

# THE PLACE OF PUNISHMENT IN THE EFFICIENT CAUSATION OF STUDENTS' DISCIPLINE

By

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## Abstract

*The majority of teachers in Kenya attribute the perceived high incidence of indiscipline among school learners to the proscription of physical punishment as a 'discipline' management strategy. The underlying metaphysical assumption is that there exists a causal nexus between punishment and students' discipline. This paper subjects the supposition to a critical analysis within the Aristotelian conceptual scheme of efficient causality. The paper argues that, in the context of education, the institution and practice of punishment cannot be validated on causal considerations because the supposed causal connection between punishment and students' discipline is accidental, the logical consequence of mistaking order for discipline, thereby commit the fallacy of false cause. Punishment, at best, is a tool for creating order (or a semblance of it) in schools, not discipline as is held by many a teacher.*

**KEY TERMS:** Efficient cause, Discipline, Order, Punishment.

## Introduction

Although the issue of students' discipline is a perennial one globally, in Kenya the vast majority of teachers believe that it escalated to alarming proportions following the proscription of corporal punishment in 2001 vide *The Children Act, 2001*. Numerous studies and task forces have over the years catalogued common cases of indiscipline students exhibit among them, truancy, exam malpractice, disrespect, vulgarity, vandalism, bullying and fighting. Other forms of indiscipline that have been witnessed since the 1990s are assault, arson, rape, gayness, and abuse of drugs (Republic of Kenya, 1991 & 2001; Kilonzo, 2013). Most schools also consider noise-making and below average academic performance to be punishable offences; however, this is open to debate. The attribution of the perceived high incidence of indiscipline among students to the withdrawal of the cane is understandably premised on the metaphysical assumption that there exists a causal connection between punishment and discipline. This view is confirmed by a study done by Musungu (2010) as well as numerous recent surveys which – although they did not directly address the subject of punishment and discipline in the order of causality - have established that most teachers frequently use punishment (including the prohibited forms) as a tool of promoting discipline in learners (Kiprop, 2012; Kimani, Kara, & Ogetange, 2012; Ajowi & Simatwa, 2010). This paper examines the supposition that punishment causes a student to become and remain disciplined within the Aristotelian conceptual scheme of efficient causation.

## The Concepts of Discipline and Punishment

Though conceptually related, discipline and punishment are different. Etymologically, the term discipline comes from the Latin word *disciplina* which means the process of teaching a disciple (learner) acceptable ways of behaviour. On the part of the learner, discipline is the process of forming good character. It entails learning to control one's emotions, thoughts and behaviour in accordance with some ideals, personal or otherwise. Ideals make a learner's character formation desirably directional as envisaged by Dewey (1916) when he talks of education as growth. The role of the teacher (in case the learner is not teaching oneself) is to guide and teach the learner so that he can distinguish between good and bad, right and wrong emotions, thoughts and actions. In doing so, the teacher makes recourse to methods that can make the learner to have right feelings, thoughts and love doing what is good or right. Using such methods, the teacher hopes that learners would ultimately, of their own free will, regulate their feelings, thoughts and behaviour thereby become autonomous conscientious persons.

As it relates to students, punishment may be construed as both a legally and educationally authorized imposition of pain of some sort or deprivations and burdens on a learner realistically believed to have acted wrongly. Generally, schools in Kenya use two kinds of punishment: physical and nonphysical punishment. A recent survey shows that schools frequently employ physical forms of punishment such as caning, slapping, pinching, pulling hair and ears, kneeling down for long periods, and forced manual work ostensibly to promote discipline in learners (Kimani, Kara, & Ogetange, 2012). Schools also use nonphysical forms of punishment like verbal punishment (e.g. belittling, shaming, and ridiculing a learner); deprivations (e.g. denying learners their rights); and burdens (e.g. asking a learner who has lost a school text book to replace it or one who sneaked from school to buy a 610m roll of barbed wire). The ultimate goal of punishment is to make learners obedient, controllable, and trouble-free, with little or no regard to the inner thoughts and emotions accompanying the dispositions. The creation of such a 'controlled' state (order) is considered to be a necessary condition for effective teaching and learning to occur. It also signifies that teachers are in firm control, having won the power struggle over their students.

