

**ANALYSIS OF GOVERNMENT POLICY ON BANNING OF CORPORAL
PUNISHMENT WITH REFERENCE TO MILL'S THEORY OF
UTILITARIANISM: A SURVEY OF SECONDARY SCHOOLS
IN KISII CENTRAL SUB-COUNTY, KENYA**

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DECLARATION AND RECOMMENDATION

Declaration

This research thesis is my original work and has not been presented for award of a degree in this or any other university.

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DEDICATION

I dedicate this work to my beloved wife Floh Boyani, my children; Joan, Caleb and Ezra that it may be an inspiration and blessing not only to them but also to others around them.

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Special thanks to God for according me sound health and vigour to endure all through my studies. In a very special way i appreciate and thank my supervisors, Prof. Fredrick Ogola and Dr. George Makori for their relentless scholarly input and guidance leading to a successful completion of this reseach thesis. My beloved wife Floh and children; Joan, Caleb and Ezrah i equally appreciate their enormous patience and encouragement throughout my studies. Lastly, i most sincerely acknowledge all those who either directly or indirectly contributed various insights toward my completion of this worth course. May God bless you all abundantly.

ABSTRACT

The outlawing of corporal punishment (CP) in Kenya's schools in the year 2001 was a significant step towards promoting the learners right to education in the country. Nevertheless, CP has remained in use in most schools as evident in many secondary of Kisii Central Sub County. Moreover, the utilitarian justification and relevance of this ban is contentious and elusive among the educational stakeholders. Therefore, this study critically analyzed the Government policy on banning of CP in secondary schools in Kisii Central Sub County of Kenya, with specific reference to Mill's theory of Utilitarianism. In particular, it sought to analyse; the rationale to the ban of CP, the utilitarian happiness associated with its persistent use, the challenges to its implementation and the extent to which CP alternatives had been used to maintain student discipline. This study was informed by John Stuart Mill's Utilitarianism theory of moral obligation. Survey research design was employed that targeted 950 students, 480 class teachers and 73 principals. Stratified random sampling was used in choosing 274 students and 212 class teachers while 73 principals were selected through purposive sampling. Questionnaires were used for data collection. Quantitative and qualitative data was analyzed through descriptive statistics aided by Statistical Packages for Social Sciences (SPSS) version 21.0 and philosophical reflections. The findings revealed that CP remained in use albeit to a small extent to inculcate discipline on learners. Moreover, teachers and parents exemplified a narrow perception of the envisaged utilitarian justification to the ban of CP as depicted by their strong held traditional view on the usefulness of CP that; it was economical, effective and expeditious in resolving disciplinary issues. However, the students thought that CP was unnecessary infliction of pain on them with no recognizable utilitarian good in terms of; reforming wayward behaviour, deterrence value, domestication of children rights and promotion of high academic performance. The main challenges to this ban included; religious convictions on the validity of CP, cultural approval and acceptance of CP, inadequate training of teachers on school discipline and weak monitoring of the ban. These constraints significantly impacted negatively the realization of student self discipline among other utilitarian pleasures envisaged in this ban. Finally, the findings revealed that CP alternatives such as; guidance and counselling, positive reinforcement, moral education and role modelling were in use to a small extent to instill discipline among students. The study recommends that education stakeholders be enlightened on the philosophy behind the ban of CP to broaden their thinking on school discipline in light of Mill's utilitarian theory. Also, the MoE need to closely monitor this ban and ensure that it is upheld by taking appropriate legal action on educators who blatantly violate its provisions. Moreover, teachers need requisite training on the utilitarian value of employing the available non aversive alternative disciplinary interventions to maintain school discipline without recourse to CP. The findings are significant to all education stakeholders notably the MoE, teachers and parents in their quest for a sound utilitarian moral guiding principle to the ban of CP and its alternative interventions that are effective in mitigating challenges facing this ban and in making informed policy review on school discipline in Kenya.

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ABBREVIATIONS AND ACRONYMS

AEO	Area Education Officer
BOM	Board of Management
CD	County Director
CDE	County Director of Education
CP	Corporal Punishment
DEO	District Education Officer
DQASO	District Quality Assurance and Standards Officer
GC	Guidance and Counseling
GHP	Greatest Happiness Principle
HRW	Human Rights Watch Kenya
KAACR	Kenya Alliance for the Advancement of Children's Rights
KEMI	Kenya Education Management Institute
KCSE	Kenya Certificate of Secondary Education
MoE	Ministry of Education
NACOSTI	National Council for Science, Technology and Innovation
PTA	Parents Teachers Association
SBCP	School Based Corporal Punishment
SPSS	Statistical Packages for Social Sciences
TACT	Teacher Advisory Centre Tutor
TSC	Teachers Service Commission
UN	United Nations
UNCRC	United Nations Convention for the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations International Children's Education Fund

CHAPTER ONE INTRODUCTION

1.1 Background

Education plays a key role in moulding the character of learners and as such, the Government and the society in general expect all schools to assist the learners develop good behaviour and acceptable moral and social conduct (RoK, 2012). Therefore, educators have the obligation to direct students to exhibit acceptable values and behaviours within and outside the school. In order to have an organized and peaceful school environment, the school management stipulates rules and regulations that guide the activities of members of the educational organization (Gitome, Katola & Nyabwari, 2013). These rules and regulations therefore must be enforced so as to promote discipline and order among the students.

School discipline according to Simatwa (2012) means more than adhering to rules and regulations. It entails the learner's ability to discern what is right or wrong in an atmosphere devoid of fear or resentment and handled politely but firmly with understanding (MoE, 2009). Moreover, the aim of discipline in the school setting is to enable the learner make informed decisions that comply with the schools code of behaviour, regarding the expected standards of clothing, timekeeping, social behaviour and work ethics among others (Nakpodia, 2010).

However, school discipline is sometimes wrongly conceived to be punishment for breaching school rules rather than behaving within the school rules (Kiprop & Chepkilot, 2010). Moreover, the punishment implied here is corporal in nature since throughout the history of education; the most common form of school discipline was CP using the cane (Njoroge & Nyabuto, 2014). In essence, the term discipline is elusive and more often than not carries a negative connotation. Consequently, this misconception contributes significantly to the persistent use of CP in schools even where it has been outlawed.

In the modern world, particularly in the Orient and Africa, CP is still widely practised as a means of disciplining errant individuals in the domestic, judicial and educational settings (UNICEF, 2010). This form of punishment finds its anchoring in cultural, religious and other belief systems that are perceived to favour the practice (UNESCO,

2011). However, in the Western world, there has been almost a total ban on CP especially on children both at school and at home. Similarly, in most countries in the Far East, particularly, China, Japan, Taiwan and Korea, it is illegal to punish one's own child using physical means (Khatete & Matanda, 2014). In Africa, some countries such as, Burkina Faso, Ethiopia, Namibia, South Africa and Kenya have also abandoned the practice and put legal constraints that prohibit CP of children in the educational context on grounds that it amounts to torture (HRW, 2008).

Nevertheless, in some countries in Africa and the Far East, most people still believe that minimal use of CP for their children is both appropriate and necessary (Kimani, Kara & Ogetange, 2012). Proponents of this view contend that CP is inevitable, and to some extent a natural accompaniment in the process of living and ultimately to the maintenance of order and discipline in society (Kubeka, 2004). In this regard, most educational institutions in these countries are being blamed by the wider society for being soft and hence a willing party to indiscipline. The softness implied here is in the fact that the teachers do not impose 'sterner discipline', that is, CP to instill school discipline (Ndofirepi, Makaye & Ndofirepi, 2012).

The Kenyan Government banned CP in year 2001 through a Legal Gazette Notice No.56 (RoK, 2001). This action was in response to the demands of the United Nations Convention on the Rights of the Child (UNCRC) which Kenya ratified in 1990, a year after it had been promulgated. This ban was later given legal backing by the enactment of the Children's Act (2001). In addition, under the Kenyan Constitution (2010) and the Education Act (2013), CP in all its forms is outlawed. Indeed, through these legal steps Kenya has demonstrated her commitment to safeguard the rights of children against any form of abuse, and now joins the league of many other international human rights bodies, that have taken a strong stand against CP on the ground that, it may rise to the level of torture and that it infringes upon a child's right to education (Odongo, 2004).

The abolition of CP in Kenya appears to be in line with Mill's theory of utilitarianism that guides this study. The theory of utilitarianism was advanced by John Stuart Mill, a seventeenth century philosopher who held that human actions and social institutions are right in proportion as they enhance happiness and wrong as they tend to produce

pain (Mill, 1979). In this case, happiness means pleasant while pain means unpleasant (Nocross, 2009). Moreover, Mill's idea of Consequentialism admonishes moral agents to abstain from doing things, though their consequences in a particular case might be beneficial; but will be generally injurious to the community as a whole (Sheng & Qinglai, 2004). The implication is that any system, action, or practice that is generally pernicious to society, is not morally right and hence should be abolished. To this end, Soifer (2009) postulated that the general object that all laws have in common, is to augment the total happiness of the community, and exclude as far as possible any mischief or pain. Thus, Mill's utilitarianism doctrine partly informed the outlawing of CP in Kenya.

In this vein, teachers as moral agents ought to abstain from acts or enforcing rules that are generally injurious/painful to students and hence likely to jeopardize the derivation of full "happiness" by learners from the educational enterprise (Sheng & Qinglai, 2004). Implicitly, maladjusted behaviours among learners such as; physical aggression, increased crime, violence, substance abuse as well as feelings of; anxiety, insecurity, fear, hostility, rage and other stressful affective states constitutes some of the pains associated with use of CP (Ajowi & Simatwa, 2010). Indeed, under such circumstances meaningful learning cannot take place but on the contrary it creates apathy and withdrawal, which leads to failure to achieve in school (UNICEF, 2016). Consequently, any continual recourse to CP fails to meet Mill's utilitarian ethics that not only seeks to foster happiness for the majority in society but also that of the individual learner.

The ban of CP in Kenya as in many other countries has remained contentious among different educational stakeholders (UNICEF, 2015). Moreover, studies by Khatete and Matanda (2014) in Kenyan schools found out that while some parents, teachers and school administrators favour the use of CP on grounds that it is the ultimate solution to indiscipline in schools, others are strongly opposed to its use arguing that CP does not curb misbehavior but rather reinforces it and aggravates the pupils' view of adults as treacherous. Moreover, poor parenting coupled with the ban of CP in schools contributes greatly to indiscipline (Mwandoto, 2015). As such, some educators contend that they could not have their hands tied yet they are expected to fulfill their primary obligation of moulding a responsible future adult. This being the case then,

coupled with the apparent failure of alternative disciplinary interventions such as Guidance and Counseling (GC), makes some of the educators view the ‘sparing of the rod’ as a cause of increasing indiscipline in some schools in the country. Consequently, the imposition of CP on students by educators has apparently remained to be a regular school experience for learners especially in primary and secondary schools (Kute, 2014).

This phenomenon was particularly so in secondary in Kisii Central Sub-County of Kenya, where disciplinary issues still present challenges to secondary school heads the use of CP to instill discipline among learners in secondary schools still persists (Bosire, 2011). Some of these disciplinary cases include; teenage pregnancy, bullying, alcohol use, absenteeism, drug abuse, violence, arson, homosexuality, lesbianism and rudeness to teachers (Kute, 2014). These disciplinary challenges exist despite use of alternative CP interventions such as; GC, involvement of students in school governance, parent/guardian-school partnership, collaboration with the provincial administration and church leaders to guide the students (Onderi & Makori, 2013). Moreover, the persistent use of CP within Kisii County varied in intensity from one Sub County to another, with its use in secondary schools in Kisii Central Sub County being more prevalent compared to its neighbouring Sub-counties as Table 1 indicate.

Table 1:

Reported Cases of CP use in Kisii County

District	Total Number of Schools	Number of Schools with Reported Cases of CP use			
		2012	2013	2014	2015
Kisii Central	73	35	37	39	48
Masaba North	45	13	11	10	9
Nyamache	38	9	7	5	4

Source: CDE’s Office Kisii County, January 2015

Therefore, this study in reference to Kisii Central Sub-County, sought primarily to analyse the Government policy on banning of CP in Kenyan secondary schools. Apparently, there are certain factors within the Kenyan society, particularly among the various educational stakeholders that were impairing the effective implementation of

this ban. These include; long held socio-cultural and religious dispositions on CP, perceived costs and time needed for other alternatives to CP, nature of the school administration, and the role of external agencies in monitoring of the ban. Thus, there was urgent need to critically examine the ban of SBCP to elucidate its meaning, rationale, and relevance to the contemporary educational settings.

1.2 Statement of the Problem

The Kenya Government banned CP in all schools in the country in the year 2001 through a Gazette Notice and subsequently rendered unlawful through Children's Act 2001 and the Constitution of Kenya 2010. Nevertheless, this practice still remains a regular school experience for learners in schools in many parts of the country, with its intensity varyig from region to region. Moreover, it was evident in secondary schools in Kisii Central Sub County of Kenya where it was prevalently used as compared to the neighboring Sub Counties. Implicitly, the implementation of this legal policy was apparently ineffective owing to certain factors within the Kenyan society and its education system such as; the religious and cultural approval of CP, perceived costs and time needed for other CP alternatives, inadequate training of teachers on school discipline and weak monitoring of the ban among others. Moreover, its utilitarian justification and relevance remains contentious and elusive among the educational stakeholders. Therefore, this study sought to critically analyze Kenya's Government policy on banning CP in light of Mill's theory of utilitarianism in the country's secondary schools.

1.3 Purpose of the Study

The purpose of this study was to critically analyze Kenya's Government policy on banning of CP in view of Mill's theory of utilitarianism focusing on secondary school students in Kisii Central Sub County.

1.4 Objectives of the Study

The objectives for this study were:

- i. To analyse the rationale for the Government policy on the ban of CP in light of Mill's utilitarianism in secondary schools in Kisii Central Sub County of Kenya.
- ii. To determine the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya.

- iii. To evaluate how the challenges facing the ban of CP have affected school discipline in secondary schools in Kisii Central Sub County of Kenya.
- iv. To assess the extent to which CP alternatives have been used to inculcate students discipline in secondary schools in Kisii Central Sub County of Kenya.

1.5 Research Questions

This research study was guided by the following research questions:

- i. What is the rationale for the Government's policy on the ban of CP in light of Mill's utilitarianism in secondary schools in Kisii Central Sub County of Kenya?
- ii. What is the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya?
- iii. How have the challenges facing the ban of CP affected school discipline levels in secondary schools in Kisii Central Sub County of Kenya?
- iv. To what extent has the use of CP alternatives inculcated students discipline in secondary schools in Kisii Central Sub County of Kenya?

1.6 Significance of the Study

The findings of this study are intended to be of significance to educational stakeholders in a number of ways. First, they will assist in addressing the challenges facing the ban of CP in Kenyan secondary schools by proposing possible solutions and hence promote the effectiveness of this ban. This will also be instrumental in informing policy review on the ban of CP. Second, they will help in clarifying the meaning of CP and hence reduce its misuse and abuse by educators. Third, they will help in sensitizing educators on the inherent negative impact of CP and assist them and society in general with a sound moral guiding principle in their discharge of societal duties. Lastly, they will help create awareness on the available alternative methods of dealing with indiscipline in schools.

1.7 Scope of the Study

This study is a critical analysis of the Government policy on the ban of CP in Kenyan secondary schools in view of Mill's theory of Utilitarianism. It covered all the public and private secondary schools in Kisii Central Sub County of Kenya. The research was done over a period of five months from the end of May, 2015 to October, 2015 and involved students and teachers in this Sub-County.

1.8 Limitations of the Study

The study drew its participants from the secondary level of education only. Thus, the views and experiences of the learners and educators in other levels of education in regard to the ban of CP in Kenya were not represented. This to some extent limited the drawing of valid generalizations to other levels of education. Nevertheless, inferences can be made to other secondary schools elsewhere in Kenya with caution.

Also, given the sensitive nature of the topic, some research participants especially the teachers thought that they were being probed and hence were reluctant to give full information sought. However, the researcher explained the significance of this study to the respondents and assured them of the confidentiality of the information they gave and thus was able to overcome this challenge. The study also limited itself to philosophical analysis of the ban of CP with special reference to J. S. Mill's utilitarian theory; hence, it only gave a utilitarian view to the ban of CP in schools. However, other perspectives regarding this ban that emerged in the study were also discussed.

1.9 Assumptions of the Study

In this study it was assumed that:

- i. Honesty was to underly the responses to the research questions to permit their application in the data analysis.
- ii. CP was still practiced in some secondary schools in the study area regardless of the ban.
- iii. Other alternatives to CP in secondary schools in the study area were not as effective as expected.

1.10 Definition of Terms

In this study the terms here below will assume the following meanings:

- Banning - Refers to an act of prohibiting or forbidding the use of something (corporal punishment in this study) especially by an official decree or legislation
- Consequentialism - Refers to the utilitarian position that people should always endeavor to do what promotes the greatest overall good consequences for the society.
- Corporal Punishment - Refers to any deliberate or intentional infliction of pain or unpleasantness to people through physical means, especially by; caning, whipping, slapping, kneeling and menial labour among others.
- Happiness - This refers to the balance of aggregate experience of pleasure/good over pain resulting from human actions and social institutions
- Utility - This refers to the property in any object whereby it tends to produce benefit, advantage, good or happiness: to prevent mischief, pain, evil or unhappiness to the individual or community.
- Utilitarianism - Is a theory of morality that holds that human actions and social institutions are right in proportion as they enhance happiness, wrong as they tend to produce pain. The theory seeks to promote the greatest happiness for the greatest number of people in society.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter critically reviews literature that is relevant to the area of study. In particular, it highlights the meaning of CP, the rationale for the banning of CP and the extent and impact associated with persistent use of CP. It also discusses the challenges associated with the ban of CP, the alternatives to CP, Mill's theory of utilitarianism, the theoretical and conceptual frameworks.

