel and unusual punishment and, therefore, violated the eighth amendment. In this case, a 14-year-old student from Florida was disciplined for not leaving the stage of a school auditorium when asked to by a school authority. The 14-year-old boy was among a group of students who were misbehaving in this public educational setting. As a result, the boy was brought to the principal's office to face punishment for his unruliness. The student was spanked by the principal with a spanking paddle. Since the boy refused to assume the paddling position, he was further forcibly held down by the assistant principal to execute the punishment. This punishment was used as swift discipline directly following the disobedience the student displayed by not adhering to the request of the teacher.

The student, along with the other students who faced similar punishments, filed a complaint against the academic professionals along with the school and the superintendent. The complaint argued that the use of corporal punishment was a violation of the eighth amendment because physical discipline was not an appropriate means of punishment. The court had to analyze the balancing test of the student's interest in not facing unfair punishment, with the school's interest in maintaining order and control of the students. The court held that the constitution's eighth amendment was not violated because corporal punishment in public schools is an acceptable form of discipline. This is because corporal punishment is done in the moment and any alternative punishment would not be as effective in preventing future similar behavior. In this case, the principal wanted to punish the student while the incident was still fresh in his mind. The immediate punishment according to the principal would serve the school's interest in maintaining control but also in preventing that student from exhibiting similar behavior.

It is important to note that this student did suffer serious injuries from the paddling. However, the appropriateness of the principal's specific use of corporal punishment was not the question that the court needed to decide. Rather, the question was if corporal punishment is generally acceptable to use on juveniles. In fact, the student's due process claims for the specific injuries caused in this case were not heard because there were post deprivation remedies that could have properly addressed the damages the student was seeking. Florida recognized common law which suggested that teachers could legally impose reasonable, non-excessive force on their students. In the event that the force is excessive, it is important that there are remedies in place. These remedies could include criminal or civil liability for the responsible teacher or administrator depending on the situation. This strategy of discipline is one that is common in legal systems as well.

Defendants may have sentences imposed on them, and if those sentences are deemed inappropriate, the appellate process serves as a remedy for relief. The appropriateness of the original sentence is what gets analyzed, just as the appropriateness of the use of corporal punishment would.

The idea of a student being able to obtain the relief for excessive corporal punishment that pushes the boundaries of acceptability can best be seen in *Daily v. Board of Education*. This case was decided in the Supreme Court of Nebraska, where a student was misbehaving in class and acting as a disruption to other students. Because of this, the student was required to stay after class to discuss the incident with the teacher. The teacher felt the student was not listening to him and showed no sign of remorse for what he did. In response, the teacher hit the student with an open handed slap on the head. The court recognized that school teachers and administrators can use physical contact to the degree necessary to preserve order and control in the school environment.

However, in this case, the balancing test that was previously discussed above was weighted heavily in the student's favor. The slap was incredibly hard and seemed to be an angry response to the student's lack of listening, not a proportionally appropriate response to the class disruption. Therefore, the court felt that this discipline was exceeding the acceptable bounds of corporal punishment and the teacher was then subjected to discipline for unprofessional conduct under the relevant Nebraska statute. This case demonstrates that corporal punishment is not a free ticket to exercise inappropriate discipline in a school setting. Rather, although corporal punishment has found to be acceptable in educational settings, there is a clear boundary of reasonableness that will bring consequences to the administrators if violated.

The important takeaway of these two cases is that corporal punishment is an effective form of discipline by teachers and academic professionals because it is instant and is the most effective way of preventing the child from exhibiting similar behavior. Academic professionals face a unique challenge in punishing a child while still not serving as a distraction to the class as a whole. Corporal punishment is able to achieve this goal by ensuring that the juvenile is punished as quickly as possible while also serving as a strict warning to other students. The need for the administrators to demonstrate a reasonable approach in exercising this discipline is paramount in evaluating corporal punishment as an effective technique in educational settings.

### **III. CORPORAL PUNISHMENT IN THE HOME**

While corporal punishment in a school environment is based on the need for immediate and effective punishment, corporal punishment in the home serves as a parent's ability to choose how to best discipline their children. This ability to choose corporal punishment in the child's life is important because it serves as the parent's belief of the best way to discipline their children. A parent's ability to make important decisions on how to raise their children was first discussed by the Supreme Court in *Pierce v. Society of*

*Sisters* in 1925. In this case, the Sisters of the Holy Names and Hill Military Academy, a private school, sued the Governor of Oregon, among others, arguing that an Oregon education law requiring attendance of all children between the ages of eight and sixteen to attend public school was unconstitutional. The legislation, known as the Compulsory Education Act created right after World War I, was aimed at creating a common American educational culture by eliminating religious schools.

The court stated that this law “unreasonably interfered with the liberty of parents and guardians to direct the upbringing and education of children”. There is no doubt that the state can control certain elements of a child’s life. A child has to be properly cared for and educated. The ramifications of not providing basic needs to a child are obvious: if a parent neglects a child, they will likely lose that child. However, the Supreme Court in *Pierce* made it clear that there are certain decisions that have to be left to the parent to make. This is partially because every child is not alike, and, therefore, the types of disciplines need to reflect these differences. Even if corporal punishment is not the most effective way to discipline a child, that does not take away from the important role that a parent has in being able to make important decisions in raising their children.

The Supreme Court in dicta has mentioned numerous times that this ability to raise your child in a certain way is not only extremely important, but actually a fundamental right. This was best described in *Carey v. Population Services International*. The Court stated that, “It is clear that among the decision that an individual may make without unjustified government interference are personal decisions relating to marriage and family relationships”. Marriage and family relationships are the most intimate relationships that exist. Because of the intimacy of the relationship, there needs to be certain caution regarding when the government can and cannot tell a parent how to discipline their child. While avoiding excessive corporal punishment is again a priority, a parent’s ability to exercise their right in disciplining their child a certain way is essential.

#### IV. CONCLUSION

Corporal punishment is an effective form of discipline both in the home and in the school. It is important to punish juveniles in a swift and effective way that teaches a firm lesson to the child to not repeat that similar behavior. In an educational setting, corporal punishment is used as a time sensitive punishment to ensure the juvenile receives swift (and not overly harsh) discipline to maintain control and order. Educational professionals must be given flexibility in how they are able to distribute discipline that needs to be immediately responsive to the disruptive behavior. Equally important flexibility is understanding the right of a parent to raise their child the way they prefer. Corporal punishment in the home serves as a stern discipline to the child that is well within the parental rights established in *Pierce* and *Carey*.

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