



CHC Episode 15 : Violence & Power - Part 2

June 22, 2015 - [Society for the History of Children and Youth](#)

Interview with Ben Parsons is available [online](#)

CHILDHOOD: History and Critique (CHC) is a series of interviews, commentary, and happenings in the historical studies of childhood by Dr. Patrick J. Ryan, Kings University College at Western University, Canada

This installment of *CHC* offers the second part of an inquiry into violence and generational relations. [CHC Ep14 – part 1](#) introduced a Foucauldian perspective on power and the notion of “wicked” problems to make sense of troubling stories about the treatment of a prisoner in Maine and the use of cage-fighting in a Dallas public high school. It included an [interview](#) with [Peter Kelly](#) of RMIT University in Australia and a leader in critical youth studies. I argued that these and other incidents and programs suggest that measured physical violence and the disciplinary arrangement of space, time, and bodies operate together, dialectically to frame generational relations of power.

In Part 2, we will begin with a review of institutionalized corporal punishment of children in American and Canadian law, policy, and practice. This includes a brief commentary on how historians have contributed to our understanding of these structures and concludes with a reading of the 1669 “Children’s Petition” – an anonymous appeal for the English Parliament to regulate corporal punishment in schools. I discussed the long-term continuities and changes in corporal punishment with [Ben Parsons](#), Lecturer at the University of Leicester, who is engaged in a project on ideas about violence, discipline, and

learning in late-medieval and early modern pedagogical discourse.

Elaborate statistical analyses and [case-by-case](#) reviews of children’s corporal punishment are widely available. Here it is sufficient to begin with the obvious. Today most adults in the world appear to assent to using moderately painful and humiliating punishments to raise and educate children and youth.[\[1\]](#)

This majority support for corporal punishment seems stitched together as a patch-work of varying ideas and practices; certainly regional variations are suggestive of diversity. For example, the [geography of American corporal punishment policies](#) in schools closely replicates the distribution of blue states (Democratic) and red states (Republican) in [U.S. Presidential elections](#). Each year the schools of the American South formally paddle [hundreds of thousands of students](#), while just north of the Mason-Dixon line the practice has been (largely) prohibited in public schools. In light of the tensions between punishment and interrogation examined in [CHC Ep14](#), it is almost too rich to report that purportedly anti-government American Republicans overwhelmingly favour encouraging public school teachers and administrators to [corporally punish](#) disobedient students *and* allowing government agents to [secretly water-board](#) suspected terrorists.

Without discounting diversity, there is an impressive global pattern of support for the



corporal punishment of children by parents and other custodians.[2] The U.S., U.K., Ireland, Canada, and Australia are only five among well-over one-hundred countries not joining [forty-four](#) mostly European nations (led by Sweden in 1979) who have enacted general prohibitions of children’s corporal punishment.[3] A 1980 study of Scotland found that supermajorities ([up to 95%](#)) of boys were tawsed at least once in school. A 1995 survey of American parents reported that 94% had used it to control toddlers.[4] In 2007, a school board in Quebec hired a psychologist to teach parents [how to spank correctly](#). More recently, significant [majorities](#) of English parents reported they support it and/or use it. In our correspondence, Ben Parsons pointed-out to me that popular coverage of the [2011 urban riots in the U.K.](#), which included headlines such as [“Feral Children Run Wild,”](#) ignited [calls](#) for a renewed emphasis on [corporal punishment](#).

The ongoing global prevalence of corporal punishment makes it difficult to dismiss the practice as a relic of a pre-modern past; nor do I think it is fair to explain it as a product of mass media sensationalism playing to the lowest common denominator. In fact, Canadian and American scholars have identified the foundational sources of corporal punishment’s legitimacy in Anglo-American law. These include: (1) child custody and family privacy doctrines, (2) current practice and community standards, and – above all – (3) the argument that when the practice is [controlled](#), moderate pain and shame may alter a child’s view of themselves, others, and the rules when subtler methods have failed. This third argument has been especially important, because it defends corporal punishment *as* a disciplinary technique – in the Foucauldian sense.[5]

Consider what courts in North America have typically demanded while upholding the right to

corporally punish children. They stipulate how severe the damage can be, which bodily zones are available, what instruments might be used, the numbers of blows that can be delivered, the ages of the children who can be struck, the emotional-states of the participants, and who should execute, witness, and document the punishment, and sometimes what should be said. Several scholars have argued that this elaborate architecture makes it more difficult to police violence against children, and that the complexity of the rules themselves insures that more children will be seriously harmed. These arguments are compelling (even conclusive), but for the purposes of this inquiry, the formal stipulations are themselves significant because they locate an interdependency between disciplinary interrogation and bodily pain within generational power relations.[6]

