

Positive Proposition of Activity as Punishment as A Means of Educational Discipline

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Abstract:

According to the *Rules for the Implementation of Educational discipline by Primary and Secondary School Teachers (Exposure Drafts)*, the "activity as punishment" is defined as a general means of educational discipline, which is in line with the purpose of education and guidance of educational discipline. In this paper, based on the connotation of educational discipline and activity as punishment, the related educational discipline theory and the concept of the rule of law, the legitimacy and inevitability of activity as punishment as a means of educational discipline were investigated and analyzed to prove that activity as punishment as a means of educational discipline is necessary and inevitable. Finally, a theoretical basis was also provided for this disciplinary measure with the help of the instruction disciplinary view of Comenius and Spencer, and the tentative ideas of the legal contract of activity as punishment, the individualization of content of activity as punishment and the legitimation of execution of exercise as punishment were put forward.

Keywords: *Educational discipline, Physical activity, activity as punishment, Law of physical culture and sports.*

I. INTRODUCTION

In recent years, education discipline has become a hot issue of general concern in society. In China, the existing legislation and education discipline-related norms are mainly authoritative norms, compulsory norms and prohibitive norms [1], but lack of a clear concept of "education discipline " and a strong operational system, which leads to "teachers are not sure which way to use when criticizing and educating students" [2]. In this context, the publication of the *Rules for the Implementation of Education discipline by Primary and Secondary School Teachers (Exposure Drafts)* on November 22, 2019 (hereinafter referred to as *Exposure Draft*) is bound to provide a clear legal basis for disciplinary punishments according to laws and regulations in the process of primary and secondary school education, and the classifications of "general disciplinary actions", "heavier disciplinary actions" and "compulsory measures" specified in Articles 6, 7, 8 and 9 respectively are reasonable. However, the inclusion of "appropriately increasing the requirements of exercise" in Article 6 on "general disciplinary actions" means that increasing exercise is one of the education discipline means, that is, "exercise as punishment" is included in the education discipline means of primary and secondary school teachers, which has aroused heated discussion in society and academic circles. Some experts have questioned that such a method is likely to lead students to

exclude exercise or that instead of "discipline" it is a "reward". The author believes that it is not a concern because the main goal of education discipline is to give consideration to both education and punishment. Instead, it is a good choice to let the primary and secondary school students who make mistakes know their mistakes by means of "combining punishment with education", and even to eliminate the bad psychology of violating discipline, law and crime by means of "education discipline".

II. CONNOTATION OF EDUCATION DISCIPLINE AND EXERCISE AS PUNISHMENT

2.1 Connotation of Education Discipline

Education discipline, derived from disciplinary action, is the extension and expansion of disciplinary action in the field of education. To understand education discipline, the difference between education discipline and other punishments should be clarified in advance. The right of education discipline is a compulsory and dominant part of educational power, and it is a natural power [3], so it must be exercised in accordance with the requirements of relevant legal systems and carried out within the existing legal system framework and the overall legal order. It is a means power for schools and teachers to educate students, has an administrative function, but is different from pure administrative right, with the goal of returning to the context of education and finally realizing the essential requirements and value demands of "educating people". Education discipline is an educational measure imposed by schools and teachers on students based on their special identities, aiming to kick the bad habits and correct students' non-conforming behaviors with the help of moderate punishment, thus helping them complete the process of socialization [4]. However, "administrative punishment" is a form of legal responsibility with different purposes. The former takes the training of students as qualified personnel as its main goal, while the latter takes punishing illegal behaviors as its main goal.

It should be noted that in education discipline, students must be educated and corrected based on their violations of discipline and rules. In this case, "punishment" is a way to punish the students who have committed violations of discipline and rules, while "discipline" is a way to punish and prevent recidivism for such violations. Primary and secondary school students are vulnerable to some adverse effects from the external environment because of their immature mind. When teachers do active education guidance, it is inevitable that the effect will be poor simply by relying on ordinary education methods. When necessary, reasonable disciplinary measures should be applied to achieve the dual effects of shock and education [5].

