

Exploration of the Theoretical Framework of Corporal Punishment and its Alternative Strategies

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ABSTRACT

Theories form the bases of understanding phenomena. This research explores the theoretical framework of corporal punishment and its alternatives as strategies for behaviour modification. It brings to light the influence of three main theories namely restorative discipline, positive psychology and retributive discipline on the use of corporal punishment and its alternative strategies as a way of controlling misbehaviours in school. Conclusions are drawn based on the influence of these theories to give understanding on the ongoing debate in support for and against the use of corporal punishment and its alternatives in society. It was recommended that for a successful implementation of any discipline policy, the theoretical basis of it should be understood by the policy makers and explained to the implementers of the policy.

Keywords: Theoretical framework, Corporal punishment, Restorative discipline, Positive discipline, Retributive discipline.

INTRODUCTION

A theoretical framework is defined by Eisenhart (1991:205) as “a structure that guides research by relying on a formal theory constructed by using an established, coherent explanation of certain phenomena and relationships”. Osanloo and Grant (2016), on the other hand, allude that a theoretical framework serves as a “blueprint” of an entire study. It, therefore, provides support for the epistemological, methodological and analytical approaches adopted for a study. Osanloo and Grant (2016) further state that a theoretical framework consists of a theory or ideas that underpin a researcher’s thinking in a study. As a result, the notions and definitions based on that theory that is critical in understanding the topic are brought to light. Kivunja (2018) supports this assertion with a definition that a theoretical framework consists of theories propounded by authorities in a field of study, which a researcher intends to research or draw upon to serve as a lens for data collection, analysis and interpretation of results. In light of the aforementioned definitions, this study was underpinned by three main theories. These were positive psychology, restorative discipline theory and retributive discipline theory. This is because the alternative strategies to corporal punishment, particularly, positive discipline, fit well with restorative discipline theory. The use of restorative discipline theoretical practices, from a closer look, brings about outcomes which are the centre of focus of positive psychology. On the other hand, corporal punishment goes in line with the tenets of retributive discipline theory. These three theories are discussed here to clarify the main underpinnings of the present study.

Restorative Discipline Theory

The term, restorative discipline, refers to “a process whereby all the parties with a stake in a particular

offence come together to resolve collectively how to deal with the aftermath of an offence and its implications for the future” (Marshal, as cited in Borton, 2008:216). On the other hand, the National Commission on Restorative Justice (NCRJ) defined restorative discipline as “a victim-sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and integration into society” (NCRJ, 2009:34).

Howard Zehr is credited with the introduction of restorative justice into the crime justice space (Nelson & Nelson, 2020). Current restorative justice and, hence, discipline emanated from “Elimra Case” in Elimra, Ontario, where rather than using the punitive measure to deal with two teenagers charged with 22 counts of vandalism, a local group used this approach to resolve the problem (Noakes-Duncan, 2016). According to Borton (2008) and Motsinger (2018), restorative discipline was born out of three (3) main factors: social and political moves to come out with more informal route to solving conflicts, a growing dislike for punitive punishment, and the formation of groups of victims of corporal punishment. In restorative discipline, three principal actors are brought together to resolve a problem—the victim, the offender and the community. Restorative discipline avails the opportunity for parties who have been most affected by an occurrence to meet to share their feelings, explain how they were harmed and develop a strategy to amend the harm done or block its reoccurrence. Thus, the restorative model is uniting, making room for the offender to correct and clear the offender tag (Gregory et al., 2016). It, therefore, aims at the well-being of the victim, community and offender (Nelson & Nelson, 2020). The philosophical base of restorative discipline, therefore, is on treating all individuals with fairness and involving their co-operation in resolving problems (Scriven, 2017).

