

Corporal Punishment: A Holistic Consideration

By

O. Hapanyengwi-chemhuru.

Educational Foundations

Abstract

The article defines the terms discipline, punishment and corporal punishment. It advances the argument that legislating against corporal punishment erodes the authority of the teacher and undermines their commitment to duty. The teacher as an authority in authority must have the trust and respect that his/her profession merits. This however is not to condone those individuals who may be misguided and resort to unjustified use of corporal punishment. It is further argued that the either or stand point to the question of corporal punishment is too simplistic, and that there are circumstances in which corporal punishment is warranted and others in which it is not. But the moment we legislate against it, we commit ourselves to the view that there are no circumstances under which corporal punishment would be warranted.

1. Introduction

This paper is a consideration of the various views, attitudes and implications so that corporal punishment is understood in wider socio-cultural and multi-disciplinary contexts. The discussion goes beyond the pupil and the teacher as it interrogates the concept of punishment in the context of discipline, authority, socialisation, rules and regulations, responsibility, freedom, good teaching and the family. It is argued that if corporal punishment is understood in a wider perspective which is fostered through such a holistic consideration, it may become clear that the *either or* stand point is too simplistic, and that just as there are circumstances in which corporal punishment is warranted, there are also others in which it is not justifiable. The fact that the judiciary system finds it prudent to retain corporal punishment may be regarded as lending credence to the claim that there are circumstances in which corporal punishment is justified in schools and in the classroom. If this is so, the moment we legislate against it, we commit ourselves to the view that there are no circumstances in which corporal punishment would be warranted which in fact may not be true.

Background to concern with corporal punishment

In 1985, after completing my Advanced Level studies, I had a stint as a temporary secondary school teacher at Chisumbanje Secondary School. I was teaching History in five Ordinary Level classes, Forms Three A to E. Naturally, some students were naughty while others were well behaved. There was a class which had a particularly larger share of students who were classified as naughty, slow in learning and displayed disruptive tendencies in their behaviour. Then, I was not aware that a number of articles had been and were to be written on the question of the legitimacy and appropriateness of the use of corporal punishment (Peters, 1966., Cohen and Manion 1977., Zindi, 1995., Sithole, 1994. Kurebwa, 1989., Atkinson, 1989, Cohen and Manion, 1977). As a young teacher who had just left high school, I did not believe in the use of corporal punishment in class. I was surprised one day, when I found one of the classes making a lot of noise. As I was trying to reason with the class and trying to convince them that it was to their advantage that the lesson proceed without interruption, one girl had her hand up as soon as the class was quite, “Ticha, kana mauya muno mukirasi motoita zveshamhu. Mukaita zvokutaura chete hapana chinobuda. Chatinonzwa ishambhu. Tajaira kurobwa isu”, she said. (Teacher, once you are in this class of ours you need to use the stick. If you just plead verbally, you will achieve nothing. What we understand is the language of the stick. We are accustomed to the use of the stick”). To my further surprise there was a chorus in agreement. In other words, they were asking me to use corporal punishment to instil discipline into them. Ever since I have been wondering whether it is wise to completely remove the use of corporal punishment from our

schools as a means of instilling and ensuring discipline in classrooms and schools. If indeed the truth of the Biblical injunction, "Spare the rod and spoil the child" holds sway as is indicated above, it is important to interrogate the place of corporal punishment as a means of maintaining discipline in our schools. But why is discipline an important issue in education?

Discipline

A justification of the discussion of discipline when our concern is with punishment was provided by Hirst and Peters (1970:128) when they stated that, "Punishment is often confused with discipline because it is a device to which teachers and parents often resort in order to maintain discipline." Having argued that education necessarily involves learning and that all learning involves discipline, they maintained that "education necessarily involves discipline" (Hirst & Peters, 1970:125). However, they also point out that the two are conceptually distinct from one another. Furthermore, they argue that discipline entail acting according to set rules. In the schools discipline is "the maintenance of general conditions of order without which nothing can be effectively learnt" (Hirst & Peters, 1970:127). Mac-Arther and Carver cited in Madzivanyika (1992:12) quoting from the Lexicon of Contemporary English note that among others, discipline has been defined as:

- a) "Intelligent obedience, willingness to obey orders, ability to make people obey orders.
- b) The amount of control the teacher has over his class
- c) Respect for authority
- d) Subjection to the rule of control
- e) Punishment
- f) Unquestioned obedience".