## Punishment and Discipline: A Causal Nexus?

Apparently, most teachers do not distinguish between discipline and order; as a consequence of which, they base their practice of punishment on the supposition that punishment is an instrumental efficient cause of discipline; it causes a student to become and be disciplined (Musungu, 2010). In other words, schools in Kenya justify the use of punishment on the basis of its supposed instrumental value, as a way of inculcating 'discipline' in learners so that they can perform well in academic examinations. This implies that there exist a causal nexus between punishment and discipline. Their causal argument may be stated as follows:

*The Kenyan government banned the use of corporal punishment in schools as a discipline method in 2001. Since then, there has been an increase in cases of indiscipline among students. Therefore, the ban on corporal punishment has caused the increase in cases of indiscipline among students in schools in Kenya.*

This argument, however, commits the fallacy of false cause. This paper sets out to demonstrate the spuriousness of the presumption that punishment causes discipline by examining two distinct but logically related arguments teachers in Kenya, either explicitly or implicitly, advance to support their claim: the empirical and the theoretical argument.

## Justification of Punishment in the Empirical Order

Many teachers blame the pertaining indiscipline among learners in schools on the 2001 ban on corporal punishment following the enactment of *The Children Act, 2001*. Little wonder, the most recent surveys have confirmed that schools still rely heavily on punishment as a means of promoting 'discipline' in learners. As far as teachers are concerned, the causal connection between punishment and discipline is an observable, empirical fact (Khatete and Matanda, 2014). This assertion is, however, refutable.

The claim that indiscipline among learners escalated following the ban on corporal punishment in 2001 is manifestly false. Evidence to prove that the problem of learners' discipline was already endemic before 2001 abounds. Secondary school students' discipline problems seems to have reached worrying levels as early as 1971 which prompted the

Kenyan government to introduce corporal punishment in 1972 as a panacea (Republic of Kenya, 1980). Three decades later, schools still experienced a rise rather than a decline in cases of indiscipline among students. For instance, a Human Rights Watch report of 1999 shows that despite the fact that Kenyan legal framework sanctioned use of minimum physical punishment as a 'discipline' method in schools:

For most Kenyan children, violence is a regular part of the school experience. Teachers use caning, slapping, and whipping to maintain classroom discipline and to punish children for poor academic performance. The infliction of corporal punishment is routine, arbitrary, and often brutal. Bruises and cuts are regular by-products of school punishments, and more severe injuries (broken bones, knocked-out teeth, internal bleeding) are not infrequent. At times, beatings by teachers leave children permanently disfigured, disabled or dead (Human Rights Watch, 1999).

Notwithstanding some teachers' exercise of physical punishment to the extreme, indiscipline among students then was perceived to be endemic. In response to the perceived rising trend in student indiscipline in the 1980s and 1990s, the government commissioned two task forces to look into the matter (Republic of Kenya, 1991 & 2001). This shows that students' indiscipline was already a cause for concern in the 1970s, 1980s and 1990s a time when the practice of minimum corporal punishment in schools was legally permissible in Kenya.

Besides, over a decade since the ban on the use of corporal punishment in schools, indiscipline still persists despite schools' sustained administration of punishment - including the illicit forms - to promote 'discipline'. Recent surveys have confirmed that most schools in Kenya have not adhered to the ban on corporal punishment (Kiprop, 2012; Kimani, Kara, & Ogetange, 2012; Ajowi & Simatwa, 2010). This empirical reality seems to have eluded Khatete and Matanda (2014) who, in their survey of the level of discipline in secondary schools before and after corporal punishment was outlawed in Kenya, concluded that 'there was an increase in cases of indiscipline among students after the ban of corporal punishment.' They also seem to mistake order for discipline and the purpose of order for that of discipline in their conception of discipline as 'being able to act and behave in an acceptable manner' and that discipline creates order in schools. Their claims about discipline equally apply to punishment, hence, the misunderstanding. Moreover, the perceived increase in students' indiscipline cases can be attributed to other dynamics rather than the ban on corporal punishment which, hitherto, has not been adhered to anyway. Busienei (2012) in her survey established that although most teachers employ alternative methods to corporal punishment, they strongly believe that they are less effective in promoting discipline in learners. This explains why a great majority of them continue to brandish the cane long after its prohibition. It has never occurred to such teachers that students' indiscipline persists despite their unrelenting generous use of the cane.

