

Justice and equality in the use of punishment in schools

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Punishment has been used in schools as a way to try and change student behaviour for hundreds of years. However, the use of punishment in schools as a response to undesirable behaviour is a controversial topic. This paper will explore how punishment in schools can be defined and how shame is used in school punishment practices. The intended purpose of punishment in schools will be discussed. Consideration will be given as to whether punishment in schools can be justified and if so, in what circumstances would it be appropriate. Finally, the paper will discuss indications that there are inequalities inherent in the way punishment is used in schools.

Defining punishment

To begin exploring the topic of punishment in schools, there must first be a consideration of how punishment in schools can be defined. There appears to be no clearly agreed definition of punishment within the literature. Psychological literature generally adopts Skinner's definition of punishment, as used within his theory of operant conditioning. Skinner (1938) defines punishment as the imposition of something unpleasant, for example having to stay after school for a detention, or the removal of something pleasant, such as not being allowed out at break time with friends, with the intention of weakening occurrences of a particular behaviour. However, Skinner's theory of operant conditioning was developed through a series of experiments with rats and pigeons, and there is a strong argument to be made for the education of human beings being more complex than operant conditioning can account for.

Hart (2008) takes a much broader definition of punishment than that within the context of operant conditioning. Hart suggests that a response to undesirable behaviour must meet five criteria to be considered as punishment, namely:

1. It must be intended to cause pain or to be unpleasant or burdensome to the recipient.
2. It must be a response to an action that went against established rules.
3. It must be deliberately imposed by someone.
4. The person imposing it must have appropriate authority to do so.
5. It must be a response to an actual offender for committing an offence.

If Hart's definition of punishment is used, it suggests that even responses to undesirable behaviour that are meant to be educational, such as a conversation with a teacher to offer additional support, could arguably be considered to be punishment. This is because the student could find it burdensome to have this conversation with their teacher.

In general, what appears to distinguish educational responses to undesirable behaviour from punishment is the intention behind the response. Punishment has an explicit intention to be unpleasant and burdensome, whereas educational responses are not intended to be so, even if it appears to the recipient that they are.

That which is experienced as unpleasant and burdensome can be subjective and vary between individuals. Considering this from another perspective, the example could be given of a student who is asked to stay for an hour after school to complete work that he has missed in class due to not paying attention. For a student from a chaotic home background, it is possible that remaining in school for a longer period is preferable to returning home. Therefore, the intention to create an

unpleasant or burdensome experience fails, causing the response to the undesirable behaviour to fall short of Hart's definition of punishment.

The United Nations Convention on the Rights of the Child (UNCRC) states that children should have freedom from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation" (Article 19). By Hart's definition and in general understanding of the term, punishment is intended to be painful or unpleasant. It therefore could be said to cause harm to a child and be potentially incompatible with the UNCRC. This requires further consideration.

The use of shame as punishment

Punishments used in schools often incorporate some element of public shame (Stearns and Stearns, 2017). For example, teachers may write children's names on the board when they behave in an undesirable way, or a child who has broken the school rules in some way may be required to sit in an isolation booth, separated from their classmates. These shaming practices continue despite evidence suggesting that shame can have damaging effects on children's development (Stearns and Stearns, 2017).

To some extent, this evidence has been taken into account and boundaries have been implemented around how shame can legitimately be used in schools. This is illustrated by the example of a teacher in Ohio, US, who forced a student who had been bullying others to listen to the complaints from other students without being given an opportunity to respond. The teacher was accused of shaming and dismissed from their job (Stearns and Stearns, 2017).

There is an important distinction to be made between shame and guilt. Shame is something imposed by an external authority and is perceived as a comment on the person as a whole. In contrast, guilt arises internally and tends to be a comment on a specific act, rather than on the whole person. Worsley (2015) suggests that guilt is a belief that it is appropriate for others to desire what is bad for you, whereas shame is a belief that it is appropriate for others to reject you as a person. If a student has behaved in an undesirable way, an argument could be made that it is appropriate for them to feel guilt and that punishment practices are intended to encourage these appropriate feelings of guilt, rather than intended to cause shame. However, as it is so difficult to define the difference between shame and guilt, it can also reasonably be argued that students will not necessarily be able to distinguish between whether the intention of the punishment is to induce feelings of shame or guilt. This could lead to the student feeling that the punishment is a rejection of them as a whole person even if the teacher only intends it to be a rejection of an undesirable behaviour.

