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Corporal Punishment as a Means of Education? Patterns of Interpretation in the German Educational Discourse in the First Half of the 19th Century¹

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Abstract

In the last third of the 18th century, in the context of a general discursive reference to the child's nature as a child and its naturalness there were attempts at making educational punishment more humane. Notwithstanding the critical debate on so called barbarous punishment, going as far as to a "campaign against stick and birch" (Möller), after all corporal punishment was not fundamentally questioned. Also suggestions in this respect did not push through in the discourse. This contribution is meant to explain the reasons for this, with the following central thesis: In the first half of the 19th century the debate on corporal punishment produced a contradicting context of justification – out of love for the child and in view of its future social activities, it was said, in case of inappropriate behaviour a child must indeed be punished, because although being capable of reason it is at first, like an animal, only open for sensory stimuli.

Keywords: corporal punishment, violence, childhood, means of education, pedagogics.

¿Castigo corporal como un medio de educación? Patrones de interpretación en el discurso educativo alemán en la primera mitad del siglo XIX

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Resumen

En el último tercio del siglo XVIII, en el contexto de una referencia general discursiva sobre la naturaleza del niño como un niño y su naturalidad, hubo intentos de hacer el castigo educativo más humano. A pesar del debate crítico sobre el llamado castigo bárbaro, llegando a una "campaña contra el palo y el azote" (Möller), finalmente el castigo corporal no fue cuestionado esencialmente. Las sugerencias en este sentido tampoco se aprobaron en el discurso. Esta contribución pretende explicar las razones de ello, con la siguiente tesis central: en la primera mitad del siglo XIX el debate sobre el castigo corporal produjo un contexto contradictorio de justificación – por amor a los niños y en vista de sus futuras actividades sociales, se dijo, en caso de comportamiento inadecuado un niño debe ser castigado, porque a pesar de ser capaz de razonar está en primer lugar, como un animal, abierto sólo a estímulos sensoriales.

Palabras claves: castigo corporal, violencia, infancia, medios educativos, pedagogía.

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In the last third of the 18th century, in the context of a general discursive reference to the child's nature as a child and its naturalness there were attempts at making educational punishment more humane (K. Heinze, 2008, pp. 188-191, 253; Bilstein, 2002; Herman, Depaepe, Simon & Van Gorp, 2007, p. 206; Cunningham, 2006, pp. 94-112).² What was criticized most of all was corporal punishment by way of using hard objects – such as beating with sticks, wattled ropes, pizzles³, books and keys, as well as kneeling on logs, peas a. o. But also beating children with the fist and on their heads was rejected, as this way the childrens' health was said to be affected and they were educated towards a "slave" and "servile" existence (Anonymous, 1779a; Campe, 1788/1961; Fecht, 1810, p. 91; Reuter, 1811, pp. 9-13; Natorp, 1817; Kröger, 1823; Stephani, 1827, pp. 28-29; Anonymous, 1847b, p. 988; in retrospect: Lindner, 1884, pp. 446-448)⁴. From the critics' point of view, the concept of childhood and man as it had been postulated and spread in the context of Enlightenment was incompatible to common educational practices, thus resulting in a need for innovation or improvement, in the sense that now reasonably thinking and acting man was no longer to be trained like an animal.

However, in the educational discourse the educational-practical question was raised on to which degree reason could be attributed to the child in its respective stages of development and which educational or punishment practices were then appropriate. Notwithstanding the critical debate on so called barbarous punishment, going as far as to a "campaign against stick and birch" (Möller, 1802), after all corporal punishment was not fundamentally questioned. Also suggestions in this respect did not push through in the discourse. This contribution is meant to explain the reasons for this, with the following central thesis: In the first half of the 19th century the debate on corporal punishment produced a contradicting context of justification – out of love for the child and in view of its future social activities, it was said, in case of inappropriate behaviour a child must indeed be punished, because although being capable of reason it is at first, like an animal, only open for sensory stimuli. Apart from this, still in the 19th century the original sin was given as a reason for the necessity of corporal punishment (Strebel, 1870, p. 292; K. Heinze, 2008, pp. 326-331; Osterwalder, 2000, p. 25), which was the reason why the idea that children are not yet

real humans could maintain its power against the enlightened postulate of educating man towards being man and could thus limit the latter. In the course of the paedagogization and schoolization of childhood, that is despite the condemnation and limitation of cruel corporal punishment due to an increased orientation towards the child, a concept of punishment in the context of which corporal punishment was still considered an adequate means of education was institutionalized, i. e. beating with stick and birch was generally practiced and accepted.