2.2 The Concept of CP

According to Hornby (2005), punishment is the intentional infliction of pain or some kind of unpleasantness on the offender by someone in authority as a consequence of a breach of rules. This conception of punishment is aptly echoed by Musungu (2010), when he observes that punishment is a social institution involving the deliberate infliction of pain or unpleasantness by someone in authority on another person for some wrong done by that person.

The pain or unpleasantness resulting from punishment may be physical or psychological (Khatete & Matanda, 2014). It is worth noting that CP falls under physical punishment just like menial work, whereas reprimand and seclusion falls under psychological form of punishment. This conception of CP is clearly echoed by Kiprop and Chepkilot (2010), who argue that CP is a form of physical punishment characterized by the deliberate infliction of pain on persons as retribution for an offence, or for the purpose of disciplining or reforming an offender, or to deter a behavior deemed unacceptable.

In this study, SBCP involves any deliberate or intentional infliction of pain or unpleasantness by teachers to student offenders through physical means. In Kenya, the most common forms of SBCPs include: caning, whipping, slapping, kneeling and menial labour among others. These punishments are normally given to learners for indiscipline cases such as; lateness for school, truancy, fighting, rudeness, theft, drunkenness, smoking, bullying, noise making and other related petty mistakes (UNICEF, 2010).

2.3 The Rationale for the Banning of CP

This section critically examines the rationale for the outlawing of CP in Kenya's secondary schools. These include; domestication of children's human rights, domestication of learners' legal provisions, democratization in education and Mill's utilitarian justification.

2.3.1 Domestication of Children's Human Rights

One of main fundamental bases on which the use of CP in the domestic, judicial and educational settings has been condemned and consequently outlawed is that its use amounts to a violation of human rights (Odongo, 2004). But what really constitutes human rights? These are fundamental constitutional privileges and freedoms entitled to all people by virtue of being humans (RoK, 2010). Indeed, all people have rights simply by virtue of being human beings and therefore these rights exhibit a universality that provides the foundation for a global community (UN, 2006)

Moreover, human rights form part of the basic criteria for evaluating people's actions toward their fellow humans (Nocross, 2009). It is imperative therefore, to respect other people especially in regard to their fundamental human rights. To this end, UNESCO (2011) observed that people should never be treated merely as things; rather they should be respected as autonomous moral agents with equal rights. Thus, Human rights entail a realization of a sense of brotherhood among the human community that is exemplified in their treatment of each other with a sense of dignity and equality.

The true aim of education is to help each person to realize his/her full potential and the only way to educate people is to treat them as far as possible, as fellow human beings and in the faith that they will respond in the same spirit (UNICEF, 2010). In this regard, Kenya's ban of CP was pursuant to the domestication of the international Charter of Human Rights, particularly those of children (Kimani et al, 2012). This is owing to the conviction that CP may rise to a level of torture or cruel, inhuman, or degrading treatment; it violates a child's right to be free from violence; it debase the dignity and physical integrity of children; it interferes in the development of the child's physical and mental health; and it infringes upon a child's right to education (Kasigwa et al, 2013).

2.3.2 Domestication of Children's Legal Rights

All people including children are entitled to particular constitutional legal provisions that guide their access to basic resources and enjoyment of fundamental freedoms (RoK, 2010). Indeed, these legal rights are multifaceted touching all aspects of human life and are to be exhibited by all people simply by virtue of being humans, thus forming a universal foundation for a global community (UN, 2006). In regard to CP, many countries of the world have taken legal steps to prohibit its use especially in educational settings with some of such legal actions taking the form of statutes or national court decisions prohibiting this practice in schools or in the home (KAACR, 2007).

Additionally, other legislations entail revoking of common law immunity for parents or educators who administer CP and hence render it to be similar to other forms of assault or battery (Odongo, 2004). For instance, some African states such as Burkina Faso, Ethiopia, Namibia and South Africa have prohibited CP of children in both domestic and educational context (UNESCO, 2011). The outlawing of this practice in Namibia, South Africa and Zimbabwe all resulted from court decisions declaring it unconstitutional with regard to the prohibition against cruel, inhuman or degrading treatment (HRW, 2008).

2.3.3 Domestication of Democracy in Education

Democratization in the field of education is also one of the fundamental bases on which CP was banned in Kenya. Democracy in the field of education entails a process of open and free exchange of ideas that can bring about educational achievement to most learners (Ogola, 2003). In a school situation, it is a way of life that influences the degree to which individual learners interact among them and relate with their educators and other service providers within their institution (Bereday, 1969). Democracy is closely linked with freedom, which means liberty in the context of existing rules and regulations of society (of the school in this case). It entails treating an individual as an end and not as a means, so as to liberate every individual in the realization of his/her full potential (Kneller, 1964). Indeed recourse to CP use is an appeal to the motive of fear that greatly inhibits self activity and hence undermines the learner's effort to develop to the fullest (Ajowi & Simatwa, 2010).

Also, Njoroge and Bennaars (1986) rightly seem to advocate for democratization in education in their proposal of the “criterion of educational process or procedural dimension of education”. They argue that education at least rules out some procedures of transmission that lack willingness and voluntariness on the part of the learner. In this case, CP is strongly held by its proponents as a procedure or method of instilling discipline among students. However, this approach of inculcating discipline as an aspect of education to learners inhibits self activity and free participation in learning (Songul, 2009). Thus, it falls short of the procedural dimension of education that embraces democratic approaches in the transmission of educational values such as; discussion, dialogue, questioning, and GC among others (Ogola, 2003).

In particular, democratization in education can be domesticated through an all inclusive school leadership and governance structure that transcends the confines of the teachers and the BoM as administrative figures to embrace the student leadership (RoK, 2012). Indeed, prefects forms an important link between the students’ body and the school administration and as such helps them exercise their constitutional right to representative democracy (RoK, 2010) and hence the need for the students involvement in their appointment. A prefect body that is formed with total disregard to the student wishes is viewed as representing the school administration rather than the students. Head teachers should therefore involve the students when appointing prefects through “guided democracy” (MoE, 2009). Prospective prefects should be academically above average and achievers in out of class activities. They should in addition be individuals whose integrity is beyond reproach and who excel in other leadership qualities as; honesty, fairness, respect, obedience, firmness and consistency (Chitiva, 2001).

2.3.4 Relevance of Mill’s Utilitarian Theory to the Ban of CP

The premises in the preceding sub- sections that were used to justify the ban abolition of CP in Kenyan schools though not explicitly founded on Mill’s utilitarianism per se, appear to conform largely to this doctrine of utilitarianism. This theory holds that human actions and social institutions are right in proportion as they enhance happiness, wrong as they tend to produce pain (Mill, 1979). In this case, happiness means pleasant while pain means unpleasant (Nocross, 2009). The main features and

ideas that are apparent in Mill's ethical theory of Utilitarianism that can be relevant to the ban of CP in Kenya are the principles of: utility and consequentialism.

The principle of utility refers to a guiding doctrine through which moral agents can approve or disapprove of every action in regard to its tendency to increase or decrease the happiness of the party whose interest is in question; be it the individual or the community (Sheng & Qinglai, 2004). In light of this principle, the object of every human action and work should be to foster happiness and reduce evil or unhappiness to those concerned (Soifer, 2009). In this case, happiness or good means pleasant while unhappiness or evil means painful (Wolff, 1992). In a school setting, teachers as moral agents should abstain from acts or enforcing rules that are generally injurious/painful to students and hence likely to jeopardize the derivation of full "happiness" by learners from the educational enterprise.

According to Kiongo and Thinguri (2015), indiscipline in schools occurs largely due to the use of authoritarian approach to discipline by teachers characterized mainly by use of repressive CP on learners. This approach contrary to promoting its intended utilitarian good by enhancing necessary conditions of order and discipline in school, may cause physical abuse and maladjusted behaviours among learners such as; aggression, increased crime, violence, substance abuse as well as feelings of; anxiety, insecurity, fear, hostility, rage and other stressful affective states all of which constitutes some of the pains associated with use of CP (Ajowi & Simatwa, 2010). Indeed, under such circumstances meaningful learning cannot take place but on the contrary it creates apathy and withdrawal, which leads to failure to achieve in school (MoE, 2009). Thus, the outlawing of CP in Kenya may be lightly linked to Mill's utilitarian ethics in that it not only seeks to foster happiness for the majority in society but also that of the learner.

The principle of utility also is very significant in establishing justification for certain human actions (Frankena, 1993). For instance, the utilitarian case for CP, just like for other forms of punishment, is that less harm is done if small doses of pain are inflicted on the offenders than it would be if the rule of law was not enforced (Negel, 2012). On this note, punishment in all its forms can be justified on account of its deterrence value; it's potential to reform the character of offenders and to prevent them from repeating former mistakes. However, people have been punished, but no reformation

of their character has been realized and the extent to which CP deters other people from committing related offences is not quite clear (UNICEF, 2010). Also, Mill's ethics of utility indeed acts as a guide to modern educators as well as other moral agents by providing them with a single reasonable schedule of punishments designed to produce the greatest happiness for the greatest number of people in society. In Kenya, where CP is unlawful as in many other parts of the world, Mill's ethics of utility becomes handy. To this end, it significantly helped the researcher to map out reasonable alternatives to CP that were thought could help negate the palpable and regrettable evils of CP use.

The principle of consequentialism is the other salient feature inherent in Mill's utilitarian theory. This principle stresses the idea that moral agents ought to do what has the overall good results (consequences) for the society (Schneed, 2002). This means that the goodness or badness of human actions is to be determined only with regard to their consequences (Wainaina, 1985). In light of this principle, moral agents ought to act reasonably. Any of their action loses its justification if the pain or discomfort resulting from it outweighs its beneficial effects. For instance, before meeting punishment of any kind, consideration should be given as concerns the total amount of 'good' to be derived from it as compared to the total amount of evil or pain likely to be caused by it. Therefore, educators in this case need to critically assess the merits and demerits of their actions, before actually being involved in them. In this study, the researcher will seek to determine whether the outlawing of CP in has any utilitarian basis by assessing its merits and demerits.

In addition, the principle of Consequentialism admonishes moral agents to abstain from doing things, though their consequences in a particular case might be beneficial; but will be generally injurious to the community as a whole (Sheng & Qinglai, 2004). The implication is that any system, action, or practice that is generally pernicious to society, is not morally right and hence should be abolished. This idea is aptly captured by Soifer (2009) who argued that the general object that all laws have in common, is to augment the total happiness of the community, and exclude as far as possible any mischief or pain. Thus, the principles of utility and consequentialism as espoused in Mill's utilitarian theory, significantly aided the researcher to undertake utilitarian appraisal of the ban of CP in terms of its; envisaged rationale, scope and alternative discipline methods. Consequently, this formed strong thematic grounds that guided the

recommendations made herein, that also will be of help to other education stakeholders and policy makers.

2.4 Extent of Persistent Use of CP

According to Kiprop (2012), most punishments all over the world, whether in judicial, domestic or in educational settings, were corporal in nature. The practice has been in place since antiquity with its administration varying in context and use such as for disciplinary purposes and also as due penalty for offences committed (UNESCO, 2011). In this respect, Kiongo and Thinguri (2014) indicate that while the early history of CP is unclear, the practice was certainly present in classical civilizations, being used in Greece, Rome, Egypt and Israel both for judicial and educational discipline. In particular, the city states of Sparta in Greece is a good case in point known for gaining reputation for heavily using CP as part of a disciplinary regime designed to build will power and physical strength among the youths, especially boys (Middleton, 2005).

Moreover, CP was used extensively during the era of human slavery until the late 19th C when slavery was abolished (Cotton, 2001). Similarly, biblical history traces CP to the days of Israel's slavery in Egypt (Exodus, 1: 11 – 14). The 10th C. Hebrew king Solomon also voiced his support for it as a way of instilling discipline on minors, in his famous book of Proverbs where he asserts that; “He that spareth the rod hateth his son: but he that loveth him correcteth him betimes” (Proverbs, 13:24) and “Withhold not correction from a child: for if thou strike him with the rod, he shall not die. Thou shalt beat him with the rod, and deliver his soul from hell.” (Proverbs, 23:13-14). Indeed, such teachings have continued to reinforce the use CP in schools especially by educators with an orthodox christian religious background. Similarly, in some Muslim countries such as; Malaysia, Singapore, Saudi Arabia and Iran, CP still remains a common way of disciplining individuals in the domestic, judicial and educational settings. The widespread use of CP in some of these countries is attributed to the influence of the traditional Islamic Sharia Law that is known to be in favor of this practice (Kilonzo, 2013).

The use of CP has been officially outlawed in 34 countries including Canada, Kenya, Korea, South Africa, New Zealand and nearly all of Europe on grounds that it amounts to a form of child abuse (Siraj, 2010). However, it remains legal in some parts of the world, including western countries such as France where it is lawful in the home and is

not explicitly banned in schools, however, it is unlawful there as a sentence for criminal punishment (Middleton, 2005). In the United States, CP is legal in both public and private schools in 19 states while within the domestic settings it is lawful in 49 states for minors. However, it is explicitly unlawful in New Jersey and Iowa states. Similarly, judicial CP has virtually disappeared from countries of eastern and western Europe, including former states of the Soviet Union. Nevertheless, it remains more widespread in its legal acceptance in many parts of Africa, Asia and Latin America (UN, 2012).

In Africa, some countries such as, Burkina Faso, Ethiopia, Namibia, South Africa and Kenya have also abandoned the practice and put legal constraints that prohibit CP of children in the educational context on grounds that it amounts to torture (HRW, 2008). Nevertheless, in some countries in Africa and the Far East, most people still believe that minimal use of CP for their children is both appropriate and necessary (Kimani, Kara & Ogetange, 2012). Proponents of this view contends that CP is inevitable, and to some extent a natural accompaniment in the process of living and ultimately to the maintenance of order and discipline in society (Kubeka, 2004). In this regard, most educational institutions in these countries are being blamed by the wider society for being soft and hence a willing party to indiscipline. The softness implied here is in the fact that the teachers do not impose 'sterner discipline', that is, CP to instill school discipline (Ndofirepi et al, 2012).

In Kenya CP was lawful until the year 2000 when it was banned by the Government through a Gazette Notice (Bosire, 2011). This ban was later given legal backing by the enactment of the Children's Act (2001). In addition, under the Kenyan Constitution (2010) and the Education Act (2012), CP in all its forms is outlawed. Through these legal constraints, Kenya seeks to safeguard the rights of children against any form of abuse. This action is in tandem with many other international human rights bodies, that have taken a strong stand against CP on the ground that, it may rise to the level of torture and that it infringes upon a child's right to education (Odongo, 2004).

Nevertheless, the imposition of CP on students by educators has to a large extent continued and remained to be a regular school experience for learners especially in primary and secondary schools (Gitome et al, 2013). For instance, a study by Ngugi

(2007) in Kenyan schools found out that while some parents, teachers and school administrators favour the use of CP on grounds that, it is the ultimate solution to indiscipline in schools, others are strongly opposed to its use arguing that CP does not curb misbehavior but rather reinforces it and aggravates the pupils' view of adults as treacherous.

While these studies generally point to the persistent use of CP in Kenyan schools in spite of the ban, few have attempted to delink the use of CP with any meaningful outcome. The methodologies they used did not incorporate Mill's utilitarian view contemplated in the present study.

2.5 Utilitarian Happiness Associated with Persistent Use of CP

This section critically analyses the effects arising from the imposition of CP on learners in educational settings. In this regard, a critical examination of literature related to SBCP has been done by evaluating the perceived utilitarian good of CP and its inherent evils.

2.5.1 Effect of CP on School Discipline

School discipline ideally involves a situation where learners live and behave within the framework of school rules and regulations (Cotton, 2001). Traditionally, CP of students has been the most commonly used method of maintaining school discipline in schools, with its proponents holding that CP is inevitable, and to some extent a natural accompaniment in the process of living that ultimately has a significant utilitarian good in the maintenance of order and discipline in society (Kubeka, 2004). Despite that some of its proponents openly concede that excessive physical punishment of children may lead to child abuse, they nevertheless hold that CP if properly administered, can be the most effective form of discipline for correction and rehabilitation of unruly children. This view was prevalent among many of the parents, teachers and other educational stakeholders interviewed during the human rights watch survey in Kenya (HRW, 2008).

However, this opinion is not shared by Bosire (2011), who holds that CP is of limited effectiveness and has inherently devastating evils. Also, this practice more often than not does work against its objective that is obedience (Gitome et al, 2013). This implies that the imposition of SBCP destroys the trust bonds between teachers and learners

and as such they cannot obey one they do not trust. In this regard, Ajowi and Simatwa (2010) assert that CP does not contribute to any meaningful long term change in behavior, but it only produces immediate compliance to rules. This view is also echoed by the KAACR (2007) who postulate that continual recourse to CP use can only harden learners like the worst of the slaves. Moreover, CP does not in any consistent way deter misbehaviour or encourage good behaviour on the part of children (Kimani et al, 2012). Therefore, it can be rightly argued that this practice does not to some extent fulfill its intended utilitarian disciplinary good of developing a child's conscience in order to enable him / her behave well.

According to UNICEF (2010), violence and other cases of indiscipline in schools occur largely due to the use of authoritarian approach to discipline by teachers characterized mainly by use of repressive CP on learners. This approach contrary to promoting necessary pleasant conditions of order and discipline in school as anticipated create maladjusted students especially adolescents with social evils such as; physical aggression, increased crime, violence and substance abuse MoE (2009). For instance in Kenya, CP use has among other factors been associated to the increase in cases of student indiscipline in recent past (Onderi & Makori, 2013). Notable evils with untold pains to individual schools and society in general that students have been involved includes; physical assault to teachers, raping their colleagues, setting ablaze of school dormitories and administration blocks among others (Bosire, 2011). However, lack of dialogue between students and teachers, poor school management practices, inadequate parenting, ineffective teaching and moral vacuum among learners are the other causes of indiscipline in school (Ngugi, 2007).

