

The Generation Logic, Application Dilemma and Practical Principles of Educational Punishment Power

Yuying Zhang, Biao Ke

School of Sichuan University of Science & Engineering, Sichuan, Zigong, 643000, China

Abstract

The generation of the right to discipline in education has its own historical and legal logic. The historical logic of the generation of the right to discipline in education is closely related to the proposal and development of the educational concept of “substitution of parental relationship” for teachers; How teachers should reasonably and legally influence students' misbehavior is the legal logic of the generation of the right to discipline in education .This study is based on the logic of the generation of the right to discipline and the use of the dilemma, put forward the exercise of the right to discipline education should follow the principle of practice, so as to provide reference for the teachers to reasonably use the right to discipline education, so that the teachers to use the right to discipline education in line with the laws of education and can achieve a good effect of parenting.

Keywords

Educational discipline; educational punishment power; practice principle.

1. Introduction

Educational discipline, as this educational tool, is both indispensable in the educational process, but also highly controversial. What is the right to discipline in education? How to examine the historical and legal logic of the right to discipline in education? How to ensure that the right of educational discipline is utilized in accordance with the law? How can we avoid the negative impact of educational discipline on the growth of students' fitness and well-being? In order to answer this series of questions, this paper reflects on the right of educational discipline from three aspects: the logic of generation, the dilemma of application, and the principle of practice, with a view to providing a reference for the rational use of the right of educational discipline by teachers in the new era. In order to answer this series of questions, this paper reflects on the right of educational discipline from three aspects: the logic of generation, the dilemma of application, and the principle of practice, with a view to providing a reference for the rational use of the right of educational discipline by teachers in the new era.

2. Organization of the Text

2.1. The logic of generating the right to discipline in education

The generation of the right to discipline in education is the result of the interaction and intertwining of historical logic and legal logic. From the point of view of historical logic, the generation of the right to discipline in education has gone through a process of gradual development from “parental rights” to the right to discipline in education; from the point of view of legal logic, how teachers should reasonably and legally influence students' misbehavior is the legal logic that generates the right to discipline in education.

2.1.1. Historical logic: the evolution of “parental authority” to “educational disciplinary authority”

The historical logic of the creation of the right to discipline in education is closely linked to the introduction and development of the educational concept of the teacher's “substitute parental relationship”. Before the advent of schools, parents were primarily responsible for educating their offspring. In addition to their role in disciplining their children, parents were also responsible for maintaining the family's livelihood. When human beings accumulated a large number of experiences in the process of long-term development and gradually evolved these experiences into systematic and specialized knowledge, then family education can not assume the responsibility of talent training, parents are also difficult to handle the task of training their children, so the “school” as a specialized talent training institutions, “teachers” as the training of talents. So “school” as a specialized talent training institutions, “teacher” as the cultivation of talents of the profession is thus created. The emergence of “schools” meant that parents gradually shifted their right to discipline their children to schools and teachers. With the progress and development of society, teachers play a more and more prominent role in the growth of children and take on more and more responsibilities. Teachers not only have to fulfill the duties of teaching and educating, but also give students a family-like care, acting as “children's emotional support” and “family educator” of the role of parental agents, the relationship between teachers and students has gradually evolved into a kind of teachers The relationship between teachers and students has gradually evolved into one in which teachers “replace parents” in disciplining children. The "parental authority", as an important part of disciplining children, has gradually shifted from parents to schools and teachers. After going through the changes of the times and educational reforms, it has gradually developed into today's "educational disciplinary power"

2.1.2. Legal logic: How teachers should reasonably and legally influence student misbehavior

The laws of all countries clearly stipulate that teachers have the right to educate and manage students, and that students have the right to enjoy education and learning. Although the law clearly stipulates that teachers have the right to educate and manage students, in concrete educational practice, teachers still have questions about how to educate and discipline students within the scope permitted by law, which are mainly reflected in the following two aspects. First of all, the right of teachers to educate and the right of students to be educated are the basic rights given to teachers and students by law, and the law also stipulates that teachers and students shall not violate each other's rights. However, how to ensure that students' rights are not infringed upon in the process of educating them, and how to correct students' undesirable behaviors without infringing upon their rights is a problem that needs to be solved. The difficulty in solving these two problems lies in how teachers can reasonably and legally influence students' bad behavior. In response to these problems, some scholars have suggested that the right to education and discipline be written into law, proposing that teachers be given the right to education and discipline, and that the rights and responsibilities of schools, students, parents, teachers and other parties be clarified. Legislation on the right to educational discipline provides a legal basis and guarantee for teachers to manage students, effectively safeguarding teachers' right to education and students' right to education, and realizing the mutual checks and balances between the two, which is the legal logic from which the right to educational discipline arises.