In academic circles, the understanding of the concept of education discipline is pluralistic and progressive. Some scholars have defined education discipline as "an auxiliary educational means by which a school or a teacher, in order to achieve educational goals and avoid the recurrence of anomie, carries out a negative evaluation of students' anomie in violation of laws and regulations, including both disciplinary punishment and academic punishment." [6] Some other scholars have defined it as "the punishment that teachers impose on students who violate students' behavior norms according to laws, regulations or school regulations." [7] In short, education discipline means that teachers punish students who violate discipline and rules according to law for the purpose of education and guidance, with the starting point of caring for

students, not insulting students' personality and not damaging students' physical and mental health, and the ultimate purpose of education.

2.2 Connotation of Exercise as Punishment

The connotation of exercise as punishment is still controversial in theory, and it can be understood from the literal interpretation that exercise is used as a disciplinary means to apply to the subjects who violate discipline and law, with the main purpose consistent with education discipline, all for the sake of education. Exercise as punishment is not the same as corporal punishment, which will do harm to health although it is a compulsory way of exercise, will also make students feel uncomfortable to some extent, so as to make students who have made mistakes realize their mistakes and avoid recidivism. However, based on its inherent pressure relief valve efficiency, exercise can play a positive role in the internal health harmony of the body, and can also help the disciplined person to vent their negative emotions and adjust their mental health. Undoubtedly, exercise as punishment is subordinate to education discipline. Some scholars have defined it as "the sum of the methods and processes of extra physical exercise-based education discipline imposed on students in order to ensure teachers' interests in class and the quality and effect of teaching." [8] The inclusion of "appropriately increasing exercises" and other means in the *Exposure Draft* into the provisions of educational disciplinary measures is to legalize exercise as punishment.

III. THE LEGITIMACY OF EXERCISE AS PUNISHMENT AS A MEANS OF EDUCATION DISCIPLINE

3.1 Compliance with the Legality and Compliance Principle of Education Discipline

The principle of legality and compliance is one of the principles that must be strictly followed in the process of education discipline, which requires "respect for the basic rights and personal dignity of students". The inclusion of "requirements for appropriately increasing exercise" into the general means of education discipline does neither violate the relevant laws and regulations, nor violate basic rights such as human dignity, so it is in line with the principle of legality and compliance. The right to physical exercise is a new human right, which is clearly stipulated in the *International Charter of Physical Education and Physical Exercise* issued by UNESCO: "Physical education and physical exercise are the basic rights of everyone." The *Olympic Charter* clearly states: "Physical exercise is a basic right of people, and everyone has the ability to do physical exercise according to their own needs." According to the different participants, the right to physical exercise is divided into right to social sports, right to school physical education and right to competitive sports, and the education discipline mentioned here is related to the right to school physical education.

In recent years, China has been actively protecting the right to school physical education of primary and secondary school students. The most common thing is that schools cancel physical education courses for fear of causing physical harm to students in the process of physical exercise to avoid school

responsibility. For this reason, in the *Opinions on Perfecting the Handling Mechanism of Safety Accidents and Maintaining the Order of Education and Teaching in Schools* jointly issued by the Ministry of Education and other four departments, it is clearly stipulated that "schools shall not restrict or cancel normal breaktime activity, physical exercise activities and other social practice activities in order to prevent safety accidents." so as to actively safeguard the effective realization of children's rights to physical exercise.

The implementation of educational disciplinary measures is often based on the emotional relationship between teachers and students. Disciplinary measures based on this strengthen the respect attitude, which fully shows that teachers attach importance to students' personal dignity while disciplining [9]. In this age group of primary and secondary schools, students' psychological pressure resistance is weak, and even a little carelessness may touch their bottom line of self-esteem, causing them to make extreme behaviors. As one of the educational disciplinary measures, exercise as punishment can just avoid the disadvantages brought by other disciplinary measures, combine disciplinary measures with physical exercise, and incorporate disciplinary measures into teaching, so that students will not have rebellious psychology because they feel that teachers' reasonable and legal disciplinary measures are insulting, and avoid the adverse effects of disciplinary measures. At the same time, students can feel the teachers' good intentions and gradually correct their wrong behaviors through appropriate extra exercises, which is highly consistent with the original intention of the principle of legitimacy and compliance.