The “Janus face” of the newly founded moratorium concepts which, for the sake of their protection, relieves children from duties connected to the reproduction of society while at the same time defining the generational relations, becomes obvious by the interpretation patterns for legitimating corporal punishment (Zinnecker, 2000; Herrmann, 1993). Starting out from a needs structure of the child, which was defined on the basis of generational difference, means and measures of an institutionalized way of dealing with childrens’ needs were developed. At the same time, however, it is also determined how to deal with children not behaving according to these assumptions or defined norms (Bühler-Niederberger, 2005). Thus, the postulate of the child’s “innocence” (Bühler-Niederberger, 2005) contradicts the paedagogicized “power” over the child, i. e. coming along with the “domination fantasies of teachers” as “the final theoretical consequence of limitless trust in education” (Tenorth, 2008, p. 114) the orientation towards the child is connected to disciplining it. Insofar, it must be fundamentally doubted that there was any “progressive thinking” in the context of the punishment discourse, and the latter’s ambivalence must be considered (Glantschnig, 1987; Foucault, 1975/1994; Herman et al., 2007, p. 212), even if for the history of educational punishment we may assume elements of “partial modernization” (Kuhlemann, 1992, pp. 46-48). The contradicting nature of the educational-theoretical claim to improve man in the tension area of heteronomy and self-determination becomes obvious most of all by the respective conceptualization of punishment, which is legitimated by the purpose of “improving” the “pupil” (K. Heinze, 2008, p. 335). In this context, the effect of punishment aims directly at the body of the individual who shall be educated. At the same time one strives for the latter’s utilization and “submission”, although in this context sometimes also “milder methods”

are used (Foucault, 1975/1994, pp. 36-38, 174; K. Heinze, 2008, pp. 95-97). Being a “technology of power”, punishment shapes the subjects: The “mechanics of power” work by their “finest ramifications [...] as far as there where they touch the individuals, grasp their bodies, intrude their gestures, their attitudes, their discourses, their learning, their everyday lives” (Foucault, 1976, p. 32; Herman et al., 2007, p. 204; Mollenhauer, 1979, p. 64). This technology of punishment is not supposed to individually destroy those who shall be educated, rather the violent educational intervention – by way of “stamping” sensual impressions into the children’s souls and thus bodies (K. Heinze, 2008, pp. 90, 93), or in other words: by way of “inscribing” them into their bodies (Certeau, 1988, pp. 253-257; Sarasin, 2003, p. 105) – is supposed to open up possibilities of the (disciplined) behaviour of those who shall be educated (Foucault, 1982/1994, p. 255). Thus, the “standardization of the body’s gestures” is the precondition for controlling it (Sarasin, 2003, p. 66). However, the process of transforming civil punishment from “physical suffering” into an “economy of suspended rights”, as Foucault explains it (1975/1994, pp. 18-19), is not performed to its logical extreme, but it becomes obvious that the discursive condemnation of the children’s physical suffering was only half-hearted.

To be able to explain the process of turning away from barbarous punishment while at the same time institutionalizing corporal punishment, this contribution – connecting to the theory of the “grammar of schooling” – assumes that educational practice – just as the practice of teaching at school – is characterized by a relative stable structure, a “grammar of education” (Cuban, 1993; Tyack & Tobin, 1994; Depaepe, Herman, Surmont, Van Gorp & Simon, 2008, pp. 16-18; Herman et al., 2007, p. 216; C. Heinze, 2011, pp. 15-23). Punishment must be considered an element of this structure which proves to be sustainable and comparatively capable of resisting any improvement claim. A reshaping of the educational practice is triggered off most of all by experiences of discrepancy as a result of “failed adjustment” within the “grammar of education”.⁵ Such “failed adjustment” happens if the adjustment of educational practice and goals of education has been lost, furthermore it happens if there are changed expectations of society concerning the means and goals of education. Reactions to such a “failed adjustment” always aim at resolving

discrepancies, at improving the educational practice while at the same time stabilizing the educational system (C. Heinze, 2011, pp. 31-32). Crucial for accepting innovations as an improvement – in our case the pushing through of new patterns of interpretation in respect of the theory and practice of punishment – are the educational goals which are respectively aimed at.