Dewey (1966) argues that discipline is positive self-control in all circumstances. In this form it is internally imposed. When "it involves conforming to rules", (Peters, 1966: 267) or conveys the notion of submission to rules or some kind of order, it is externally imposed (Sithole,1994). Generally, when a teacher is said to be able to maintain discipline in a class, it means the pupils have respect for the authority of the teacher. She is able to teach without undue interruptions. In other words, he/she is able to create a favourable environment for the teaching-learning process to occur. From the above views, one can deduce that discipline entails order, stability, tranquillity, smooth running, self-control and management, good rapport as well as abiding by regulations which establishes equilibrium. It is when disequilibrium created by indiscipline repeatedly occurs that the question of *punishment* arises as a means to the restoration of equilibrium to facilitate learning. In other words, as Peters (1966:266) noted, the idea of punishment arises because, "even the most inspiring, stimulating and competent teachers sometimes come across pupils who will not submit to the discipline of the learning situation".

Theories of Punishment

Corporal punishment as a concept derives from the general idea of punishment, which itself issues out of the notion of discipline. Hirst and Peters (1970:125) regard punishment as "just one method of preserving discipline". For our discussion to be focused, it is in order to make a survey of what has been viewed as the meaning of the concept of punishment and locate the position of corporal punishment. It is our conviction that a proper grasp of this concept leads to meaningful reflection on the various interpretations of the issue at hand. It is when we understand the relatedness of the various interpretations of the concept that we become aware of the implications of our standpoint. While there seems to be no controversy as to what constitutes corporal punishment, the debate revolves around its desirability or non-desirability.

The Encyclopaedia Britannica defines punishment as, 'the infliction of some pain, suffering, loss or social disability as a direct consequence of some action or omission on the part of the person punished' (Sithole 1994:7).

Barker (1994:) regards punishment as, "any procedure or measure necessary to ensure a submission to a

code of conduct or a framework of rules in order to manage and control a system". But what justifies punishment?

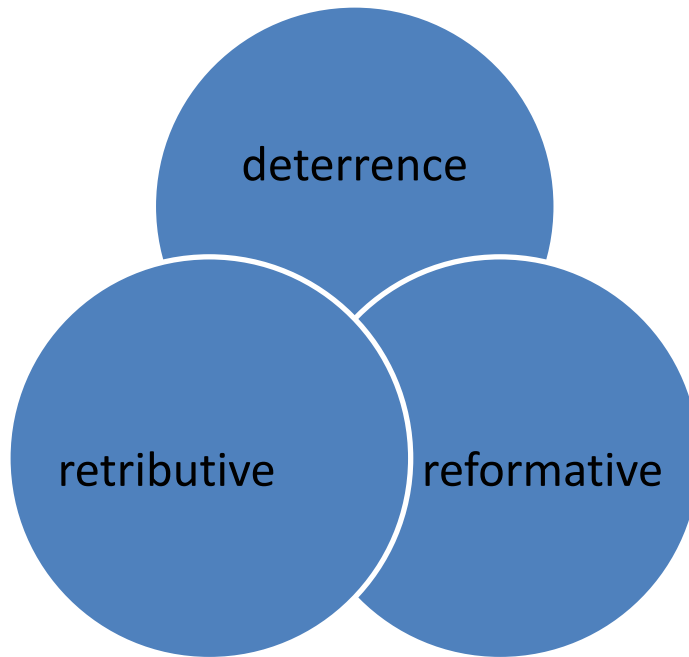
According to Peters (1966:267), it is generally held that there are three theories that explain the justification of punishment. These are:

- (i) . *the retributive theory* of punishment which can be explained in terms of "an eye for an eye or a tooth for a tooth" (Peters, 1966:266). This he condemns and dismisses as "an inhuman relic of a barbarous age" without explaining any further (ibid). Raphael (1981:42) describes this form of punishment as *just desert*. Built into this theory is the idea of settling scores. A punishment of this nature has no room in the classroom or at school since the school as an institution is not the appropriate place for settling vendettas. However, this has been said with caution:
- (ii). *the deterrent theory* of punishment which Peters (1966:267) describes as "a bit more civilized" without explaining why this theory should be regarded as more civilized. Hirst says this serves as a justification for punishment. Hirst and Peters (1970) argue that when penalties are used, the intention is to deal with the offenders as well as to deter would be offenders. Pain in this instance is a necessary evil that makes people reflect before they act. Quite often teachers resort to corporal punishment for this reason. The problem with this theory is that it treats human beings as means to an end and not ends in themselves, but this is only if we share Kant's conviction never to treat human beings as means to an end (Ming, 1908).
- (iii). *The reformatory theory* which Peters (1966:267) calls, "the most progressive and enlightened of all". This is based on the conviction that punishment leads to change of behaviour on the part of the punished. Punishment is perceived as an instrument for behaviour modification in the desired direction though what constitutes desired behaviour may be questionable. This theory of punishment is also regarded as just desert, one is getting what is due to him or her based on what he/she has done.

Peters (1966:268) proceeds to argue that punishment "involves the intentional infliction of pain or something unpleasant on someone who has committed such a breach of rules. The pain must be inflicted by someone who is in authority, who has a right to act in this way" (Peters, 1966:268). Peters and Hirst (1970:5) further argue that "a logically necessary condition for the use of this word (punishment) is that something unpleasant should be done to someone". Peters (1966) further argues that for an act to count as punishment, there are three logically necessary criteria that it should meet:

- a) It must be an intentional infliction of pain
- b) It must be by someone in authority
- c) It must be on a person as a consequence of a breach of rules on his part. Peters is in effect saying punishment is always deserved. Having said this, Peters (1966) argues that punishment is retributive by definition. Where it is not, it cannot be regarded as punishment. This legitimizes punishment.

If we look closely at the three criteria above, it becomes clear that they are not incompatible. When punishment is administered, it would be inconsistent to argue that the intention was never to deter would be offenders, or the one who is being punished from repeating the same offense. It would also not make sense to argue that the intention is not to reform or at least have the offender change his behaviour. At the same time if we argue that the punishment must be commensurate with the offence, how can we avoid it being retributive? The circles below should suffice in explaining the relationship between the three criteria.



Explaining the relationship between the three theories of punishment

Corporal Punishment

Sithole (1994:8) defines corporal punishment as the use of the cane or beating to instil discipline or as a corrective measure. He contemptuously refers to it as "getting even with a pupil". This definition places corporal punishment in the category of i above. Yet, this need not be the case. Corporal punishment like all other forms of punishment must have as its objective, the deterrence as well as the reformation of the offender. Central to the definition of corporal punishment is the infliction of physical pain. It is the aspect of physical pain on the basis of which a number of arguments have been formulated against corporal punishment.

Some Arguments Against Corporal Punishment

Kurebwa (1989) argues that corporal punishment creates fear or dread as well as a sense of insecurity in the pupils and alienates the pupil from the teacher. The two become foes and the child may end up hating the subject of the teacher concerned, a view also expressed by Atkinson (1989) and Cohen and Manion (1977). For this reason, Cohen and Manion (1977) proceed to argue that corporal punishment should never be used. It is important to note that the people who argue this way focus on the physical pain and not the reason behind the beating (Sithole, 1994; Zindi, 1995) which is equally important. What is often ignored in this argument is the fact that the way the pupil responds to all forms of punishment depends on the relationship between the teacher and the pupil. It has also to be based on the knowledge the teacher has of the responses of the pupil to other forms of punishment. When a pupil understands why he/she is being punished this way, and there has been good rapport between the teacher and the pupil no resentment or anger develops. Emotional development is interfered with where excessive or unwarranted corporal punishment is used, and where hate is expressed, but it appears those who support corporal punishment are not arguing for this.

