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Convention on the
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Why Are Kenyan Teachers Still Using Corporal Punishment Eight Years After a Ban on Corporal Punishment?

The Kenyan government banned corporal punishment in Kenyan schools in 2001 and enacted the Children's Act (Government of Kenya, 2001) which entitles children to protection from all forms of abuse and violence. Kenya is also a signatory to the Convention on the Rights of the Child (United Nations, 1990) which states that discipline involving violence is unacceptable. In spite of this, the use of corporal punishment continues in Kenyan schools. This study therefore sought to identify the reasons behind the use of corporal punishment by Kenyan teachers and teachers' awareness of existing laws on the use of violence on children. Data collected through focus group discussions showed that teachers were aware of existing laws prohibiting the use of corporal punishment in schools. Their reasons for using corporal punishment included the belief that it was the most effective way to discipline children and that parents had authorised its use. This study has shown that, although the Kenyan government has introduced laws to protect children, teachers will readily break them if they believe it is for the children's good. This paper therefore recommends the involvement of the Kenyan government in training teachers on non-violent ways of disciplining children. Copyright © 2010 John Wiley & Sons, Ltd.

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In 2001, the Kenyan government banned the use of corporal punishment in Kenyan schools and enacted the Children's Act (Government of Kenya, 2001) which entitles children to protection from all forms of abuse and violence. Kenya is also a signatory of the Convention on the Rights of the Child (United Nations, 1990) which in Articles 19, 28(2) and 37 states that discipline involving violence is unacceptable. However, various

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reports and empirical studies (International Save the Children Alliance, 2003; Kimatu, 2007; Ruto and Chege, 2006) indicate that corporal punishment and especially caning of children still goes on in many Kenyan schools.

Research evidence has already indicated the adverse effects of corporal punishment showing that it leads to emotional and psychological harm (Aucoin *et al.*, 2006; Romeo, 1996), physical injuries (Calzada and Kerr, 2003), poor achievement in school tasks (Straus and Mathur, 1995; Straus and Paschall, 1998), bullying and disobedience in school (Straus *et al.*, 1997), and anti-social behaviour in children (Grogan-Kaylor, 2005). Longer term effects of corporal punishment include poor mental health (Durrant, 2005) and depressive symptoms in adulthood (Muller, 2004). In Kenya specifically, the use of corporal punishment has been associated with dropping out of school and transferring from schools where corporal punishment is used (Human Rights Watch, 1999).

Corporal punishment in Kenyan schools takes many forms such as twisting pupils' ears, and pinching them or slapping them on the head or back. Sticks are also sometimes used as canes by teachers to hit pupils on the palms or backside. With laws in place specifying that discipline involving violence is not tolerable, it is not apparent why corporal punishment and especially caning continues in many Kenyan schools. Bronfenbrenner's socio-ecological theory (1979) that has been applied by Belsky (1980) would identify various factors as contributing to the continued use of corporal punishment. This model argues that child maltreatment is usually influenced by the interaction between four levels that is, the ontogenic, the micro system (immediate environment), the exosystem (community-level influence) and the macro system (the cultural contexts). Each of these levels is viewed as being ecologically nested within the next, and maltreatment is determined by the interaction of and between levels. It is only by examining all the levels and their interaction that child maltreatment or the use of corporal punishment in this case can be understood. Since it is not clear why Kenyan teachers continue to use corporal punishment, it is important to identify the various factors that contribute to this. The objectives of this study therefore were to establish if Kenyan primary school teachers were aware of the existing laws prohibiting the use of violence when disciplining children and why they still use corporal punishment.

Methodology

A qualitative descriptive research design involving the use of focus group discussions was utilised. This study design was preferred as

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it enables researchers to obtain in-depth information such as participants’ perceptions and experience. However, due to the in-depth comprehensive data-gathering approaches required, its scope is limited (Fraenkel and Wallen, 1990), as this research design does not usually employ large samples like quantitative research designs.

The population of the study was teachers teaching in primary schools in Kenya and the sample consisted of 42 primary school teachers who were attending classes towards attainment of a Bachelor of Education degree at a Kenyan university. The sample included 24 female and 18 male teachers. Their ages ranged from 23 to 51 years and specifically nine (21.4%) were between 23 and 30 years, 15 (35.7%) were between 31 and 40 years and 18 (42.8%) were between 41 and 51 years. To obtain the sample, the researcher described the general objectives of the study to the teachers during the university course registration day and only those teachers who volunteered were included in the study.