By analyzing the historical and legal logic of the right to discipline in education, it is clear that teachers have the responsibility and obligation to manage students, and that teachers have the right to discipline students in education, but that they should exercise their right to discipline in education within a reasonable and legal scope.

2.2. Difficulties in applying the right to discipline in education

Educational discipline, as one of the necessary means of education, gives teachers the responsibility of educating and disciplining students who violate discipline. However, in the process of teachers utilizing the right of educational discipline, there are problems of teacher morality caused by improper discipline, and some parents intervene in school management out of the mentality of protecting their children, leading to conflicts between home and school. These two problems are not only unfavorable to the protection of teachers' own rights and interests, but also make teachers confused about how to implement educational discipline for students who have violated discipline.

2.2.1. Some teachers over-punish students or are afraid to punish students

In ancient societies, influenced by the social trend of "respecting teachers and emphasizing teaching", teachers enjoyed a high social status and professional prestige, and dominated the entire educational process, while the subjectivity of students was ignored and reduced to a tool for discipline. After entering the modern society, the value of overly focusing on the authority of the teacher is still distributed in the educational practice, and there are still some teachers who impose their personal will on the students, ignoring the needs of the students and their sense of autonomy. Such teachers usually use controlling, injurious corporal punishment, disguised corporal punishment and other ways to manage students, forcing students to absolutely obey their authority. However, such disciplinary behavior seriously deviates from the original intention of education, exceeds the boundaries of educational discipline, and turns discipline into injury, seriously affecting the development of students' physical and mental health. If teachers overemphasize their authority to the detriment of students' rights, it will lead to a situation in which some teachers over-punish their students, thus infringing on their rights and harming them physically and psychologically.

With the awakening of students' self-awareness, students began to pay attention to the defense of their own rights and interests, and demanded equal dialogue with teachers. In order to protect their own interests, students will defend their rights and interests with teachers through a series of public confrontational behavior, some students will recognize the reasonable discipline of teachers as an assault, while some teachers actively give up the use of the right to discipline education in order to avoid the attack of public opinion and to protect their own safety, which results in the status quo that some teachers do not dare to punish students.

2.2.2. Excessive interference by some parents' associations in the management of school education for the protection of their children

In addition to teachers and students, parents are equally important in influencing teachers' use of disciplinary power in education. When their children are disciplined at school, some parents choose to over-victimize their children because they are over-protective of their children, believing that the teacher's discipline will have a negative impact on their children's bodies and minds. Although parents for the purpose of safeguarding the rights and interests of students, but this kind of excessive rights protection behavior is to put their own will above the principle of school education management. This kind of parents' excessive intervention in school education management seriously violates the rights of teachers and schools to manage students. How teachers exercise the right of educational punishment in the context of educational practice is specifically transformed into the problem of how teachers discipline students. Although this is a micro-problem in education and teaching, the implementation effect of educational punishment has a key impact on education and teaching. Through thinking about the dilemma of the use of educational disciplinary power, teachers should follow the laws and regulations on how to discipline students, and grasp the 'degree' of educational punishment under the guidance of the practical principles of educational punishment power.

2.3. Practical principles of educational punishment power

Education without punishment is incomplete education, but education punishment is a 'double-edged sword', one end is injury, one end is effectiveness. The consequences of improper education punishment are that students are injured, teachers are punished, and parents are sad. Therefore, to a large extent, the conflicts and problems caused by educational punishment are due to the fact that teachers do not grasp the 'degree' of educational punishment. Therefore, teachers must grasp the 'degree' of punishment when implementing educational punishment and follow the following four practical principles.

2.3.1. Principle of Legality

As the saying goes, "No rule, no circle." Part of the country's laws and regulations have made relevant provisions on educational discipline, these laws and regulations on how to make educational discipline away from harm has a very important guiding significance. Teachers to correctly use the right of educational discipline should clarify the legal and illegal boundaries of discipline, the law as the implementation of educational discipline can not violate the code of conduct. Firstly, teachers should study carefully the laws and regulations relating to their profession and comply with the provisions of the law. Secondly, teachers should also clearly understand that teachers have no right to discipline outside of their own boundaries, and that the right to use educational discipline must be exercised within the legally permissible limits of the law. Finally, teachers should not only exercise their rights but also fulfill their obligations in accordance with the law, insisting on the harmonization of rights and obligations.