The use of CP as Adams (2013) indicates only fosters externally imposed discipline, which is a lower order discipline in relation to self discipline. In its train, CP only coerces learners into doing things they don't want, and consequently this approach does little to inculcate any intelligible willful obedience to precepts by the learners. In this way, CP only breeds estrangement between the learners and teachers, thus frustrating the very utilitarian purpose for which the school exist namely co-operation in the teaching learning enterprise.

2.5.2 Effect of CP on Academic Achievement

The imposition of CP by school authorities on learners is aimed at enforcing school discipline and consequently creates an environment that is conducive for teaching and learning in school. In this regard, a classroom where a teacher is unable to maintain order and discipline can lead to low academic achievement by some students (UNESCO, 2011). Also, Kenya's MoE echoes this view in their assertion that maintaining necessary conditions of order and discipline in school enhances effective teaching and learning, and hence allowing students to derive the full benefits of education being offered to them. However, the MoE does not attribute effective school discipline to CP of students, but rather to other factors such as the teacher's efficiency and enthusiasm, the learners commitment to learning, use of reasonable school routines, distribution of leadership with due involvement of learners and provision of adequate teaching, learning and recreational facilities (RoK, 2012).

Moreover, KAACR (2007) cautions against the use of CP on grounds that the practice easily produces estrangement and hostility between teachers and students, a situation that UNICEF (2010) believes can frustrate and alienate the students from the purpose of learning for which the school exists. Similarly, CP is not consistent with any meaningful learning since it destroys the trust bonds between the teachers and learners and thus debasing the learner's attitude towards the teacher. The implication is that CP use impairs the harmonious health relationship between the teachers and learners which in turn works against the learners' academic achievement (Ndofirepi et al, 2012).

Additionally, CP is accompanied by several psychological and emotional reactions that completely disturb the victims' thinking, feelings and actions, which also may hinder their capacity to learn well (Chitiva, 2001). Indeed, these victims exhibit low levels of morale, low self concept, impaired concentration and withdrawal from others (Adams, 2013). This is due to their impaired mental states, where they think of themselves as unattractive, unloved, unwanted and inadequate (Kindiki, 2009). Therefore, poor academic performance among the victims of SBCP is the most likely outcome, especially when one takes into account the mental, psychological and emotional negative effects they suffer as they undergo this ordeal.

2.5.3 Physical and Psychological Effects of CP

Like all other forms of cruel inhuman or degrading treatments, CP causes serious physical and emotional pains on students who undergo this form of physical discipline (Ajowi & Simatwa, 2010). For instance, according to the HRW (2008) minor injuries like bruises and swelling are the most common and routine evil resulting from CP use, while major injuries like deep body cuts, sprains, and broken fingers are less common physical unpleasantness of CP on children. In addition, CP use may lead to death of its victims, especially when done excessively and carelessly. In Kenya, cases of deaths of students after undergoing heavy physical assault have been reported, although accurate statistics to this effect lack due to poor accountability on the part school administration, the police and the judicial officers (KAACR, 2007).

Besides the physical injuries and deaths, violence resulting from physical punishment may cause victims to develop antisocial behaviors, interpersonal tension, inefficiency at work and a tendency to become violent and abusive themselves (UNICEF, 2010). More often than not, such victims cannot form healthy social relations with others since many of them physically withdraw from people at a time when they most need their social support. According to Ajowi and Simatwa (2010), the experience of CP normally triggers unpleasant emotional reactions from the victims notably; depression, anxiety, anger, apathy and tension. The experience of CP leaves a lasting impression even on the minds of all children who witness its use in school, and may be detrimental to their healthy relationships with teachers, parents and other members of society (McIntyre, 2005).

The emotional unpleasantness that plagues the victims of CP may heighten to almost uncontrollable levels. Adams (2013) argues that if anger goes unchecked early enough, it may develop into hostility, hatred or resentment. Consequently, all these will develop into complex forms of anger that are even more destructive both to the victim and society in general. Notably, hostility and rage may manifest itself in physical violent behaviour either to the punishing agent or projected to other societal members (Chitiva, 2001). This phenomenon can be explained in light of the law of cause and effect (Popkin, 1992) in which one thing is conceived to lead to another. Therefore, teachers through their continual recourse to CP will inadvertently brew bullying among learners.

2.6 Challenges of the Banning of CP

SBCP in Kenya just like many other parts of the world remain unlawful (RoK, 2010). However, as depicted in the background section, it appears as if there exist certain factors within the Kenyan society and its education system that are working against the effective implementation of this ban, hence making it hard to realize its anticipated utilitarian good/happiness (Bosire, 2011). These factors have been reviewed in broad categories as; economic, socio-cultural, educational, and religious among others.

2.6.1 Economic Factors

Kenya has over time witnessed tough economic strains including; high levels of poverty both at the household and national levels, mass unemployment and low income levels among its working population among others. These economic woes are attributed to Government repression, mismanagement, and corruption that Kenya has faced, under different regimes (KAACR, 2007). Indeed, this economic situation has continued to pose severe challenges on the education sector and in one way or the other contributes to the persistent use of CP in schools, despite being unlawful (Kimani et al, 2012). Notably, the staffing situation in most secondary schools is low, the teachers are poorly remunerated and overcrowded classrooms due to high enrolments in secondary schools. This implies that the teacher's work efficiency is greatly reduced as they cannot effectively manage and control these large classes. This results into high levels of indiscipline among the learners, which in turn provokes the poorly paid teachers to find recourse to CP (Ngugi, 2007).

Also, the economic pressures facing the country have had its impact even at the household level, where poverty has become endemic making most households unable to adequately provide for the educational needs of their children. This situation directly or indirectly exposes children from such families to undesirable behaviors that sometimes provoke teachers to impose CP on them (HRW, 2008).

2.6.2 Socio Cultural Factors

In Kenya, the use of CP in schools can also be attributed to its being a received custom in most Kenyan homes over a long time, the practice being rooted in the cultural stereotype that "violence is what the African child and woman understands" (Kiprop & Chepkilot, 2010). This means that children and women have to be physically

assaulted for them to be disciplined. This kind of thinking has over time been reinforced in the Kenyan education system that stemmed from the British Colonial government, and adopted the old British traditions of school discipline, with caning and other forms of physical punishments being used prevalently (Mwandoto, 2008).

In Kenya, SBCP has had a high degree of cultural acceptance, even approval to the extent that uprooting it from the minds of the educators, parents, students and the society in general is almost difficult (Songul, 2009). This is because, most adult Kenyans including a section of the practicing teachers underwent frequent physical chastisement during their old good school days, and hence holds strong believe in the validity of the precept that if “you spare the rod you spoil the child” (Kimani et al, 2012).

2.6.3 Religious Factors

The use of CP in educational settings can also be attributed to the religious convictions and afflictions of the punishing agent. According to Soifer (2009), some educational disciplinarians especially the repressionist, hold such religious justification for their continual recourse to CP in school. In this regard, the repressionist strongly believes in the doctrine of the original sin, and concurs with Jeremiah that the human heart is deceitful above all things and desperately wicked (Jeremiah, 17:9); they equally agree with the author of the book of Proverbs that by administering frequent chastisement they could best serve the interests of the child (Proverbs, 13:24). Educational establishments with a religious origin have also been associated with the observance of strict discipline among the learners that often is enforced through the use of aversive physical punishments, the practice being motivated often by moral objectives (KAACR, 2007). This implies that the educators with such a religious background will negatively impact the effective implementation of the current ban on CP in Kenya (UNICEF, 2010).

2.6.4 Educational Factors

The effectiveness of the banning of SBCP in Kenya also depends on certain educational factors; especially those related to teacher’s educational background, training and induction of teachers, the role of the school administration and the MoE (KAACR, 2007). The Government requires that all teachers undergo a basic teacher training course geared towards equipping them with relevant educational, professional

and teaching skills in preparation for their teaching career (Republic of Kenya, 2012). Nevertheless, in an attempt to bridge the existing teacher shortfalls the school BoMs employ teachers on temporary terms, some who may be untrained (MoE, 2009). The implication is that the few available teachers, some with no professional qualification, cannot effectively manage to ensure necessary conditions of order and discipline, without recourse to punishment.

Additionally, at school level, the newly recruited teachers are expected to undergo a formal induction and orientation to the teaching profession from the experienced practicing teachers, and particularly from the school heads and their deputies (MoE, 2009). Thus, during these sessions such teachers are advised on appropriate methods of inculcating school discipline. However, this induction is poorly done, with the experienced teachers being bad role models in the use of CP in maintaining school discipline (HRW, 2008).

Moreover, the schools BoM have demonstrated gross failure in curbing the use of the cane despite its ban. Contrary to what is expected of these agencies, they in liaison with the school heads are fond of “inventing rules” that propagate the use of CP as well as creating fear of retaliation and reprisal among the victims of physical assault in schools (Kimani et al, 2012). Thus, many cases of heavy CP on learners apparently goes unreported due to fear of reprisals and retaliation against them from the teachers and the school management (Bosire, 2012).

2.7 Alternative Interventions to CP

This section highlights possible alternatives to CP and their level of use in maintaining school discipline. This includes: guidance and counselling, positive reinforcement, moral education and role modelling among others. In Kenya and the rest of the world where CP is unlawful, these disciplinary interventions if well implemented are envisioned to promote school discipline and hence foster the implementation of the ban of CP in these countries.

2.7.1 Guidance and Counselling (GC)

According to Adams (2013), GC is a way of relating and responding to another person so that the person is helped to explore her thoughts, feelings, and behavior to reach a clearer self-understanding and is then helped to find his/her strengths and copes more

effectively with life by making appropriate decisions or taking relevant action. It is a process of helping individuals get access to a greater part of their personal resources as a means of responding to the challenges of life. It entails use of specific skills and techniques by the counselor to help the counselee to become more contented, more competent and more creative in facing all manner of difficulties in life (MoE, 2009).

Each stage of one's life, right from childhood to old age, is associated with some unique problems that of necessity require special attention that can best be addressed by GC as opposed to CP use (Kute, 2014). In Kenya, the rise of behavioral crises in secondary schools has over time captured the attention of education stakeholders thus making the government to direct that GC services to students be continually carried out in all secondary schools in the country (MoE, 2009). In this regard, all schools expected to establish GC services with senior teachers being responsible for them.

According to Ajowi and Simatwa (2010), adolescents involve themselves in delinquent behaviour due to adjustment to their physical, social, and emotional developmental problems. In this regard, through GC students can gain an insight of their problems and hence develop a means of adjusting to these challenging situations. Consequently, their learning and adherence to school social order can take place itself provided that they are adjusted, feel at home and secure in the school (MOE, 2009). Also, students who fail to adjust to their circumstances become failures, suffer themselves and inflict their problems upon others and the society in general (UNICEF, 2010). In this respect, a study by Kimani et al (2012) in Kenya reveals that GC has apparently failed making some of the educators view the 'sparing of the rod' as a cause of increasing indiscipline in some schools in the country. Therefore, if GC services are strengthened in schools, learners will be assisted greatly in coping with adjustment related problems and rehabilitate those with delinquent behaviour (Chitiva, 2001).

Equally to the teachers, GC process creates an avenue of dialogue through which they can know the remote cause of misbehavior among students and hence help them take appropriate action to such cases, without recourse to CP (MoE, 2009). However, as Makori and Onderi (2013) indicate, most of the teacher counsellors in secondary schools in Kenya have no professional training in GC, hence, lack professional skills,

techniques and knowledge required to make them serve effectively. In addition, the heavy workload coupled with high student enrolments in secondary schools significantly diminishes the teacher counselor's effectiveness in providing GC services.

Moreover, GC of high school students is challenging given that they are at their adolescent stage which is a unique phase of life that involves many biological and emotional changes (Mwereru, 2010). These changes affect their self-confidence, relationships, social skills, and general thinking; as they often feel fearful, embarrassed, or uncomfortable around authoritative figures (Khatete & Matanda, 2014). Consequently, they become reluctant to seek GC services from the teacher counselors. Also, most adolescents have concerns about confidentiality, which greatly impacts their willingness to disclose personal issues with the teacher counselors (Gitome et al, 2013).

Moreover, the adolescents are very adventurous and often experiment with various ideas and objects including sexual relationships which they are often afraid to reveal for fear of alienation (Adams, 2013). Indeed, their reluctance to divulge vital information greatly impedes the success of GC process. Hence, there is dire need to empower the teachers with requisite skills if they are to be relevant in discharging GC services as an alternative to CP that now is unlawful in Kenya. In addition, GC department should be strengthened and given support by the administration as well as setting up of peer counseling units in the school and peer counselors be given the necessary skills.

2.7.2 Positive Reinforcement

Positive reinforcement is a strategy commonly employed by psychologists to foster and perpetuate good behavior through the presentation of positive reinforcers such as verbal praises and appreciation; tokens and material rewards (Chitiva, 2001). The strategy is based on the fact that the reinforcers help reduce or eliminate a wide range of undesirable and maladaptive behaviors in children and adults while at the same time strengthening the desirable behaviors (Mwereru, 2010). This method according educational experts, who are opposed to the use of CP, reduces the frequency and extent of student indiscipline (HRW, 2008).

In educational settings teachers can reward or reinforce students in a variety of ways. These includes: praising a student in front of his/her classmates, awarding certificates to students who perform well or listing their names on notice boards, writing positive comments in a child's exercise book and giving material tokens such as exercise books or pens to students who do well in academics and in co-curricular activities (Makaye & Ndofirepi, 2012). These and many more other simple ways can be used by educators to encourage good behavior among students and hence reduce the need for use of aversive CP of learners to instill discipline.

According to Kiprop and Chepkilot (2010), positive reinforcement as an educational behaviour modification strategy serves as a form of punishment to individuals whose behaviour is not rewarded and hence discourages it subsequently leading to modification of such behaviour. Denial of what the child values is indeed punitive and would suffice to remedy misbehaviour (MoE, 2009). In this regard, if a teacher positively rewards learners by giving them attention, the teacher can at the same time punish a particular pupil by ignoring that child's attempts to be disruptive. Similarly, teachers can punish students with disruptive recognition seeking behaviors by simply ignoring them with no punitive action necessarily taken against them (McIntyre, 2005).

The use of social reinforcers such as; verbal attention, physical contact and facial expressions have a number of advantages. To this end Bosire (2012) notes that; they are convenient to use since they can be easily administered by teachers as educational attendants. Also, use of reinforcers like verbal praise takes little time and so there is no delay in praising a number of individuals immediately, as in a classroom. Additionally, positive reinforcement is non-aversive and hence desirable to most learners in alleviating misbehavior. According to Gitome et al (2013), teachers in Kenya's secondary schools have not utilized the great potential of positive reinforcement in behaviour modification. This is owing to their failure to recall and apply the knowledge and skills they had learnt in their studies on educational psychology. Therefore, this study underscores the need for educators to be revitalized frequently through seminars on the appropriate positive reinforcers that they can use in

addressing disciplinary challenges in their schools. This quest is particularly so crucial in Kenya where use of CP is now unlawful.

2.7.3 Moral Education

Moral education involves teaching learners the art of self discipline by taking them through an organized curriculum thus equipping them with the capacity to make reasonable decisions responsibly (Mwereru, 2010). Moral education is very significant in the development of the learner's character since it inculcates internal restraints necessary for resisting tendencies of misbehavior (UNESCO, 2011), and hence reduce the need for CP use on learners by teachers to rehabilitate them.

According to Republic of Kenya (2012), the prosperity and worth of any society depends on the nature of discipline ventured on its children through education. Discipline imparted through moral education sharpens the child's moral and spiritual sense and hence helps mould a good society. In this regard, Eshiwani (2001) argues that to educate a person in mind and not in morals is a menace in society. This premise implies that school discipline can be best addressed through the use of a balanced curriculum that not only stress on the cognitive and psychomotor skills, but also the moral and spiritual aspects of the learner.

In Kenya, moral education is currently being offered through the teaching of; social education, life skills, religious studies and pastoral care programmes in secondary and primary schools. Nevertheless, disciplinary challenges such as teenage pregnancy, bullying, alcohol use, absenteeism, drug abuse, violence, arsonists, homosexuality and lesbianism have remained common among learners especially in secondary schools in Kenya (Kasigwa et al, 2013). This implies that there exists a spiritual and moral decay among the learners. This could be rightly attributed to a myriad of negative foreign influence on youths are through the modern media technology that has reduced the world into a global village where societies no longer live in isolation. For instance, television programmes, videos, Internet, magazines and other print and electronic media have exposed many people and especially the youths to varied cultures that are foreign.

Despite that some of these foreign cultures have had a positive impact on the society, others have negatively affected it. Notably, the infiltration of these foreign cultures has

resulted into immoral practices such as; homosexuality, lesbianism, extortion, and violence permeating into the Kenyan society and by extension to our schools (Kiprop & Chepkilot, 2010). Thus, there is need for concerted efforts between parents, teachers, school administration, religious organizations and other educational stakeholders to address this problem. Pastoral programmes and life skills education that are often neglected should be enhanced and be complimented with proper parenting.

2.7.4 Role Modelling

Role modeling is a non aversive disciplinary intervention that subscribes to impression, a pragmatic school discipline that holds that school disciplinarians ought to lead by example (Adams, 2013). The impressionists believe that the teachers through their excellent personality, guidance and advice, coupled with the child's self-activity, should help promote self-discipline (Teneja, 1990). This means that the compelling power of the educator's personality takes the place of CP, the teacher's personal influence and that of the school-system if well planned and co-coordinated, are sufficient in ensuring that desirable modes of behaviour are followed for example; direct moral suasion, and respect rather than a reign of terror.