All the teachers had a diploma certificate in education and they had been teaching in Kenyan primary schools for a period of between two and 26 years. The teachers all had several years of teaching experience and they also spent the better part of the day in schools with pupils therefore they were in a position to provide substantial information on the use of corporal punishment in Kenyan primary schools.

Permission to conduct the study was first obtained from the university administration before the data collection phase commenced. Data were collected during the month of August 2008 when the teachers were at university attending classes. To collect data, six focus group discussions, each having seven teachers and lasting about one hour, were conducted. The principal researcher used an interview guide to structure the focus groups whilst a research assistant made notes.

The notes made during the discussion groups were later transcribed and transferred on to a document summary sheet. A content analysis of this information was then carried out and organised according to the two main themes. These two themes were:

- awareness of the existing laws prohibiting the use of violence when disciplining children; and
- reasons for continuing to use corporal punishment.

Findings

During the focus group discussions, it became clear that all the teachers were aware of the existence of the Children’s Act (Government of Kenya, 2001) as they constantly referred to the ban on corporal punishment as having contributed to pupils’ lack of discipline. They considered that the introduction of the ban on corporal punishment in schools had produced an increase in

display of bad behaviour by pupils; for example, there was an increase in riots in schools leading to the closure of some schools. It seemed that once pupils knew corporal punishment had been banned they then started breaking school rules which they previously used to accept. The teachers were of the opinion that the use of corporal punishment was the most effective way of disciplining pupils and they argued that since corporal punishment inflicts pain, pupils avoided breaking school rules and displaying bad behaviour to avoid the punishment. In addition, the teachers maintained that the pain of caning made pupils associate wrongdoing with painful results therefore they avoided breaking school rules and being mischievous.

The introduction of free primary education by the Kenyan government in 2003 was also perceived by the teachers as having necessitated the use of corporal punishment in schools. With the introduction of free primary education, children who previously could not attend school due to their families' inability to meet school fees now joined school. The result of this was a large influx of children to schools leading to overcrowded classrooms. Most schools, however, were ill equipped to deal with such large numbers of children and could not cope. Teachers now had too many pupils in their classrooms which meant more children to attend to and more school books and papers to grade. In some schools, teachers who had been teaching a maximum of 40 pupils per classroom now had more than 100 pupils in each class. There was no more time to guide and counsel pupils let alone time for individual attention to any of the pupils. Teachers therefore saw corporal punishment as the only and most effective way of controlling the huge numbers of pupils in their classrooms.

Additionally, the teachers argued that corporal punishment, unlike other disciplinary strategies, helped save time for both the pupil and the teacher. For example, making a pupil remain behind after school or sending a pupil to detention meant the teacher spent considerable time supervising the pupil to ensure the pupil completed the punishment and it also meant that the pupil missed out on extra-curricular activities when completing the punishment. Other disciplinary strategies such as the use of time-out or sending pupils out of the classroom for bad behaviour were not viewed as useful by the teachers. For example, they had realised that some pupils would intentionally act up so they could be sent out of a class they did not want to attend. In addition, detention after school hours was not effective because almost all schools in Kenya require pupils, especially those in the upper primary classes, to spend two to three hours in the classroom studying or doing homework after the official class hours.

The teachers had also noticed that pupils who would not comply immediately with verbal instructions would, however, immedi-

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ately obey teachers if they believed lack of compliance would lead to corporal punishment. They argued that the biggest advantage of corporal punishment was that it led to immediate compliance by pupils. It was therefore preferred as it was immediate and pupils were immediately able to associate the wrong they had done with the corporal punishment that immediately followed. The teachers also viewed corporal punishment as useful, especially in instances where a pupil was engaging in dangerous or negative behaviour that had to be stopped immediately for safety reasons.

The teachers also believed that corporal punishment made pupils work harder and improved not only their academic performance but also their performance in extra-curricular activities. Therefore, according to the teachers, without corporal punishment, both academic standards and achievement in extra-curricular activities such as sports would decline.

The Bible was often quoted by the teachers as supporting the use of corporal punishment. For example, one of the teachers said:

‘A child who is told something verbally with no action taken may never see the seriousness of the teachers. St. James in his letter reminds us that faith without action is dead and in the same way, words need accompaniment of actions. The world is tired of words hence the need of actions which speak more loudly’

Other Bible quotations cited by the teachers included Proverbs 22:15 which states ‘Foolishness is bound up in the heart of a child; The rod of discipline will remove it far from him’, and Proverbs 23:14: ‘You shall strike him with the rod, and rescue his soul from Sheol’ (Lockman Foundation, 1995). The teachers therefore argued that the Bible sanctions caning.