Accordingly, the following questions shall form the core of this contribution: Which contradictions within the “grammar of education” resulted in accepting the necessity of innovation, and which provided discursive legitimation? How much was there a readiness to improve the practice, and where, in view of the goals being endangered, were the limits of possible changes?

To be able to analyze these questions, the focus will be on the discourse on educational punishment as well as on the relation between the discourse, the thus connected (non-discursive) practices and the respective power structures (Bührmann & Schneider, 2008, p. 50). While connecting to Foucault, discourses are understood as “practices” “systematically forming those objects they are talking about” (Foucault 1981, p. 74). They are “constituted [by] a limited number of statements” which belong to a regular context and must be attributed to a certain topical field (p. 170). Of interest in this context is the question of which statements on the practice of educational punishment from which range of possibilities were able to survive, which statements were excluded, and how “competing interpretations / norms of behaviour [are related to] unquestioned, unquestionable certainties of interpretation, security of behaviour and (everyday) matters of course” (Bührmann & Schneider, 2008, p. 98; Foucault, 1970/1997; K. Heinze, 2008, p. 21). In this context we start out from the thesis that the process of exclusion and inclusion is controlled by way of the discursive construction of failed adjustments, while at the same time the validity claim of individual statements is evaluated as a “complex of the subject’s possible positions” (Foucault, 1981, p. 158). Methodologically, the contribution is in line with the discourse-analytical principle of “maximum contrast” (Keller, 2011, pp. 113-114), to be able to document the essential patterns of interpretation by their mutual conditionality, but also by their exclusiveness. The extreme positions will at first be reconstructed by help of three case examples and then, by a second step, be located

within the discourse.

The focus of analysis will be on the first half of the 19th century, when there happens a discursive densification of the debate on the legitimacy of corporal punishment. Particularly among the so called “school men” (“Schulmänner”) (Tenorth, 2003b) there was an intense debate on the possibilities and limitations of educational punishment. This is not at last due to the fact that during their everyday vocational practice this group of educationalists was confronted with the challenge of teaching a huge number of children while at the same time seeing that they were fit for being taught or while dealing with this problem from the point of view of school supervision or administration. Consequently, given the demands and expectations of society and due to the difficulties of vocational practice there were debates precisely among the “school men” on in how far educational knowledge could be applied and might claim validity for educational practice (Tenorth, 1986, pp. 280-281)⁶. Thus, apart from those published contributions by the so called “classical authors” which are generally considered significant for the history of education, this contribution will first of all refer to the profession-related reflections of the “school men”. Although in terms of the history of reception they did not have much effect, still their significance for everyday educational practice, and thus derived their theoretical concepts of the practice of punishment, must not be underestimated (Tenorth, 2003b, pp. 224-225)⁷.

“Barbarous” punishment as a rejected practice within the “grammar of education”

In the following, at first the reasons and causes for a change of thinking in the field of punishment theory shall be sketched. By “barbarous punishment” one meant measures which, as a result of their violent effects on a child’s body, cause health damage. This refers most of all to hitting the head, causing deafness and dizziness, hitting the hands so severely that the children became temporarily disabled and were no longer capable of taking part in writing, calculating and drawing exercises, or even making them kneel on spiky logs which, as Christian Ludwig Fecht (1810, p. 91) described it, causes “oedemas and hypertrophy” and blocks the blood circulation, in the context of which

the injuries take a long time to heal. Heinrich Stephani tells also about hitting children on their heads and breasts with bowls as well as about the appropriate bruises, and he also presents a case of torture-like punishment, when a teacher, by help of a special installation, pulled pupils up to the ceiling with their hands tied, to then let them fall down on the floor again (Stephanie, 1827, pp. 28-29). There are even more examples (Overberg, 1844, p. 666; Lindner, 1884). On the whole we may state that at that time the educational practice in families and at school was characterized by arbitrary and draconian punishment (Schlumbohm, 1983, pp. 8, 218, 305-307; Rosenbaum, 1982, p. 98). Criticism of barbarous punishment and the insight into the necessity of improving the practice of punishment are based on discrepancy experiences related to the “grammar of education”, which were the reason why there happened changes or innovations.