The intended purpose of punishment in schools

The purpose of school behaviour management systems, of which punishment forms a part, is often not only to ensure short term compliance. There is also an aim to encourage students to internalise the morals of society, ensuring ‘not mere obedience, but cheerful obedience’ (Stearns and Stearns, 2017, p.63). It is intended that by internalising these morals, students are more likely to engage in long term positive behaviour change.

It has long been recognised that, within school behaviour management systems, a punitive response alone is not always effective. As long ago as 1716, Demia (cited in Foucault, 1991,

p.180) suggested that ‘it will be very beneficial, when the teacher is obliged to use punishment, to win the heart of the child before doing so’. This hints that relationships are key to promoting positive behaviour and that without an underlying relational aspect, punishment is unlikely to create sustainable behavioural change.

Foucault (1991, p.136) refers to ‘docile bodies’ in his discussion of the modern approach to discipline. He argues the aim of discipline is to produce bodies which are docile, so that they ‘may be subjected, used, transformed, and improved’. Throughout the school day, every individual student is controlled in terms of time, space, and movement, with surveillance and the threat of punishment being key methods of maintaining discipline.

Duff (2001) makes the argument that a deterrent alone fails to address students as part of a community and therefore punishment fails to achieve its aim, even if students do not exhibit undesirable behaviour. This argument reinforces the assumption that schools intend to support students with long term behaviour change, rather than only seeking short term compliance. With a punitive behaviour management system in a school, it may be that students do not behave in undesirable ways because of the threat of punishment acting as a deterrent. However, the threat of punishment does not give the students an understanding of why certain behaviours are undesirable. Therefore, when the threat of a punitive response is removed, the students potentially have no reason not to behave in an undesirable and morally questionable manner.

However, Garland (1999) and Goodman (2006) argue that punishment has other functions in a community, other than simply acting as a deterrent. Garland suggests that punishment is ineffective as a deterrent and its function is more useful as ‘moral affirmation’ (Garland, 1999,

p.24). Goodman (2006) argues that punishment is a tool for society to express disapproval of certain actions and asserts that schools should only impose punishment as a response to behaviour that is considered morally wrong.

Greene (2008) argues that punishment is not necessary as a deterrent for the majority of students as they would follow the rules and norms of the school community anyway, regardless of whether there is a threat of punishment. His philosophy states that 'kids do well if they can'. For the minority of students who have frequent contact with the school discipline system, Greene (2008) suggests that the threat of punishment is ineffective. According to Greene, the repetition of undesirable behaviour by these students indicates that they are not able to self-regulate their behaviour and emotions due to underlying unmet needs. The response from schools to this repeated undesirable behaviour is often to increase the frequency and severity of punishments. However, punishment remains ineffective as a response because it does not teach the students how to behave more appropriately, only reinforces what they should not do.

Justification of punishment in schools

Goodman (2006) suggests that schools should distinguish between punishments for moral wrongs, such as cheating on an exam, and punishments for offences against school rules, for example, infringement of the school dress code. Goodman suggests that whilst punishment is appropriate for moral transgressions, there should be lesser 'penalties' in place for behaviour which is undesirable in the context of the school but is not generally viewed as being morally unacceptable. An example could be having to pay a fine for returning a school library book late. The intention would be that the penalties would not promote the same feeling of shame as a

punishment may induce. Rather, it would be a matter of considering whether the potential cost, for example, the library fine, was worth the benefit of breaking the rule, in this case being able to keep the library book for a longer period.

The main issue with this approach is that it would be difficult to ascertain how the recipient of the penalty perceived the response. It is possible that the recipient would still feel shame attached to the response even if it was not intended to induce this feeling. A further difficulty arises in determining which behaviours should be classed as morally wrong and which are merely inappropriate conduct within the school environment. Different schools and different individual teachers are likely to have different views as to which behaviours should be grouped under each category. This would make it problematic to determine when punishment is justified and when a lesser 'penalty' would be a more appropriate response.

