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A survey of principals' knowledge of the new legal definition of corporal punishment in the BELA Act 32 of 2024: The case of the J ohannesburg Central District, Gauteng

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ABSTRACT

The Basic Education Laws Amendment Act 32 of 2025 provides for the new legal definition of corporal punishment in South Africa. When analysed disjunctively, the provision classifies 29 acts as corporal punishment. There is presently no empirical evidence regarding principals' knowledge of these 29 acts. The objective of the study was to determine the principals' knowledge of these acts. It attempted to answer the question: "what is the knowledge of the 29 statutory acts provided for in BELA Act amongst the schools' principals?". Twenty five principals were surveyed using a 5-Likert scale questionnaire in Johannesburg Central District of Gauteng. Majority of the principals (88%) know the 29 acts that constitute the new legal definition of corporal punishment. Only a few (16%) do not know these acts or are uncertain whether an act constitute corporal punishment. All principals know 'boxing ears' constitute corporal punishment. However, there is a need to further empower principals on 'making learners stay in uncomfortable positions', 'smacking', 'kicking', 'hitting', 'scratching the learner with a hand or object', 'pulling children', 'denying toilet', and 'inducing fear'. A further research study is needed to assess the implementation and impact of this provision in improving discipline in schools.

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Introduction

Background

Corporal punishment in South African schools has roots in the colonial and apartheid eras, when it reinforced institutional control, racialised authority and social subordination.[1] Throughout much of the twentieth century, education authorities sanctioned the physical punishment of learners as an expression of teacher authority and institutional discipline.

South Africa banned corporal punishment in schools in 1996, following its first democratic elections in 1994. Section 10 of the South African Schools Act 84 of 1996 (SASA) categorically states that "no person may administer corporal punishment at a school to a learner".[2] In *Christian Education South Africa v Minister of Education* (2000),[3] the Constitutional Court upheld this prohibition, rejecting justifications based on religious freedom or cultural practice.

[1] R. Morrell, "Corporal Punishment in South African Schools: A Neglected Explanation for Its Persistence," *South African Journal of Education* 21, no. 4 (2001): 292–299.

[2] Republic of South Africa, South African Schools Act 84 of 1996, Government Gazette, no. 17579 (1996), sec. 10.

[3] *Christian Education South Africa v. Minister of Education* (1999), (2) SA 83 (CC).

Despite SASA and subsequent case law, research has consistently documented the persistence of corporal punishment. Statistics South Africa[4] reported that approximately 84% of more than one million school-going children experienced corporal punishment by educators in 2019. Maphosa and Shumba[5] found that educators associated corporal punishment exclusively with physical acts, failing to recognise humiliation or psychological harm as legally prohibited. This reflected the definitional gap in section 10 of SASA. The Basic Education Laws Amendment Act 32 of 2024 (BELA) addresses this gap. Signed into law in September 2024 and implemented from December 2024, it inserted the first statutory definition of corporal punishment in South African education law into section 1 of SASA.

A disjunctive reading[6] identifies 29 statutory acts, extending the prohibition beyond physical contact to conduct intended to induce fear or ridicule a learner's dignity.[7] This definition covers conduct that many educators had not previously regarded as prohibited. It also places principals at the centre of implementation as institutional managers legally accountable for compliance under section 16 of SASA.

Research Problem

The BELA Act's definition is legally operative, prohibiting the 29 statutory acts in all public schools, hostels and school activities.[8] Principals are legally accountable for compliance, yet empirical evidence of their knowledge of these acts is lacking.

Research Purpose

This study investigated school principals' knowledge of the 29 statutory acts classified as corporal punishment under the BELA Act. It addressed the question: What do school principals know about the 29 statutory acts classified as corporal punishment under the BELA Act?

Research Contribution

To the authors' knowledge, this is the first empirical study of principals' knowledge of the 29 statutory acts in the BELA Act's definition of corporal punishment. Applying the theoretical framework of Horák et al.,[9] it contributes to South African educational leadership and legal consciousness research. Identifying the least-known acts also provides evidence for targeted professional training and development.

Research Results

The study found that 88% of principals knew the 29 statutory acts classified as corporal punishment, 8% did not know them and 8% were uncertain. All principals who answered the relevant item recognised 'boxing learners' ears', while 'forcing learners to stay in uncomfortable positions' was the least-known act.

Research Implications

The study addresses the evidence gap concerning principals' knowledge of the 29 statutory acts and identifies areas requiring further training. Theoretically, it also indicates which provisions may be implemented because they are known and which may be unintentionally overlooked because they are less familiar.

Theoretical Framework

The study drew on Legal Consciousness Theory (LCT), which examines how individuals understand, interpret, experience and relate to law. This perspective supports the examination of legal knowledge and its interpretation in particular situations. Contemporary accounts identify knowledge of law and awareness of specific legal situations as important dimensions of legal consciousness.[10]

Legal consciousness was narrowly operationalised as principals' knowledge, awareness and understanding of the BELA Act's definition of corporal punishment. The study focused on the dimension relevant to interpreting and applying this provision; it did not measure the broader construct, including attitudes, beliefs, values or trust in law.