The proponents of role modeling rightly articulate their strong appeal to this approach to school discipline on the premise that learners can attain self discipline in an atmosphere of freedom and inspiration from teachers and society in general (McIntyre, 2005). In this respect, if the school provides an enabling environment in which students work with the teachers cohesively, then they can willingly follow and obey school rules and regulations (Mwereru, 2010). Thus, the personality, behavior, appearance, conduct and mannerism of the teachers will determine the discipline of the school.

However, a review of inspection reports by MoE in Kenya reveals that some teachers have failed for being poor role models to students (UNICEF, 2010). For instance, instead of assisting the school administration in monitoring the students' moral and academic discipline, they have through their influence nurtured bad behavioural traits among the students such as; smoking, drug abuse, adolescent love affairs among others (Kasigwa et al 2013). It is therefore, imperative that teachers practice very high

levels of morality and self discipline for student to emulate. Their general etiquettes and response to duty should be exemplary and beyond reproach.

2.8 Theoretical Framework

This study was guided by John Stuart Mill's theory of utilitarianism. Mill (1806-1873) was one of the leading exponents of this theory whose work immensely improved the classical utilitarianism held by his predecessors such as: Epicurus, Lucretius and Jeremy Bentham (Schneewind, 2002). Utilitarianism is a theory of moral obligation held by moral agents who have enlarged the circle of those affected by the consequences of their actions (Sheng & Qinglai, 2004). Unlike the moral egoists, who center on promoting their self interests, ethical utilitarians transcend beyond the confines of the individual self to include the welfare of the whole society (Soifer, 2009). Thus, Mill's utilitarian ethics admonishes those in authority to always seek to promote the greatest happiness to society rather than causing pain to those concerned through their actions. The premise that human actions are ultimately directed towards the realization of happiness is called 'hedonism'. Hence, Mill's utilitarianism is sometimes referred to as hedonistic utilitarianism (Frankena, 1993).

In this respect, Mill argues that actions are right in proportion as they tend to promote happiness and wrong as they tend to produce the reverse of happiness or pain (Mill, 1979). Thus, Mill rightly portrays utilitarianism as a doctrine that guides moral agents in evaluating human actions based on their contributions to society. Indeed, he reiterates the utilitarian position that the ultimate end or goal of human actions is to promote happiness to society (Nocross, 2009). In this connection, Mill conceives happiness to mean pleasure and absence of pain; whilst unhappiness means pain and the privation of pleasure (Perry & Bratman, 1993). The implication of this premise is that pleasure and freedom from pain is the only desirable end or goal that man strives for. This pleasure can either be pleasure inherent in things themselves or for being a means to the promotion of pleasure and the prevention of pain Wolff (1992).

The theory of utilitarianism as held by Mill not only does it seek to promote the interest of the individual, but also that of the community in general. The community in this case is a fictitious body composed of individual persons who constitute its members (Wolff, 1992). This implies that the interest of the community is the sum of

the interests of the several members who compose it. Any action that tends to add to the sum total of individual pleasures; or to diminish the sum total of individual pains, promotes the interest of the community in general as well. The Greatest Happiness Principle (GHP) that is utilitarianism, urges moral agents to put the welfare of others before their own personal interest. To this end, Sheng and Qinglai (2004) postulates that the happiness or pleasure that forms the utilitarian standard of what is right in conduct or actions, is not the moral agent's own happiness but that of all who are concerned, the individual or the community. Therefore, moral agents should as much as possible be impartial and be disinterested as a benevolent spectator.

The utilitarian conception by Mill that, human actions are motivated by pleasure and pain; pleasure prompts people to act, while pain switches people off from the action, was also held by Jeremy Bentham, one of the proponents of classical utilitarianism and predecessor of Mill (Bentham, 2001). In this regard, Bentham argued that naturally mankind is under the government of two sovereign masters, pain and pleasure; these alone determine what one does and ought to do. Mill rightly concurs with Bentham that the goodness or badness of an action has to be assessed with reference to its ability to promote happiness for the greatest number. However, Bentham's conception of happiness is different in that happiness solely depends on the quantity of pleasure over pain that an action promotes (Betham, 2001).

Moreover, Mill contends that this kind of valuation is incomplete if the quality of the pleasure to be promoted is not taken into account (Njoki, 1997). This means that, while two or more actions have the same potential to promote the same amount of pleasure for the greatest number, these actions are likely to differ in terms of the quality of pleasure that each promotes. This idea is clearly captured by Mill when he argues that; based on the utility principle, some kinds of pleasures are more desirable than others. Estimation of pleasure depends both on its quantity and quality, just like in the estimation of all other things (Perry & Bratman, 1993). While Bentham's conception of happiness refers only to the balance of aggregate experience of pleasure over pain, Mill's conception demands that the quality of those experiences be also considered. In other words, for an action to produce greater balance of happiness or pleasure, the quality must be higher, that is, the higher the quality, the more the pleasure.

Therefore, the main features and ideas that are apparent in Mill's ethical theory of Utilitarianism that can be relevant to the ban of CP in Kenya are the principles of: utility and consequentialism. Mill's utilitarianism is founded on the principle of utility, which in turn is the basis of any human action and work (Schneewind, 2002). The principle of utility here means the doctrine or principle through which one can approve or disapprove of every action in regard to its tendency to increase or decrease the happiness of the party whose interest is in question (Sheng & Qinglai, 2004). The doctrine of utilitarianism stems from the term utility which means the property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness, to prevent the happening of mischief, pain, evil or unhappiness to the party whose interest is considered; be it the individual or the community in general (Njoki, 1997).

The other basic component inherent in Mill's utilitarianism is consequentialism. At its core, the ethics of utility that Mill embraces stresses the idea that as moral agents we ought to do what has the greatest overall good consequences for the society (Sheng & Qinglai, 2004). The concept of consequentialism is indeed implicit in Mill's utilitarian ethics particularly in its emphasis of the promotion of happiness or pleasure for the greatest number as the ultimate goal or end of all human conduct and action (Soifer, 2009). Similarly, Wainaina aptly captures this idea in his observation that the goodness or badness of human actions is to be determined only with regard to their consequences (Wainaina, 1985). In a school setting, teachers as moral agents should abstain from acts or enforcing rules that are generally injurious/painful to students and hence likely to jeopardize the derivation of full "happiness" by learners from the educational enterprise.

In general, utilitarianism will be admitted that it provides significant insights into the moral life both for the individual and society in general. Its strong appeal to the principle of utility in all human action and work forms a fundamental human moral guiding principle. The theory at least promises a happy life or 'a good life' to society since the happiness that forms the utilitarian standards of what is right in conduct encompasses all those concerned; the individual or the community. Notably, the principles of utility and consequentialism as espoused in Mill's utilitarian theory, significantly aided the researcher to undertake utilitarian appraisal of the ban of CP in

terms of its; envisaged rationale, scope and alternative discipline methods. Consequently, formed strong thematic grounds that informed the recommendations made herein, that hopefully will be significant to education stakeholders and policy makers. Thus, Mill's utilitarian theory guided this study on the assumption that it fits better into this study than any others. This is line with Ogola (2003) view that, if a particular theory clearly illuminates and explains one's personal experience or a real study and fits in with other ideas held to be true, then it is worthy to be adopted.

2.9 Conceptual Framework

According to Orodho (2004), a conceptual framework is a model of presentation through which a researcher represents the relationship between variables diagrammatically or graphically. In order to successfully utilize Mill's utilitarian theory for purposes of this study the conceptual framework in Figure 1 was used.

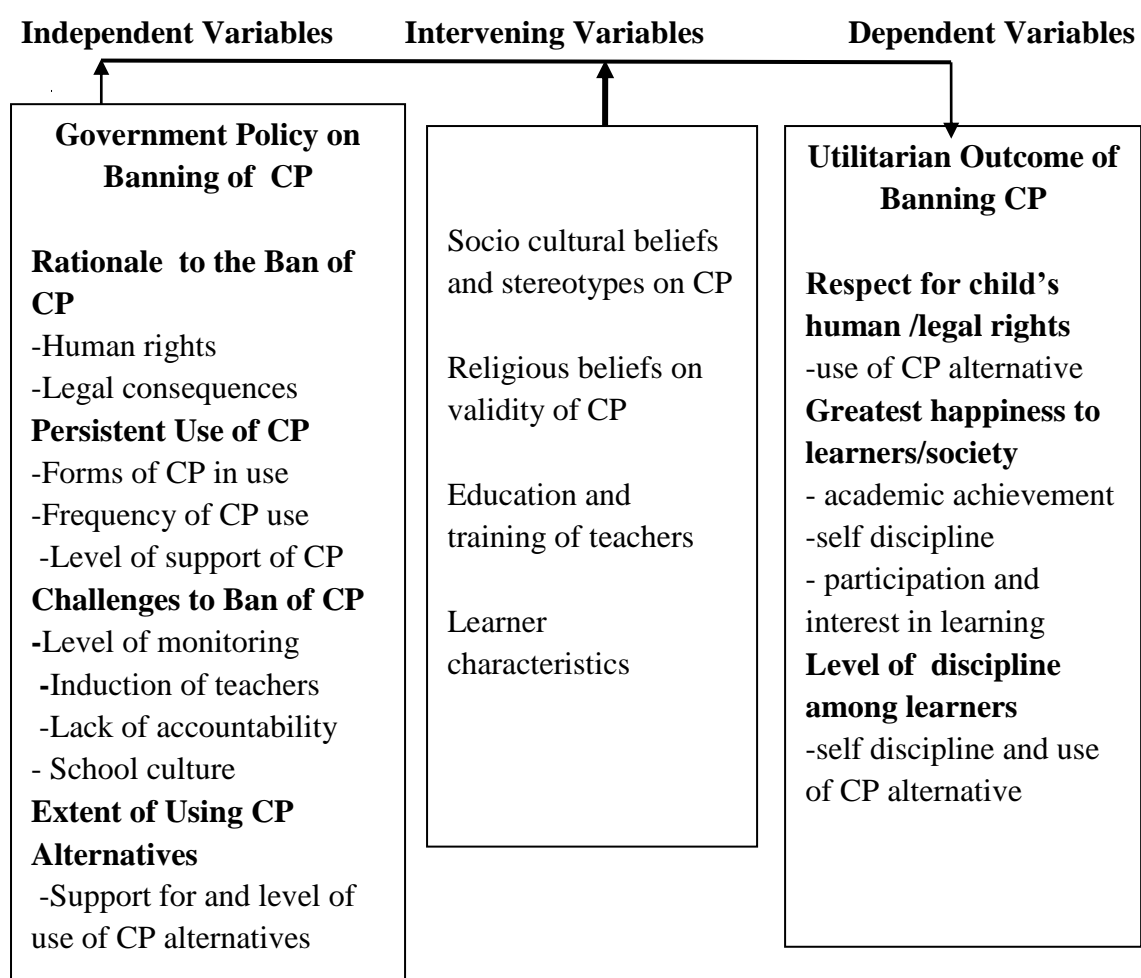


Figure 1: Relationship between the Ban of CP and its Utilitarian Outcome

The conceptual framework in Figure 1 describes the relationship between the variables for the study. The variables under study have been grouped into; independent, intervening and dependent variables respectively. The independent variables were the; rationale to the ban of CP, extent of the persistent use of CP, challenges facing the implementation of the ban, and the extent of using alternative disciplinary methods. These variables had a direct link to the realization of the anticipated utilitarian outcomes of the outlawing of CP (dependent variable) which was described in terms of promotion of; the child's human and legal rights, greatest happiness to most learners, improved academic achievement, and self discipline, democratization in teaching and learning as well as use of CP alternatives that are none aversive. Nevertheless, during the study the intervening variables such as; socio-cultural beliefs and stereotypes on the validity of CP, religious beliefs, education and training of teachers and learner characteristics were noted but could not investigated since they were beyond the scope of this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the research design, location of the study, the study population and sampling procedure and sample size. It also highlights the research instruments, their validity and reliability, procedure for data collection as well as data analysis procedure.

3.2 Research Design

This study employed descriptive survey research design as it entails collection of data from members of a particular population in order to describe the current status of a given variable within that population and delineate reasons for particular practices (Gay & Airasian, 2003). The design helped in describing attitudes, beliefs, perceptions and opinions of people on the phenomenon under study (Orodho, 2004), the ban of CP in this case. Conveniently, it allowed for the collection of data from the target population through the responses of the sample participants (Mugenda & Mugenda, 2003). Consequently, this design enabled the research participants to speak for themselves (Sharman & Web, 1988).

In order to give this study a philosophical orientation, the survey design described above was also complimented by the philosophical reflections such as; the critical, conceptual analysis and phenomenological approaches (Njoroge & Bennaars, 1986). Critical approach (criticism) was used to engage the researcher's mind into deep critical reasoning and hence analyze abstract work, reflect and evaluate cherished beliefs/opinions in light of clear and distinct ideas (Olela, 1998). In this study, critical analysis entailed viewing of issues with reason (Moran, 2000). That is, through this approach, the researcher was able to critically examine every opinion given by respondents so as to establish the underlying factors for such views. Benaars (1990), recommends critical analysis as a safeguard against dogmatism and fanaticism by liberating one from narrow mindedness. Therefore, this approach assisted the researcher in getting objective results.

In addition, criticism was backed by conceptual analysis that entails breaking down of concepts into their constituent parts so as to gain a better understanding or knowledge

of a particular philosophical issue (Beany, 2003). In this study, this approach was significant in clarifying and analysing the meaning of concepts or statements (Ogola, 2003) and hence enabled the researcher to clearly communicate in regard to the use of such concepts (Negel, 2012). Also, phenomenological approach helped the researcher to illustrate abstract ideas through examples and hence this method is sometimes called a science of examples (Maren, 1990).

3.3 Location of the Study

This study was conducted in Kisii Central Sub-County (see appendix J), Kisii County which is one of the Counties in Nyanza province of Kenya, where use of CP was more prevalent compared to adjacent Sub-Counties. It is made up of four Divisions namely; Getembe, Mosoch, Keumbu, and Kiogoro (Bosire, 2011).

3.4 Study Population

Target population is a group of individuals to which the results of the study are generalized to (Mugenda & Mugenda, 2003). Kisii Central Sub-County has 64 public and 9 private secondary schools, with a total of 2,200 students and 850 teachers. The schools vary in size and composition in terms of gender of students and teachers. This study targeted an accessible population of; 950 students in form two and three, 480 teachers and 73 school Principals in Kisii Central Sub-County. Form two and three students were chosen because they had fully adjusted to secondary school life and were also able to give reliable information on the study problem as compared to the form one students who were still new to the school at the time this study was being conducted. The form four students were purposely excluded from the study to avoid distracting them from preparing for their KCSE examination. Table 2 and appendix D gives the details of the study population.

Table 2:

Study Population

Population	Schools	Students		Teachers	
		Form Two	Form Three	Class Teachers	Principals
Public	64	330	350	301	64
Private	9	130	140	106	9
Sub-Total	-	460	490	407	73
Total	73	950		480	

Source: MoE Statistics office –Kisii Central Sub County, May 2015

3.5 Sampling Procedures and Sample Size

Sampling according to Gay and Airasian (2003), is a process of selecting a number of participants (sample) for a study such that they represent the larger group (population) from which they are drawn. Stratified random and purposive sampling techniques were used in selecting the sample population. In particular, 274 students and 212 class teachers were chosen through stratified random sampling from categories of public and private schools while all the 73 head teachers were purposively included in the study as they were deemed resourceful in the information sought (Mugenda & Mugenda, 2003).

The selection of these sample participants was aided by Krejcie and Morgan (1970) tabular model (shown in appendix E), that illustrates how to choose an appropriate sample size from particular population sizes. All the four Divisions (Getembe, Mosoch, Keumbu, and Kiogoro) in Kisii Central Sub County, were purposively included in the study as they were few. Simple random sampling was used to select the sample participants per division (see details in appendix F). The selected sample size offered a manageable number of respondents to handle and hence allowed for the collection of diversified views from all the two categories of respondents for this study namely; class teachers/principals and students.

3.6 Research Instruments

Structured questionnaires were used to collect data from the sampled respondents. The questionnaires were of two sets and were used for collecting primary data from the; principals/teachers and students, as discussed in sections 3.6.1 and 3.6.2 respectively. Both questionnaires consisted of closed ended test items whose responses were scored on a 5- point Likert Scale where values of 5, 4, 3, 2, 1 were used by the respondents to indicate their level of agreement or disagreement with the statements in the questionnaire such as; Strongly Agree (SA), Agree (A), Neutral (N), Disagree (D) and Strongly Disagree (SD) respectively (Mugenda & Mugenda, 2003). These questionnaires are ideal for this kind of study (survey) since they are of the quick response type, economical and convenient in analyzing (Gay & Airasian, 2003).

3.6.1 Principals and Teachers Questionnaires

The questionnaires were directed to school principals and teachers who were the key respondents mentioned in section 3.4. These set of questionnaires contained information relating to administrative challenges of implementing the ban of CP, their experience with policy implementation and the observed changes in student discipline and learning outcomes. In particular, the questionnaires solicited for their views on; the rationale to the ban of CP, the utilitarian happiness associated with the persistent use of CP, the challenges facing the ban and the extent to which the alternatives to the ban on CP were being used to instill student discipline in their schools.

3.6.2 Student Questionnaires

These questionnaires were administered to the students and provided information describing their experience with CP and its alternatives. Accordingly, they sought to capture their views on the extent of CP use in their schools, the utilitarian happiness associated with the persistent use of CP, the challenges affecting the ban of CP and the extent to which the alternatives to CP were being used to instill student discipline in their schools.