Furthermore, empirical evidence does not seem to corroborate the utilitarian thesis that punishment is efficacious in eliminating misbehaviour. Research findings emanating from the field of social science indicate that punishment, however austere it may be, has little or no effect on misbehaviour. The studies have established that although punishment may, through fear, momentarily hold back misconduct, it is not effectual in checking against recidivism; instead, it results in numerous adverse effects such as aggression, arousal of feelings of resentment, humiliation, development of unsympathetic attitudes towards another person's suffering, and increasing possibility of incidents of abuse of drugs (Bitensky & Bitensky, 2007).

Also, the fact that some learners are capable of being disciplined without ever being punished dents the notion of punishment being a cause of discipline. In other words, the cause of discipline lies not in punishment but elsewhere; punishment and discipline are not causally correlated in the empirical order. Hence, the practice of punishment as a discipline method is not empirically defensible. This leaves schools with the theoretical option to account for their continued practice of punishment as a 'discipline' approach.

### Theoretical Justification of Punishment

Many a teacher has been 'professionally' socialized into believing that there can be no student discipline dearth of punishment. This belief has a tripartite conceptual framework grounded in traditional African culture, religion and the 19<sup>th</sup> century British education system. All the three traditions endorse the heavy use of punishment, especially of the physical type, as a 'discipline' method. In traditional African societies, the exercise of punishment as a behaviour change strategy - on not only children but also wives - was, on the whole, an acceptable cultural norm. The coming of Christian missionaries did not, in any way, seem to threaten the institution of punishment. The missionary teachers steadfastly believed in Biblical argot: 'Spare the rod and spoil the child'. They faithfully adhered to the Biblical precept: 'Withhold not correction from the child: for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod, and shall deliver him from hell' (Proverbs 23:13-14); and 'Foolishness is bound in the heart of a child; but the rod of correction shall drive it from him' (Proverbs 22:15). Consequently, the schools they founded used punishment as a 'discipline' method. Later, when the colonial government started participating in the provision of education along racial lines, punishment remained one of the 'discipline' strategies. This was the practice in the 19<sup>th</sup> century British school system, itself a relic of ancient civilizations. So when formal Western school education was introduced in Kenya, the Africans who took to teaching had a rich theoretical heritage in their own culture, religion and colonial education which encouraged them to exploit punishment as a 'discipline' method, the underlying assumption being that it causes a student to be disciplined.

The practice of punishment as a 'discipline' management strategy in Kenya is, hitherto, both legally and educationally sanctioned. *The Constitution of Kenya, 2010* Article 29 clauses (d), (e) and (f) prohibit subjecting children to torture, corporal punishment; or treating or punishing them in a cruel, inhuman or degrading manner (Republic of Kenya, 2010). In consonance, *The Basic Education Act, 2013* Article 36 Clause (1) states that: 'No pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment, in any manner, whether physical or psychological' (Republic of Kenya, 2013). It is apparent that both documents unequivocally prohibit the administration of corporal and other forms punishment that are perceived to be cruel, inhuman and degrading to the child. However, they do not rule out the practice of forms of punishment that are not 'cruel, inhuman or degrading' as a 'discipline' tactic. In addition, as established earlier in this paper, the concept of punishment entails inherent pain and suffering; hence, it is incongruous to talk of it as being kind, humane and dignifying without ceasing to be punishment. This should not be construed to mean teachers are licensed to apply austere retributive punishment as documented in the Human Rights Watch report of 1999. Further, other than corporal punishment, to some teachers, distinguishing between licit and illicit forms of punishment in a concrete school situation may prove to be quite a conundrum.

The proscription of physical and other inhuman forms of punishment was a logical consequence of the ratification of various international protocols on the rights of children chief among them the *U.N. Convention on the Rights of the Child* in 1999 which resulted in the enactment of *The Children Act, 2001*. The ban was entrenched in the new constitution, *The Constitution of Kenya, 2010* which was promulgated on 28<sup>th</sup> August, 2010 and echoed in *The Basic Education Act, 2013*. The fact that teachers who ought to be advocates and protectors of the rights of children use physical and other cruel forms of punishment in contravention of the provisions of international conventions and the Kenyan law which put a premium on the creation of child-friendly schools speaks volumes about their firm conviction that punishment causes discipline.