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[4] Statistics South Africa, *Children Series Volume I: Children Exposed to Maltreatment* (Stats SA, 2021).

[5] C. Maphosa and A. Shumba, "Educators' Disciplinary Capabilities after the Banning of Corporal Punishment in South African Schools," *South African Journal of Education* 30, no. 3 (2010): 387–399, https://doi.org/10.15700/saje.v30n3a367.

[6] *S v Williams* (1995) 3 SA 632 (CC).

[7] Republic of South Africa, Basic Education Laws Amendment Act 32 of 2024, Government Gazette, no. 51258 (2024).

[8] Republic of South Africa, Basic Education Laws Amendment Act 32 of 2024.

[9] F. Horák, D. Lacko, and A. Klocek, "Legal Consciousness: A Systematic Review of Its Conceptualization and Measurement Methods," *Anuario de Psicología Jurídica* 31, no. 1 (2021): 9–34.

[10] Horák, Lacko, and Klocek, "Legal Consciousness."

The statutory definition formed the study's legal object, and the 29 acts constituted its substantive knowledge domain. Principals' legal knowledge comprised two related dimensions: knowledge of the statutory acts and understanding of their application to disciplinary situations.

The questionnaire operationalised the second dimension through 29 scenarios, each corresponding to a statutory act. Respondents rated their agreement with each legal proposition on a five-point Likert scale, from strongly disagree to strongly agree. Responses indicated how closely their understanding and application of the provision aligned with the statutory standard.

Method

Research Design

The study adopted an interpretivist paradigm consistent with LCT. Interpretivism views social reality as constructed through actors' meanings, interpretations and practices.[11] This position aligns with LCT's view that law is constituted through the everyday practices and orientations of those who encounter it.

The quantitative instrument reflected a pragmatist appreciation of descriptive measurement for identifying the scope and patterns of the phenomenon.[12] The study retained its interpretivist emphasis by seeking a theoretically grounded understanding of how Johannesburg Central District principals engage with the BELA Act's definition, without attempting statistical generalisation to South African principals.

Research Context

The study took place in the Johannesburg Central District of Gauteng Province, a densely populated, socio-economically diverse urban education district. Its schools serve inner-city communities and historically disadvantaged townships, with varied resources, professional development infrastructure and expectations regarding discipline. These features are relevant to LCT: Ewick and Silbey[13] argue that social and institutional contexts shape encounters with law, making the district's diversity analytically valuable.

Participants

The participants were 25 purposively selected principals[14] who responded after the questionnaire was distributed to all principals in the district. All were serving public-school principals in the Johannesburg Central District. They represented primary and secondary schools with different resource levels, reflecting the diverse institutional conditions that shape legal consciousness.

Data Collection Instrument

A five-point Likert-scale questionnaire was developed around the 29 statutory acts. Each item presented a scenario and asked principals to indicate, from strongly agree to strongly disagree, whether the conduct fell within the BELA Act's definition. Scenarios assessed engagement with law in practice, consistent with LCT. Recognising prohibited conduct in a scenario was treated as evidence of operational legal consciousness beyond the ability to recite statutory provisions. A demographic section recorded experience, school phase, resource classification and training exposure.

The questionnaire was emailed to all principals in the Johannesburg Central District. Those who consented completed it digitally and returned it by email. Before administration, the questionnaire was pilot-tested with two principals outside the main participant group.

Data Analysis

Data were analysed using descriptive statistics, including item frequencies and percentages.

Results and Discussion

Participant Characteristics

Of the 25 participants, 14 (56%) were male and 11 (44%) were female. Experience as a principal ranged from 0 to 5 years for 10 participants (40%), 6 to 10 years for seven (28%), 11 to 15 years for seven (28%), and 16 to 20 years for one (4%). Total experience in education was 16 to 20 years for six (24%), 21 to 30 years for six (24%), 6 to 10 years for five (20%), 0 to 5 years for four (16%), and more than 30 years for

[11] J. W. Creswell and J. D. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (SAGE Publications, 2018).

[12] J. W. Creswell and V. L. Plano Clark, *Designing and Conducting Mixed Methods Research*, 3rd ed. (SAGE Publications, 2018). Y. S. Lincoln and E. G. Guba, *Naturalistic Inquiry* (SAGE Publications, 1985).

[13] P. Ewick and S. S. Silbey, *The Common Place of Law: Stories from Everyday Life* (University of Chicago Press, 1998).

[14] J. W. Creswell and C. N. Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*, 4th ed. (SAGE Publications, 2018).

one (4%). The highest professional qualification was a bachelor's degree in education for 12 (48%), a master's degree for seven (28%), a certificate or diploma in education for three (12%), an honours degree for two (8%), and a doctoral degree for one (4%). Fourteen schools (56%) were primary, eight (32%) combined and three (12%) secondary. Nine (36%) were in Quintile 3, eight (32%) in Quintile 4, six (24%) in Quintile 5 and two (8%) in Quintile 1.