3.7 Piloting

In order to discover the flaws in the research instruments and hence permit their necessary adjustment and refinement (Kombo & Tromp, 2006), the researcher undertook a pilot study in one selected school in the neighbouring Masaba North Sub County. This county has similar characteristics as Kisii Central Sub County since they lie within the same environment and cultural background. This piloting involved administration of the draft research instruments to the same group of subjects at two different times (Mugenda & Mugenda, 2003).

In this study, the draft questionnaires were administered twice to 50 subjects (about 10% of the total sampled respondents) at a time lapse of two weeks between the first test and the second test (Gay & Airasian 2003). Consequently, the responses collected aided in making necessary amendments to the questionnaires to the required threshold. This further enhanced the accuracy and consistency of the instruments in readiness for data collection.

3.8 Validity and Reliability of Research Instruments

According to Mugenda and Mugenda (2003), validity is the degree to which results obtained from analysis of the data actually represent the phenomenon under study. It is a measure of how accurately data obtained in a study represents the variable under study. Thus, it determines the accuracy and meaningfulness of inferences in research (Chikati, 2008). This study used content validity to ascertain the validity of its questionnaires. In order to ensure content validity of the instruments, the researcher correlated the research objectives and questions so that the test items in the questionnaires address the crucial variables in depth. Also, through the help of the researcher's supervisors, the test items were moderated to ensure their validity.

Reliability is a measure of the degree to which research instruments yields consistent results after repeated trials (Mugenda & Mugenda, 2003). Test-retest technique of assessing reliability was employed to ensure the reliability of the instruments for this study (Gay & Airasian 2003). Consequently, the coefficient of reliability was computed using Cronbach's Alpha Coefficient. Mugenda and Mugenda (2003) suggest that for research purposes reliability level should be at least 70%. In this study, a Cronbach alpha $\alpha = 0.825$ was obtained and this was above the recommended 0.7 (70%) and thus was considered acceptable.

3.9 Data Collection Procedures

A letter of introduction was obtained from the Director Graduate School, Egerton University (see appendix G). This enabled the researcher to secure a research authorization letter and research permit (see appendices H and I) from the National Commission for Science Technology and Innovation (NACOSTI). These documents were then presented to the County Commissioner and the County Director of Education (CDE) in Kisii County for endorsement and consequently the researcher got approval to undertake research in secondary schools Kisii Central Sub-County. The researcher then proceeded to notify the principals and class teachers of the selected secondary schools of the intended study through telephone and by direct pre-visit (reconnaissance) to the schools (see appendix A, a copy of introduction letter to respondents).

Consequently, the researcher embarked on data collection by visiting the relevant institutions on respective confirmed appointment dates. On arrival to each institution the researcher gained contact to the subjects (teachers and students) through the school heads/deputies, made an introduction of the study to them by briefly explaining its significance to the field of education. This assured them that the information given was confidential and purely for academic use, thus any fears they might have had concerning the study was dispelled. Then the questionnaires described in sub sections 3.6.1 and 3.6.2 and contained in appendices B and C were issued to the respective subjects for data collection. The questionnaires were self-administered in that the respondents filled on their own and then returned them within 20 to 30 minutes. This was to ensure a high questionnaire response rate that could guarantee the drawing of valid inferences. Moreover, this short duration conveniently mapped onto the respondents' free time with minimal interference of their school programmes. The data collection for the entire Sub-County took a span of about three weeks and hence paved way for its analysis.

3.10 Data Analysis

According to Henning (2004), data analysis is a process of studying correlations and relations between information collected and grouping it to enhance their understanding and drawing of valid inferences. This study employed both quantitative and qualitative methods to analyze the data. As such, descriptive statistics (Gay & Airasian, 2003) and philosophical reflections (Njoroge & Bennaars, 1986) were used in the interpretation and reconstruction of the data collected. These Analyses were aided by Statistical Packages for Social Sciences (SPSS). The results were then tabulated using frequency distributions and calculation of percentages consequently facilitated their interpretation and drawing of generalizations to the entire study population.

In addition, philosophical reflections such as; criticism, conceptual analysis and phenomenological approaches (Njoroge & Bennars, 1986) assisted in creating thematic grounds (themes) that gave philosophical perspectives to the analysis. That is, through these philosophical analyses the researcher made an in depth examination of the respondent's thoughts and ideas and hence assisted in making rational judgments. In particular, criticism entailed viewing of issues with reason (Moran, 2000) and hence aided the researcher to critically examine every opinion given by respondents so as to

establish the underlying factors for such views (Benaars, 1990). Specifically, it enabled the researcher to examine the respondents' arguments for (merits) and against (demerits) the banning of CP in Kenyan Secondary Schools.

Conceptual analysis was significant in examining the meanings of concepts and phrases as held by the respondents. Particularly, it helped the researcher to examine the meaning of CP as conceived by teachers and other education stakeholders and hence assisted in mapping out any misconceptions of this practice that could have accounted for its persistent use despite being unlawful. Also, this approach was significant in filtering through the main features of utilitarianism theory as held by Mill and hence enabled the researcher to relate them to the banning of CP in Kenya. Finally, phenomenology significantly allowed the researcher to use appropriate illustrations/examples in the examination the respondent's views on the factors that hindered the effective implementation of the ban of CP and hence helped in mapping out appropriate CP alternatives. In general, there were overlaps in the descriptive and philosophical analyses of data. A summary of data analysis procedures for each of the four research objectives for this study are shown in Table 3.

Table 3:
Summary of Data Analysis

Research Objective	Independent Variable	Dependent Variable	Method of Data Analysis
i. To analyse the rationale to the ban of CP in light of Mill's utilitarianism in secondary schools in Kisii Central Sub County of Kenya	Rationale to ban of CP	Utilitarian happiness	Percentage Frequencies Phenomenology Critical Analysis
ii. To determine the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya	Persistent use of CP	Utilitarian happiness	Percentage Frequencies Phenomenology Critical Analysis
iii. To evaluate how the challenges facing the ban of CP affects school discipline in secondary schools in Kisii Central Sub County of Kenya	Challenges facing the ban of CP	Students discipline	Percentage Frequencies Phenomenology Critical Analysis
iv. To assess the extent to which CP alternatives have been used to inculcate students discipline in secondary schools in Kisii Central Sub County of Kenya	Extent to which CP alternatives are used	Students discipline	Percentage Frequencies Phenomenology Critical Analysis

CHAPTER FOUR RESULTS AND DISCUSSIONS

4.1 Introduction

This chapter first presents the questionnaire response rate and demographic characteristics of the respondents. The results and discussions of the findings are then presented in line with the objectives of the study on; the rationale to the ban of CP in light of Mill's utilitarianism; the extent of utilitarian happiness associated with the persistent use of CP; how the challenges facing the ban of CP affect school discipline and; the extent to which CP alternatives had been used to inculcate students discipline.

4.1.1 Questionnaire Response Rate

The data for this study was collected within three weeks using questionnaire method. The questionnaires were administered to 274 students and 285 teachers from 73 secondary schools in Kisii Central Sub County of Kenya. Table 4 shows the response rate of the questionnaires.

Table 4:
Response Rate

Respondents Targeted	Questionnaires Returned	Response Rate (%)
Teachers 285	225	79
Students 274	243	89

There was a high questionnaire return rate of 79% and 89% to the teachers and students questionnaires respectively as shown in Table 4. This resulted from the method of administration of the instrument, which was in this case drop and pick later method that allowed the respondent to have ample time to fill the questionnaire without the researcher's presence. This was acceptable according to Mugenda and Mugenda (2003). 91 out of the 559 questionnaires issued were either not returned or were found to be unusable for the study, hence, their results were not included in the findings.

4.1.2 Demographic Characteristics of Teachers

The demographic Characteristics of the teachers are shown in Table 5.

Table 5:

Demographic Characteristics of the Teachers

Variable	Category	Frequency	Percentage (%)
Gender	Male	120	53.6
	Female	104	46.4
Age in Years	20 – 29	80	35.7
	30 – 39	48	21.4
	40 – 49	64	28.6
	Above 50	32	14.3
Designation	Class Teacher	196	87.5
	Principal	12	5.4
	D/Principal	16	7.1
Teacher by training	Yes	200	89.3
	No	24	10.7
Teaching experience (years)	Below 5 years	104	46.4
	5- 10 years	24	10.7
	11-14 years	16	7.1
	15-20 years	48	21.4
	Over 20 years	32	14.3
Religious affiliation	Christian	224	100
	Muslim	0	0

The results in Table 5 indicates that majority (53.6%) of the teachers were male while (46.4%) were female which suggests that there was near gender parity in the teaching profession in Kisii Central Sub County of Kenya. On the range of ages of the respondents, majority (35.7%) were found to be between the ages of 20 – 29 years indicating that most of the schools in the area had employed young teachers mostly recent graduates.

Designation of respondents was based on the level of responsibility of the respondents in the school; it was therefore established that majority (87.5%) of the respondents were designated as class teachers while 12.5% were in the management positions in the schools as principals and deputy principals respectively. The study also established that majority (89.3%) of the respondents were teachers by training and most (53.6%) had worked for over five years, hence, it could be reasonably argued that they were conversant with CP and its ban.

4.2 Rationale to the Ban of CP in Light of Mill’s Utilitarianism

The first objective of the study sought to analyse the rationale to the ban of CP in light of Mill’s utilitarianism in secondary schools in Kisii Central Sub County of Kenya. This variable was measured by asking the respondents various statements describing their perceptions on the rationale to the ban of CP in the schools. The status of this variable was rated on a 5 point Likert scale ranging from; 1 = strongly agree to 5 = strongly disagree. These results are presented in Table 6.

Table 6:

Teachers Views on the Rationale to the Ban of CP in Light of Mill’s Utilitarianism

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
It leads to high standards of discipline in the schools	56(25)	88(39.3)	8(3.6)	64(28.6)	8(3.6)
It leads to high academic achievement of learners	45(20.0)	56(25)	32(14.3)	95(42.4)	10(4.4)
It helps learners to develop a sense of moral decision making	24(10.7)	80(35.7)	48(21.4)	64(28.6)	8(3.6)
It fosters order in the school and hence facilitates teaching and learning	16(7.1)	72(32.1)	40(17.9)	88(39.4)	8(3.6)
It contributes to long-term behaviour change in learners	32(14.2)	72(32.1)	48(21.4)	64(28.6)	8(3.6)

The findings in Table 6 indicate that there were conflicting views among the teachers on the rationale for the ban of CP in their schools. According to majority (64.3%) of them, the ban of CP led to high standards of discipline in the schools. However, 46.8% opined that this ban did not translate to high academic achievement of learners whereas 46.4% of them felt that this ban significantly helped learners to develop a sense of moral decision making. Moreover, (43%) of teachers noted that the ban of CP was not necessarily responsible for fostering order in the schools and hence facilitating teaching and learning. Nevertheless, 46.3% of the respondents supported the claim that the outlawing of CP contributed to long-term behaviour change among learners. Hence, based on these findings the ban of CP was justifiable on account that it significantly contributed to improvement of student discipline which is necessary for

the learner's academic achievement and the overall improvement in education in the school.

The finding that the ban of CP significantly enabled the learners to develop a sense of moral decision making concurs with that of Ajowi and Simatwa (2010), who found out that school discipline transcends mere adherence to the rules and regulations to encompass the learner's ability to discern what is right or wrong in an atmosphere devoid of fear or resentment. This view is also shared by Nakpodia (2010), who held the view that the aim of school discipline is to enable the learner make informed decisions that comply with the school's code of behaviour. To this end, teaching of moral education coupled with other CP alternatives is significant in inculcating the requisite internal restraints in the learners necessary for them to resist anti-social behavior tendencies (UNESCO, 2011). However, school discipline is sometimes wrongly conceived to be punishment for breaching school rules rather than behaving within the school rules (Kiprop & Chepkilot, 2010). Moreover, the punishment implied here is corporal in nature since throughout the history of education; the most common form of school discipline was CP using the cane (Ndofirepi et al, 2012).

According to Mill's utilitarian ethics, the ultimate goal or end of all human conduct and action is the promotion of the greatest happiness or pleasure not only for the individual, but also the community in general (Mill, 1979). Similarly, Wainaina aptly reiterates this idea in his assertion that the goodness or badness of human actions is to be determined only with regard to their consequences (Wainaina, 1985). In essence, the disciplinary action chosen ought to be perceived as a pleasurable event in itself and as a means to the attainment of other higher pleasures, an element that lack in CP whose proponents seek to elicit good behavior by infliction of pain. Indeed, Mill's utilitarianism envisages that punishment in all its forms be justified on account of its deterrence value, it's potential to reform the character of offenders as well as preventing them from repeating past mistakes.

However as rightly argued by UNICEF (2010), over a long time people have been punished corporally but with little or no utilitarian value in terms of permanently reforming their character and the extent to which its use deters other people from committing related offences is not quite clear. Therefore, the ban of CP should not be

misconstrued to be a license for indiscipline among students but rather as a means of creating long term value in their discipline. It is essentially a paradigm shift from a somewhat coercive and ineffective disciplinary regime to a more promising utilitarian one. Therefore, other alternative discipline strategies must be enhanced especially GC among others.

4.3 Utilitarian Happiness Associated with the Use of CP in Secondary Schools

The second objective of the study sought to determine the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya. In order to achieve this objective, test items were split into two. The first set tested on the extent of the persistent use of CP while set two tested on the extent of utilitarian happiness associated its persistent. The results of the responses regarding objective two are presented herein section 4.3.1 and 4.3.2

4.3.1 Extent of Persistent Use of CP in Secondary Schools

The first part of objective two sought to determine the extent to which CP was used to maintain student discipline in secondary schools in Kisii Central Sub County of Kenya. This objective was realized by asking the teachers and students to respond to several statements describing the extent of persistent use of CP in secondary schools in the area. In this regard, CP in the schools was described in terms of the different forms and the frequency of its use. Teachers from various schools in the area were asked to rate statements describing the use of CP in their schools. Their responses are summarized as follows in Table 7.

Table 7:

Teachers Responses on Extent of Use of CP to Maintain School Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
Teachers clearly know that CP encompasses all forms of physical infliction of pain on learners by teachers	73(43)	54(32)	24(14)	12(7)	7(4)
All teachers in our school are aware that all forms of CP on learners are prohibited in Kenya	91(54)	66(39)	12(7)	0	0
Teachers often use corporal punishment to discipline learners in our school	16(7)	120(53.6)	40(17.9)	48(21.4)	0
Teachers are under pressure to always use corporal punishment in our school	40(17.9)	48(21.4)	8(3.6)	72(32.1)	56(25)
The board of management and the school administration supports the ban of corporal punishment in our school	40(17.9)	80(35.7)	48(21.4)	32(14.3)	24(10.7)
The ban of corporal punishment has not been implemented successfully in our school	0	96(42.9)	32(14.3)	64(28.6)	32(14.3)

The results in Table 7 suggest that despite that secondary schools teachers in Kisii Central Sub-County clearly knew the meaning CP and the limits of its ban, they nevertheless used it at their discretion to instill discipline among the learners. In this regard, majority (75%) of the teachers affirmed that their colleagues in secondary schools clearly knew that SBCP encompasses all forms of physical infliction of pain on learners by teachers. Also, 93% of them knew that CP forms such as caning, slapping, beating, boxing among others were prohibited on learners in the country. Nevertheless, 61% of the teachers admitted that they occasionally used CP as way of instilling discipline among errant students. Moreover, 57.1% of them opined that teachers were not under pressure to always use CP as both the BOM and administration supported (53.6%) its ban in their schools. However, the respondents

were evenly split at 42.9% on whether the ban of CP had been implemented successfully in their schools.

The findings that; most of the teachers often punished errant students through CP, while at the same time acknowledging that the BOM and administrations in their schools supported its ban, agrees with Ngugi (2007), who observed that while some education stakeholders still favour CP on grounds that, it was the ultimate solution to indiscipline in schools, others were strongly opposed to it arguing that it causes unnecessary pain to the victims without curbing misbehavior. The pain or unpleasantness resulting from CP can be physical or psychological (KAACR, 2007), which in view of Kiprop and Chepkilot (2010) can bring character reformation to the offenders or deter any potential misbehavior among them.

Nonetheless, according to the utilitarian ethics by Mill, human actions are motivated by pleasure and pain; pleasure prompts people to act, while pain switches people off from the action (Wolff, 1992). This contention has always been misconstrued by the proponents of CP who on the contrary recommends the infliction of pain to elicit discipline among learners. The premise of inflicting pain is a necessary evil in order to produce greater pleasure in the future, a view that UNICEF (2010) rightly negates arguing that CP is of little or no utilitarian value in terms of character reform to its victims and deterring others from committing related offences. Moreover, these arguments are supported within the legal and other statutory provisions in Kenya such as the; Children's Act (2001), Kenya Constitution (2010) and Basic Education Act (2013).

Similarly, one of the test items in the students questionnaires sought to obtain their views on the extent of CP use to instill discipline in their schools. Their responses are summarized in Table 8.

Table 8:

Students Responses on Extent of Use of CP to Maintain School Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
Most common forms of indiscipline among students in our school are disruptive to learning	67(25)	99(36)	41(15)	36(13)	29(11)
Students in our school know that corporal punishment is prohibited	38(14)	66(24)	79(29)	50(18)	39(14)
Teachers are compelled by our parents to always use corporal punishment in our school	45(17)	69(25)	55(20)	57(21)	46(17)
Our school's administration supports the ban of corporal punishment	29(11)	48(18)	71(26)	67(25)	57(21)
Corporal punishment is used to a large extent in our school to instill discipline on learners	50(18)	52(19)	56(21)	70(26)	44(16)
Our school uses prefects to administer different forms of corporal punishment to errant students	41(15)	58(21)	49(18)	78(29)	46(17)

Results in Table 8 show that there existed disruptive forms of indiscipline among most students in the schools and that the parents often encouraged the teachers to use CP despite being unlauded and further lacked the support of the schools administration. Majority (61%) of the students held the view that most types of indiscipline in their schools were disruptive as it impacted negatively on their teaching and learning process. However, 38% of them were still not sure about what really constituted CP and whether they were prohibited by law. Also, 42% of the students affirmed that their teachers were more often under pressure from parents to use CP in the schools.