### The Efficient Causation of Student Discipline

As works on causation, both ancient and contemporary, underpin, the principle of causality in predicting and explaining phenomena is, by and large, a universally accepted truism. For instance, a recent book by Mumford & Anjum (2013) comments on the importance of the concept of causation as follows: 'Causation is the most fundamental connection in the universe. (...) It is causation that is the basis of prediction and explanation.' In the same stratum, Stanford (2009) maintains that, 'Although not all explanations are causal, anything that can be explained in any way can be explained causally.' The ancient Greek philosopher, Aristotle (384 – 322 BCE), in his *Physics* and *Metaphysics*, treats four causes of anything - such as students' discipline - that requires an explanation. Likewise, in explaining any phenomenon,

Africans make recourse to the causal principle (Gyekye, 1987). So the teachers' claim that punishment causes discipline instrumentally is not without a sound theoretical foundation. It is a legitimate attempt to answer the WH- questions about discipline. If indeed it is theoretically profound that punishment does cause discipline in any way, then that in itself would be a sufficient reason for schools to apply it to promote discipline in learners. But if it is not a cause of discipline, in a significant manner, then its practice in schools presumably to instil discipline in learners is not valid on both deontological and utilitarian grounds. A causal investigation of discipline is, therefore, in order.

Aristotle identifies four types of causes as material, formal, efficient and final causes. The material cause of something is the raw material out of which something comes to be. It is the new thing in potency (potentiality), that is, ready to receive a new form through the process of change. With regard to discipline, this is the undisciplined student albeit with the potency for discipline. The formal cause is the pattern in imitation of which something comes to be. It is the ideal disciplined student the student himself wants to become or teachers want to actualize. In other words the formal cause of discipline resides in the mind of the teacher and the learner. When the teacher and the learner have conflicting ideas about the formal cause of discipline, they must reach a consensus in order to have a fruitful causation of discipline. The efficient cause is the agent or provenance of the change that takes place from the initial matter to the new thing having the envisaged form. It can be either external or internal to the subject that undergoes change. The cause of discipline is internal to the student; it is the student's will which has the power of assent as well as denial. It is the will that moves the student to act this way or that way. The final cause is the end or purpose of the initiation of the change. It is the main reason of wanting to become disciplined, which is the full actualization of the formal cause – a mature, disciplined world citizen.

Now if the efficient cause of discipline is the student's own will, what is the place of the teacher and punishment in the order of efficient causation of discipline? This question calls for a discussion of the different types of efficient causes, namely the principal, instrumental and accidental causes.

The principal efficient cause is the source of its own power of initiating and sustaining change. With regard to discipline, the principal efficient cause is the primary source of the discipline that occurs in the learner as well as the force that maintains that discipline. This is the learner's will, a personal resolve to become and remain disciplined in spite of the prevailing circumstances, such as negative pressure from peers, society and mass media. In so doing, the will may make use of reason and feelings in varying degrees. This being the case, the relationship between punishment and discipline in the order of causality may be either instrumental or accidental, but not principal.

An instrumental efficient cause is one that derives its causation power from the principal efficient cause; it does not have its own causation power. A teacher may be regarded as an instrumental efficient cause of discipline when moved by the student's potency for discipline, uses appropriate techniques to influence a student to become and remain disciplined. In order to be a successful disciplinarian, the teacher must enter a student's discipline causal path otherwise he would remain an 'outsider', an impostor, whose source of causation is not the student's will, as such, he can only cause a student to be disciplined accidentally.

This, of necessity, rules out the use of methods, such as punishment, by which a teacher seeks to externally impose discipline by coercing the student's will to assent to certain actions and deny others. This is an exercise in futility as the student's will, being the principal efficient cause of discipline, cannot be itself moved by something else, for then it would have ceased to be the providence of its own power of causation. Aquinas (1981), in his *Summa Theologica*, aptly captures this conception of free will when he writes: 'Free will is the cause of itself. What is moved by another is not free. Whatever has free will is the master of his own action.' In other words, actions performed by a disciplined student are voluntary in the scholastic sense. Hence, disciplined students can be held culpable for their behaviour. But actions a student performs from fear of punishment have a modified culpability.