Reported exposure to the BELA Act was high. Twenty-two principals (88%) had received formal training on the BELA Act 32 of 2024, and 20 (80%) had received training on its definition of corporal punishment. Twenty-four (96%) had read the Act in full, and 23 (92%) had received a district circular or communication about the definition. This extensive reported exposure provides context for the knowledge findings.

Responses to the 29 scenarios were scored against the BELA Act's definition. Strongly disagree and disagree were treated as correct knowledge that the conduct constituted corporal punishment. Strongly agree, agree and uncertain were treated as incorrect knowledge.

1. Hitting

Item 1 assessed whether striking a learner with a ruler was merely a consequence rather than corporal punishment. Fifteen principals (60%) strongly disagreed and four (16%) disagreed. Two (8%) strongly agreed and two (8%) agreed, while two (8%) were uncertain.

Thus, 76% recognised hitting as corporal punishment, while 24% did not know or were uncertain. This finding aligns with *Centre for Child Law and Others v South African Council for Educators and Others*[15] and *MEC for Education Department Limpopo v Sebetha*,[16] which identified hitting as corporal punishment.

2. Smacking

Item 3 addressed lightly smacking a learner's hand after catching them cheating in a test, presented as a gentle reminder. Fourteen principals (56%) strongly disagreed and two (8%) disagreed with the item statement. Two (8%) strongly agreed and two (8%) agreed, while five (20%) were uncertain whether the act constituted corporal punishment.

Overall, 64% recognised smacking as corporal punishment, while 36% did not know or were uncertain. The proportion who were uncertain (20%) is concerning. The majority's understanding aligns with *Western Cape Department of Education v Concerned Educator* (2021),[17] which identified smacking as corporal punishment.

3. Slapping

Item 4 addressed slapping a learner across the face during a heated argument, including when the educator felt provoked. Eighteen principals (72%) strongly disagreed and four (16%) disagreed with the item statement. One (4%) strongly agreed that provocation justified slapping and that the act did not constitute corporal punishment. Two (16%) were uncertain.

Overall, 88% recognised slapping as corporal punishment, including during a heated argument, while 12% did not know or were uncertain. Only one principal considered otherwise, and two were unsure. *Stander v Education Labour Relations Council and Others*[18] also identified slapping as corporal punishment.

4. Pinching

Item 5 addressed pinching a learner's arm to gain their attention during an assembly after verbal instructions had failed. Sixteen principals (64%) strongly disagreed and four (16%) disagreed that this was appropriate. Two (8%) agreed that pinching in these circumstances did not constitute corporal punishment, while three (12%) were uncertain.

Thus, 80% recognised pinching as corporal punishment even when other measures had failed, while five principals (20%) did not know or were uncertain. No principal selected strongly agree. This finding is also discussed in relation to *Kleinbooi v Education Labour Relations Council*,[19] which identified slapping as corporal punishment.

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[15] *Centre for Child Law and Others v South African Council for Educators and Others* (2024), 1289 SA (SCA).

[16] *MEC for Education Department Limpopo v Sebetha* (JA39/2006) [2008] ZALAC 20 (Feb. 28, 2008).

[17] *Western Cape Department of Education v. Concerning Educator* (2021) (C322/2021).

[18] *Stander v. Educational Labour Relations Council and Others* (JR2885/08) [2010] ZALC 164; [2011] 4 BLLR 411 (LC); (2011) 32 ILJ 978 (LC) (Nov. 5, 2010).

[19] *Kleinbooi v Education Labour Relations Council and Others* (2018), (PR53/2014) [2018] ZALCPE27 (18 October 2018), Labour Court, Port Elizabeth.

5. Scratching a Learner with a Hand or an Object

Item 6 addressed an educator firmly grabbing a learner's arm and scratching the learner's skin in the process. Fifteen principals (60%) strongly disagreed and four (16%) disagreed that the injury was merely accidental. One (4%) strongly agreed and one (4%) agreed that it was accidental and did not constitute corporal punishment. Four (16%) were uncertain.

Overall, 76% recognised scratching a learner with a hand or an object as corporal punishment, while 24% did not know or were uncertain. This knowledge gap is concerning. The conduct has not yet been addressed in verified reported South African cases.

6. Kicking

Item 7 addressed kicking a learner's foot to correct their stance during a sports drill. Of the 20 respondents, 11 (55%) strongly disagreed and three (15%) disagreed with the item statement. Four (20%) strongly agreed that the act was not corporal punishment, while two (10%) were uncertain.

Thus, 70% recognised kicking as corporal punishment, while 30% did not know or were uncertain, indicating a concerning knowledge gap. *Kleinbooi v Education Labour Relations Council*[20] also identified kicking as corporal punishment.