Let’s outline the common institutional rules. Blows meted out to children are supposed to be delivered by or with the approval of a custodial parent in combination with techniques that encourage the children to reflect upon themselves. School codes of conduct sometimes state that corporal punishment will be used “if and after other forms of correction have failed,” or “administered to any student who indicates open defiance for authority...”[7] The punishment is supposed to “sting” without overwhelming the subject.[8] It is common to find policies instructing officials that students “shall be advised why they are being paddled and be provided with the opportunity to present their side of the story prior to the administration of corporal punishment.”[9] Even more telling is the stipulation that students “will be questioned as to reasons why corporal punishment should not be administered.”[10] Interrogation and the threat of bodily pain are partnered. These regulations seem to follow the logic captured in the famous line, delivered with a strap, in the movie *Cool*



Hand Luke: [“what we’ve got here is failure to communicate,”](#) if we “can’t reach” you, pain awaits as a [“last resort”](#) to get your mind right.[\[11\]](#)

In sum, court rulings and school policies often outline precisely how children’s self-examination and communication should be integrated into practices moderate bodily pain delivered by adults who know them well. Each time the exchange between punishment and interrogation is written, practiced, threatened, remembered, narrated, mandated, disputed, opposed, defended (etc.), it pushes a little deeper into the framework of modern generational power relations.

How long has the *punishment-interrogation dialectic* been operating on the landscape of childhood and how has it changed over time?

In [Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present](#) (Amsterdam UP, 2014), [Guy Geltner](#) makes a case that corporal punishment is ubiquitous; it has not declined with modernity and it is not declining today. Corporal punishment has been resilient in the face of reform, he says, because it helps us close-off liminal possibilities (it sets group boundaries), and because it allows us to place others on the “periphery of humanity.” One possible implication of Geltner’s argument for childhood and youth is obvious. Corporal punishment of children remains strongest against critique, because young people are exemplars of liminal possibilities and this is enhanced by the fact that they are positioned as ‘not yet’ fully human (or as human becomings).[\[12\]](#)

Geltner’s call for us to think in terms of dynamic continuities (rather than by narratives of modern transformation) may be difficult for

some childhood historians entertain. A diverse line of scholarship has identified over-arching stages moving European cultures from the sovereignty of patriarchal fathers and masters toward what Elizabeth Pleck called, more “psychological methods of discipline.” Think of the contributions of Bernard Wishy, Lloyd de Mause, Edward Shorter, Lawrence Stone, Philip Greven, Peter Stearns, Mary Ann Mason, Joseph Illick, Jacqueline Reinier, and others.[\[13\]](#) Studies concerned with matters as different as household devices (Karin Calvert) and legal thought/practice (Holly Brewer, [CHC Ep 10](#)) have delivered persuasive evidence of a profound early-modern reorientation in generational relations.[\[14\]](#) Collectively, these historians have outlined a long-term movement away from sovereign punishment toward disciplinary techniques since the early sixteenth century.

The story of modern transformation has been told in numerous ways, but rarely without a sense of irony. For Philippe Ariès, the rise of the well-regulated school and the domesticated parlour from the 16th to the 18th centuries constituted a loss of liberty.[\[15\]](#) The closer historians looked at 19th- and 20th-century attempts to institute enlightened childhood ideals, the more ambiguous the project seemed. Perhaps Joe Hawes put the best face on it when he summarized the children’s rights movement as a series of cycles between periods of progressive energy followed by ones of apathy.[\[16\]](#) Studies by Anthony Platt, Jacques Donzelot, Viviana Zelizer, Linda Gordon and many others since have suggested something more problematic – modern child protection and family investigation often served as ideological tools for maintaining class, gender, and racial hierarchies.[\[17\]](#) Whatever these scholars intended and whatever influence their works exerted, the picture of misused police power has helped maintain the right of care-



giving adults to corporally punish children and youths. The operative slogan is “don’t criminalize spanking.”[18]

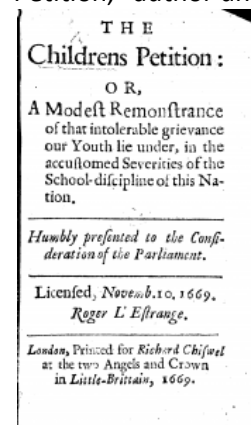
Which is to say that historical studies likely produced varying sensibilities and applications. For some, these books offered grounds for reading the history of children’s corporal punishment as a halting movement toward enlightenment, even if that progress was waylaid by ideological manipulation. In Michael Donnelly’s view historical research supports calls for continued efforts to finally liberate children and youth from corporal punishment.[19] Old generational ideologies are about to fall, as a ‘new’ paradigm of childhood emerges.[20] For other readers, this literature carved a janus-faced figure of modern childhood – a picture more amendable to my questions. In Nikolas Rose’s words, today’s young inhabit “the most intensely governed sector of personal existence.”[21] From his perspective, echoed variously on CHC by [Karen Smith](#) and [Ansgar Allen](#), modern childhood itself was made through the governmentalization of the state and the rise of an unprecedented regulatory framework.[22]