Restorative discipline has its roots in a perspective of human nature which denotes that man is forgiving, loving and good-natured, and aims at reconciliation (Borton, 2008; Kervick et al., 2019). First administered in the criminal justice system, restorative discipline seeks to fix the damage caused by an offensive act while stemming further offences largely through reconciliation conferences involving victims, offenders and community members (Karp & Frank, 2015). Therefore, the focus of restorative discipline is on repairing the damage caused rather than on punishment as in the case of retributive theory (Ntombizandile, Padayachee & Makhasane, 2020; Wachtel, 2016). It, therefore, has a co-operative focus rather than a top-down approach as in the case of punishment. It is, therefore, seen as more effective than punishment (Ntombizandile, Padayachee & Makhasane, 2020). Studies by Blood and Thorsborne, Queensland Education Department, Youth Justice Board, as cited in Payne and Welch (2015), have testified to the effectiveness of restorative discipline over punitive discipline in dealing with school-based misbehaviour. To this extent, it is said that the restorative discipline approach is more effective in the school system than in the court system because of the close nature of interaction in the school system (Payne & Welch, 2015). In the school situation, restorative discipline seeks to mend the sour relationship between pupils and educators as a way of resolving conflicts between them and as a way of showing empathic understanding towards the perpetrator of the offence (Jeznik, Kroflic & Kuhar, 2020; Oxley & Holden, 2021). Though restorative discipline has been found successful in controlling school discipline, its successful implementation is found to be dependent on teachers’ training on restorative discipline and, hence, requires re-orientation of teachers towards school discipline (Oxley & Holden, 2021; Weaver & Swank, 2020).

McCold and Wachtel’s (2003:3) restorative discipline model depicts the responsibilities of the three parties in restorative discipline namely the victim, the offender and the community in bringing about partial restoration, most restoration and full restoration of the parties involved. The responsibilities among the parties largely involve an interaction between the parties to decide on an amicable solution to the harm caused by the indiscipline acts of the offender and the restoration of all the parties to the offence to a position prior to the harm being caused. Effective implementation of restorative discipline practices is expected to bring outcomes of self-regulation, happiness, trust and self-discipline which are the focus of the positive psychology theory.

Positive Psychology

Positive psychology is defined as the study of the circumstances and mechanisms that promote the flourishing or ideal operation of individuals, communities and organizations (Gable & Haidt, 2005). Peterson (2008), on the other hand, defined positive psychology as “the scientific study of what makes life most worth living”. Over the past decades, psychology as a discipline has focused on mental illness, stress, anxiety, violence and, in essence, bringing humans up from the negative aspects of life rather than focusing on the positives of human life like happiness, cheerfulness, hope, well-being and gratitude, hence, the coming of positive psychology. Thus, positive discipline grew from the recognized imbalance in clinical psychology where most studies focused on mental illness (Ackerman, 2018; Gable & Haidt, 2005; Pawelski, 2016). Gable and Haidt (2005) posit three reasons for psychology’s focus more on the negative aspect of life. First is the compassion to eliminate the suffering of the masses. Second is pragmatic and historical reasons for funding agencies devoting more funds towards the elimination of human suffering like mental illness after World War II and third is human nature of focusing on the bad rather than the good side of life.

Positive psychology, by its tenets, does not just study the pleasurable aspects of human life to the exclusion of other aspects of psychology perceived as negative, but calls for a balance of the study of both. The aim of positive discipline, therefore, Gable and Haidt (2005) assert, is not to neglect the other side of psychology on anger and distress, but also to focus on the other side of the divide, which is human happiness, resilience, cheerfulness and gratitude. Therefore, the positive aspects of human behaviour should be the centre of focus of psychology. In Table 1 below, Pawelski (2016) outlines the components of positive discipline.