Skinner (1938) found, in his research on operant conditioning, that punishment was less effective than reinforcement, either positive or negative, at creating sustainable behaviour change.

Reinforcement aims to strengthen a behaviour, whereas punishment intends to weaken it.

However, punishment does not address the underlying reasons as to why a behaviour is occurring in the first place and therefore can not eradicate the urge to behave in this way. This often means, as suggested by Duff (2001), that once the punishment is no longer applied or can be avoided in some way, the undesirable behaviour will return. It could be argued that it cannot be justified to punish a person when it is not the most effective way of achieving the desired outcome.

Entrenched inequalities in school punishment

Assuming it is agreed that the use of punishment in schools can be justified in certain circumstances, the issue is further complicated by indications of entrenched inequalities in the way punishments are applied in schools. Research (Skiba, Michael, Nardo and Peterson, 2002; Hannon, DeFina and Bruch, 2013; Morris and Perry, 2017) suggests that discipline in schools tends to be disproportionately applied based on gender, race, Special Educational Needs (SEN), and socioeconomic status.

Skiba et al (2002) found that racial and gender disparities were more robust than socioeconomic differences. In addition, they found that both racial and gender differences remained when controlling for socioeconomic status. There was some evidence that boys tended to engage more frequently in disruptive behaviour, but no similar evidence was found in relation to race. Instead, they found evidence of a differential pattern of treatment towards African American students.

Morris and Perry (2017) conducted research focussing specifically on African American girls. The results of their study found 'troubling and significant disparities' in the punishment of African American girls. Black girls were found to be three times more likely than white girls to receive an office referral and also received disproportionate referrals for infractions such as disruptive behaviour, dress code, disobedience, and aggressive behaviour (Morris and Perry, 2017). These findings support research by Hannon et al (2013), which found that darker skin tone significantly increased the odds of suspension for African American adolescents. The odds of suspension were 3 times greater for African American girls with a darker skin tone compared to those with a lighter skin tone (Hannon et al, 2013).

Exclusion from school, whether temporary or permanent, is a serious punishment that is usually only imposed for seriously undesirable behaviour, such as an assault on another student or possession of illegal drugs on the school site. Statistics recorded on exclusions from UK schools suggest that particular groups of students are more likely to be excluded than others. Boys are three times more likely to be excluded than girls. Pupils of Black Caribbean heritage are over three times more likely to be excluded than pupils of other ethnic groups. Children eligible for Free School Meals (FSM) are four times more likely to be excluded than those who are not eligible. Children with identified Special Educational Needs (SEN) are seven times more likely to be excluded than children without identified SEN (Gibbs, 2018).

The Office of the Children's Commissioner (2012) highlights a particularly stark statistic. 'In 2009-10, if you were a Black African-Caribbean boy with special needs and eligible for free school meals you were 168 times more likely to be permanently excluded from a state-funded school than a White girl without special needs from a middle-class family' (Office of the Children's Commissioner, 2012, p.9).

Conclusion

This paper has explored how punishment in schools can be defined, drawing firstly on the work of Skinner (1938) and then considering how Hart (2008) broadens and refines the definition. The use of shame in school punishment has been discussed. Despite evidence that shame has a negative impact on child development, this is still a common practice in schools.

The purpose of punishment in schools has been considered, with thought given to whether punishment is intended to be used as a deterrent and if so, if it is effective in this function. It has

been argued that punishment in schools can only be justified in certain circumstances. This argument has drawn on Goodman's (2006) distinction between punishment for moral wrongs and lesser penalties for infringement of school rules that are not necessarily morally unacceptable.

Finally, the paper has described some of the research that has been conducted into the inequalities in the use of punishment in schools. Studies have found that there are disparities based on race, gender, SEN, and socioeconomic status.

These inequalities need to be addressed to ensure that all students have equal access to their education without fear of unfair punishment. However, until there can be an agreed definition of what constitutes punishment in school and when it is justifiable to impose a punishment on a student (if at all), the question of whether punishment in schools is used in a just and equitable manner will remain unresolved.

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