7. Shaking

Item 8 addressed grabbing learners by the shoulders and shaking them vigorously during a disciplinary meeting. Nineteen principals (76%) strongly disagreed and four (16%) disagreed that this was justified. One (4%) strongly agreed that shaking did not constitute corporal punishment, while one (4%) was uncertain.

Overall, 92% recognised shaking as corporal punishment, while 8% did not know or were uncertain. This high level of recognition may reflect effective professional development during BELA Act training. No verified reported South African cases have yet addressed shaking a learner.

8. Throwing Objects

Item 9 addressed throwing an object at a learner to gain their attention. Thirteen principals (52%) strongly disagreed and seven (28%) disagreed with the item statement. Four (16%) agreed that this was not corporal punishment, while one (4%) was uncertain.

Thus, 80% recognised throwing an object at a learner as corporal punishment, while 20% did not know or were uncertain. In *White v City of New York* (2014),[21] the school classified throwing a book at a learner as corporal punishment, even in retaliation for the learner throwing it first. Legal consciousness theory suggests that awareness of this prohibition should support principals' compliance.

9. Burning

Item 11 addressed holding a learner's hand briefly over a candle flame during a science class as a disciplinary warning about playing with fire. Twenty-two principals (88%) strongly disagreed and two (8%) disagreed with the item statement. One (4%) strongly agreed. No principal was uncertain.

Twenty-four of the 25 principals (96%) recognised burning and scalding as corporal punishment regardless of the circumstances; one did not. This aligns with *Kendal v Board of Education of the Memphis City Schools* (1980),[22] in which burning was identified as deliberate abuse. Legal consciousness theory suggests that awareness of this prohibition should support compliance.

10. Scalding

Scalding was also assessed through Item 11, concerning holding a learner's hand over a candle flame as a disciplinary warning. Twenty-two principals (88%) strongly disagreed and two (8%) disagreed with the item statement. One (4%) strongly agreed, and none was uncertain.

Twenty-four of the 25 principals (96%) recognised scalding as corporal punishment regardless of the circumstances; one did not. In *P.S.M v Member of the Executive Council* (2021),[23] an educator was found negligent after placing a kettle of boiling water on the classroom floor, causing a Grade 12 learner to suffer severe scalding.

11. Biting

Item 12 addressed an educator biting a learner's arm after the learner had bitten another child, intending to demonstrate how it felt. Twenty-one principals (84%) strongly disagreed and three (12%) disagreed with

[20] *Kleinbooi v Education Labour Relations Council and Others*, [2018] ZALCPE27.

[21] *White v City of New York* (2014).

[22] *Kendal v Board of Education of the Memphis City Schools* (1980).

[23] *P.S.M v Member of the Executive Council* (2021).

the item statement. One (4%) strongly agreed that the act did not constitute corporal punishment. None was uncertain.

Twenty-four of the 25 principals (96%) recognised an educator biting a learner as corporal punishment under any circumstances; one did not. No verified reported South African court case has addressed biting as a disciplinary measure.

12. Pulling Hair

Item 13 addressed pulling a learner's ponytail to turn them towards the class. Nineteen principals (76%) strongly disagreed and five (20%) disagreed that this was appropriate. One (4%) strongly agreed that the act did not constitute corporal punishment. None was uncertain.

Twenty-four of the 25 principals (96%) recognised pulling a learner's hair as corporal punishment regardless of the reason; one (4%) did not. No verified reported South African court case has addressed pulling a learner's hair as discipline. The incident reported by Nkosi,[24] in which an educator forcibly cut a learner's braids, remains under investigation.

13. Boxing Ears

Item 14 addressed cupping the hands and striking both sides of a learner's ears. Sixteen principals (80%) strongly disagreed and four (20%) disagreed with the item statement. Five principals did not respond, and none agreed that the act was not corporal punishment.

All responding principals (100%) recognised boxing a learner's ears as corporal punishment regardless of the reason. As with pulling hair, no verified reported South African judgment has addressed boxing learners' ears.

14. Pulling Children

Item 15 addressed pulling a learner by the arm to remove them from a classroom for disciplinary purposes. Twelve principals (60%) strongly disagreed and three (15%) disagreed with the item statement. Two (10%) agreed that the conduct was not corporal punishment, while three (15%) were uncertain. Five did not respond.

Of the 20 respondents, 15 (75%) recognised pulling children as corporal punishment regardless of the circumstances, two (10%) did not know, and three (15%) were uncertain. Two reported South African cases identified pulling children as corporal punishment. In *Western Cape Education Department v Baatjies*,[25] an educator was dismissed for conduct that included pulling a 12-year-old learner by the neck to remove him from class. In *Abrahams v Education Labour Relations Council and Others* (2020),[26] an educator pulled a learner by the collar to remove him from class, but contradictions in the case led to the sanction being set aside.