Consequently, 42% of the students indicated that there was continual use of CP in the schools albeit to a small extent, while most of them (46%) were skeptical of the

commitment of their school BOM and administrations in upholding the ban of CP. Moreover, majority (46%) of the students opined that in spite of the prevalent use of CP in their schools, prefects were not involved in its administration to fellow students. Therefore, although the students were disrupted by the indiscipline among themselves, the responsibility of punishing the errant students has been the preserve of their teachers.

The findings that; CP was still in use albeit to a small extent and the significant lack of commitment by most schools BOM and administrations in upholding its ban, indicates that most education stakeholders still recognized its validity owing to its economy of time and supposed efficacy in reforming misbehaviour as opposed to other disciplinary interventions (Ngugi, 2007). In this regard, it is note worthy that not all disciplinary cases are alike in impact, for some are very disruptive while others are less disruptive and hence cannot be handled in an equall measure. For instance, it would be imprudent to handle noisemaking and susbstance abuse among students in the same manner. Consequently, prescription of any disciplinary measures ought to be understood in terms of the use of a lesser evil for the derivation of the greatest utilitarian good. This partly could have informed the lack of firmness in upholding the ban of CP by some of the education stakeholders within the schools that were surveyed.

Moreover, the persistent use of CP in secondary schools in Kisii Central Sub County can also be attributed to its customary use in most Kenyan homes over a long time, with the practice being anchored on the cultural stereotype that “violence is what the African child and woman understands” (Kiprop & Chepkilot, 2010). Indeed, this practice still retains a high degree of cultural approval to the extent that uprooting it from the minds of the educators, parents, students and the society in general is almost difficult (Songul, 2009). Additionally, most adult Kenyans including a section of the current practising teachers underwent frequent physical chastisement during their old good school days and hence cherish a strong belief in the validity of the precept that if “you spare the rod you spoil the child” (Kimani et al, 2012). This kind of thinking has over time been reinforced in the Kenyan education system that stemmed from the British Colonial government, and adopted the old British traditions of school

discipline, with caning and other forms of physical punishments being used prevalently (Mwandoto, 2008).

4.3.2 Extent of Utilitarian Happiness Associated with the Persistent Use of CP

The second part of objective two sought to determine the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya. This variable was measured by asking the respondents to react to various statements describing the negative effects of CP use in relation to the perceived utilitarian justification to its ban in schools in the area. The status of this variable was rated on a 5 point Likert scale ranging from; 1 = strongly agree to 5 = strongly disagree. The results are presented in Table 9.

Table 9:

Teachers Views on Extent of Utilitarian Happiness Associated to Persistent use of CP

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
It is abusive and violates a child's basic human rights.	32(14.3)	56(25)	16(7.1)	72(32.1)	48(21.4)
It causes pain without reforming the learner's character	16(7.1)	72(32.1)	24(10.7)	104(46.4)	8(3.6)
It debases the dignity and Physical integrity of learners	24(10.7)	88(39.3)	24(10.7)	72(32.1)	16(7.1)
It interferes with the normal development of the child's physical,mental and psychological health.	0	24(10.7)	56(25)	80(35.7)	64(28.6)
It makes the students timid hence interferes with their free participation in teaching and learning	24(10.7)	88(39.3)	32(14.3)	56(25)	24(10.7)
Ban of corporal punishment contributes to indiscipline cases in secondary schools to some extent.	16(7.1)	48(21.4)	16(7.1)	128(57.1)	16(7.1)

The results in Table 9 indicates that most of the teachers had varied views concerning the abusive nature and utilitarian value of CP to the learner and the teaching environment. Majority (53.5%) of the teachers thought that CP on students was not

abusive and nor did it amount to a violation of a child's basic human rights. Half (50%) of them negated the assertion that CP causes unnecessary pain on the learners without reforming their character, while 50% others thought that its use degraded the dignity and physical integrity of learners. Moreover, 64.3% of them held that its use did not necessarily interfere with the normal development of the child's physical, mental and psychological health. Nevertheless, 50% indicated that it made the students timid and hence interfered with their free participation in teaching and learning. The findings also indicate that the ban of CP did not contribute to indiscipline cases in secondary schools as indicated by 64.2% of the respondents.

The findings that; CP was held as a necessary punitive practice by the teachers, and that its ban however was not behind the growing levels of indiscipline in schools, meant that these indiscipline cases could be attributed to other factors as; lack of dialogue between students and teachers, poor school management practices, inadequate parenting, ineffective teaching and moral vacuum among learners (Ngugi, 2007). Nevertheless, UNICEF (2010) attributes violence and other cases of indiscipline in schools largely to the use of authoritarian approach to discipline by teachers characterized mainly by use of repressive CP on learners. This approach contrary to promoting necessary pleasant conditions of order and discipline in school, create maladjusted students with social evils such as; physical aggression, increased crime, violence and substance abuse MoE (2009). Similarly, Onderi and Makori (2013) singled out CP use among other factors that leads to the increase in cases of student indiscipline in schools.

The findings on this objective indicate that the respondents were not convinced by the provisions of the human rights charter on the rights of the child. Their contention that it was in order to corporally punish students contradicts Kant's view that there is need to uphold respect for other people especially regarding their fundamental human rights. To this end, Kant equally observed that people should never be treated merely as things; but rather they should be respected as autonomous moral agents with equal rights (UNESCO, 2011). The Premise by teachers in this study that use of CP did not amount to torture contradicts Odongo (2004), who postulates that it may rise to a level of torture and that it infringes upon a child's right to education or discourage the child from formal learning.

Moreover, it was evident from the findings that although the ban of CP was legally anchored in the Children's Act (2001) and the Kenya Constitution (2010), some educators blatantly found recourse to its use on the premise that it was a necessary lesser evil (pain) for the promotion of the greatest happiness to both the individual learner and the entire school community. In this sense, the educators' conviction partly conformed to the principle of utility as inherently articulated within the context of Mill's utilitarianism, that refers to a guiding doctrine through which moral agents can approve or disapprove of every action in regard to its tendency to increase or decrease the happiness of the party whose interest is in question; be it the individual or the community (Sheng & Qinglai, 2004).

Further, Soifer (2009) asserted that the object of every human action and work should be to foster happiness and reduce evil or unhappiness to those concerned. In this case, happiness or good means pleasant while unhappiness or evil means painful (Wolff, 1992). In the school context, the pleasure of learning is in the perceived benefits such as; the self-actualization linked to successfully completing a particular learning cycle (as secondary school), the prospects of proceeding to higher levels of education and gainful employment, as well as the respect earned from the society that generally highly esteem the educated people. However, certain behaviours among learners are construed by educators to limit these envisaged pleasures of learning owing to their disruptive nature.

Consequently, in the pursuit of the greater pleasures of education, it is imperative that sometimes the schools have to employ particular disciplinary system deemed effective in taming the learners' disruptive behaviours. Traditionally these disciplinary interventions were corporal in nature owing to the utilitarian thinking that; less harm is done if small doses of pain are inflicted on the offenders than it would be if the rule of law was not enforced (Negel, 2012). Moreover, democratic learning thrives well in an atmosphere of freedom as it fosters free and open exchange of ideas that can bring about educational achievement to most learners during the teaching and learning process (Ogola, 2003). Implicitly, the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya may have been informed by the wrongly held contention that it brings order necessary for learners to maximize on the learning

opportunities provided by the school so that they can derive full “happiness” from the educational enterprise.

Table 10:

Students Views on Extent of Utilitarian Happiness Associated to Persistent use of CP

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
CP had no value on maintaining standards of discipline in schools	45(17)	63(23)	50(18)	59(22)	55(20)
CP did not promote high academic achievement of learners	57(21)	68(25)	46(17)	51(19)	50(18)
CP does little to help learners in moral decision making	61(22)	66(24)	44(16)	55(20)	46(17)
CP was not contributing to long-term behaviour change in learners	47(17)	56(21)	70(26)	59(22)	40(15)
CP is not is abusive and does not violate one’s basic human rights as a learner	35(13)	44(16)	46(17)	79(29)	68(25)
CP causes pain without reforming the learner’s character.	50(18)	62(23)	60(22)	52(19)	48(18)
CP debases your dignity and physical integrity	49(18)	64(24)	57(21)	52(19)	50(18)
CP makes learners timid hence lowers their free participation in learning	47(17)	69(25)	55(20)	51(19)	50(18)
The ban of corporal punishment contributes to indiscipline cases in secondary schools to some extent	58(21)	65(24)	48(18)	54(20)	47(17)

The findings in Table 10 indicate that there were conflicting views among the students regarding utilitarian happiness associated with the persistent use of CP in their schools. According to majority (42%) of them, CP was significant in maintaining high standards of discipline among learners in the schools. However, 46% opined that the persistent use of CP did not necessarily translate to high academic achievement of learners, nor was it very instrumental in helping them develop a sense of moral decision making. Moreover, 38% of respondents thought that CP does not contribute to long-term behaviour change in learners. Majority (54%) of the students thought that CP is abusive and that its use amounts to a violation of their basic human rights. Also, 41% of the students opined that the persistent use of CP caused unnecessary pain

without reforming the learners' character and that it degraded their dignity and physical integrity (42%). Equally, most (42%) felt that this practice made the learners timid and hence interfered with their free participation in teaching and learning. Nevertheless, 45% of them opined that the ban of CP contributed to indiscipline cases in secondary schools.

Based on these views as held by the students, the persistent use of CP in secondary schools in Kisii Central was partly justifiable on the premise that it significantly contributes to improvement of student discipline. However, it failed to have a corresponding positive impact as expected on the learner's; academic achievement, moral decision making, long term behaviour modification and overall improvement in education in the school among other utilitarian goods. These findings indicate that use of CP only elicits externally imposed discipline without any willful obedience to precepts (Adams, 2013), and hence constitutes a lower order discipline in relation to self discipline.

Moreover, CP only coerces learners into doing things they don't want, and consequently this approach does little to inculcate any intelligible willful obedience to precepts by the learners. As such, this practice only breeds estrangement between the learners and teachers, thus frustrating the very utilitarian purpose for which the school exist namely co-operation in the teaching learning enterprise. Notably, CP may cause its victims to develop antisocial behaviors, interpersonal tension and inefficiency at work (UNICEF, 2010). Also, victims of CP cannot form healthy social relations with their teachers and fellow students, since many of them become withdrawn from people at a time when they most need their social support (Ajowi & Simatwa, 2010).

4.4 Challenges Facing the Ban of CP and their Effect on School Discipline

The third objective of this study sought to evaluate how the challenges facing the ban of CP had affected school discipline in secondary schools in Kisii Central Sub County of Kenya. In order to achieve this objective, the respondents were asked to respond to various statements describing the challenges experienced in their schools in relation to upholding the ban of CP. The responses of this variable were rated on a 5 point Likert scale ranging from; 1 = strongly agree to 5 = strongly disagree. These results are presented in Table 11.

Table 11:

Teachers Views on How Challenges to the Ban of CP Affected Schools Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
Teachers and parents in our school do not know that all forms of corporal punishment are illegal	24(10.7)	104(46.4)	24(10.7)	56(25)	16(7.1)
There is inadequate training of teachers in our school on guidance and counselling and other CP alternatives	24(10.7)	72(32.1)	48(21.4)	64(28.6)	16(7.1)
The teachers in our school are poor role models for the students to emulate in terms of discipline	16(7.1)	88(39.3)	48(21.4)	64(28.6)	8(3.6)
There is inadequate peer counseling among students in our school to enhance discipline	24(10.7)	80(35.7)	24(10.7)	80(35.7)	16(7.1)
The religious convictions of teachers and parents encourage the use of CP on learners	56(25)	88(39.3)	8(3.6)	64(28.6)	8(3.6)
There is weak monitoring of the ban of CP by the Ministry of Education in schools	40(18.3)	56(25)	32(14.3)	87(38.8)	8(3.6)
Parents in our school highly support the use of CP to instill discipline on learners	24(10.7)	80(35.7)	48(21.4)	64(28.6)	8(3.6)

Results in Table 11 reveals that, some of the teachers and parents in Kisii Central Sub County did not know that CP in all its forms were outlawed, as opined by 57.1% of the respondents. Also, 42.8% of them thought that they had inadequate training on GC and other CP alternatives implying that they were ill prepared to handle student discipline in their schools, while 46.4 % held that teachers were poor role models for the students to emulate in terms of discipline. Similarly, 46.4 % of teachers affirmed that peer counselling was not adequately used in the schools to contain indiscipline among learners. The christian religious convictions of teachers and parents also significantly encouraged the use CP on learners as indicated by 64.3% of them. Moreover, according to 46.4 % of teachers, there was high parental support to CP use, while

43.3% of them indicated that there was inadequate monitoring of its ban by the MOE officials in secondary schools in Kisii Central Sub County of Kenya.

The finding that most of the teachers and parents in Kisii Central Sub County did not know that CP in all its forms were outlawed could partly explain the high support to CP use in schools by parents in this area and hence the reluctance in the implementation of its ban. Indeed, this indicates that some teachers and other education stakeholders elsewhere in the country may be exhibiting an equally narrow perception of what really constitutes CP. Implicitly, this phenomenon could largely be attributed to the wrongly held perception that CP only involves canning of students. On the contrary, other forms of CP besides canning exist including all the deliberate physical infliction of pain or unpleasantness by teachers to indisciplined students such as; whipping, slapping, kneeling and menial lab our among others (UNICEF, 2010).

Table12:

Students Views on How Challenges to the Ban of CP Affected Schools Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
Teachers and parents in our school do not know that corporal punishment in all its forms is outlawed	60(22)	73(27)	39(14)	55(20)	45(17)
Most students in our school do not know that corporal punishment in all its forms is outlawed	51(19)	55(20)	41(15)	69(25)	56(21)
Teachers in our school are poor role models for the students to emulate in terms of discipline	54(20)	74(27)	23(8)	62(23)	59(22)
There is inadequate peer counseling among students in our school to enhance school discipline	63(23)	68(25)	34(13)	59(22)	48(18)
Religious convictions of teachers and parents in our school encourages the use corporal punishment	44(16)	57(21)	65(24)	55(20)	51(19)

Results in Table 12 reveals that, 49% of the students surveyed opined that most teachers and parents in Kisii Central Sub County did not know that CP in all its forms were outlawed. Nevertheless, 46% of them denied that most students in their school did not know that CP in all its forms is outlawed; while 47 % held that teachers in their schools were poor role models for the students to emulate in terms of discipline. Moreover, 48 % of students affirmed that there was inadequate peer counselling in their schools to enhance discipline among learners, while 39% of them negated the assertion that the religious convictions of their teachers and parents had influenced the persistent use of CP in their school.

The findings that; parents highly supported the use of CP to instill discipline on learners and that the teachers and parents did not know that CP in all its forms were outlawed confirm those of (Kimani et al, 2012) who observed that the ban of CP in Kenya still remains a contentious issue among many educational stakeholders. These findings also concurs with that of UNICEF (2010) SBCP is still widely practised as a means of disciplining errant students. This phenomenon could be attributed to cultural, religious and other belief systems perceived to favour the practice by most people on the premise that minimal use of CP on the children is both appropriate and necessary (UNESCO, 2011). Proponents of this view contend that CP is inevitable, and to some extent a necessary evil in the maintenance of order and discipline in society (Gitome et al, 2013). Consequently, this study also indicate that the imposition of CP on students by educators had apparently continued and remained to be a regular experience for learners in secondary schools in Kisii Central Sub County of Kenya.

4.5 Extent to which CP Alternatives are used to Inculcate Student Discipline

The last objective of the study sought to assess the extent to which CP alternatives had been used to inculcate students discipline in secondary schools in Kisii Central Sub County of Kenya. This objective was measured by asking the respondents to rate various statements describing how CP alternatives had been used to inculcate students discipline in secondary schools in the area. The status of this variable was rated on a 5 point Likert scale ranging from; 1 = strongly agree to 5 = strongly disagree. The teacher's responses to this variable are presented in Table 13.

Table 13:

Teachers Views on Extent of Use of CP Alternatives to Inculcate School Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
There are other alternatives to corporal punishment that can inculcate discipline	104(46.4)	112(50)	0	8(3.6)	0
Guidance and counseling services are being used in our school to discipline students	56(25)	128(57.1)	16(7.1)	8(16)	16(7.1)
Our school has adequate guiding and counseling teachers and facilities	16(7.1)	48(21.4)	32(14.3)	104(46.4)	24(10.7)
Positive reinforcement is highly used by teachers to discipline students	45(20.0)	107(47.8)	40(17.9)	16(7.1)	16(7.1)
Negative reinforcement is used to inculcate discipline among students	8(3.6)	80(35.7)	40(17.9)	72(32.1)	24(10.7)
We teach life skills and pastoral care to inculcate discipline among students	64(28.6)	120(53.6)	8(3.6)	24(10.7)	8(3.6)
The board of management and administration supports alternatives to corporal punishment in our school	61(22)	65(24)	67(25)	33(12)	46(17)
Teachers are under pressure to always use alternatives to corporal punishment in our school	72(32.1)	56(25)	8(3.6)	48(21.4)	40(17.9)

The findings in Table 13 indicate that 96.4% of the teachers surveyed affirmed that there existed other alternatives to CP that can inculcate school discipline. This implied that they were open to use other non aversive disciplinary interventions. Thus, 82.2%, 82.1% , 67.8% and 39.3% of them indicated that; teaching of moral education, GC services, positive and negative reinforcements respectively were notable methods used highly by teachers to inculcate discipline among students. Nevertheless, 56.7% of them indicated that, although GC was among the highly used CP alternatives there were inadequate teacher counselors and other GC resources in most secondary

schools. Consequently, teachers in most of the schools employed democratic teaching and learning approaches to foster student discipline as noted above.