[Bruce Curtis](#)’ work in the history of education (*Ruling by Schooling Quebec* and *Building the Educational State*) sharply captures this double-sense of the dynamics of punishment and discipline. In a wide-ranging, well-argued 1997 chapter on corporal punishment he concluded:

“Lancaster’s [early-19th-century disciplinary innovations in classroom design] are remarkable in that corporal punishment no longer appears as a means of moral discipline. From a necessary good in the 16th-century, to a necessary evil in the 18th, the beating of students had, in theory, disappeared by the 19th...”

Curtis completed his point with two key admissions: (1) the shift was never fully manifest because practices of inflicting pain continued; (2) the movement from punishment to discipline played with “tactics in a social politics of domination and subordination [more] than an unambiguous indications of ethical advance.”[23] It seems to me that both of these acknowledgments become logically consistent with the narrative of the rise of modern disciplinary institutions – (rather than caveats necessary to sustain the narrative) – if we accept that discipline always-already relies upon physical punishment. In other words, what Curtis and many others have found makes more sense if we more completely abandon the assumption that we are headed for a disciplined world without punishment, and consider the possibility that bodily violence exists in generative tension with disciplined self-examination.

To explore this possibility further, I called [Ben Parsons](#) to help me read the oldest English document (of which I know) calling for statutory regulation of corporal punishment in schools. [Early English Books](#) holds a “Children’s Petition,” author unknown – dated 1669, which



offers a plea to Parliament for statutory limits upon the schoolmasters’ rights to strike their students (boys of gentry and noble status).[24] The petition did not result in legislative action, but there is no reason to discount its serious intent.[25]



Ben observed that the title sounded a lot like religious dissenter Simon Fish's (d. 1531) "Supplication for the Beggars" – a early 16th-century satirical attack on clerical intercession and the doctrine of purgatory – and "The Song of the Husbandmen," a 14th-century poem lamenting the toll of taxes on small farmers. He explained that all three traveled the literary vane of "representing a larger mass, despite the fact that what is being vocalized is the opinion of a privileged few." If this is so, perhaps the universal term "children" could become more visible as a group through the rise of grammar schools – even though the attending students were limited to a select class of boys.

Ben thought the novelty of the "Children's Petition," lay constructing corporal punishment as a legal problem. He knew of at least three cases where teachers had been prosecuted for excessive beatings of students (Thomas Fosse at Bristol, John Roberdson at London, John Depupp at Nottingham); yet in these it was less than clear what law had been violated. The limited legal discourse upon schooling in the late-medieval/early-modern eras seemed more concerned with the pursuit of heresy (or the defence of capital T – Truth), rather than the establishment of discipline.

It seems to me that the document might be read as an off-shoot of a larger humanist critique of corporal punishment. Enlightened opinion of the sixteenth and seventeenth centuries reiterated, but also troubled the Latin aphorism – *Initium sapientiae timor domini* – the beginning of wisdom is the fear of the master. Ben affirmed this reading and added in correspondence,

"...indeed a lot of sixteenth-century material in the wake of Erasmus' De pueris statim ac liberaliter instituendis: Montaigne's 'De l'Institution des Enfants', Mulcaster's Positions,

and Ascham's Schoolmaster all have extensive remarks on the practice [of corporal punishment]. Being humanists, they tend to associate flogging with 'bad' established practice, although many of them (especially Mulcaster) still see it as fundamentally beneficial if implemented correctly. Certainly their efforts did nothing to sever the link between physical discipline and formal education: thus Swift writes in a letter of 1708 of his time at Kilkenny: 'I formerly used to envy my own happiness when I was a schoolboy...I never considered the confinement ten hours a day to nouns and verbs, the terror of the rod, the bloody [sic] noses and broken shins'. Pope's portrait of Dr Richard Busby in The Dunciad (4.139-64) is even less forgiving. Both were at school when the Petition appeared."