15. Pushing Children

Item 16 addressed pushing a learner against a wall as discipline. Fifteen principals (75%) strongly disagreed and three (15%) disagreed that this was appropriate. One (5%) strongly agreed that the conduct was appropriate and did not constitute corporal punishment. One (5%) was uncertain, and five did not respond.

Of the 20 respondents, 18 (90%) recognised pushing children as corporal punishment regardless of the circumstances, one (5%) did not know, and one (5%) was uncertain. In *Western Cape Education Department v Baatjies*,[27] the educator also pushed the learner out of class. South African courts have therefore already identified this conduct as corporal punishment.

16. Forcing Children to Remain in Uncomfortable Positions

Item 17 addressed requiring a learner to stand in a classroom corner facing the wall for an entire lesson. Eleven principals (4%) strongly disagreed and two (8%) disagreed that this was appropriate. One (4%) strongly agreed and four (16%) agreed that it was appropriate and did not constitute corporal punishment. Seven (28%) were uncertain.

Only 13 of the 25 respondents (52%) recognised forcing learners to remain in uncomfortable positions as corporal punishment, while 12 (48%) did not know or were uncertain. Despite this substantial knowledge

[24] N. Nkosi, "Teacher Caught on Camera Forcibly Cutting Learner's Braids," *The Star*, 2024, https://www.thestar.co.za/news/2024-08-22-teacher-caught-on-camera-forcibly-cutting-learners-braids/.

[25] *Western Cape Department of Education v. Baatjies and Others* (CA9/2020) [2022] ZALAC 89; (2022) 6 BLLR 537 (LAC); (2022) 43 ILJ 1353 (LAC, Jan. 12, 2022).

[26] *Abrahams v Education Labour Relations Council and Others* (C105/2020) [2026] ZALCCT 11 (27 January 2026).

[27] *Western Cape Department of Education v. Baatjies and Others*, [2022] ZALAC 89.

gap, *Christian Education South Africa v Minister of Education* (1999)[28] had addressed the conduct. In that case, a learner was forced to lean forward with feet spread and hands on a desk, which the Constitutional Court identified as corporal punishment.

17. Forced Ingestion

Item 19 addressed forcing a learner to drink water mixed with chilli powder as punishment for aggressive language. Nineteen principals (76%) strongly disagreed and four (16%) disagreed that this was appropriate. One (4%) strongly agreed, while one (4%) was uncertain whether the conduct constituted corporal punishment.

Twenty-three of the 25 respondents (92%) recognised forced ingestion as corporal punishment, while two (8%) did not know or were uncertain. No South African case has confirmed that forced ingestion constitutes corporal punishment.

18. Washing Children's Mouths Out with Soap

Item 20 addressed washing a learner's mouth out with liquid soap after the learner used profanity in class. Twenty-one principals (84%) strongly disagreed and three (12%) disagreed with the item statement. One (4%) strongly agreed that the conduct was appropriate. None was uncertain.

Twenty-four principals (96%) recognised washing a learner's mouth with soap as corporal punishment; one (4%) did not. No South African case has ruled on whether this conduct constitutes corporal punishment.

19. Denying Meals

Item 21 addressed preventing learners from eating lunch as punishment for forgetting their homework. Fourteen principals (70%) strongly disagreed and five (25%) disagreed with the item statement. One (5%) strongly agreed that the conduct was appropriate. None was uncertain.

Nineteen respondents (95%) recognised denying learners meals as corporal punishment, while one (5%) did not. No South African case has ruled on whether this conduct constitutes corporal punishment.

20. Denying Heat

Item 22 addressed requiring a learner to stand outside on a cold winter day. Twelve principals (60%) strongly disagreed and four (20%) disagreed that this was appropriate discipline. One (5%) strongly agreed, while three (15%) were uncertain. Five did not respond.

Sixteen respondents (80%) recognised denying learners warmth as corporal punishment, while 20% did not know or were uncertain. No verified reported cases have addressed denying learners meals in South Africa or other jurisdictions.

21. Denying Shelter

Item 22 also assessed principals' knowledge of denying learners shelter, although the questionnaire placed slightly greater emphasis on shelter than warmth in winter. Twelve (60%) strongly disagreed and 4 (20%) disagreed that making a learner stand outside without shelter on a cold winter day was appropriate disciplinary action. One (5%) strongly agreed, 3 (15%) were uncertain, and 5 did not respond.

Sixteen (80%) of the respondents recognised that denying learners shelter constitutes corporal punishment. Twenty (20%) did not. As with denying heat, no verified reported cases have addressed denying learners meals in South Africa or other jurisdictions.

22. Forcing a Child to Exercise Outside the Curriculum

Item 23 assessed knowledge of forcing learners to exercise outside the curriculum. The scenario described making a learner run twenty laps around the school's football field during a regular English lesson. Ten principals (50%) strongly disagreed and six (30%) disagreed with the item statement. Four (20%) agreed that the conduct was appropriate punishment and did not constitute corporal punishment. None were uncertain, and five did not respond.