3.2 Conforming to the Purpose and Requirements of Education Discipline

According to the above understanding of the basic purpose of education discipline, discipline has diversified purposes, mainly in the form of education, and the inclusion of "requirements of appropriately increasing exercise" in "general disciplinary actions" just combines the pressure relief valve efficiency of physical exercise. With the help of physical exercise, it not only effectively educates and cures the wrong behaviors and abnormal psychology of primary and secondary school students, but also plays a certain disciplinary role, which is in line with the "education" purpose of education discipline. Students who make common mistakes can be disciplined through physical exercise, so that they can understand the mistakes and improve their physical health quality. Even in some cases, some students can gradually love physical exercise in the process of accepting this disciplinary measure, and in the future, they can take the initiative to adjust their inner "grievance" through exercise to reduce the possibility of violating discipline, laws and crimes. Thus it clear that this method can not only effectively replace the illegal corporal punishment, but also play a negative evaluation role for the disciplined.

3.3 Conforming to the Benign Interaction of Punishment, Education and Protection of Right to Sports

Although the right to physical exercise is not clearly defined in the *Constitution* and the *Law of Physical Culture and Sports* in terms of the content, it is temporarily included in the "rights not listed" in the *Constitution* or is classified as one of the contents of the "right to education" according to the views of some scholars [10], and its legitimacy and important position cannot be doubted under both classification.

According to the three fields of sports, right to physical exercise is divided into rights to social sports, school physical education and competitive sports. Among them, rights to and children's rights to physical exercise are overlapped in many aspects, and what is discussed here is the content of rights to school physical education and children's rights to physical exercise.

According to the *Convention on the Rights of the Children*, a "child" is "any person under the age of 18", which precisely includes primary and secondary school students. Therefore, the protection of primary and secondary school students' right to physical exercise is to ensure the smooth realization of children's right to physical exercise. From an early age, children should participate in physical exercise activities to promote their healthy growth and shape a healthy body and mentality, which will help them gradually integrate into society, get to know small partners in physical exercise activities, and enhance communication and unity and cooperation. Paragraph 4, Article 1 of the 2015 UNESCO (*Sports Charter*) also specifically provides for the right of women and children to sports: "every girl and woman shall have equal opportunities to participate in physical exercise at all levels of monitoring and decision-making, and this right must be actively implemented."

The moderate incorporation of physical exercise into the "education discipline" means can enable some children to re-understand physical exercise and discover the positive effects of physical exercise. In order to avoid students' aversion to physical exercise when they are subjected to this punishment, diversified sports can be set up while forcing students to accept the exercise as punishment, so that they no longer feel boring and distract the attention. In this way, physical exercise can be popularized as much as possible through "education discipline", and a benign interaction between "exercise as punishment" and the protection of education and rights to physical exercise can be formed.

3.4 Complying with the International Development Trend of Education Discipline

Education discipline should be a conventional practice recognized and maintained by people and existing in the form of habit at the same time as education and after a long period of accumulation [11]. The behaviorist pedagogy has finally approved that punishment and reward are unity of opposites through the consideration and verification of theory and practice. Some foreign scholars have verified through scientific experiments that discipline can directly or indirectly effectively reduce the frequency of unexpected reactions, and has unusual application value in many fields such as moral education, civic education, etiquette education, behavior education, etc. [12]. Therefore, education discipline has long been a major trend in the international educational situation, and more and more countries have begun to use exercise as punishment as a legal means of education discipline. For example, in the UK, there are many disciplinary measures in education, such as verbal reprimand, extra work or redoing homework until the teachers are satisfied, and extra sports activities (such as running laps on the playground), and even in extreme cases, schools can suspend students for short or long periods [13].

Besides, some scholars have made empirical research on the application of exercise as punishment. Their survey of 345 college PE students showed that 85% of them agreed or strongly agreed that exercise

as punishment could improve their perception of the consequences of their actions, 69% agreed or strongly agreed that it could help teachers or coaches establish prestige (96% of which believed such prestige is important or very important), and 66% agreed or strongly agreed that it could increase students' psychological resilience, 64% agreed or strongly agreed that it could help students improve their health, 43% believed that it could help improve their attitudes towards sports participation, and 42% agreed or strongly agreed that it could help avoid making mistakes again in the future [14]. Under such a trend of international education discipline, it is also necessary for China to include "appropriate increase of physical exercise" in education discipline, which is the general trend under the background of international education.