However, they used these alternative disciplinary interventions without individual volition since most (57.1%) of them affirmed that they were under pressure in their schools to always use alternatives to CP. This pressure partly arose from the schools' BoM and administration that supported the ban of CP (46%). These imply that most of the educators in Kisii Central Sub County of Kenya, were still uncertain of the efficacy and utilitarian good associated with the use of alternatives to CP. This lack of willingness and voluntariness by teachers to embrace the new paradigm shift of enforcing school discipline indicates that most of them were prerrenial thinkers, fixed on the status quo on the premise that; the great works of the past (use of CP in this case) are a repository of knowledge and wisdom which has stood the test of time and are relevant in our day (Kneller, 1964). Thus, educators in this area not only need to be retrained and empowered on the alternatives to CP that are non aversive but also have to be sensitized on the utilitarian value of the ban of CP. Consequently, the role of GC as an avenue of creating dialogue between teachers and students will be underscored to help the educators know the remote cause of misbehaviour among students so that they can take appropriate action, without recourse to CP (MoE, 2009).

Table 14:

Students Views on Extent of Use of CP Alternatives to Inculcate School Discipline

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
Our school has adequate guiding and counseling teachers and facilities	39(14)	59(22)	48(18)	66(24)	60(22)
Life skills and pastoral care are taught to inculcate self discipline among students	55(20)	66(24)	38(14)	58(21)	55(20)
Our school involves students in decision making on disciplinary matters	35(13)	52(19)	48(18)	71(26)	66(24)
Peer counseling among students is done to foster self discipline in our school	30(11)	44(16)	57(21)	73(27)	68(25)
The board of management and administration supports alternatives to corporal punishment in our school	46(17)	33(12)	67(25)	65(24)	61(22)

The findings in Table 14 suggest that although most secondary schools in Kisii Central Sub County of Kenya were pursuing alternatives to CP, not all of its aspects had been admitted in the schools. As opined by 46% of the students, there were inadequate teacher counselors and other GC resources in most secondary schools. Nonetheless, according to 44% of the students, moral education through the teaching of life skills education and pastoral care was being offered by their teachers to inculcate self discipline among them. However, half of the students (50%) felt that their schools did not involve them in decision making on disciplinary matters. Consequently, this meant that their teachers were still reluctant in embracing open democratic engagement with learners on ways of fostering discipline among them. Nevertheless, 52% of the students in the schools, indicated that they were being involved in the provision of peer counseling services to foster self discipline among themselves.

The findings from both respondents show that there were inadequate teacher counselors and other GC resources in most secondary schools, despite that GC was among the highly used CP alternative. These findings were consistent with those of

Makori and Onderi (2013) who found out that, most school principals and teachers who are involved in the delivery of alternatives to CP lacked professional training, therefore, lack professional skills, techniques and knowledge required to make them apply them effectively. Moreover, high school students are at their adolescence phase that involves many biological and emotional changes (Langdridge, 2009), thus affecting their self-confidence, relationships, social skills, and general thinking. Consequently, they are more often than not fearful, embarrassed, or uncomfortable around authoritative figures (Adams, 2013), hence, making them reluctant to seek GC services from the teacher counselors. This implies that the educators utterly need to be empowered with the relevant skills and resourced with GC and other CP alternatives to enhance their effectiveness in handling disciplinary challenges in their schools and hence deliver the anticipated utilitarian pleasures of the ban of CP.

Teaching of moral education through disciplines such as life skills and pastoral care also emerged as one of the ways used to inculcate self discipline among students in the schools. Moral education according to Were (2009), involves teaching learners the art of self discipline taking them through an organized curriculum thus equipping them with the capacity to make reasonable decisions responsibly. This type of education is very important in the development of the learner's character since it inculcates internal restraints that helps one avoid anti-social behaviors, and thus reduces the need for CP use on learners to correct them.

This premise is line with Eshiwani (2001), who underscored the need to educate children both in mind and morals, since discipline imparted through moral education sharpens the child's moral and spiritual sense and hence helps mould good citizens. The implication is that the prosperity and worth of any society depends on the nature of discipline ventured on its children through education. Similarly, the extensive use of democratized educational practices evident in the findings also concurs with Bereday (1969) and Njoroge and Bennaars (1986) advocacy for democratization in education as a way of life that influences the degree to which individuals interact with each other in society.

In the current dispensation of the ban of CP, the adoption of other disciplinary interventions is inevitable. This is owing to the fact that student indiscipline is

perpetual but can be addressed by other methods which are not necessarily painful. Indeed, use of CP breeds hostility and resentment among learners and ultimately serves to reinforce deviant behavior. Indeed, this is contrary to the principle of consequentialism inherent in Mill's Utilitarian theory that admonishes moral agents to always seek to do what has overall good outcomes. In this case, the educators ought to do what has the overall good consequences (results) for the individual and the society in general such as prescribing and applying the most appropriate disciplinary action that is both legal and effective in promoting the common good (Schneed, 2002).

In other words, the principle of consequentialism urges that moral agents ought to act reasonably bearing in mind that any of their courses of action may lose justification if the pain or discomfort resulting from them outweighs its beneficial effects. Therefore, before meeting punishment of any kind, due consideration should be given regarding the total amount of 'good' to be derived from it as compared to the total amount of damage likely to be caused by it. In a nutshell, educators need to critically assess the merits and demerits of their actions, before actually being involved in them.

4.6 Outcome of Banning CP in Secondary Schools Kisii Central Sub-County.

Finally, the study sought to determine the utilitarian outcome of the banning CP as a way of enforcing discipline on learners in secondary schools in Kisii Central Sub-County of Kenya. This was the dependent variable and was measured by asking the respondents to score various statements describing the positive effects of the ban in the schools. The status of this variable was rated on a 5 point Likert scale ranging from; 1 = strongly agree to 5 = strongly disagree. These results are presented in Table 15.

Table 15:

Teachers Views on the Outcome of Banning CP in Secondary schools

Statement	SA Freq(%)	A Freq(%)	N Freq(%)	D Freq(%)	SD Freq(%)
It has led to high standards of of self discipline in the schools	56(25)	88(39.3)	8(3.6)	64(28.6)	8(3.6)
It has led to high academic achievement of learners	45(20.0)	56(25)	32(14.3)	95(42.4)	10(4.4)
It has to high involvement of learners in matters of discipline	24(10.7)	80(35.7)	48(21.4)	64(28.6)	8(3.6)
It fosters learners participation and interest in learning	88(39.3)	8(3.6)	40(17.9)	16(7.1)	72(32.1)
It contributes to long-term behaviour change in learners	32(14.2)	72(32.1)	48(21.4)	64(28.6)	8(3.6)
It has fostered protection of child's right to education and against abuse	72(32.1)	48(21.4)	16(7.1)	32(14.3)	56(25)

The findings in Table 15 indicate that there were mixed views regarding the utilitarian outcome of the ban of CP in secondary schools in Kisii Central Sub County of Kenya. While 64.3% of the respondents thought that this ban led to high standards of self discipline in the schools, 46.8% felt it did not translate to high academic achievement of learners. However, 46.4% opined that it significantly led to high involvement of learners in decision making on disciplinary issues. Consequently, it enhanced their participation and interest in learning, as 42.9% of them indicated. Moreover, 46.3% affirmed the claim that the banning of CP contributed to long-term behaviour change in learners while others (53.5%) thought that the ban of CP significantly fostered protection of child's right to education and against abuse.

The finding that the ban of CP contributed to long-term behaviour change in learners concurred with Mwereru (2010) who asserted that, if the school provides an enabling environment in which students work with the teachers cohesively, then they can willingly follow and obey school rules and regulations. This is in line with impression, an approach to school discipline advocated by the pragmatic philosophers, who argues that; the personality, behavior, appearance, conduct and mannerism of the teachers will determine the discipline of the school, as positive role models (Dewey, 1963). Hence, the students can easily emulate their behaviours. In this regard, the aim of

discipline in the school setting; that is to enable the learner to make informed decisions that comply with the schools code of behaviour, can easily be realized (Nakpodia, 2010). However, school discipline is sometimes wrongly conceived to be punishment for breaching school rules rather than behaving within the school rules (Kiprop & Chepkilot 2010). Moreover, the punishment implied here is corporal in nature since throughout the history of education; the most common form of school discipline has been by use of the cane (Ndofirepi et al, 2012).

The ban of CP partly contributed greatly to the realization of its anticipated utilitarian good in secondary schools Kisii Central Sub-County. Notably; the improvement of student discipline, long-term reformation of character in learners, enhanced protection of children's right to education and against torture, high involvement of learners in decision making on matters of discipline and its consequent enhancement of student participation and interest in learning. Nevertheless, all these did not translate to the learner's academic achievement and that of the school in general., This was critical to all stakeholders most of whom expected the learners' academic performance to improve in tandem with discipline. Consequently, some parents thought that the students were not serious with their learning hence, encouraged the teachers to continue using CP to remedy this situation.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the; summary of the findings, conclusions of the findings and the proposed recommendations to education stakeholders. Finally, suggestions are made on areas of further study. Discussion of all these elements has been done in subsections 5.2, 5.3,5.4 and 5.5 with regard to the objectives of the study.

5.2 Summary of the Findings

This section presents the summary of the findings. This has been done in terms of the objectives of the study in refence to secondary schools in Kisii Central Sub County of Kenya on; the rationale to the ban of CP in light of Mill’s utilitarianism; the extent of utilitarian happiness associated with the persistent use of CP; how the challenges facing the ban of CP affect school discipline and; the extent to which CP alternatives had been used to inculcate students discipline. These are done in sections 5.2.1, 5.2.2, 5.2.3 and 5.2.4.

5.2.1 Rationale to the Ban of CP in Schools in Light of Mill’s Utilitarianism

Concerning the rationale of banning CP in Secondary Schools in Kisii Central Sub County of Kenya, some of the respondents held the view that this ban led to high standards of discipline. However, majority opined that this ban did not necessarily translate to high academic achievement of learners as expected. Moreover, this study showed that the ban CP through its alternative disciplianary interventions was very instrumental in helping learners develop a sense of moral decision making, self discipline and consequently led to long-term behaviour change in learners.

Nevertheless, there was a prevalent view especially among the educators that CP is not unnecessary infliction of pain on learners without reforming their character and that its use does not abuse their dignity and physical integrity. This meant that most of them had a narrow perception of the intended utilitarian good of banning CP in schools and consequently some of them favoured its perpetual use.

5.2.2 Extent of Utilitarian Happiness Associated with the Persistent use of CP

Part (i) of this objective sought to determine the extent to which CP was being used in secondary schools in Kisii Central Sub County of Kenya. The findings indicates that CP was still being used by teachers to instill discipline on learners in their schools albeit to a small extent. Moreover, most teachers agreed to its occasional use on individual teacher's discretion since, both their school's BoM and administration supported its ban. Also, despite most of them knowing that CP was unlawful, they still used it on the premise that it was economical, effective and expedited the punitive processes. The contention was that not all offences warranted GC and other alternative forms of punishment which were conceived to be lengthy and more demanding.

Part (ii) of objective two sought to evaluate the extent of utilitarian happiness associated with the persistent use of CP. In this regard, most of teachers held that CP on students was not abusive nor did it amount to a violation of student's basic human rights. Thus, they rationalised that its use did not necessarily interfere with the normal development of the child's physical, mental and psychological health. This kind of thinking indicates that most teachers had a gross misconception of the envisaged utilitarian good to the ban of CP. In particular, its contribution to the domestication of the children's legal rights was unclear and hence, some of them favoured its persistent use. However, some of the respondents especially the students thought that CP makes learners timid and hence, interferes with their free participation in teaching and learning. Moreover, they reasoned that the outlawing of CP did not contribute to indiscipline cases in secondary schools implying that its persistent use was an unnecessary infliction of pain to learners.

5.2.3 Challenges Facing the Ban of CP and it's Effect on School Discipline

The third objective sought to evaluate how the challenges facing the ban of CP had affected school discipline in secondary schools in Kisii Central Sub County of Kenya. The results on this variable indicates that, some teachers, parents and students did not know that CP in all its forms were outlawed. Consequently, there was high parental support for its use both at home and in school to instill discipline on children. This phenomenon partly owed to the prevailing christian religious convictions and other socio cultural inclinations among teachers and parents that affirmed the validity of CP to mould the learner's character.

Other challenges to this ban as evidenced in the study were; inadequate training of teachers on GC and other CP alternatives as deterrents to indiscipline, poor role modelling from teachers for students to emulate, inadequate peer counselling services to enhance discipline among learners and weak monitoring of the ban of CP by the MoE officials in secondary schools in Kisii Central Sub-County. These challenges had a significant negative impact on the realization of; self discipline, high academic achievement by learners and other utilitarian pleasures envisaged in this ban in secondary schools in Kisii Central Sub-County.

5.2.4 Extent of CP Alternatives Use to Inculcate Student Discipline

The fourth objective sought to assess the extent to which CP alternatives had been used to inculcate students discipline in secondary schools in Kisii Central Sub-County of Kenya. The findings indicate that teachers in secondary schools in this area knew that there existed other non aversive disciplinary interventions that could effectively inculcate discipline among learners. Notable approaches that they employed were; teaching of moral education through disciplines like life skills and pastoral care, provision of GC services, positive and negative reinforcements.

Although GC was among the highly used CP alternatives, most secondary schools had inadequate teacher counselors and other GC resources. Consequently, teachers employed other democratic teaching and learning approaches to foster student discipline such as involvement of students in decision making on disciplinary matters and peer counseling. The findings also indicated that, despite that the schools' administration and BoM were in favour of use of alternative disciplinary interventions, they nevertheless lacked firmness and followup in its implementation. Thus, teachers were not obliged to either form of discipline approach but it was left to their discretion. Consequently, CP alternatives were used to a lesser extent in secondary schools in Kisii Central Sub-County, and hence contributed partly to the promotion of students discipline, that constitutes one of the utilitarian values envisaged in the ban of CP.

5.3 Conclusion

In regard to the rationale to the ban of CP, it can be deduced from the results of the study that teachers and parents had a narrow perception of the envisaged utilitarian justification to the ban of CP as depicted by their strong held traditional view on the usefulness of CP that; it was economical, effective and expeditious in resolving disciplinary issues. Consequently, CP remained in use albeit to a small extent, to inculcate discipline on learners in secondary schools in Kisii Central Sub County of Kenya. This phenomenon was also largely aggravated by the long-held socio-cultural perceptions on the validity of CP, as evidenced by high parental support for its use both at home and in school in this study area.

Regarding the extent of utilitarian happiness associated with the persistent use of CP in secondary schools in Kisii Central Sub County of Kenya, the findings of study leads to the conclusion that CP was perceived by most teachers and parents as a necessary punitive practice that is effective in reforming the learners' character and that its 'proper' use does not degrade their dignity and physical integrity. This premise meant that most stakeholders in education had a narrow perception of the utilitarian good envisaged in the outlawing of SBCP and hence this partly explains why some of some of them favoured its perpetual use.

Concerning the challenges facing the ban of CP and their impact on school discipline, it can be concluded from the findings of this study that there existed many critical challenges in secondary schools and communities in Kisii Central Sub County that hindered greatly the effectiveness of this ban. Among these constraints were; inadequate training of teachers on GC and other CP alternatives, poor role models from teachers for the students to emulate in terms of discipline and inadequate monitoring of the ban of CP by the MoE officials. Consequently, these challenges negatively impacted the full realization of the envisaged utilitarian pleasures of the ban such as; self discipline and improved academic achievement among learners. This was critical as these key utilitarian ends envisaged in this ban did not improve in tandem to the expectation of all stakeholders in education.

Lastly, in regard to the extent to which CP alternatives had been used to inculcate student's discipline, it can be concluded that some teachers occasionally utilized other

disciplinary interventions to instill discipline among students in secondary schools in Kisii Central Sub County. These included GC, positive reinforcement, moral education and role modelling. In most schools surveyed, GC was prevalently used to inculcate discipline among students. However, acute shortage of qualified teacher counselors and other GC resources was a major setback evident in many schools. Also, despite that schools' BoM in Kisii Central Sub-County supported the use of CP alternatives, they lacked firmness and zeal to this end. Consequently, these alternative disciplinary interventions were used to a lesser extent, leading to inadequate realization of the utilitarian values envisaged in the ban of CP such as high self discipline among learners.

5.4 Recommendations

On the basis of the summary and conclusions of the results of the study as presented in sub-sections 5.2 and 5.3, the following recommendations are made in line with the objectives of the study:

- i. In regard to the rationale to the ban of CP, the findings indicated that teachers and parents had a narrow perception of the envisaged utilitarian justification to this ban. Particularly, its role in the promotion of; self discipline, childrens' right to education, academic achievement, as well as democratization in teaching and learning. Consequently, CP was in use albeit to a small extent, to inculcate discipline on learners in secondary schools in Kisii Central Sub County. This study, therefore, recommends that all the education stakeholders in Kisii Central Sub-County, especially the parents be sensitized on the philosophy behind the ban of CP. This will broaden their view of school discipline and hence encourage them to fully cooperate with the school authorities in upholding the ban.
- ii. In relation to the extent of utilitarian happiness associated with the persistent use of CP, the findings indicated that its use albeit to a small extent lacked a convincing utilitarian good compared to that envisaged in its ban. Notably, the teachers' perception that CP was a necessary lesser evil whose 'proper' use is effective in reforming the learners' character without degrading their dignity and physical integrity, utterly contravenes key utilitarian values as; the protection of children right to education and against abuse. Thus, this study

recommends that the parents and teachers in Kisii Central Sub-County be sensitized on the need to embrace the available non aversive disciplinary interventions that have long term utilitarian value in terms of inculcating self discipline among learners and domesticating their legal human rights provisions.