Zindi (1995) points out that the use of corporal punishment is often interpreted as admission by the teacher that he has failed in his task as a teacher. In other words, he/she is not a good teacher and uses corporal punishment to support poor teaching. Such an argument is not compelling for it would be a fallacy to believe that all teachers who use corporal punishment in some instances are poor teachers. We agree with Peters (1966) whether good or bad, teachers will always find some students who just do not want to submit

to the discipline of the learning situation. While the teacher can use corporal punishment as the last resort, it can be argued that there is no logical connection between being a good or bad teacher and the use of corporal punishment. The Biblical injunction 'Spare the rod and spoil the child' seems to suggest that teachers who use corporal punishment are actually demonstrating their love and deep concern for the pupils, what Zindi (1995) calls 'tough love'. Furthermore, the injunction demonstrates that experience had it that on occasions, children respond more to corporal than any other form of punishment. Those who use punishment are portrayed as acting responsibly. No teacher in his/her normal senses enjoys inflicting pain on her pupils just for sake of it (If there are such teachers, they should be nowhere near schools and classrooms). It must be acknowledged that both good and bad teachers do use corporal punishment. The difference may lie in knowing when it is warranted or not and indeed as *loco parentis*, they should know.

It has been argued that if corporal punishment is used, pupils will cheat and try not to get caught (Zindi, 1995). This does not seem to be a plausible argument because even when pupils are not punished through beating, they will always try not to get caught. Should all forms of punishment be abolished then so that pupils do not develop deceitful tendencies? Deceitful tendencies may be a result of socialisation or personality traits which have nothing to do with the type of punishment one has been subjected to, at school.

Another argument that has been advanced against corporal punishment is that it supposedly leads children into believing that violence is an acceptable way of expressing disapproval or anger. This, it has been maintained, can be carried on into adulthood and lead to a culture of violence (Zindi, 1995). However, there seems to be no evidence that the contrary is true. This is only an assumption. There are societies where corporal punishment has been banned but are among the most violent nations on earth. There is no evidence that withholding the cane leads to less violent societies. In fact Brown and Payne (1988) point out that some teachers in these societies are now advocating a return to the use of the cane as a way of instilling discipline¹.

Zindi (1995) further points out that another argument often given against corporal punishment is that children are entitled to care, security and a good upbringing. There is no question that children need the above. However, it can be argued that while corporal punishment may be humiliating, it is part of that good upbringing as long as it is administered with love and understanding. Those who support corporal punishment view it as part and parcel of good upbringing. They are also opposed to unreasonable use of corporal punishment. Corporal punishment is a means to an end used in the last resort and after due consideration.

William Gardner, (1993) cited in Zindi (1995) argues that hitting people is wrong and children are people too. Therefore, corporal punishment is wrong. While it can be argued that the use of whips, electric codes, metal rods, broomsticks and ropes (Zenenga, 1994 in Zindi, 1995) cannot be condoned, there is need to qualify why hitting people is wrong even if it is intended to benefit the recipient. In fact, the fact that our legal system sees it fit to maintain the use of the cane means that the utility of corporal punishment is appreciated by the courts, except that they postpone its use to adulthood². Can it not be argued that prisoners or offenders are people too, and therefore should not be subjected to corporal punishment?

Some Arguments for Corporal Punishment

As noted by Zindi (1995) there are thousands of Zimbabweans who claim that they owe their success to the use of corporal punishment by their teachers. They argue that teachers beat them to success (Majange, 1992) as the beating spurred them to work hard. These are among those who argue that pupils normally do

¹ The BBC Report of Friday, 14 January, 2000, with the title, "Should corporal punishment return to our schools indicates that half of the parents would like to see the return of corporal punishment in schools in the UK after 14 years it was outlawed

² On 14 May, 2011, Newsday had an article entitled, "Corporal Punishment for Teenage Robbers. Three teenagers had attempted to rob a taxi drivers they had hired but were apprehended by members of the public. For this offence they were sentenced them to three years wholly suspended. Instead, they were receive between four and six cuts for the crime. This was deemed better than sending them to prison for three years.

not know what is right for them because they are not yet intellectually developed enough to fully comprehend the various pressures around them. It is in later years, when they are able to take stock of the reality that confronted them then that they appreciate what the teacher did for them. Such people are not opposed to the use of corporal punishment by teachers. A colleague tells a story of a teacher who was beaten up by his former student for failing to administer corporal punishment to his former student when he was in school. The former student argued that he was young, did not appreciate the challenges of life and is of the view that if the teacher had used corporal punishment, the former student would have worked hard and his fate would have been different.