IV. THE INEVITABILITY OF EXERCISE AS PUNISHMENT AS A MEANS OF EDUCATION DISCIPLINE

4.1 An Urgent Need to Manage Education According to Law

Managing education by law, as an extension of administering the country according to law in the field of education, is to strictly uphold the concept of the rule of law and to carry out education in accordance with relevant laws and regulations to restrain illegal acts in education. Specifically, it regulates and controls various work in the field of education by virtue of laws and regulations, coordinates the relationship between various subjects in the field of education, solves the disputes and contradictions in the education work, and protects the legitimate rights and interests of schools, teachers and students, thus promoting the healthy, stable and rapid development of education in China [15]. In the *Implementation Outline of Managing Education by Law (2016-2020)* issued by the Ministry of Education of China in 2016, it is clearly proposed to vigorously improve the concept of the rule of law of all subjects in the education system, and in particular to strengthen the concept of the rule of law and legal thinking of leading cadres, school managers and teachers in the education system to avoid illegal school running and illegal scholarship.

The premise of teaching and administering education according to law requires laws to follow. In China, the legal system of education is constantly improving and perfecting. Besides, the release of this *Exposure Draft* has further promoted the process of the rule of law in education in China, in which the provisions on "appropriately increasing physical exercise" and other means to be included in the disciplinary measures for education have demonstrated the idea of managing education according to law, which is also an urgent need for us to govern education according to law. Before the release of the *Exposure Draft*, physical exercise had been a common disciplinary measure adopted by some teachers, such as letting the students who made mistakes run circles in the playground and squat down. However, since there is no legal basis for this, there will be disputes over disciplinary violations. After the promulgation, some daily scientific and reasonable disciplinary means have been legalized. Therefore, the means of exercise as punishment is inevitable to become a legal education discipline method.

4.2 The Concretization of Efficiency of Physical Exercise as a Pressure Relief Valve

Exercise as punishment as a means of education discipline is to give full play to the pressure relief valve function of physical exercise in the field of education discipline, which is a manifestation of the concretization of the pressure relief valve efficiency of physical exercise. Physical exercise has its own unique social "pressure release valve" function, which is mainly reflected in the following three aspects: First, it regulates the health of teenagers. One of the important basic functions of physical exercise is to actively regulate one's health in all aspects. Different sports can aggravate one's physical activities and energy consumption to varying degrees. The main functions in promoting human health are as follows: a reasonable and moderate exercise load can intensify the cell levels in the body to produce structural changes, which in turn change the shape, number and composition of cells, and finally improve the systemic functions of nerves, respiration, circulation and digestion, especially those of sports organs; at the same time, it can also cause changes in people's external posture and physical strength, and improve people's overall physical quality and health. Secondly, it can regulate the mental health of teenagers. Plato said: "Such young men who has received aesthetic education will not need any medical treatment at all after physical exercise through the same process of hard training, unless he has to." Physical exercises help to correct the "imitation psychology" tendency of teenagers, and play a positive role in their healthy growth. In the process of physical exercise, they can feel the fun and enjoy all kinds of pleasure of physical exercise. Third, it is a way to relieve pressure. People can express their emotions when they do physical exercise. Whether they do or watch physical exercise, people's unhealthy mood in society can be gradually alleviated. Many violations of discipline, law and crime committed by primary and middle school students at school are caused by the pressure that can't be released anywhere and can't be adjusted, which leads them to choose illegal means to vent their emotions by mistake, resulting in some students' violent chaos [16]. The effectiveness of these three pressure relief valves in physical exercise can not only suppress the physical energy of these students and enhance their physical quality, but also adjust the dark side of their psychology and identify them with the release of inner pressure, which can not only play the role and significance of "punishment", but also play the role of "education and guidance". Therefore, the pressure relief valve efficiency based on physical exercise also makes it inevitable for exercise as punishment to be included in education discipline.