Perhaps humanist educational ideas unsettled the corporal punishment of students – and the relationship between bodily pain and learning – and helped open a more intense arena of debate. Ben Jonson was not complementing a rival when he called him a "pedantic schoolmaster, sweeping his living from the posteriors of little children."^[26] The image underlying Jonson's insult served as the starting point of "The Children's Petition." School masters lacked civic virtue and economic independence in a society that had seized monastic property a century earlier. As a result, their authority was "derived" and "subordinate," unlike that of natural fathers or agents of the King, and therefore it became subject to regulation by Parliament. During our conversation, Ben offered some interesting notes about the tensions between parents and teachers as the grammar school regime became established in the late-16th and 17th centuries.^[27]

The subordination of the clerical class opened the way for the petition's primary attack: such



little men whipped the exposed buttocks of boys as a form of sexual debauchery. We find illusions to the traditions of Jesuit education which may have closed a circle from whipping to buggery to schooling for the petition’s presumed readers.[28] If punishment is “self-pleasing” by the punisher, its origins would rest in the desires of the master and “not in the punished to help it.” Students would be fashioned in a “hell,” where “they arise from an unquenchable fire, in the appetite of the Master.”[29] A reissue of the petition in 1698 concluded by referring to the biblical story of the wickedness of Sodomites in Genesis 19.[30] For these reformers, the fundamental problem with corporal punishment of students was not what it allowed anger and fear to do, but what it allowed pleasure to do. It is a “procurer of vice,” with a “root more deep perhaps in the flesh than is seen.”[31]

It seems to me the petitioners are profoundly undermining the key Christian justification of corporal punishment as a practice of pastoral care. In the 10th-century, Anglo-Saxon translators of Pauline texts helped insure for centuries that the Benedictine monastic reforms would include beatings and forced fasts as requirements of spiritual transformation. The cornerstone of this transformation (via St. Paul) rested on the clerical renunciation of the body, sex, and family life (thus the priority given to monastic life).[32]

Of course, the monastic order would fall in the 16th-century and clear the way for the rise of the grammar schools. Here we have 17th-century grammar school petitioners reversing the relationships between violence upon the body and the purification of the soul. Corporal punishment must be regulated in order to redirect the human propensity to seek pleasure and avoid pain. For the disciplined student, “...[it] is not the necessities of his Meat & Drink,

no not his Balls and Boundingstones, his Top and his Bandy, [that] would be delicious to him, as the time he was thus suffered to be with his Master...” Before Locke would make this argument famous in *Some Thoughts on Education*, the petitioners are assuming that children’s concern for how they are viewed by others (that is their capacity to take themselves as objects of vision) could be used as a means of control without arousing the corrupting passions of bodily pleasure. This idea stands as a pillar of governmental rationality. If discipline is established within, we will find students “cheerfully striving with themselves and fellows in understanding, who shall excel, and wear the Wreath of their Masters commendation.” Schools should be something like a “Boys Olymicks, or so many Games of the Muses...” Promising students should “not only be admitted to higher degrees of exercise, but to some more intimate conversation of their Master in reading of History, or other delightful studies.”[33]

In Foucauldian terms, the petition asked for a regime of government rather than a sovereign doctrine. The ability of a master to manage students, “keep a company of Youth in obedience, without violence and stripes,” is more important than his skill at Latin or Greek.[34] Students who are unsuitable for school should be expelled, not beaten. Children are not “mad,” a school is not “bedlam.” [35] Whipping should never be visited upon a boy for academic failure.[36] Corporal punishment should be rare and regulated. It should never be delivered to a boy’s buttocks with drawers dropped.[37] The 1698 version added that pubescent youths (boys over 13 and “the Female sooner”) should be exempt completely.[38]

To further prevent the procedure from being mixed with “the Masters heat of passion,” two



procedures are recommended. Time between the offending incident and its punishment should pass (an hour or a day). In the interim, the school should convene a “solemn kind of Judicature” (a review by masters and fellows). Here justifications, extenuations will be heard. Candour will be encouraged. The offender must speak, confide, confess. Fellow students will hold the right to condemn.[\[39\]](#)

The significance of the “The Children’s Petition” lies in the structure of thought it reveals. I read it as an attempt to widen the pathway for disciplinary techniques within a compromised seat of pastoral power – the school-master’s relationships with students. This pathway became clearer over time, not by abolishing children’s corporal punishment, but utilizing it to construct ever more subtle connections

between physical pain and interrogating discipline. As this happened, to conclude with Foucault’s words, the sovereign found “*himself responsible for, entrusted with, and assigned new tasks of conducting [men].... this is why there is a problem that assumed an even greater intensity than others in this [early-modern] period... The pedagogical problem of how to conduct children... The education of children was the fundamental utopia, crystal and prism through which problems [of governmentality were perceived].*”[\[40\]](#)

It seems to me that the task of conducting the conduct of children has not – over the intervening three centuries – untangled itself from the sovereign bond of bodily punishments.