The role of corporal punishment in traditional African societies was also seen to justify its use in schools. The teachers argued that for generations corporal punishment had been used to correct bad behaviour and it had always been an effective childrearing practice, therefore there was no need to ban it. In addition, they were of the view that the abandonment of traditional practices was a factor contributing to the increase in bad behaviour they observed in children. During the pre-colonial period, they argued, children belonged to the community and children who were found doing something wrong were punished by any adult, even when the adult was not biologically related to the children. However, in contemporary society, children were usually only punished by parents for wrongdoing. The result of this was that children tended to misbehave when they were not with their parents and this included causing trouble in the school compound. Teachers therefore needed to use corporal punishment to maintain discipline in the schools. The teachers also maintained that parents were aware

their children tended to misbehave in school and that was why parents during many parent teacher association meetings had allowed the teachers to use corporal punishment.

Teachers also believed that corporal punishment could be used without any negative effects on children, for example, one of the teachers maintained that:

‘When teachers use the cane on children, then it should be slight caning which should be with love, letting the child understand why he or she has been caned so that next time the child will not repeat the action. Teachers should be emotionally balanced, should not be angry or vengeful. They should show love and the child should be made to understand what he has done wrong’.

Discussion and Conclusion

The teachers gave various reasons for using corporal punishment and it was clear they felt its use was justified and essential to maintain discipline. The teachers’ view that the government’s ban on the use of corporal punishment had led to an increase in bad behaviour by pupils might be an indication that the children’s earlier compliance to school rules was not intrinsically motivated but motivated by fear of receiving corporal punishment. This argument may be supported by research (Vockell, 1977) that shows there is no way to verify that children continue to perform desirable behaviour when the punishment ceases. In addition, studies (Baumrind, 1996; Newsom *et al.*, 1983) have established that corporal punishment leads to higher levels of immediate compliance, but at the same time other studies (Brody and Shaffer, 1982; Zahn-Waxler *et al.*, 1979) have established that power assertion impedes children’s moral internalisation. It is therefore highly likely that the increase in bad behaviour associated with the ban on corporal punishment was an indication that pupils had only complied earlier out of fear of experiencing corporal punishment. This is also an indication that teachers had been heavily reliant on corporal punishment to manage behaviour in the classroom. With the ban on the use of corporal punishment, pupils reverted to bad behaviour.

The findings by Baumrind (1996) and Newsom *et al.* (1983) might also explain pupils’ immediate compliance and extra effort in school tasks witnessed by teachers when they used corporal punishment. Although teachers argued that using the cane resulted in immediate compliance, it is likely that the children’s immediate compliance was only due to the presence of the cane. In its absence, they would most likely revert to bad behaviour. This also suggests that some pupils might only have been working harder in their school tasks to avoid physical punishment and teachers

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in this study believed that pupils performed better in school tasks when corporal punishment was used.

The teachers’ assertion that overcrowded classrooms had led to stress and contributed to the frequent use of corporal punishment is similar to findings of previous studies (Belsky, 1984) carried out among parents which show that challenging, stress-generating or difficult circumstances lead to the adoption of those disciplinary techniques that are perceived as faster and more efficient. The finding on the relationship between overcrowded classrooms and the use of corporal punishment is also important and indicates that the Kenyan government needs to increase the staffing of teachers in schools and to re-examine teacher-pupil ratios in primary schools. In light of studies that substantiate a positive relationship between stress and belief in the value of corporal punishment (Crouch and Behl, 2001), it is likely that the high level of stress due to overcrowded classrooms contributed to the use of corporal punishment.

It was interesting to note that alternative non-violent discipline strategies such as time-out which have been found to work in industrialised countries (Shriver and Allen, 1996; Whitham, 1994) were said to be ineffective by the participants in this study. One possible explanation for this is that the teachers had too many pupils in their classrooms, therefore they did not have the patience and time to apply the time-out technique correctly. Further research on this, however, is needed and cross-cultural studies probably would shed light on why strategies that have worked in other countries would fail to work in the Kenyan context. In addition, this might be an indication that there is a need to develop alternative non-violent discipline strategies suitable to the Kenyan context.