4.3 The Inevitable Requirement of Moral Education

Moral education is the foundation of education because moral integrity nourishes people's life by developing their potential. Physical education, which has an etymological relationship with education, is indeed an educational method that can promote the healthy development of body and mind in the real field. It is not only an organic component of education, but also a blend of physical culture and civilization, which is closely related to moral education. In order to further promote the all-round development of young people, Coubertin, a great sportsman, put forward the idea of "integrating educational thoughts into sports thoughts" on the basis of his desire to reform education. He pointed out that "Olympics is not only a life attitude and philosophy, but also a harmonious, free, healthy and positive modern ethics, and at the same time a common heritage of human civilization." The high agreement between the concept of physical

education and moral education reveals that the fundamental task of school physical education is not only healthy education, but also a kind of moral education.

Based on the advantages of physical education in moral education, the education discipline means implemented with the aid of physical education is bound to also have natural advantages in moral education. First, physical punishment is less insulting and pays more attention to the human dignity of the disciplined compared with corporal punishment. Compared with the common harsh corporal punishment methods such as whipping and slapping, sports discipline is much milder and more inclined to spiritual education and guidance, but at the same time it can also help the disciplined people to realize their own mistakes and have a regular sense of guilt about their own mistakes, so as to play the role of education and correction. Secondly, exercise as punishment is quantitative. The decision of such punishment according to law and regulations means that the disciplined have a corresponding understanding of their own mistakes and the measurement of punishment, which is similar to the "adaptation of guilt and punishment" in criminal punishment. This quantitative disciplinary measure can make them accept the punishment gladly, and at the same time, make corrections and set up correct and positive values for the future. Thirdly, the direct utility of exercise as punishment is "kindness" to the disciplined person. In other words, people who accept exercise as punishment not only receive punishment but also obtain "benefits", which is mainly reflected in the physical health brought by physical exercise and the gradual sunshine and positivity in their hearts, as well as the gradual elimination of negative ideas in their hearts. For those students who are familiar with physical exercise and have benefited from it, exercise as punishment is far more acceptable than other disciplinary measures such as standing as punishment and copying books, which can then effectively promote their inner reflection. For those who are not familiar with or even dislike physical exercise, it can let them discover the positive value of physical exercise while they are being disciplined, which can not only correct mistakes but also prevent them from repeating them again. Therefore, the double-effect value of both subjective morality and intersubjective morality in the exercise as punishment also makes it inevitable for it to be used as an educational disciplinary measure.

4.4 The Realistic Choice to Break Through the Current Education Perplexity

Before the release of the *Exposure Draft*, the "discipline" and "corporal punishment" were often confused in the educational process, which intensified the contradiction between teachers and students and the contradiction between schools and parents in many educational environments. Nowadays, many parents, because they have only one child, care for their children very much and strongly oppose the reasonable punishment of schools and teachers, which seriously hinders the normal development of school education. In reality, many parents fight against the teachers because of their reasonable discipline to the students, which promotes the students to rebel against the teachers' prestige and even finally leads to the deformity education mode that the teachers dare not punish and cannot punish. At the same time, it is not excluded that there are corporal punishments or disguised corporal punishments for students by teachers who violate laws and regulations. All these, in the final analysis, are due to the lack of a special law and regulation to clarify which educational disciplinary measures are legal and moderate, and which are illegal and excessive. Therefore, the publication of the *Exposure Draft* itself is an urgent solution to the current

educational dilemma, and it is also inevitable to take "appropriately increasing physical exercise" as a legal educational disciplinary measure. Moreover, in the daily training of the army and the military academy, different methods and degrees of military physical training are often used to improve the physical quality of the soldiers and the military academy students, and through such training, their organizational discipline is improved and their team awareness is enhanced. Accordingly, the role of physical education in schools is just like that of military training in the army and military academies. Even in some colleges and universities, the sports department is directly organized into "military sports department", which combines physical education with military affairs, which just illustrates the importance of physical education to regulate discipline. Therefore, exercise as punishment will be the inevitable choice to solve the practical problem of difficult education management.