RECENT PUBLICATIONS BY BEN PARSONS:

“Beaten for a Book: Domestic and Pedagogic Violence in the Wife of Bath’s Prologue,” *Studies in the Age of Chaucer* 37 (2015).

“The Way of the Rod: the Functions of Beating in Late Medieval Pedagogy,” *Modern Philology* 113 (2015).

“Bloody Students: Youth, Corruption and Discipline in the Medieval Classroom” in *Blood Matters* ed. by Bonnie Landers Johnson and Eleanor Decamp (Penn State UP, 2015).
Comic Drama in the Low Countries, 1400-1560, with Bas Jongenelen (Boydell and Brewer, 2012).

“‘In Which Land Were You Born?’: Cultural Transmission in the *Historie van Jan van Beverley*,” with Bas Jongenelen, *Medieval English Theatre* 36 (2014): 30-76.

“Scarring Roles: Trauma and Temporality on the Medieval Stage,” *Romard* 51 (2013): 43-50.

“The English Fabliau in the Fifteenth and Sixteenth Centuries”, *Literature Compass* 10 (2013): 544-58.

“Sympathy for the Devil: Gilles de Rais and his Modern Apologists”, *Fifteenth-Century Studies* 37 (2012): 113-38.

“To Sir, With Loathing: Student Revenge Fantasies and the Middle English Lyric”, *PEER English* (Special Issue) 7 (2012): 24-45.

“‘Verray Goddes Apes’: Troilus, Saint Idiot and Festive Culture”, *Chaucer Review* 45 (2011): 275-98.

“No Laughing Matter: Fraud, the Fabliau and Chaucer’s Franklin’s Tale”, *Neophilologus* 95 (2011): 1-16.

“‘A Riotous Spray of Words’: Rethinking the Medieval Theory of Satire”, *Exemplaria* 21 (2009): 105-28.

“‘For my synne an for my yong delite’: Chaucer, the Tale of Beryn, and the Problem of Adolescentia”, *Modern Language Review* 103 (2008): 940-51.



NOTES:

[1] To obtain global information on corporal punishment from around the globe see www.corpun.com/. This essay focuses on English-speaking cultures; for the global prevalence and institutionalization of corporal punishment of children and youth in Spain, Ghana, South Africa, Romania, Israel, China, Japan, India (respectively), and in world-South see: Enrique Gracia and Juan Herrero, "Beliefs in the Necessity of Corporal Punishment of Children and Public Perceptions of Child Physical Abuse as a Social Problem," *Child Abuse and Neglect* v. 32 (2008): 1058-1062; Frances Hunt, "Policy in Practice: Teacher-Student Conflict in South African Schools," in *Education, Conflict and Reconciliation: International Perspectives* edited by F. Leach and M. Dunne (Peter Lang, 2007); Vusi Mncube and Tshilidzi Netshitangani, "Can Violence Reduce Violence in Schools? The Case of Corporal Punishment," *Journal of Sociology and Social Anthropology* vol. 5, no. 1 (2014): 1-9; Afua Twum-Danso Imoh, "Children's Perceptions of Physical Punishment in Ghana and the implications for Children's Rights," *Childhood: a journal of global research* v. 20, n. 4 (2013): 472-486; Adrian V. Rus et al, "Severe Punishment of Children by Staff in Romanian Placement Centers for School-Aged Children: Effects of Children and Institutional Characteristics," *Child Abuse & Neglect* v. 37 (2013): 1152-1162; Zeev Winstok, "Israeli Mothers' Willingness to Use Corporal Punishment to Correct the Misbehavior of Their Elementary School Children," *Journal of Interpersonal Violence* v. 29, no. 1 (Jan 2014): 44-65; Meifang Wang and Li Lui, "Parental Harsh Discipline in Mainland China: Prevalence,

Frequency, and Coexistence," *Child Abuse & Neglect* vol. 38, no. 6 (June 2014) 1128-1137; Aaron L. Miller, *Discourses of Discipline: An Anthropology in Japan's Schools and Sports* (Institute of East Asian Studies, 2013); N.S. Mumthas, Jouhar Munavvir, and K. Abdul Gaffor, "Student and Teacher Perceptions of Disciplinary Practices: Types, Reasons, Consequences and Alternatives," *Guru Journal of Behavioral and Social Sciences* vol. 2 iss. 4 (Oct – Dec, 2014); Jennifer E. Lansford et al, "Attitudes Justifying Domestic Violence Predict Endorsement of Corporal Punishment and Physical and Psychological Aggression towards Children: A study of 25 Low- and Middle-Income Countries," *Journal of Pediatrics* v. 164 n. 5 (May 2014): 1208-1213.