A first reason for criticism of “barbarous” punishment was a changed concept of the child, for which in the German-speaking countries Jean-Jacques Rousseau was the most crucial influence. Most of all the philanthropists took up the idea of natural education and, in the context of newly founded philanthropy, drew the appropriate practical consequences. In this context we may refer to Johann Heinrich Campe, for example, who called the punishment practice of his time “unnatural” because parents and teachers prematurely “injected” or “pressed” certain virtues into the child with no regard for its development stages, by way of “unnatural means” and while “disregarding nature” (Campe, 1788/1961, pp. 5-6; K. Heinze, 2009a, 119; Herrmann, 1993; Schmieder, 2009, pp. 222-224; Müller, 2010). He introduces his criticism into the societal discourse in an appellative way, by help of the “greenhouse metaphor” (K. Heinze, 2009a). For example he speaks out against ideas of education according to which “the undeveloped little bud [was supposed to show] already the growth, the colour, the symmetry and the sweetness of the future fruit” (Campe, 1788/1961, p. 6). Starting out from this position, Campe called the punishment practice of his days barbarianism and abuse and the acts of punishment “unnatural leavenings” by way of which the children, in disregard of their respective development stages, were supposed to be adjusted to the expectations of society (p. 7).⁸ He made clear that “indeed also children [were] humans”, and by calling children “real humans” who were “as

good as ourselves and thus, just like us, have the inviolable rights of humanity” he emphasized his statement for his unbelieving readers (p.7). As a result of being oriented at the child’s growing capability for reason, a modification and differentiation of educational ways of acting became necessary for the respective development stages, and the theory of punishment was integrated into the respective concepts of improving or completing man (Anonymous, 1779a; K. Heinze, 2008, pp. 188-191).

Then, secondly, one said goodbye to – as August Herrmann Niemeyer writes in 1796 – the “Church dogma judgement on human nature, which claims all urges and inclinations to be *completely rotten* and, accordingly, a *complete incapability of being good* if there is no help from above, thus declaring every thought and desire of man to be evil right from his young days” (Niemeyer, 1796/1970, p. 14, *Italics in the original*; Anonymous, 1779a, p. 133).

Questioning the “original sin” which was said to be part of the child’s nature as well as the causal connection between sin and the thus resulting necessity of corporal punishment opened up the possibility of alternatives in the theory and practice of punishment. In particular the rejection of any reasons and justifications of the practice of punishment not coming from the realm of the educational context, now required education-theoretical legitimation. However, justifying corporal punishment by the child’s original sin stayed alive in the discourse for quite a long time. Still in 1870, B. Strebel in an article on “punishment at school” in the “Encyklopädie des gesamten Erziehungs- und Unterrichtswesens” (Encyclopedia of all Education and Teaching) pointed out that “corporal punishment [...] was deeply justified by man’s sinful nature” (Strebel, 1870, p. 292; Overberg, 1844, p. 2; Osterwalder, 2000; K. Heinze, 2008, pp. 265-270, 2009b).

Concerning a third point, we must assume a new awareness of the children’s health (Lorinser, 1836; Anonymous, 1847b; Geißler, 2011, p. 202; Stroß, 2000, pp. 101-120). The increased knowledge of the structure of the human body and the consequences of violent interference resulted in both opponents and supporters of stick and birch distancing themselves from the “rule of the stick”.⁹ Generally there was wide agreement that the previously applied tools of punishment were inhuman, barbarous and a hazard for the child’s healthy development;

finally the debate focused on the right to punish by help of stick, birch or similar objects.

Furthermore, fourthly the educational discourse was influenced by the changes of the practice of civil punishment, which on the whole resulted in milder punishment. For example, in the first half of the 19th century one gradually gives up on public executions. As a prominent example we may refer to Johann Christian Woyzeck, who was the last man to be publicly executed in Leipzig in 1824. In 1819 Bernhard Gottlieb Denzel, in his “Einleitung in die Elementar-Schulkunde und Schulpraxis für Lehrer in deutschen Elementar-Schulen“ (Introduction into Elementary Schooling and School Practice for Teachers at German Elementary Schools), pointed out to the growing contradiction between educational and legal punishment:

That painful corporal punishment is indispensable for educating an obeying child is something which indeed should not be claimed anymore in the 19th century, when we believe the Corporal's stick to be an inadequate tool for the punishment of the adult brute (Denzel, 1819, p. 92; Stephani, 1827, p. 27; Anonymous, 1779a, p. 134; Anonymous, 1874).