Table 1: Common Components of Positive Psychology

(1) Positive orientation	Basic direction of positive psychology (complementary to the negative focus of mainstream psychology)
(2) Positive topography	Areas to be studied by positive psychology (e.g. optimism, courage, social responsibility)
(3) Positive target population	Beneficiaries of positive psychology (primarily non-clinical populations)
(4) Positive process	Approach for achieving desired outcomes (build good qualities)
(5) Positive aim	Ultimate goal of positive psychology (to provide an empirical vision for understanding and cultivating the good life)

Source: Pawelski, 2016

Though positive psychology had been part of psychology since 1902, tracing from the works of William James in 1902, Allport in 1958, Maslow in 1968 and Cowan in 2000, it was less stressed until the early 2000s (Gable & Haidt, 2005). Positive psychology became a thriving aspect of psychology from the works of Martin Seligman when he became dissatisfied with psychology’s increasingly narrow focus on the ill aspects of life like suffering, pain and anxiety to the neglect of the positives of life like health, strength and well-being (Pawelski, 2018). Therefore, when Martin Seligman became the president of the American Psychological Association in 1998, he came out with a presidential initiative to see to the development of the aspect of psychology that will focus on life-giving rather than life-depleting (Gable & Haidt, 2005; Kern et al., 2020; Pawelski, 2018). The first paper on positive discipline was published by Seligman and Csikszentmihalyi in 2000. Since 2000, positive psychology has seen a remarkable development, with the formation of positive psychology movements championing the development of this focus of psychology

(Gable & Haidt, 2005; Kern et al., 2020; Pawelski, 2018).

The focus of psychology on the positives, as well as the negatives of human life, has produced a number of positive outcomes. Kern et al. (2020) have outlined two of these positive outcomes. First, positive psychology has led to the development of a number of interventions and programmes for dealing with human problems. Second, it has produced knowledge to serve as the basis of decisions by policy makers. Pawelski (2018), on the other hand, outlines three of these positive outcomes. First, positive psychology has led to a change in focus of empirical studies to positive emotions, gratitude, strength and discipline. Second, it has led to a change in the approach of many psychologists to their work by now incorporating aspects of positive psychology and third, it has led to much research works and publications in positive psychology, special journals devoted to positive psychology, organization of national and international conferences on positive psychology and roll out of a number of post-graduate programmes on positive psychology. The study of positive psychology has some challenges. Gable & Haidt (2005) outline two of such challenges. First is the perception that if there is positive psychology, then the rest of the focus of psychology is negative psychology and hence psychological studies should pay less attention to them. Second, the focus on positive psychology could lead to the neglect of other aspects of psychology that do not fall under positive psychology.

Positive discipline relates to this study in that the outcomes of successful discipline policies in school lead to self-regulation, happiness, cheerfulness and discipline in school. These concepts are part of the concepts in human development which are emphasized by positive psychology.

Next in the discussion are the tenets of retributive discipline theory which emphasizes the support for corporal punishment.

Retributive Discipline Theory

Retributive discipline theory was propounded by Immanuel Kant. Retributive discipline has been necessitated by the writings of Immanuel Kant and assertions of moral development theorists namely Jean Piaget and Lawrence Kohlberg (Jeznik, Kroflic & Kuhar, 2020). These theorists assert that individuals at the early stages of life are egocentric and impulsive until they are adults. They independently cannot do what is right in life and, hence, need to be controlled to obey rules and regulations (Jeznik, Kroflic & Kuhar, 2020). Retributive discipline refers to “the subjectively appropriate punishment of individuals or groups who have violated rules, laws, or norms and, thus, are perceived to have committed a wrongdoing, offence, or transgression” (Sabbagh & Schmitt 2016:238). To Hart cited in Mohanty (2015), retributive discipline is the infliction of the pains of punishment on a guilty party who has morally offended.

From the two definitions above, retributive discipline is more or less subjecting one to pain or a form of suffering as a recompense for an offence he or she has committed. Retributive discipline is, therefore, based on three main philosophical underpinnings according to Walen (2016). First, people who commit some form of wayward acts, particularly serious ones, need to be equally given commensurate punishment. Second, it is inwardly satisfying to give offenders of rules a commensurate punishment and third, it is morally not allowed to willfully punish the victim of the offence and to punish the offender more than proportionate to his/her offence.