[2] Joan E. Durrant, Linda Rose-Krasnor, and Anders G. Broberg, "Physical Punishment and Maternal Beliefs in Sweden and Canada," *Journal of Comparative Family Studies* vol. 34 (2003): 585-604.

[3] Analyses of Swedish penal and disciplinary regimes are particularly relevant. See Jonas Qvarsebo, "Swedish Progressive School Politics and the Disciplinary Regime of the School, 1946-1962: a genealogical perspective," *Paedagogica Historica* vol. 49, no 2 (April 2013): 217-235; Vanessa Baker, "Nordic Exceptionalism Revisited: Explaining the Paradox of a Janus-faced Penal Regime," *Theoretical Criminology* vol. 17, no. 1 (February 2013): 5-25. A more complete critique of the progressive narrative of penal reform relative to childhood was delivered by Agamben in *Homo Sacer*, see pages 130-131.



[4] Murray Strauss and Julie H. Stewart, “Corporal Punishment by American Parents: National Data on Prevalence, Chronicity, Severity, and Duration, in Relation to Child and Family Characteristics,” *Clinical Child and Family Psychology Review* vol. 2, iss. 2 (June 1999): 55-70.

[5] See Anne McGillivray, “Children’s Rights, Paternal Power and Fiduciary Duty: From Roman Law to the Supreme Court of Canada” *International Journal of Children’s Rights* vol. 18 (2012): 21-54; “Child Corporal Punishment: Violence, Law and Rights” (with Joan Durrant) in *Cruel but not Unusual: Violence in Canadian Families* edited by Ramona Alaggia and Cathy Vine (Wilfrid Laurier University Press, 2006): 177-200; “Childhood in the Shadow of Parens Patriae” *Multiple Lenses, Multiple Images: Perspectives on the Child Across Time, Space and Disciplines* edited by in Hillel Goelman, Sheila Marshall and Sally Ross (University of Toronto Press, 2004): 38-72. The outline given here is more sharply represented in [Canadian Foundation for Children, Youth and the Law vs. Canada](#) (Can. Sup. Ct, 2004); Katie Sykes, “Bambi Meets Godzilla: Children’s and Parents’ Rights in *Canadian Foundation for Children, Youth and Law v. Canada*” *McGill Law Journal* vol. 51 (2006): 131-165. The grounding British case was *R v Hopley* (1860) 2 F&F 202, several European Human Rights Commission rulings have narrowed what is permissible by parents under British law. See [Rhona Smith](#), “To Smack or Not to Smack? A review of *A v United Kingdom* in an international and European context and its potential impact on physical parental chastisement,” *Web Journal of Current Legal Issues* 1999. The most important American case is [Ingraham v. Wright](#) (U.S. Sup. Ct., 1977); Virginia Lee, “A Legal Analysis of *Ingraham v. Wright*” in *Corporal Punishment in American Education: readings in history,*

practice, and alternatives edited by Irwin A. Hyman and James H. Wise (Philadelphia, PA: Temple University Press, 1979): 173-195.

[6] There is strong evidence that statutes and policies that protect “mild” uses of corporal punishment from prosecution make it difficult to police more severe cases of abuse and humiliation. Whether these legal protections themselves cause measurable long-term damage to child and youth is a more difficult research question, but it seems likely to me that they do. See Bernadette J. Saunders and Chris Goddard, *Physical Punishment in Childhood: the rights of the child* (Malden, MA: Wiley-Blackwell, 2010); Deana Pollard Sacks, “State Actors Beating Children: A Call for Judicial Relief,” *University of California Davis Law Review* vol. 42 (2008-09): 1165-1229; Joan E. Durrant, “Trends in Youth Crime and Well-being Since the Abolition of Corporal Punishment in Sweden,” *Youth & Society* v. 31, no. 4 (June 2000): 437-455; Anne McGillivray, “‘He’ll learn it on his body’: Disciplining Childhood in Canadian Law,” *International Journal of Children’s Rights* vol. 5 (1998): 255-288.