In 1992, in a class of the Graduate Certificate group at the University of Zimbabwe, one student who was now a Headmaster confessed that at primary school, he used to play truant. He would leave home early in the morning with other pupils. On the way he would branch off into the woods where he would spend the day eating wild fruits and basking in the sun waiting for other to start going home from school. He would then join them as if he was at school. He did this for some time until the teacher visited him at his home and gave him a thorough thrashing. From that day, he never missed school. He was thankful to that teacher. Such stories are many and these are used to justify corporal punishment in schools.

The chaos that characterise some American schools has been used in the argument for the use of corporal punishment in schools. The chaos is a result of pupil indiscipline. In such schools both teachers and some pupils are intimidated by bullies. Hence, some academics have argued that we do not need to replicate such chaos in Zimbabwean schools by abolishing corporal punishment. In fact, with the restriction of the administering of corporal punishment to Headmasters, Deputy Headmasters and Hostel Masters, we already have a semblance of disorder in our schools. This manifests itself in drug abuse, bullying, drunkenness and crime among pupils (Majange, 1992) while teachers have ceased to care because they feel helpless.

It can further be argued that when corporal punishment is abolished in schools, it is being assumed that all pupils are the same in terms of their attitudes, behaviour and thinking as well as upbringing. The message being conveyed to a child used to spanking as a disciplinary measure at home is that at school he can do all sorts of mischief and escape with a 'minor' punishment. The bully is also being made to realise that he can be mischievous in class, terrorise other pupils and disrupt lessons and escape the consequences. Yet as an adult he will be expected to abide by the rules of society which are even harder than those of the school. He can even face the death penalty. Is the school not a community in miniature in which pupils live and have to learn to face the consequence of their action?

When teachers are prohibited from administering corporal punishment, their authority in class is being undermined. In fact, the very basis on which teachers are hired is being contradicted. When teachers are hired, they are entrusted with the responsibility of both the intellectual and moral development of the children (Peters, 1966) under their charge. They act in *loco parentis*. It is 'underhanded' to then refuse to trust them with the inculcation of discipline which goes with their vocation. Or is there something seriously wrong with the system of hiring teachers or with the calibre of the teachers being hired? If the teacher does everything else well, why would he/she fail when it comes to the inculcation of discipline? If teachers are to succeed, society should not undermine their credibility (Mumpande, 1994). They must be viewed as responsible professionals who know what society expects of them and are able to act within reasonable limits.

Related to the above argument is the fact that children are not by nature 'good' or 'bad'. They learn from the family, the school and the society through the process of socialisation (Worsley, 1977). They come from different families with diverse values and norms as well as diverse ways of instituting discipline (Muzenda, 1994). It should not be fallaciously believed that all pupils will respond equally to the same type of treatment. Peters and Hirst (1970) point out that there are pupils who are determined to cause disturbances in class, who are used to corporal punishment as a way of enforcing discipline. In such cases the teacher may be justified in resorting to corporal punishment. This being the case, it is obvious their backgrounds

play an important role in determining the values our children cherish. Their backgrounds also determine the mode of discipline they adequately respond to. This, the ban on the use of corporal punishment ignores.

Children from a very early age have to learn to be responsible and accept the consequences of their actions if they are to develop into responsible adults. Pupils have to be aware of the extent of their freedom and what it entails to overstretch it. Teachers should clearly show pupils the types of punishment including corporal punishment, to which they would be subjected for infringing different types of rules. In society, the pupils are confronted by laws, rules and regulations to be observed. Some societies even have capital punishment. In the school as a miniature society, there must be rules and regulations which reflect what happens in the society. While corporal punishment is painful, the pain is the idea if it is what deters the offender from violating the regulation next time. The intention is not to destroy but to build. This is what is fundamental. The argument is that corporal punishment has to be reasonably administered. What is reasonable is what is consistent with the offence, which the pupil must be aware of beforehand.