In the context of legal innovations, also school laws were appropriately adjusted, and corporal punishment was much restricted, with much differences in the individual German states, however (Anonymous, 1847b, p. 988).

As a fifth motivation for turning away from barbarous punishment the process of schoolization and, thus connected, the professionalization of teachers must be added. With compulsory teaching being step by step enforced, practicable and socially accepted concepts became necessary to make bigger groups of students ready for being taught over longer periods (Frijhoff, 2012, pp. 21-22; Depaepe et al., 2008, p. 17). In this context, physical punishment was criticized because often it was used as an easy solution by teachers whose training had been methodically insufficient (Kröger, 1823, p. 115; Zerrenner, 1826, p. 210; Stephani, 1827, p. 19; Kuhlemann, 1992, pp. 244-248).

The “Fight for Birch and Stick” in the educational discourse of the first half of the 19th century – three case examples

In the first half of the 19th century, a debate on the question if corporal punishment by help of stick and birch should still be of significance for education was developed. In most cases the starting point of the considerations is distancing oneself from the inappropriate use of this kind of punishment which, however, goes to different lengths. In the following, three crucial patterns of interpretation shall be reconstructed by way of three case examples. A first group of educationalists supported a “moderate” continuation of corporal punishment, a second one speaks out in favour of the use of stick and birch as a last resort, however with the reservation that for the education of small children this kind of punishment was indispensable, and a third group demanded to completely give up on corporal punishment, as it was incompatible with the human nature.

1. As an example of the first group, here we may refer to the “Pädagogische Real-Encyclopädie” of some “Association of Preachers and Teachers”, edited by Karl Gottlob Hergang, where in 1847 and under the keyword “Ruthe” (birch) one of the authors, representative for many practicians, appreciates this kind of punishment while regretting at the same time that the voices speaking out against the use of this punishment tool have become louder:

Used at the right time, the birch has done wonders when it comes to educating children, both at home and at school, and it still does so in the hands of parents and teachers who, according to the good old German custom, know to use it wisely. Unfortunately, the *sentimentality* of the past and the *humanity* of the present century have partially driven this tool away from our schools and houses [...]
(Anonymous, 1847a, p. 543, Italics in the original).¹¹

The educational effectivity of “physical pain”, which is said to be indispensable, is given as the reason why it is necessary to use birch and stick. By constructing a causal connection one assumed the experience of pain to be transferred onto the child’s “association”, which would thus, to escape this pain, stay away from future attempts. In addition to this, there was the demand of “humility”, which way the child was said

to recognize also the justification of corporal punishment. The author assumes that the teacher's "displeasure", expressed by punishment, would then change into the child's "displeasure" with itself. Here, what is crucial for legitimating corporal punishment by stick and birch is the expectation of immediate effect created by the strong "sensual impression" of physical pain (p. 543-544). In this context the stick appears as a punishment tool which can be easily used by the teacher's hand and is thus indispensable. This technological interdependence is furthermore justified by referring to the Bible, which was widely common at that time, and here particularly to the Sayings of Solomon: "Who does not use his birch, he hates his son, but who loves him, will soon punish him (p. 544; see Sol. Sayings, 13, 24; Oswald, 1864, p. 41; critically Anonymous, 1779a, p. 133).¹²

2. Such a way of using stick and birch, which rather did not reflect on any consequences, was criticized by the second group, a criticism which strongly influenced the discourse.¹³ These educationalists developed concepts which were more oriented at the child's nature and thus seemed to be more appropriate to the claim to improve educational practice. Nevertheless, in view of expectations connected to practical work, the stick was not generally banned; however its use was much restricted and, most of all, a debate on the consequences of corporal punishment as well as on educational alternatives was initiated. At first these contributions to the discourse firmly criticized the use of stick and birch, e. g. in a publication by Fecht¹⁴ from the year 1810 "Ueber Belohnungen und Strafen in pädagogischer Hinsicht überhaupt und körperliche Züchtigung insbesondere" (On Reward and Punishment in Respect of Education in General and on Corporal Punishment in Particular).