Previous research (Ellison and Bradshaw, 2009) has also indicated that conservative religious beliefs play a role in the use of corporal punishment. The claim that the Bible allows the use of corporal punishment when dealing with children suggests that the inclusion of religious leaders in the push for non-violent discipline strategies is essential. According to the most recent population census (Republic of Kenya, 2001), 88.5 per cent of Kenyans are practising Christians. It might therefore prove easier to convince parents and teachers of the negative effects of corporal punishment if religious leaders supported the use of alternative non-violent discipline strategies. Dialogue with religious leaders and awareness raising amongst religious leaders on the negative effects of corporal punishment might urge them to discourage teachers from dispensing corporal punishment on children. Previous research (Taylor, 2006) has indicated that religious leaders can have a strong influence on individuals and influence them to change their behaviour and practices (Wiryo and Hakimi, 2005).

The finding that the use of corporal punishment was in line with African traditional customs is similar to that of Whiting and Whiting (1975), who found that adults' use of corporal punishment in some communities in Kenya was seen as necessary and appropriate. However, much research (Aucoin *et al.*, 2006; Calzada and Kerr, 2003; Durrant, 2005; Grogan-Kaylor, 2005; Human Rights Watch, 1999; Muller, 2004; Romeo, 1996; Straus and Mathur, 1995; Straus and Paschall, 1998; Straus *et al.*, 1997) has also shown that corporal punishment is detrimental to children's health and well-being. The assertion that African traditional customs condone the use of corporal punishment does not justify its use. Intervention at the community level might be needed as teachers may find it hard to change their behaviour if the norms in the community remain the same. Involvement of traditional and local leaders with the aim of obtaining their support in the ban on the use of corporal punishment in schools might impact on teachers' behaviour. Identification and adoption of other non-violent forms of discipline that are in existence in African traditional societies are also likely to be important. For example, Last's (2000) research among the Hausa of Nigeria established that some African communities acknowledge that corporal punishment is not always the solution when dealing with young children and other discipline strategies such as scolding are used when correcting children.

The teachers' argument that caning is alright as long as it is done 'with love' and the teacher 'does not injure' the pupil is contentious because caning also causes psychological harm (Aucoin *et al.*, 2006; Romeo, 1996) which might not be immediately visible. Although these teachers had taken courses in child development and behaviour management, they did not appear to be applying the knowledge they might be expected to have gained from such courses. This finding also suggests that universities and teacher-training colleges need to review their teacher-training curricula and include information on effective alternative non-violent discipline strategies. In-service programmes on how to use alternative non-violent discipline strategies would also be essential for school principals and teachers who are already working in schools. The Kenyan government therefore needs to train teachers on non-violent ways of disciplining pupils.

The observation that parents had authorised teachers to use corporal punishment suggests parents were not informed about the negative effects of corporal punishment. Parents were encouraging teachers to break the law believing it was for their children's own good. There were no committees or other procedures in schools to monitor the use of corporal punishment. In the absence of procedural safeguards, the use of corporal punishment is open to abuse and misuse by teachers. This is worrying in light

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of past studies showing those in authority tend to abuse their power when they are given the authority to inflict pain (Czumbil and Hyman, 1997).

This study also illustrates that monitoring and enforcement of the law in Kenya is ineffective or perhaps that law enforcement officers are lax in enforcing laws and arresting offenders. Prosecution has been viewed as a last resort in instances where corporal punishment continues in schools despite prohibition (Committee on the Rights of the Child, 2006), but law enforcement can play a crucial role in protecting pupils from corporal punishment in schools. This, however, has not been the case in Kenya. The situation seems similar to that in some other African countries; for example, Morrell (2001) and Payet and Franchi (2008) have also found the continued use of corporal punishment in South African schools despite its abolition. Pansiri (2008) in Botswana also found teachers' unauthorised use of corporal punishment in schools. This presents a worrying trend, keeping in mind that international campaigns have been advocating the role of legislation in ending the use of corporal punishment both at home and in school. Governments probably also need to identify additional ways to ensure laws banning the use of corporal punishment are enforced, especially in countries where laws against the use of corporal punishment are being disregarded.

This study has not only revealed that Kenyan teachers are aware of existing laws outlawing the use of violence when disciplining children but has also outlined the beliefs that sustain the continued use of corporal punishment. However, more research is needed, especially on children's views on the use of corporal punishment. Understanding the underlying factors contributing to the use of corporal punishment is an important step towards the development of intervention strategies promoting the use of non-violent discipline strategies for Kenyan schools. Until such strategies are promoted and made available, teachers in Kenyan schools are likely to continue to inflict corporal punishment on children.

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