V. THE APPLICABLE PATH OF EXERCISE AS PUNISHMENT AS A MEANS OF EDUCATION DISCIPLINE

The theory and practice are mutually unified, the theory guides the practice, and the theory is verified again through practice. "Appropriately increasing physical exercise" as a legal means of education discipline has a solid theoretical foundation to pave the way for its feasibility by both Comenius' and Spencer's views on educational discipline. The internal relation between discipline and educational discipline was discussed in Comenius' *The Great Didactic*. Comenius emphasized that education discipline can but must be carried out in accordance with the law. He advocated that school discipline is an important source of discipline legitimacy, and emphasized the importance of the educational purpose of education discipline, which requires teachers to uphold the principle that "discipline is to prevent students from making mistakes again" when implementing education discipline, and teachers should discipline with sincere educational purpose [17]. Spencer inherited the western educational disciplinary thought from the naturalistic educational thought. While reflecting on the reality, he highly recognized the positive significance of education discipline, and hoped that the world could face education discipline squarely. He also emphasized that education should be taken as the goal, and appropriate education discipline methods should be clarified and mastered. Spencer proposed economic consequence method, moral consequence method and psychological consequence method on the concept of education discipline method [18]. In the Exposure Draft, the practice of clarifying "appropriately increasing physical exercise" as a means of education discipline is to combine Comenius' and Spencer's views of education discipline with China's specific national conditions and present educational situation, which not only embodies the educational nature of education discipline, but also highlights the legalization of punishment means. In addition, by appropriately increasing the punishment methods of physical exercise, it is closely connected with Spencer's moral consequence method and psychological consequence method. Therefore, the educational disciplinary method based on scientific theory is bound to be highly feasible.

5.1 Legal and Compliant Disciplinary Methods of Physical Exercise

In addition to the above theory to enhance the feasibility of the disciplinary means, the discipline needs to be made in accordance with the law in the feasibility of the specific path. There are two meanings of

legal and compliant disciplinary methods of physical exercise, one is to take educational disciplinary measures according to law, and the other is to take educational disciplinary measures through private agreement on the basis of relevant laws and regulations. At first, some scholars divided discipline into arbitrary discipline and discipline according to contract, and believed that the latter is beneficial to cultivate people's awareness of rules, significance of rights and interests and sense of public morality [19]. The emphasized "contract" has a high legal status, which is characterized by discipline according to covenant in modern society ruled by law. The discussion of law in the whole modern legal circle and even philosophy circle also reflects the discussion of discipline according to covenant. By discipline according to covenant, the public's democratic consciousness and contractual spirit can be enhanced. However, the "contract" here is obviously different from "law", but it emphasizes the agreement based on law. Among the two meanings, the first one is "taking education discipline according to law", which is the same as some scholars' point of view that we must strictly grasp the guidance of managing education according to law in the process of education discipline, while the second one is slightly different from some scholars' "discipline according to contract", which was put forward before because there were no clear laws and regulations at that time to legalize the means of education discipline. But nowadays, the legalization of educational disciplinary means is just around the corner, especially the application of "exercise as punishment" studied in this paper in education discipline. Before the publication and implementation of the *Exposure Draft*, it was emphasized that "increasing physical exercise" [20] can be used as an educational disciplinary means through the agreement of two or more parties. However, with the release of the *Exposure Draft* and its future implementation, as a means of education discipline, exercise as punishment mainly needs to be taken according to law rather than according to contract, and it should be strictly clarified in the process that this is a temporary "general disciplinary" means in the *Exposure Draft*, which can only be applied to general violations of discipline and law. If the scope of application goes beyond the boundaries, it will violate the provisions of relevant laws and regulations, which may not have the due disciplinary effect, and may even lead to the illegal disciplinary situation of "excessively increasing physical exercise". Therefore, the discipline according to law and contract emphasized here mainly emphasizes that "exercise as punishment" means should not be abused beyond the bounds and beyond the authority in the process of education discipline according to the *Exposure Draft* and other relevant laws and regulations. At the same time, when privately agreeing on the means of discipline, the method and degree limited by the *Exposure Draft* and other relevant laws and regulations must be strictly followed.