Sixteen (80%) of the 20 respondents recognised that forcing learners to exercise outside the curriculum constitutes corporal punishment; 4 (20%) did not. No verified reported South African court cases have confirmed this classification.

23. Denying a Child Access to a Toilet

Item 25 assessed knowledge of denying learners access to a toilet. Twelve (60%) strongly disagreed and 3 (15%) disagreed that refusing a learner permission to use a toilet during an examination because toilet breaks were prohibited was appropriate school policy. One (5%) agreed, 4 (20%) were uncertain, and 5 did not respond.

[28] *Christian Education South Africa v. Minister of Education* (1999), (2) SA 83 (CC).

Fifteen (75%) of the 20 respondents recognised that denying learners access to a toilet constitutes corporal punishment, even when school policy permits it. Five (25%), including uncertain respondents, did not. This conduct has not been tested in verified reported South African cases.

24. Restricting Learners' Access to a Toilet

Item 26 assessed knowledge of restricting learners' access to a toilet. Fifteen (75%) strongly disagreed and 4 (20%) disagreed that a routine classroom rule restricting toilet access, regardless of a learner's stated urgency, was appropriate. One (5%) strongly agreed, and 5 did not respond.

Nineteen (95%) of the 20 respondents recognised that restricting toilet access constitutes corporal punishment, even under a routine classroom rule. One (5%) did not. This conduct has not been tested in verified reported South African court cases.

25. Acts That Belittle Learners' Dignity

Item 27 assessed knowledge of acts that belittle learners' dignity. Twenty-one (84%) strongly disagreed and 2 (8%) disagreed that repeatedly calling a learner who struggles academically dumb in front of peers was an appropriate way to encourage greater effort. One principal agreed, and another was uncertain whether the conduct was appropriate or constituted corporal punishment.

Twenty-three (92%) of the 25 respondents recognised that belittling a learner's dignity constitutes corporal punishment; 2 (8%), including the uncertain respondent, did not. In *A.P NO and Others v Oakdale Agricultural High School and Others*,[29] the South African High Court confirmed this classification, holding that disciplinary measures which belittle learners violate their dignity.

26. Acts That Humiliate Learners

Item 30 assessed knowledge of acts that humiliate learners. Eighteen (72%) strongly disagreed and 3 (12%) disagreed that making a learner walk along school corridors wearing a sign stating that they had not completed their homework was appropriate corrective discipline. One (4%) agreed, and 3 (12%) were uncertain whether it was appropriate or constituted corporal punishment.

Twenty-one (84%) of the 25 respondents recognised that humiliating learners constitutes corporal punishment; 4 (16%), including uncertain respondents, did not. *A.P NO and Others v Oakdale Agricultural High School and Others*[30] also confirmed this classification.

27. Acts That Threaten Learners' Dignity

Item 32 assessed knowledge of acts that threaten learners' dignity. Thirteen (52%) strongly disagreed and 7 (28%) disagreed that threatening a learner with expulsion for misbehaviour in front of the class was appropriate disciplinary action. Two (8%) agreed that it was appropriate and did not constitute corporal punishment; 3 (12%) were uncertain.

Twenty (80%) of the 25 respondents recognised that threatening a learner's dignity constitutes corporal punishment; 5 (20%), including uncertain respondents, did not. *Western Cape Education v Baatjies*[31] also involved such conduct. The court classified it as corporal punishment, emphasising that the child's best interests were paramount.

28. Acts That Induce Fear in Learners

Item 34 assessed knowledge of acts that induce fear in learners. The scenario described an educator deliberately standing an inch from a learner's face and staring silently for several minutes. Eight principals (40%) strongly disagreed and seven (35%) disagreed with the item statement. One (5%) agreed that it was appropriate discipline, and four (20%) were uncertain.

Fifteen (75%) of the 20 respondents recognised that inducing fear constitutes corporal punishment; 5 (25%), including uncertain respondents, did not. The only verified reported South African case, *Abrahams v Education Labour Relations Council and Others* (2020),[32] suggested elements of fear, but the court did not directly address an educator's inducement of fear as a disciplinary measure.

29. Acts That Ridicule Learners' Dignity

Item 36 assessed knowledge of acts that ridicule learners' dignity. Seventeen (85%) strongly disagreed and 2 (10%) disagreed that telling a learner they came from a family of failures could motivate them. One (5%) agreed.

[29] *A.P NO and Others v Oakdale Agricultural High School and Others* (25674/2024) [2025] ZAWCHC 411 (3 September 2025).

[30] *A.P NO and Others v Oakdale Agricultural High School and Others*, [2025] ZAWCHC 411.

[31] *Western Cape Department of Education v. Baatjies and Others*, [2022] ZALAC 89.

[32] *Abrahams v Education Labour Relations Council and Others*, [2026] ZALCCT 11.

Nineteen (95%) of the 20 respondents recognised that ridiculing learners' dignity constitutes corporal punishment; 1 (5%) did not. In *A.P. NO and Others v Oakdale Agricultural High School and Others*,[33] the court expressly held that ridiculing learners violates their dignity.