[7] See examples from public and private schools Colorado and Georgia accessed online January 29, 2015. Appling County Middle School, Parent/Student Handbook of Information 2013/2014, <http://bit.ly/1K6CCbi>; “Meeker School District No Re-1” (Colorado) <http://bit.ly/1I9Wiey>; Appling County Middle School, Parent/Student Handbook of Information 2013/2014, <http://bit.ly/1K6CCbi>

[8] Milford Christian Academy Student Handbook – Jan. 7, 2014 (Milford, CT) at <http://www.bchristian.com/pages.asp?pageid=61499>. See the defense of moderate usage in two Australian Christian Academies: (1) <http://www.perthnow.com.au/news/why-the-cane-is-good/story-e6frg12c-1226091374079>



and (2)

<https://au.news.yahoo.com/thewest/a/24479704/glare-on-cane-using-schools/>

[9] School District of Clay County, Green Cove Springs, FL, "Code of Conduct," (2013-2014): 11 accessed on 02/03/15 at http://www.oneclay.net/wp-content/uploads/2013/10/code_conduct1314.pdf. See also Sandra Himmel, "Citrus County Schools, Code of Conduct, 2012-2013," page 19, accessed at http://www.oneclay.net/wp-content/uploads/2013/10/code_conduct1314.pdf

[10] The School Board of Union County (Lake Butler, Florida), "Student Code of Conduct, Union County High School," (2010): 18. Accessed at <http://union.uchs.schooldesk.net/Portals/Union/UCHS/docs/StudentHandbook.pdf>

[11] See page 47 of Pendleton Heights (Indiana) High School Student Handbook, 2014-15. <http://southmadison.in.schoolwebpages.com/education/components/docmgr/default.php?sectiondetailid=384&fileitem=12589&catfilter=ALL>

[12] Guy Gelner, *Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present* (Amsterdam University Press, 2014).

[13] Bernard Wishy, *The Child and the Republic: the Dawn of the Modern American Child Nurture* (Philadelphia, PA: University of Pennsylvania Press, 1968); Lloyd deMause ed., *The History of Childhood* (New York, NY: Harper & Row, 1974); Edward Shorter, *The Making of the Modern Family* (New York, NY: Basic Books, 1975); Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London, UK: Weidenfeld and Nicolson, 1977); Philip J. Greven, *The Protestant Temperament: Patterns*

of Child-Rearing, Religious Experience and the Self in America (New York, NY: Knopf, 1977); Elizabeth Pleck, *Domestic Tyranny: the making of social policy against family violence from colonial times to the present* (New York, NY: Oxford University Press, 1987); Peter Stearns, "The Role of Fear in American Emotional Standards for Children, 1850-1950," *American Historical Review* v. 96, no. 1 (1991): 63-94; Mary Ann Mason, *From Father's Property to Children's Rights: the history of child custody in the United States* (New York, NY: Columbia University Press, 1994); Jacqueline Reiner, *From Virtue to Character: American Childhoods, 1775-1850* (New York, NY: Twayne Publishers, 1996); Joseph Illick, *American Childhoods* (Philadelphia, PA: University of Pennsylvania Press, 2002).

[14] Karin Calvert, *Children in the House: the material culture of early childhood, 1600-1900* (Boston, MA: Northeastern University, 1992); Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill, NC: University of North Carolina Press, 2005).

[15] Phillippe Ariès, *Centuries of Childhood: a social history of family life* trans. by Robert Baldick (London, UK: Cape, 1962): 406.

[16] Joseph M. Hawes, *The Children's Rights Movement: a history of advocacy and protection* (Boston, MA: Twayne Publishers, 1991); and, *Children in Urban Society: Juvenile Delinquency in Nineteenth-Century America* (New York, NY: Oxford University Press, 1971).

[17] Anthony M. Platt, *The Child Savers: the invention of delinquency* (Chicago, IL: University of Chicago Press, 1969); Jacques Donzelot, *The Policing of Families* trans. by Robert Hurley (New York, NY: Pantheon Books, 1979); Viviana Zelizer, *Pricing the Priceless Child: the changing social value of children* (New York, NY: Basic



Books, 1985); Linda Gordon, *Heroes of Their Own Lives: the politics and history of family violence, Boston 1880-1960* (New York, NY: Viking, 1988).

[18] This was an important phrase in the government of Canada's defense of statutory protections for parents provided by section 43 of the criminal code, and it was reiterated by the majority ruling. See [Canadian Foundation for Children, Youth and the Law vs. Canada](#) (Can. Sup. Ct, 2004). And it is widely used to support similar policies and laws in the English-speaking world.

[19] Michael Donnelly, "Putting Corporal Punishment of Children in Historical Perspective," in *Corporal Punishment of Children in Theoretical Perspective* edited by Michael Donnelly and Murray A. Straus (New Haven, CN: Yale University Press, 2005):41-54.