What an easy kind of punishment this is; it is indeed so much easier to decide a matter by help of the fist than by help of reason, indeed the fist is so close by and often reason is so far away [...]. Is it not that the stick is a surrogate of all the laborious thinking for oneself? Is there any quick verdict which could not be realized this way? Both slips of the memory and moral failures, broken pieces of youthful flightiness and evil pranks are thrown into *one* big kettle and are purified by the flame of *one* log [...]. Whatever the failures

may be, there the easy judge is relieved of the laborious business of looking through the law book of his reason or maybe of too much taxing his intellectual, perhaps stupid brain, in order of tracing down the sources of these mistakes and finding out how they could be redirected or blocked. In his fist, on the other hand, he has his entire criminal code (Fecht, 1810, pp. 32-33).

Fecht gives the following reasons against the use of the stick: A punishment of that kind aims only at outer behaviour and will thus have no effect on the further development of reason (p. 32). At the same time, it's too frequent use will result in those being punished becoming more hardened and accordingly in a reduction of the effectivity of punishment (pp. 43, 47). And by the way, the frequent use of the stick is a sign of the teacher's lack of competence, as this way he will smash love and trust, thus violating his own dignity (pp. 47-48, 50, 53). Fecht at first identifies rewards as an alternative, as these have more effect than punishment (p. 9). However, he also points out that morality would reward itself, after all (p. 15). What concerns punishment, he distinguishes moral punishment, already appealing to growing reason, and sensual punishment which, being a "stimulus and remedy", aims at unpleasant feelings such as the withdrawal of a pleasure or at physical pain. With one comparison he once more prefers moral punishment because by way of making humans feel "ashamed" they "will healthily break with themselves" and thus be brought one step closer to morality (p. 22). Sensual punishment, on the other hand, "humiliates" man and often makes him "break with his tormentor" (p. 22). Such a practice of punishment will only have the effect that somebody's behaviour will be more "legal", that is his behaviour will only be oriented at outward constraints. This happens by way of accepting that "the body and thus the soul [will be] profaned" by putting them on the "lowest level, together with the animals of the house". "Weariness of life" or "disregard of life", are the consequences (pp. 22-23). However, from these arguments Fecht does not draw the conclusion that corporal punishment must generally be rejected. Rather, he considers it a "last, desperate remedy" which "should be as little dangerous for body and soul as possible and should stimulate and revive the ill person as much as possible" (p. 73).¹⁵ Physical pain shall be applied in case of

“reprimanded disobedience”, “unbattered impurity”, “continuous laziness” as well as “untamable ferocity” and “deliberate wrongdoing” (p. 70). At the same time, he sees the necessity of corporal punishment with the birch in “defence of the naughtiness of small children” and furthermore declares it the primary means of education in the first forms of primary school (p. 95). For older children, he says, this kind of punishment is “not suitable”, as moderate corporal punishment would have no effect and a more serious one would result in health damage (pp. 95-96).

If ages and the way in which practical implementation is worked out are considered, the ambivalence and paradoxical inconsistency of this concept become obvious. The firm rejection of corporal punishment does not hold for those most being in need of protection, i. e. small children, and the considerations about where “the boy will be corporally punished” (p. 73) develop into a social-technological refinement of corporal punishment. After having examined individual parts of the body such as head, hands and feet and in consideration of the respective health damages, Fecht draws the following conclusion:

All these difficulties and considerations will be solved if corporal punishment is restricted to the space between the shoulder blades, from where, however, there must not be any attack towards the kidneys, from which there may result urine secretions, nor upwards towards the neck; here we have a broad, convenient area, and as it is on the blind side, it is without danger and objectionability, and at the same time we have a stable bone structure which is capable of absorbing full measure (pp. 92-93).

Furthermore, he says, punishment shall not “be cruel, but quite severe”, so that it may become a “dread for the punished boy’s imaginativeness” (p. 80). His “wailing” is said to be a sign of “real perception and great sensitivity” (p. 81).