As an instrumental efficient cause, the teacher can cause a student to be disciplined by exercising influence on the student's intellect and affects so that in case the will interacts with them before finally moving the student into performing or not performing a given action, he makes an informed decision with appropriate accompanying feelings. Otherwise, the teacher has no power of assent or denial with respect to the choices a student makes and the actions he performs. It is the student himself, as the principal efficient cause, who ultimately resolves to behave in a given manner. Thus the main role of the teacher is to sharpen the learner's intellect and emotional sensitivity in the hope that they

would inform the will in its causation of the student's discipline. That way, the teacher can be said to have instrumentally entered a student's discipline causation pathway.

Some of the ways schools in Kenya use to promote discipline in students are rules and regulations, Guidance and counselling, Life Skills Education and Character Education. These approaches, if appropriately utilized, can exercise a positive influence on a student's intellect and affects. Pastoral programmes in schools may not be efficacious as an instrumental cause of discipline because of their dogmatic character; they seek to externally impose predetermined religious values on a student, as such they hardly enter the discipline causal pathway. This, in part, accounts for the prevalence of student indiscipline in most schools with pastoral programmes in place. Similarly, the activities of 'Disciplinary' Committees chaired by deputy head teachers (Kiongo & Thinguri, 2014) which aim at promoting 'discipline' in students (mainly by meting out punishment to students who infract rules and regulations) can result in discipline only incidentally. In spite of the name, the committee has practically little or nothing to do with promotion of discipline in students.

The accidental efficient cause is not strictly speaking a cause as such. Punishment may be regarded as an accidental cause of discipline because it does not enter the discipline efficient causation path by way of refining the student's intellect and affects so that they can, in turn, influence the will in its causation of discipline. Characteristically, punishment seeks to externally coerce a student to stop performing an action deemed to be wrong and hopefully through fear deter him from regressing into the same habit. But it does not hone the his intellect and affects so that he can make right decisions and choices thereby perform desirable actions with appropriate accompanying feelings. The inability of punishment to penetrate a student's discipline efficient causation pathway renders its relationship with discipline to be merely accidental. Thus, the claim that punishment is an efficient cause of discipline has neither theoretical nor empirical underpinnings. It is a classic example of the fallacy of false cause of the *post hoc, ergo propter hoc* variety resulting from teachers' mistaking order (or a semblance of it) that seems to prevail after meting out punishment to offending students for discipline.

## Conclusion

In a nutshell, this paper intended to confute the taken for granted belief that punishment in an efficient cause of student discipline. The paper has achieved this by arguing that:

Discipline and punishment though conceptually related, differ fundamentally in their intent, methods and goals. The latter is used to create order by controlling students' conduct through coercive temporary suppression of misbehaviour. The former is used to produce responsible, self-regulating individuals by equipping them with cognitive and emotional tools to enable them make correct decisions and choices, and perform desirable actions.

The principal efficient cause of a student's becoming and being disciplined is the student himself: his will, the provenance of the vital force that through interaction with the intellect and the affects drives the student to perform or not to perform a given action.

The teacher, as an instrumental efficient cause, can enter a student's discipline causal path through the exercise of some influence on the student's intellectual and affective growth and development using appropriate methods attuned to the student's efficient causation of discipline.

There is no instrumental efficient causal relation between punishment and students' discipline. The supposed causal link between them is an accidental one, resulting from most teachers' failure to distinguish punishment and order from discipline in so doing commit the false cause fallacy. The role of punishment in schools is to create order or a semblance of it, not to promote student discipline.

The paper recommends that for teachers to be effectual disciplinarians, they must be alive to the fact that punishment and discipline are not causally correlated; consequently, they can instrumentally cause a student to become and remain disciplined by exercising influence on his intellect and affects through the utilization of tools that are in tandem with the efficient causation of student discipline, not the thrash. This fact should be exigently incorporated in both initial and continuing teacher education programmes in Kenya.

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