[20] This said, research inspired by the so-called 'new' paradigm's stress upon the evidentiary value of children's perspectives does not necessarily result in advocacy for any particular policy; it can also complicate our understanding of the question. See especially the thoughtful article by Jean-Paul Payet and Vije Franchi, "The Rights of the Child and 'The Good of the Learners': a comparative ethnographical survey on the abolition of corporal punishment in South African Schools," *Childhood: a journal of global research* v. 15, no. 2 (2008): 157-176.

[21] Nikolas Rose, *Governing the Soul: The Shaping of the Private Self*, second edition (New York, NY: Free Association Books, 1999): 123.

[22] See CHC Ep14. The specific tensions between the social study of childhood and governmentality studies are summarized nicely by Marit Haldar and Eivind Engebretsen, "Governing the liberated child with self-

managed family displays," *Childhood: a journal of global research* v. 21, no. 4 (2013): 475-487.

[23] Bruce Curtis, "'My Ladie Birchely must needs rule,' Punishment and the Materialization of Moral Character from Mulcaster to Lancaster," in *Discipline, Moral Regulation, and Schooling: a Social History* edited by Kate Rousmaniere, Kari Dehli, and Ning de Coninck-Smith (NY: Routledge, 1997). Also see by Bruce Curtis, chapter 8 of *Building the Educational State: Canada West, 1836-1871* (London, ON: Althouse Press, 1988); *Ruling by Schooling Quebec: Conquest to Liberal Governmentality – A Historical Sociology* (Toronto: University of Toronto Press, 2012).

[24] Author Unk, "The Childrens Petition, or a modest remonstrance of the intolerable grievance our Youth lie under, in the accustomed severities of the school-discipline of the nation. Humbly presented to the Consideration of the Parliament," (London, Richard Chiswel, 1669).

[25] This is the approach of C.B. Freeman, "The Children's Petition of 1669 and Its Sequel," *British Journal of Educational Studies* vol. 14, no. 2 (May 1966): 216-223. Following a 1975 lecture delivered by Keith Thomas, the documents focus on sodomy appears to have caused Hugh Cunningham to conclude that it was pornographic rather than a "genuine petition" to Parliament. Other studies (see note 29) have shown that this concern part of a wider discourse on pedagogy in the early modern period, and should not be dismissed. See Hugh Cunningham, *The Invention of Childhood* (London: BBC Books, 2006): 84.

[26] Mark H. Lawhorn, "Taking Pains for the Prince: Age, Patronage, and Penal Surrogacy in Samuel Rowley's *When You See Me, You Know Me*," in *The Premodern Teenager: Youth and*



Society, 1150-1650 edited by Konrad Eisenbichler (Toronto: Centre for Reformation and Renaissance Studies, 2002): 131-150. (Jonson quoted on page 136)

[27] “Childrens Petition,” 4-6; 35-37. The petitioners do briefly refer to the Roman antithesis between corporal punishment and citizenship. But they do not develop this line of thought. “Childrens Petition,” 25, 27, 33. A good summary of the Greco-Roman sources of this idea is offered by G. Geltner, “History of Corporal Punishment,” in *Encyclopedia of Criminology and Criminal Justice* edited by Gerben Bruinsma and David Weisband (New York, NY: Springer, 2014): 2106-2115.

[28] “Childrens Petition,” 22-23. The connection between pleasure, pain, pedagogy, and sex was part of a larger concern documented in Alan Stewart, *Close Readers: Humanism and Sodomy in Early Modern England* (Princeton, NJ: Princeton University Press, 1997): 84-121; It is also suggested by the way the text uses Latin passages, especially the one taken from Juvenal, Satire II, lines 8-10. See “Children’s Petition,” 17-18, 20. The point was made infamous by Sade. John Phillips, *The Marquis de Sade: a very short introduction* (New York, NY: Oxford University Press, 2005): 1-2.

[29] “Childrens Petition,” 14-15.

[30] Unk, “Lex Forcia: Being a Sensible Address to the Parliament for an Act to Remedy the foul abuse of Children at Schools...” London: Eliz.. Whitelock, 1698): 30.

[31] “Childrens Petition,” 67.

[32] Nathan Ristuccia, “Ideology and Corporal Punishment in Anglo-Saxon Monastic Education *American Benedictine Review* v 61, no 4 (Dec

2010): 373-386.

[33] “Childrens Petition,” 58-60.

[34] “Childrens Petition,” 55.

[35] “Childrens Petition,” 50.

[36] “Childrens Petition,” 26.

[37] “Childrens Petition,” 34, 49, 61-63.

[38] “Lex Forcia,” 27-28.

[39] “Childrens Petition,” 61-63.

[40] Foucault, *Security, Territory, Population*, 231.



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