An Evaluation of Some Alternatives

Those who are opposed to the use of corporal punishment have what they consider to be viable alternatives. It is these that we seek to discuss with a view to evaluating their effectiveness to the Zimbabwean situation. Among the alternatives is detention which involves retaining pupils after school. The pupils are made to stay behind for committing an offence or a number of offences. The question however is, what is in detention which is not in corporal punishment? Is emotional pain more bearable than physical pain if they are effected to the same degree? Another question is, who is going to ensure the detention is carried out? Is the teacher who administers the punishment not punishing himself in the process as well since the teacher has to be there to make sure the child remains behind? The teacher cannot use prefects or monitors since that would amount to punishing them as well. Another question is, what does the pupil do as punishment since detention for detention's sake is out of the question? At the same time this is not the proper occasion for doing something worthwhile (Peters, 1966) since school work should not be used as punishment (Cohen and Manion, 1977). For these reasons, detention is not very effective as an alternative form of punishment.

Deprivation of privilege is another form of punishment suggested instead of corporal punishment. But this only works where there are worthwhile privileges. It must be appreciated that there are pupils whose privileges are outside the teachers sphere. It works only if the pupil appreciates the privilege being withdrawn and if the teacher knows those privileges the child cherishes. This calls upon the teacher to know the privileges valued by the pupils and this appears to be a tall order for the teacher.

It has been further suggested that schools, instead of using corporal punishment, can resort to the use of 'cooling off' rooms to which pupils are confined and monitored by an adult. This gives the pupil 'time out' to reflect on his misbehaviour. But this can only happen if the child is the type who reflects on his actions. It, however, has the disadvantage that the pupil loses out as the class will continue to learn, or the teacher would have to organise extra-lessons for such a pupil. Furthermore, with limited resources is it possible to employ extra people for that purpose when, as it is, teachers are not enough and in most schools there are no spare rooms that can be used for that purpose? Note must be taken that usually, those pupils who are normally adjudged to deserve the cane are not the type to reflect on their actions. Hence, this method, if it is effective at all, works for those pupils who are not impervious to solitude (Sithole, 1994).

It has been suggested that teachers can inform the parents of the misbehaving pupil so that they can deal with their child. But, the point is, parents have already entrusted that responsibility to the teachers when they send their child to school. Some parents are workers. They do not always have the time to come to schools. Related to this is the suggestion that parents can deduct pocket money from the child's allowance. But that is only if the allowance is significant. In our situation, very few pupils receive such allowances from their parents. Also constant resort to parental authority by the teacher can be interpreted to amount to an abdication of duty.

In extreme cases, suspension or expulsion of the student has been recommended. As Muzenda (1994) points out, the school is there to assist children to develop positive behavioural patterns, norms and values. It is doubtful that expulsion or suspension attains this efficiently. In fact they can result in stigmatisation and development of a sense of rejection. The pupil has to be punished within the class so he does not feel like he does not belong there. The key in the use of corporal punishment is to sit “the child down for a quiet talk about why he, or she, is in trouble” [Newsweek Homepage http://www.newsweek.com/2009/04/24/the-principal-and-the-paddle.html](http://www.newsweek.com/2009/04/24/the-principal-and-the-paddle.html).

2. Conclusion

In fact in Zimbabwe corporal punishment was abolished in 1982. The government had to reverse this decision in 1985 due to the upsurge in incidence of pupils bullying teachers resulting in the deterioration of classroom discipline. But then the government stipulates who and under what circumstances corporal punishment should be administered and teachers were denied access to the use of the cane. Hence, in schools we find an atmosphere of laxity and carefree attitude among teachers as well as among the pupils. This is because the teachers feel disempowered. They feel they are not trusted to do their job adequately.

If it is accepted that pupils bring their individual, family, peer and social values to the class, diverse as they are, and if we expect the teacher to create the best possible learning environment, the teacher as a responsible professional deserves the confidence of the society. Among teachers, culprits or wayward teachers will always be there and the law can always deal with them. Therefore, we can conclude with Kant’s words when he said, “no infringement on school discipline must be allowed to go unpunished, although the punishment must always fit the offence” (quoted in Ozmon & Craver, 1986;28). Again we agree with Kant that corporal punishment must be used with caution to supplement the insufficiency of other forms of punishment.

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