Summary of the Findings

Participants correctly identified corporal punishment in 84% of the 825 scored item responses. Identification rates of 90% or higher were recorded for boxing ears (100%); burning, scalding, biting, pulling hair, and washing a child's mouth with soap (96% each); denying meals, restricting toilet access, and ridiculing dignity (95% each); shaking, forced ingestion, and belittling dignity (92% each); and pushing children (90%). Recognition was lowest for forcing learners to remain in uncomfortable positions (52%). Rates for the remaining acts ranged from 64% to 88% (Figure 1).

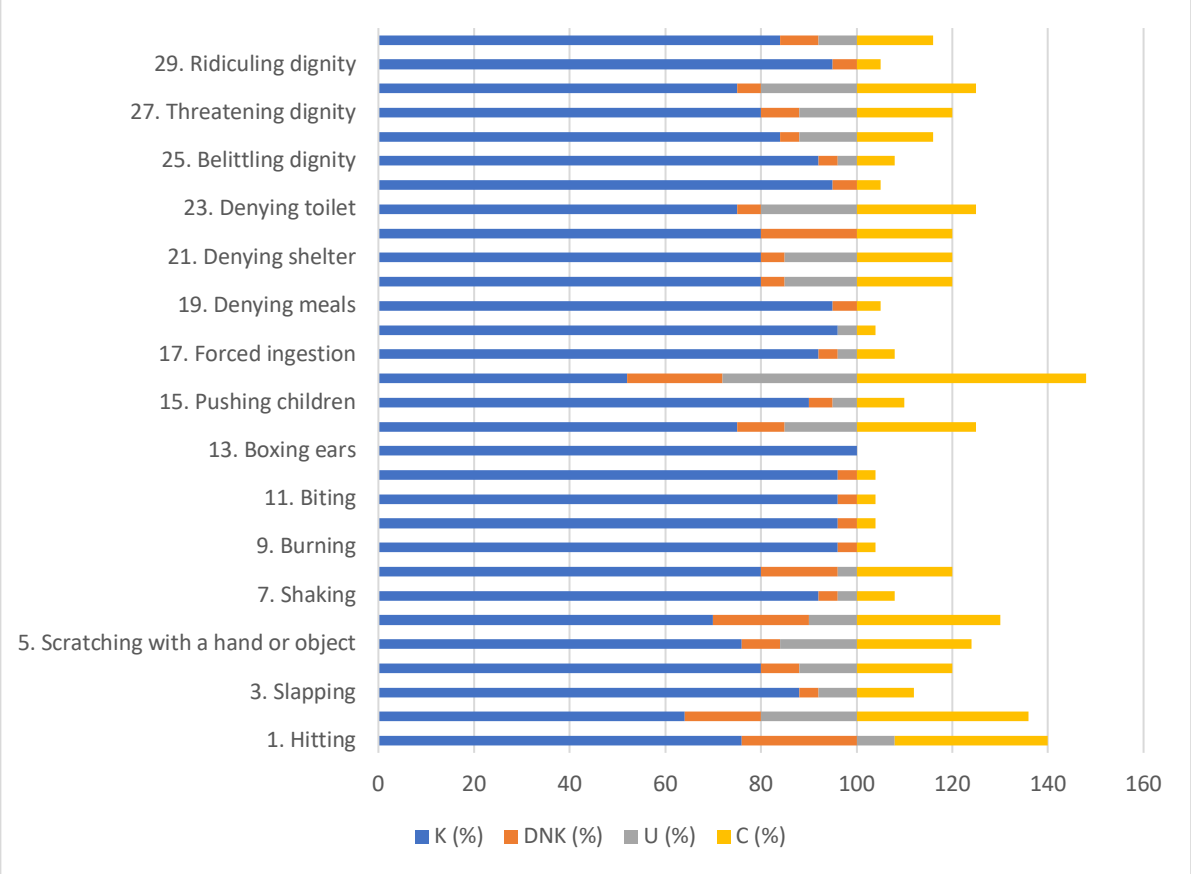


Figure 1. Principals' Knowledge of the 29 Statutory Acts

Source: Developed by the authors.

Key: K = Know; DNK = Do Not Know; U = Uncertain; C = Combined DNK + U.

Patterns across Participant Groups

Participants who had received formal BELA Act training (n = 22) had a mean correct-identification rate of 86.0%, compared with 78.8% among those without training (n = 3). By school phase, secondary school principals (n = 3) recorded the highest rate (93.7%), followed by primary (n = 14, 85.9%) and combined school principals (n = 8, 80.5%).

Correct-identification rates by school quintile were as follows: Q1 participants (n = 2) recorded 77.8%; Q3 (n = 9), 71.9%; Q4 (n = 8), 93.4%; and Q5 (n = 6), 96.3%. Small subgroup sizes, particularly training, phase, and quintile categories with fewer than five participants, mean these patterns are indicative rather than conclusive. They warrant further exploration in follow-up interviews.