3. For the representatives of the third group it is not enough to only half-heartedly say goodbye to birch and stick. Rather, they demand a complete ban on corporal punishment and partially doubt punishment in general. Heinrich Stephani¹⁶ in 1827, in his publication “Nachweisung, wie unsere bisherige unvernünftige und zum Theile barbarische

Schulzucht endlich einmahl in eine vernünftige und menschenfreundliche umgeschaffen werden könne und müsse“ (Evidence of How Our Currently Unreasonable and Sometimes Barbarous Way of Disciplining at School Can at Last Be Changed into a Reasonable and Humane Way of Disciplining), turns firmly away from educational punishment and the thus connected coercive (Stephani, 1822, 1826, 1830). There, as an essential desideratum for the discourse on discipline at school, he states that for the time being nobody had seriously discussed the “most urgent difference between legal and moral discipline, between the field of coercion and the free field of virtue” (Stephani, 1827, p. 14). Stephani identifies as the basic problem that man is not treated as a moral but as a sensual being and that “thus, for disciplining him, only means which affect sensitivity” are used (p. 19).¹⁷ For him the human rights are indivisible, and both children and adults have the same rights (p. 20). Just because the child is physically weaker and its reason has not been fully developed, it cannot be considered “only one eighth or $\frac{3}{4}$ human” (p. 47), and definitely it cannot be treated as a kind of “animal-human” (p. 40). Rather the teacher, as he is stronger, must protect the child in its weakness and must not “suppress its rights as an individual” (p. 48; Stephani, 1822, 1830, p. 6).

This approach is based on a clear division of ways of behaviour for legal and for educational practice. Only in the field of legal discipline, if an individual has misused his personal freedom and thus restricted the freedom of others, the use of coercion is appropriate at all. Stephani calls this field “Schulpolizei”. For him, all other duties towards other people, towards God and oneself belong to the “field of human liberty” where “nobody can force somebody else” (Stephani, 1827, p. 87). For Stephani, to achieve moral discipline only the free behaviour of the children themselves can be taken into consideration, no coercives and no “sensual incentives” (pp. 87-88; Stephani, 1826, p. 34, 1830, p. 9).

“Virtue is nothing else than the capability of subjecting our morality to the laws of reason. Humans can acquire this capability only out of their free will, and thus it can only be the result of spiritual freedom” (Stephani, 1827, p. 87).

Such a sense of morality, he states, can neither be achieved by beating nor be created by appealing to honour. A sense of morality as a

skill can only be acquired by way of practicing, by the pupils learning how to make their own laws, the violations of which must be punished by a public trial. A thus organized discipline creates an “astonishing love of legal constitution”, which is why the pupils will understand “that here they are considered reasonable beings” and they will not “trade” such a school discipline for any “arbitrary” one (Stephani, 1830, p. 17).¹⁸

By his approach, Stephani breaks with the causal connection of suffering from punishment and educational effect, and he states that education towards morality cannot be achieved by immoral means, for educational influence by way of sensitivity will make man the latter’s prisoner (Stephani, 1827, pp. 11, 38). At that time this position found hardly any followers: Stephani stated an “unfavourable attitude” among his contemporaries, although he was not daunted by this (Stephani, 1830, p. 3; Hagemeister, 1968, p. 115; Ballauff & Schaller, 1973, p. 236).

The legitimization of corporal punishment as a vicious cycle

At first sight, the criticism of the excessive use of birch and stick looks like progress, and indeed some elements of “partial modernization” can be identified. However, often this was just a half-hearted debate. Birch and stick were replaced by more subtle punishment practices, although they were kept as a last resort, particularly if it was about breaking the will of a child which was classified as being incorrigible, or if small children were supposed to become used to “virtuous” behaviour. In this sense, Theodor Tetzner in 1826 called the stick the “momentary means for taming”:

“If the animal nature comes to the fore too much, only then it is the time for the stick; for also a wild beast can only be tamed by way of painful, physical feelings” (Tetzner, 1826, col. 582; Kelber, 1830, p. 126; Schulmeister *Baculus*, 1831; Münch, 1842a, pp. 476-477; Anonymous, 1847b, p. 988; K. Heinze, 2008, p. 328).