- iii. With regard to challenges facing the ban of CP and their effect impact on school discipline, the findings have shown that the implementation of this ban in secondary schools in Kisii Central Sub-County was ineffective owing to many challenges such as; religious views on the validity of CP, cultural approval and acceptance of CP, inadequate training of teachers on school discipline and weak monitoring of the ban. These constraints significantly had a negative impact on the realization of the envisaged utilitarian outcome of the ban of SBCP in the region. In order to address these challenges and promote the effectiveness of this ban, this study therefore recommends that there be; regular sentization of teachers on school discipline, proper monitoring of the ban by the MoE officers and stern legal action on educators who blatantly violate the provisions of this ban.
- iv. Finally, in regard to the extent to which CP alternatives had been used to inculcate student discipline, the study recommends that the teachers in secondary schools in Kisii Central Sub-County be adequately empowered with requisite training on the available CP alternatives in order to effectively address the disciplinary challenges in their schools through regular workshops and seminars. Also, there is need to sensitize all other education stakeholders on the utilitarian value of using the available CP alternatives to inculcate school discipline.

5.5 Suggestions for Further Study

During this study, certain important issues emerged which could not be addressed as they were beyond the scope of this study. These issues have been recommended as possible areas for further research. They include:

- i. The study was based on philosophical analysis of the ban of CP with special reference to Mill's utilitarian theory; hence, it only gave a utilitarian view to the ban of CP in schools. Therefore, further research embracing other theories such

as John Rawls' theory of social justice and fairness should be undertaken to give other perspectives regarding this ban.

- ii. There is need for comparative studies to be done on the ban of CP in larger administrative units such as counties or even nationwide so as to give a clearer picture on the efficacy of the ban of CP.

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APPENDICES

Appendix A: A Letter of Introduction

Mr. Stephen Okone,
Department of Psychology,
Counselling and Education
Foundations.

Egerton University,
P.O Box 536,
Egerton

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.....

RE: DATA COLLECTION

I am conducting a study on corporal punishment. The purpose of this study is to collect and analyze data regarding the ban of corporal punishment in Kenya particularly in secondary schools. The results of this study are intended to give more insight on how to improve the effectiveness of the methods used in instilling discipline and addressing the challenges facing implementation of this ban. This will lead to enhanced solutions to student discipline and hence promote teaching and learning in our schools.

Therefore, I am kindly requesting for your cooperation during collection of data on.....at.....am/p.m. in your school /institution. Your responses will strictly remain confidential and for research purpose only.

Yours sincerely,

Appendix B: Questionnaire for Teachers and School Principals

You are kindly requested to read this questionnaire carefully and then complete it as honestly as possible. The information given will be strictly confidential and used only for research purpose.

Section A: General Information

1. Gender: Male female
2. Age in years:
20-29 30 - 39
40 -49 over 50
3. Indicate your designation:
Class Teacher Principal
D/Principal others (specify)
4. Are you a teacher by profession? Yes No
5. Indicate your school category:
Public boarding private boarding
Public day school private day school
Mixed day and boarding
6. How many years have you worked as a teacher?
Below five years 5- 10 years
11-14 years 15-20 years
Over 20 years
7. Please indicate your religion: Christian Muslim
Others (Specify).....

Section B: Rationale to the Ban of Corporal Punishment in Secondary Schools

Please indicate your level of agreement with the following arguments on the justification of the ban of corporal punishment as a method of enforcing discipline on learners. Key: A=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
8. It is abusive and violates a child's basic human rights.					
9. It causes pain without reforming the learner's character.					
10. It debases the dignity and physical integrity of learners.					
11. It interferes with the normal development of the child's physical, mental and psychological health.					
12. It makes the students timid hence interferes with their free participation in teaching and learning					
13. The ban of corporal punishment contributes to indiscipline cases in secondary schools to some extent					

Section C: The Extent of the Persistent Use Corporal Punishment in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following statements on the extent to which corporal punishment is used in your school. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
14. Teachers clearly know that school based corporal punishment encompasses all forms of physical infliction of pain on learners by teachers					
15. All teachers in our school are aware that all forms of corporal punishment on learners are prohibited in Kenya					
16. Teachers in our school often use corporal punishment to instill discipline on learners in our school					
18. Teachers are under pressure to always use corporal punishment in our school					
19. The board of management and the administration supports the ban of corporal punishment in our school					
20. Corporal punishment is used to a large extent in our school to instill discipline on learners					
21. The ban of corporal punishment has not been implemented successfully in our school					

SECTION D: Extent of Utilitarian Happiness Associated with Use of CP in Secondary Schools in Kisii Central Sub County of Kenya

Please indicate your level of agreement with the following arguments on the banning corporal punishment as a way of enforcing discipline on learners. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
22. The use of CP has led to high standards of self discipline among the students					
23. The use of CP has led to high academic achievement of the students					
24. The use of CP has enabled learners to develop a sense of moral decision making on their own					
25. The use of CP fosters order in the school and hence promotes happiness in the school					
26. The use of CP increases the students participation and interest in learning					

Section E: Challenges Facing the Effectiveness of the Ban of Corporal Punishment in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following factors that hinders the effectiveness of the ban of corporal punishment in realizing school discipline in secondary schools in your district. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
27. Teachers and parents in our school do not know that corporal punishment in all its forms is outlawed					
28. Misconception of school discipline by teachers in our school					
29. Inadequate training of teachers in our school on guidance and counseling and other corporal punishment alternatives					
30. The teachers in our school are poor role models for the students to emulate in terms of discipline					
31. There is inadequate peer counseling among students in our school to enhance school discipline					
32. The religious convictions of teachers and parents in our school encourages the use corporal punishment on learners					
33. There is inadequate monitoring of the ban of corporal punishment in the schools in our District by the ministry of education					
34. Parents in our school highly support use of corporal punishment to instill discipline on learners					
35. The board of management and administration in our school supports the use of corporal punishment on students					

Section F: The Extent of Using Corporal Punishment Alternatives to Instill Discipline in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following statements on the extent of the use of corporal punishment alternatives in enforcing discipline on learners your school. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
36. There exists other alternatives to corporal punishment that can inculcate school discipline					
37. Guidance and counseling services are being used in our school as a way of inculcating discipline among students					
38. Our school has enough teacher counselors					
39. Our school has adequate guiding and counseling facilities					
40. Positive reinforcement is highly used by teachers as a way of encouraging discipline among students in our school					
41. Negative reinforcement is practiced as a way of enhancing discipline among students in our school					
42. Teaching of moral education through disciplines such as Life Skills Education and Pastoral care is being done to inculcate self discipline among students in our school					
43. Teachers employs democratic teaching and learning approaches to encourage discipline among students in our school					
44. Our school encourages the involvement of students in decision making on disciplinary matters					
45. Students in our school provide peer counseling to foster self discipline among themselves					
46. Teachers highly favour the use the alternatives to corporal punishment on students in our school					
47. Teachers are under pressure in our school to always use alternatives to corporal punishment					
48. The board of management and administration supports the use of alternatives to corporal punishment in our school					

Section G: Outcome of the Ban of Corporal Punishment in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following statements describing the positive effects of the ban of corporal punishment in your school. Key: A=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
49. It has led to high standards of self discipline in the schools					
50. It has led to high academic achievement of learners					
51. It has to high involvement of learners in matters of discipline					
52. It fosters learners participation and interest in learning					
53. It contributes to long-term behaviour change in learners					
54. It has fostered protection of child's right to education and against abuse					

Thank you for your responses

Appendix C: Questionnaire for Students

You are kindly requested to read this questionnaire carefully and then complete it as honestly as possible. The information given will be strictly confidential and used only for research purpose.

Section A: General Information

1. Gender: Male [] Female []
2. Indicate your school category:
 Public boarding [] Private boarding []
 Public day school [] Private day school []
 Mixed day and Boarding []
3. Indicate your year of study: Form two [] Form three []

Section B: Rationale to the Ban of Corporal Punishment in Secondary Schools

Please indicate your level of agreement with the following arguments on the use of corporal punishment as a method of enforcing discipline on learners. Key: A=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
3. It is abusive and violates your basic human rights as a learner.					
4. It causes pain without reforming the learner's character.					
5. It debases your dignity and physical integrity of learners.					
6. It interferes with the normal development of your physical, mental and psychological health.					
7. It makes learners timid hence lowers their free participation in teaching and learning					
8. The ban of corporal punishment contributes to indiscipline cases in secondary schools to some extent					

Section C: The Extent of Corporal Punishment Use in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following statements on the extent to which corporal punishment is used in your school. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
9. Most common forms of indiscipline among students in our school disrupt learning					
10. Students in our school know that punishments such as Caning, slapping, beating, boxing among others constitutes corporal punishments that are prohibited in Kenya					
11. Teachers are under pressure from parents to always use corporal punishment in our school					
12. The board of management and the school administration supports the ban of corporal punishment in our school					
13. Corporal punishment is used to a large extent in our school to instill discipline on learners					
14. Our school uses prefects to administer some forms of corporal punishment to other students					

SECTION D: Extent of utilitarian happiness associated with the use of CP in secondary schools in Kisii Central Sub County of Kenya

Please indicate your level of agreement with the following arguments on the use corporal punishment as a way of enforcing discipline on learners. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
15. The use of CP has led to high standards of self discipline among the students					
16. The use of CP has led to high academic achievement of the students					
17. The use of CP has enabled learners to develop a sense of moral decision making on their own, hence, promoting democratic teaching and learning					
18. The use of CP fosters order in the school and hence promotes happiness in the school					
19. The use of CP increases the students participation and interest in learning					

Section C: Challenges Facing the Implementation of the ban of corporal punishment in secondary schools in Kisii Central Sub County

Please indicate your level of agreement with the following factors that hinders the effective implementation of the ban of corporal punishment in secondary schools in your district. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
20. Teachers and parents in our school do not know that corporal punishment in all its forms is outlawed					
21. Students in our school do not know that corporal punishment in all its forms is outlawed					
22. Teachers in our school are not adequately trained on guidance and counseling and other corporal punishment alternatives					
23. The teachers in our school are poor role models for the students to emulate in terms of discipline					
24. There is inadequate peer counseling among students in our school to enhance school discipline					
25. The religious convictions of teachers and parents in our school encourages the use corporal punishment on learners					
26. There is inadequate monitoring of the ban of corporal punishment in the schools in our District by the ministry of education					
27. Parents in our school highly support use of corporal punishment to instill discipline on learners					
28. The board of management and administration in our school supports the use of corporal punishment on students					
29. The ban of corporal punishment has not been implemented successfully in our school					

Section E: The Extent of Using Corporal Punishment Alternatives in Secondary Schools in Kisii Central Sub County

Please indicate your level of agreement with the following statements on the extent of the use of other corporal punishment alternatives in enforcing discipline on learners in your school. Key: SA=Strongly Agree; A=Agree; N=Neutral; D=Disagree and SD=Strongly Disagree

Statement	SA	A	N	D	SD
30 Guidance and counseling is used highly in our school as a way of inculcating discipline among students					
31. Positive reinforcement of learners for any good behavior exemplified (they show) by using both verbal rewards and material tokens					
32. Teaching of moral education through disciplines such as Life Skills Education and Pastoral care inculcates self discipline among students in our school					
33. Teachers in our school freely engage in open exchange of ideas with learners to foster discipline among the students					
34. Our school encourages the involvement of students in decision making on disciplinary matters					
35. Students in our school provide peer counseling to foster self discipline among themselves					
36. The board of management and administration supports the use of alternatives to corporal punishment as a way of enhancing discipline in our school					

Thank you for your participation in this survey

Appendix D: Accessible Population per Division

Population Division	Students		Teachers		Principals
	Public school	Private school	Public school	Private school	
Mosocho	200	78	90	27	17
Getembe	215	70	108	24	22
Kiogoro	115	60	96	20	18
Kembu	150	62	92	23	16
Sub-total	680	270	386	94	73
Grand total	950		480		73

Source: Records of researcher's survey data

Appendix E: Sample Sizes (S) Required For Given Population Sizes (N)

N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	346
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	354
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	191	1200	291	6000	361
45	40	170	118	400	196	1300	297	7000	364
50	44	180	123	420	201	1400	302	8000	367
55	48	190	127	440	205	1500	306	9000	368
60	52	200	132	460	210	1600	310	10000	370
65	56	210	136	480	214	1700	313	15000	375
70	59	220	140	500	217	1800	317	20000	377
75	63	230	144	550	226	1900	320	30000	379
80	66	240	148	600	234	2000	322	40000	380
85	70	250	152	650	242	2200	327	50000	381
90	73	260	155	700	248	2400	331	75000	382
95	76	270	159	750	254	2600	335	100000	384

Source: Krejcie and Morgan (1970)

Appendix F: Research Participants and Sample Sizes per Division

Subjects	Students		Teachers		Principals
Division	Public School	Private School	Public School	Private School	
Mosocho	48	21	36	20	17
Getembe	51	20	37	19	22
Kiogoro	46	22	39	15	18
Keumbu	45	21	38	18	16
S/ Size	190	84	150	62	-
Total	274		212		73

Source: Records of researcher's survey data

Appendix G: Letter of Introduction to NACOSTI

EGERTON

Tel. Pilot: 254-51-2217620
254-51-2217877
• 254-51-2217631
Dir. line/Fax: 254-51-2217847
Cell Phone
Extension: 3606



UNIVERSITY

P.O. Box 536 - 20115
Egerton, Njoro, Kenya
Email: bpgs@egerton.ac.ke
www.egerton.ac.ke

OFFICE OF THE DIRECTOR GRADUATE SCHOOL

Ref:.....

EM17/1444/05

Date:.....

29th April, 2015

The Secretary,
National Commission for Science Technology and Innovation
P. O. Box 30623-00100,
NAIROBI.

Dear Sir,

**RE: REQUEST FOR RESEARCH PERMIT – MR. OKONE STEPHEN REG.
NO. EM17/1444/05**

This is to introduce and confirm to you that the above named student is in the Department of Psychology, Counseling Education Foundation, Faculty of Education and Community Studies.

He is a bonafide registered Masters student in this University. His research topic is entitled "Analysis of the Banning of Corporal Punishment with Specific Reference to Mill's Theory of Utilitarianism: A Case of Secondary Schools in Kisii Central Sub-County, Kenya."

He is at the stage of collecting field data. Please issue him with a research permit to enable him undertake the studies.

Yours faithfully,

**Prof. Michael A. Okiror
DIRECTOR, BOARD OF POSTGRADUATE STUDIES**



MAO/ear

*"Transforming Lives Through Quality Education"
Egerton University is ISO 9001:2008 Certified*

Appendix H: NACOSTI and MOE Research Authorization Letter



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,
2241349, 310571, 2219420
Fax: +254-20-318245, 318249
Email: secretary@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

9th Floor, Utalii House
Uhuru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No.

Date:

NACOSTI/P/15/6111/6225

20th May, 2015

Stephen Onserio Okone
Egerton University
P.O Box 536-20115
EGERTON.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Analysis of banning of corporal punishment with specific reference to mills theory of utilitarianism: A case of secondary schools in Kisii Central Sub-County, Kenya.*" I am pleased to inform you that you have been authorized to undertake research in **Kisii County** for a period ending **28th October, 2015**.

You are advised to report to **the County Commissioner and the County Director of Education, Kisii County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

~~SAID HUSSEIN~~
SAID HUSSEIN
FOR: SECRETARY/CEO

COUNTY COMMISSIONER
KISII COUNTY

Copy to:

The County Commissioner
Kisii County.

The County Director of Education
Kisii County.

COUNTY DIRECTOR OF EDUCATION
KISII


P O Box 1189-40200 KISII
Date: 28/5/2015

National Commission for Science, Technology and Innovation is ISO 9001: 2008 Certified

Appendix I: NACOSTI Research Permit

THIS IS TO CERTIFY THAT
MR. STEPHEN ONSERIO OKONE
of EGERTON UNIVERSITY, 4456-20100
Nakuru, has been permitted to conduct
research in Kisii County
on the topic: ANALYSIS OF BANNING OF
CORPORAL PUNISHMENT WITH SPECIFIC
REFERENCE TO MILLS THEORY OF
UTILITARIANISM: A CASE OF
SECONDARY SCHOOLS IN KISII CENTRAL
SUB-COUNTY, KENYA

Permit No : **NACOSTI/P/15/6111/6225**
 Date Of Issue : **20th May, 2015**
 Fee Received : **Ksh 1,000**




for the period ending:
28th October, 2015

[Signature]
Applicant's Signature


[Signature]
Director General
National Commission for Science, Technology & Innovation

CONDITIONS

- 1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.**
- 2. Government Officers will not be interviewed without prior appointment.**
- 3. No questionnaire will be used unless it has been approved.**
- 4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.**
- 5. You are required to submit at least two(2) hard copies and one(1) soft copy of your final report.**
- 6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice.**



REPUBLIC OF KENYA



National Commission for Science, Technology and Innovation

RESEARCH CLEARANCE PERMIT

COUNTY COMMISSIONER

KISII COUNTY

[Signature]

Serial No. A 5136

20th May 2015

CONDITIONS: see back page

APPENDIX J:Map of Kisii Central Sub County