Open Responses

Section G invited participants to explain what the BELA Act's definition prohibits, identify provisions they found difficult to interpret, and suggest useful professional development. Three broad patterns emerged.

[33] *A.P NO and Others v Oakdale Agricultural High School and Others*, [2025] ZAWCHC 411.

First, several participants clearly understood the definition's expanded scope. One described conduct causing "physical discomfort, such as forcing learners into uncomfortable positions, denying meals or toilet access, as well as behaviour intended to humiliate, threaten, frighten or ridicule a learner." This unprompted articulation of the Act's four categories contrasts with lower recognition rates on individual scenarios, warranting exploration in follow-up interviews.

Second, recurring responses suggested that the Act had shifted disciplinary power away from educators. Participants stated that "learners have all the power and discipline keeps getting worse" and wanted the Act to be "more teacher centric." These responses align with an against-the-law orientation towards the definition's expanded provisions and provide a basis for purposively selecting participants for qualitative interviews.

Third, most participants requested practical training, workshops using real-life scenarios, and clearer school guidelines rather than generic awareness campaigns. These preferences support the study's proposed direction for professional development.

Responses to the closing question (Section G, item G4) generally supported the Act's protective intent. Participants described the definition as "important for protecting learners' dignity, safety and well-being" while requesting consistent guidelines and adequate implementation training.

Conclusion

Most principals (88%) knew the 29 statutory acts in the new legal definition of corporal punishment; 16% did not know or were uncertain whether particular acts constituted corporal punishment.

To the researchers' knowledge, this is the first empirical study of school principals' legal consciousness concerning the BELA Act's new definition of corporal punishment. It contributes to South African educational leadership and legal consciousness scholarship by applying Ewick and Silbey's[34] schemas of before, with, and against the law to school leadership and child-protective legislation.

The study also applies Horák et al.'s[35] legal consciousness theory (LCT). Although widely used in legal and sociological research, LCT has not previously been applied to principals' legal orientations in South Africa's post-apartheid education system.

The findings identify which of the 29 acts are poorly understood and which legal consciousness orientations accompany incomplete understanding. They provide evidence for targeted professional development through national and provincial Departments of Basic Education and principal preparation programmes. Developing legal consciousness beyond surface awareness requires contextualised, scenario-based professional engagement that generic awareness campaigns cannot provide.

Limitations

Five limitations are acknowledged. First, the study concerns only the Johannesburg Central District. Despite its educational significance and internal diversity, findings cannot be directly generalised to rural districts, other provinces, or systems with substantially different resource or cultural contexts. Comparative research is needed to establish whether the identified legal orientations are context-specific.

Second, Likert-scale responses reveal patterns of understanding across the twenty-nine acts but not the underlying depth of legal consciousness. A correct response may reflect deference within a before-the-law orientation rather than critical engagement. The qualitative phase partly addresses this limitation by probing the orientations behind responses.

Third, social desirability bias may lead principals to overstate their understanding, particularly during interviews, where responses are not anonymous. Scenario-based items and assured confidentiality reduce, but cannot eliminate, this risk.

Fourth, data collection during the first year of full BELA Act implementation captures a formative moment. Legal consciousness may deepen as professional exposure to the definition increases over subsequent years.

Fifth, the study uses only self-reported data and excludes school observation. Its claims concern legal consciousness as a cognitive and professional orientation, rather than its translation into consistent disciplinary practice.

[34] Ewick and Silbey, *The Common Place of Law*.

[35] Horák, Lacko, and Klocek, "Legal Consciousness."

Scope and Delimitations

The study has five delimitations. First, it includes only principals, excluding deputy principals, heads of department, classroom educators, learners, and parents. As institutional managers under section 16 of SASA, principals bear primary statutory accountability for implementing the definition; their legal consciousness is a necessary precondition for school compliance. Educators' legal consciousness remains equally important and is a priority for the doctoral study for which this master's research provides a foundation.

Second, restricting the study to the Johannesburg Central District maintains methodological and contextual continuity with Cassoojee and Chakane (2026)[36] and accommodates the logistical constraints of a master's study.

Third, the study examines only the BELA Act's corporal punishment provision. Amendments concerning admissions, language policy, and school governing bodies raise related questions about principals' legal consciousness but require different analytical approaches and supporting literature.

Fourth, the study examines legal consciousness as a cognitive and professional orientation rather than a behavioural outcome. It does not establish whether principals permit corporal punishment or apply their understanding consistently. The doctoral study will examine this relationship through interviews, observation, and longitudinal analysis.

Fifth, the cross-sectional design captures legal consciousness early in the BELA Act's implementation. Longitudinal research over three to five years could examine changes as professional exposure to the definition increases.

Future Research

Future research should examine how far principals apply the 29 statutory acts in practice, beyond the knowledge reported here. It should also assess whether the new legal definition improves school discipline.

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