5.2 Individualized Content of Exercise as Punishment

The individualized content of exercise as punishment means that the principles of differential treatment and flexibility should be followed in the specific application. Differential treatment depends on factors such as gender, age and physical quality of the subject to be disciplined on the one hand, and different items of physical exercise on the other hand. Based on the differentiated treatment, supplemented by flexible and changeable strategies, the specific applicable items of physical exercise and the amount of exercise are considered according to the individual comprehensive factors of students who need to be disciplined. Only by grasping this degree can we avoid the damage to the students' health caused by excessive discipline, and can we also avoid the students' aversion to sports itself caused by excessive

discipline.

First of all, regarding the differential treatment of the subject to be disciplined, the exercise as punishment for girls should try to avoid the activities with large movement range and more violent jumping, and try to apply the physical exercise with small intensity and long time, such as running 800 meters or 1,000 meters on the playground. Boys can take physical exercise with large range of actions and strong physical strength, or extend the exercise time, such as multi-frequency turn-back running in a short distance or long-distance running over 1,500 meters. Secondly, in view of the differential treatment of events, different characteristics and functions of various physical exercises should be considered. If a single student makes a general mistake, he/she can be disciplined by such physical exercise as long-distance running, skipping rope, squat and turn-back running in combination with individual differences. If more than two students make a mistake, in addition to the above disciplinary methods, group sports can be adopted based on the comprehensive consideration of individual differences, which can help them understand the importance of teamwork while educating and punishing them, and can effectively prevent selfish psychological defects such as individualism in the rebellious period of students. In this way, it is bound to enhance the feasibility of exercise as a disciplinary measure in education, and play its due role.

5.3 Legalization of Execution of Exercise as Punishment

Substantive justice and procedural justice should be upheld in the process of ruling the country by law, which is also needed in the process of managing education by law. As for the feasibility of exercise as punishment, it is more necessary to follow its procedural justice and avoid chaotic disciplinary procedures on the basis of substantive justice. Since the power of education discipline itself has the triple attributes of power, right and obligation, so it is necessary to strictly grasp the boundary in the process of practice. Different from other educational disciplinary measures, exercise as punishment lacks continuity in disciplinary time and space. The exercise as punishment that needs to be imposed in PE class can be practiced in class. However, when it is necessary to impose exercise as punishment in other classes, the disciplinary procedure should be considered, i.e. when, where and by whom.

In view of the above problems, the author thinks that when it is necessary to impose exercise as punishment in the class other than PE class, it can be made during a long recess, before the first class in the morning or after school in the afternoon, which is supervised by the teacher who makes the corresponding disciplinary decision or authorized by the head teacher or monitor, or postponed to the PE class to be supervised by the PE teacher. In the process of these disciplines, in order to demonstrate the procedural justice, the supervisor should also record and retain the video, which can prove the performance of the discipline on the one hand, and can be used as evidence when a third party complains of illegal punishment on the other hand. Besides, in addition to supervising the performance of exercise as punishment in schools, parents can also be required to cooperate. After school, the parents will be the supervisors to supervise the disciplined students to perform the discipline content according to the requirements, and record the video to prove the performance of discipline.

VI. CONCLUSIONS

The release of *Exposure Draft* on November 22, 2019 is a great progress in the rule of law in education in our country, and will also vigorously promote the realization of the rule of law in education discipline. The question about the disciplinary measure of "appropriately increasing physical exercise" highlights the educational purpose rather than the punitive purpose of education discipline by analyzing the connotation and main purpose of education discipline and physical exercise as punishment. Therefore, the analysis on the necessity and feasibility of taking physical exercise as a disciplinary measure reveals that taking "appropriately increasing physical exercise" as a disciplinary measure not only meets the main purpose of education discipline, but also accords with the principle of legality and compliance, and has many other necessities. Although the education discipline views of Comenius and Spencer provide a theoretical basis for the feasibility of this disciplinary measure, in order to further strengthen its feasibility in light of the specific educational environment in China, it is necessary to discipline according to law, follow the principles of differential treatment and flexibility, and follow the procedural justice of exercise as punishment, so as to realize the rule of law, carry out education discipline according to law, and show the educational efficiency of education discipline.

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