Retributive discipline is derived from the Code of Hammurabi’s *lex talionis* which means “an eye for an eye” and, hence, connotes that one who commits wrong must suffer pain for it (Karim, Newaz & Kabir, 2017). Studies indicate that retributive discipline exists in non-human species as well (Wenzel & Okimoto, 2016). In modern times, there are other models of retribution, namely, desert-based retribution, fairness-based retribution and forfeiture-based retribution (Karim, 2019). Desert-based retribution asserts that

punishing people for their wrongs is morally allowed because those people deserve to be punished and, hence, it is our responsibility to do that. Fairness-based retribution says that retribution is necessary for fairness, as not punishing is unfair. Forfeiture-based retribution alludes that the breaker of a rule has surrendered his/her rights as he/she has done so to the victim and, hence, deserves to be punished (Karim, 2019).

According to Garber and Jackson (2012), retribution is based on two philosophical notions, namely, retribution as revenge and retribution as just desert. By retribution as revenge, retribution is a way of avenging the offence committed by the offender. That is, retribution aims at retaliating for the offence committed and, hence, letting the offender suffer in the same stead. By retribution as a just desert, retribution is meant to let the offender pay a form of debt or compensation proportional to the offence committed as a way of compensating for the loss and as a way of ensuring equality, social balance and justice in society. Garber and Jackson (2012) explained that retribution is meant to let the offender suffer for the offence committed and, hence, to get him even with the victim. Furthermore, the offender must suffer proportional to the offence committed and, hence, compensate society for the offence committed. For the offender to suffer and get even with the victim forms the revenge notion of retribution. To suffer proportionally and compensate for the loss caused form the just desert notion of retribution.

Proponents of retributive discipline attribute several advantages to it. Mohanty (2015) enumerated the following as its advantages. Retributive discipline offers punishment to those who deserve it because punishment is offered based on a past act. It is, therefore, fair. Punishment offered is equal to the offence committed (desert) as opposed to the case of restitution punishment which aims to restore the offender in terms of his relationship with the victim and community. Retributive discipline sends a message to the culprit that society frowns on the punished act and, hence, it is fair to the victim and society as a whole since not punishing will denote those offenders have not contravened any law of society.

CONCLUSIONS

The two discussed theories, namely, restorative discipline and retributive discipline, underpin the pros and cons arguments respectively for corporal punishment. While proponents of restorative practices are against corporal punishment use and, hence, call for the use of some restorative practices like positive discipline to deal with disciplinary problems in the school set-up, proponents of retributive discipline argue differently. To them, corporal punishment is necessary in the school set up as a means of meting out appropriate deterrents to offenders and ensuring justice in the school system. The debate between the use of corporal punishment and its alternatives, it is envisaged, will continue because of these two different theoretical positions in literature. Proponents of retribution will argue for the continuous use of corporal punishment while proponents of restoration will call for a ban on corporal punishment and a switch to the use of alternative strategies to corporal punishment.

IMPLICATIONS AND RECOMMENDATIONS

The study implies that clear theories frame the use of various approaches to discipline in schools. Retributive theory influences the use of corporal punishment in schools while restorative discipline, which is based on the tenets of positive psychology, influences the use of the alternative strategies to corporal punishment like positive discipline.

Based on these expositions, the following recommendations are made for educators and policy makers in their approach to discipline in schools:

1. The theoretical bases of any disciplinary approach or policy utilized in schools should be known and

understood by policy makers to enable them explain and defend the policy to its implementors. To this end, policy makers must read and abreast themselves with these theories, for them to be on top of the theoretical bases of any approach to discipline they recommend as a policy.

2. A discipline policy should not be introduced until the theoretical bases of the policy has been explained to the implementors of the policy. Teachers are critical implementors of a discipline policy. In this vein, policy makers who want to introduce corporal punishment in school, should explain the theory of retributive discipline to the implementors of the policy for them to better understand and use the policy. Policies in favour of the alternative strategies to corporal punishment should also be implemented, when the tenets of the theory of positive psychology and restorative discipline have been clearly explained to the implementers of the policy. This education can be carried out if educational policy makers implement a successful professional education forum in schools to serve as ground for carrying out this education. These things done would allow for the proper implementation of any discipline policy in schools.

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