2.3.2. Moderate Principle

Educational discipline should not only have intensity, but also moderation. Without the degree of intensity, the effect of correcting students' bad behavior will have little effect, while excessive discipline will bring unnecessary harm to students. Therefore, teachers should follow the law of students' physical and mental development and the law of psychology and pedagogy in order to moderate educational discipline on students. Teachers in the implementation of education and discipline of students, we must fully consider the personal situation of students, for students' individual differences, choose different disciplinary methods, such as the age of students, gender, personality characteristics, cognitive level, physical health, usual performance and attitude of repentance and other factors. In particular, teachers should focus on the consideration of students' psychological tolerance, the implementation of disciplinary methods for students can not touch the psychological bottom line, can not exceed the students' psychological tolerance level, to maximize the promotion of students' physical and mental health development. In addition, teachers should also avoid punishing students for minor mistakes, punishing students for minor mistakes, and arbitrarily implementing the wrong behavior of educational discipline, so as to prevent educational discipline from falling into the situation of "excess", which will bring irreversible damages to students physically and psychologically, and run counter to the original intention of educational discipline.

2.3.3. Principle of rationality

Human consciousness is capable of regulating and controlling human behavior, and emotional impulses have tremendous energy and can produce both positive and harmful effects. Teachers must regulate their emotions when dealing with students' disciplinary incidents, especially to control their bad moods, avoid losing control of their emotions, and educate errant students with a rational attitude. Teachers should make it clear that the purpose of educational discipline is not to give vent to personal emotions, but to educate and transform students, to help them abide by moral norms, to restrain their bad behavior, to improve their moral quality, and thus to promote their better growth. However, teachers' irrational implementation of educational discipline on students not only fails to achieve the expected

educational effect, but also leads to the spread of the incident to the negative, the harm increased. Therefore, teachers should deal with students' problems in a rational way and mentality, paying attention to the number and frequency of disciplinary actions on students, but also paying attention to the way of using disciplinary actions, avoiding the use of corporal punishment, disguised corporal punishment, verbal violence, cold violence and other inappropriate ways that will have a negative impact on the students' physical and mental health. It should be noted that teachers need to pay attention to the art of discipline in the implementation of education and discipline of students, in the emotional state of students do not rush to criticize students, so that students immediately admit their mistakes, but the need to give students a certain amount of time to think and self-reflection, while teachers should also be based on rationality, before disciplinary action to communicate with the students to talk, to understand the real situation of the students, so that the education and discipline in the case of a reasonable and justified exercise The teacher should also talk and communicate with the students before disciplining them on a rational basis to understand their real situation, so that educational discipline can be exercised in a reasonable and justifiable manner.

2.3.4. Effectiveness Principle

Teachers to implement education and discipline of students can not only to let students bear the consequences of mistakes, should also do a good job after the punishment of education, so that students do not make similar mistakes next time, so that education and discipline to achieve the optimal effect. Therefore, teachers should be good at seizing the opportunity to educate, but also in the discipline of students before the implementation of a good implementation plan, so that the implementation of teaching discipline with scientific and effective. First of all, teachers should presuppose the possible reaction of students in receiving discipline and the possible consequences, to prevent students from overreacting due to the acceptance of discipline, and to limit the impact of educational discipline on students to a controllable range, to prevent students from overreacting and other special circumstances so that teachers can not respond in time. Secondly, after teachers implement education and discipline on students, do a good job of education and guidance for students, specifically, on the one hand, we must timely observe the behavior of students after being disciplined. Teachers in the implementation of education and discipline of students must be observed to receive discipline students whether to recognize their own mistakes, and determined to correct their own bad behavior. Teachers can be based on the student's cognitive status of the error, and then decide whether or not to continue to students for a second education, so as to achieve the purpose of education and discipline. On the other hand, teachers should channel students' negative emotions in a timely manner. Teachers to students to implement the way and intensity of discipline should be based on the teacher's mastery of the student's personal situation and subjective judgment, because the student's emotional fluctuations may be completely beyond the teacher's expectations, in the face of this situation, the teacher must take into account the student's psychological endurance, timely channeling of the student's negative emotions, and to do a good job of psychological counseling of the students.

3. Summary

The purpose of educational discipline is not to hurt students, but to educate and transform students, help students abide by moral norms, restrain students' improper behavior, improve students' moral quality, promote students' better growth, and shape students' sound personality. Therefore, teachers must abide by the law, according to the implementation of education and discipline; teachers must abide by the principle of moderation, to avoid education and discipline into the "excessive" situation, to the student's physical and mental irreversible damage; teachers must be sensible implementation, not to students as a

disciplinary action to vent their bad feelings outlet; and teachers should be based on the students' physical and mental development. The physical and mental development of students, comprehensive consideration of individual differences in students, students should be well planned in advance before the education and discipline, and after the discipline of students, do a good job of students' emotional relief work. In short, teachers exercise the right to discipline education should follow the principle of Legality, moderate principle , the principle of rationality and the principle of effectiveness, so as to ensure that the educational discipline to achieve good educational results.

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