The reason given for the significance of the use of stick and birch was its effect on the children’s sensitivity. As they, as sensual beings, are not yet capable of reasonable behaviour, according to this theory of

punishment it is only logical that education by way of sensual stimulations must be preferred (Niemeyer, 1796/1970, p. 174; Denzel, 1814, pp. 214-215; Fecht, 1810, pp. 5-6, 8; Münch, 1842a, 476; also Oelkers, 1995). Birch and stick were always a possible option, and not at last they were “dreads for their imaginativeness” (Fecht, 1810, pp. 80-81; Kelber, 1830, p. 126; Schwarz, 1835/1968, pp. 139; Schulmeister Baculus, 1831; Münch, 1840, p. 74; Overberg, 1844, pp. 661-662). Accordingly, still in Johann Friedrich Herbart we read that the attempt to “completely abandon” corporal punishment will be “futile”; however it should “rather be feared from a distance than actually performed” (Herbart, 1835/2003, p. 25). Thus, it would do the “boy” no harm “if he remembers to have once, as a child, felt the birch” (p. 25). According to this, it is logical to practice corporal punishment most of all with small children up to the age of five, so that with older ones this kind of punishment will not be necessary anymore (Fecht, 1810, pp. 22, 95-96; Denzel, 1814, pp. 218-219; Niemeyer, 1796/1970, p. 174; Kröger, 1823, pp. 102, 113; Schwarz, 1835/1968, p. 133; Münch, 1840, p. 74). Here, the discourse is reproduced in the form of a suggestive vicious cycle, and with practical work it resulted in a dilemma. Although corporal punishment was restricted, at the same time the fear of it was to be kept, and furthermore the possibility of corporal punishment – for the sake of the child’s betterment – was supposed to be perpetuated. Educationalists were looking for a way out by help of considerations on how the practice of corporal punishment could be perfected by way of differentiated patterns of reason giving as well as strictly observed instructions giving explicit evidence of the limits of corporal punishment. Insofar, the newly developed theories of punishment, including the instructions for a now dosed use of the birch, as well as focussing on the fear of corporal punishment only belie that actually everything was about “subjecting”, “exploiting”, “reshaping” and “completing” the “teachable body” (Foucault, 1975/1994, p. 175; Oelkers, 1995; Foucault, 1975/1994, pp. 173-177; Hafeneger, 2011, pp. 23-26; Caruso, 2003). Due to the belief that such a methodized way of corporal punishment would result in betterment, an idea of how the educational relationship could be organized was consolidated which made corporal punishment appear legitimate far into the 2nd half of the 20th century.

In the context of the here sketched discourse, many teachers also supported the opinion that for pragmatic reasons they could not give up on the birch, for against the background of actual teaching at elementary school they did not believe that alternative methods of establishing and securing an orderly teaching situation would be very successful (Schulmeister Baculus, 1831; Anonymous, 1859; Oswald, 1864, p. 42). Obviously, in the context of the “grammar of education”, these teachers could not identify any wrong adjustment and thus they did not see any reason why the practice of punishment should be fundamentally changed, rather it was brought in accordance with the changed goals of the system and the new concept of the child (C. Heinze, 2011, p. 34-35).

The aestheticization of suffering from punishment

By the process of the transformation of barbarous punishment, at the same time an aestheticization of violence becomes obvious, as also for the legitimation of “milder” punishment this principle is kept: He who loves his son must also corporally punish him. The child is thrown back onto itself and its sensual perception of pain, which is supposed to “help” it with finding the way of virtuousness and achieving “inner beauty” (K. Heinze, 2008, p. 158). Accordingly, punishment appears as a “remedy” to change the vicious, the evil into the healthy and good, so that by way of punishment, a dialectic connection between these two poles happens (Eco, 2004, pp. 133, 148). Punishment was a means par excellence to solve the socially constructed contradiction of the good and the evil in favour of the good and, on the basis of socially constructed concepts of the child, to put the endangered child, which had either become “evil” or had been born with a sinful nature, on the right path. With the child as yet being incapable of reason, punishment could unfold its effect by way of sensual perception, in particular because due to its need for recognition it had no other option than submission (Ricken, 2006, p. 553), i. e. in the situation of punishment the children’s possibilities to be subjectively recognized were inevitably normed (p. 552).¹⁹ At the same time corporal punishment was legitimated by the aestheticization of both of the ritual process and the goal of education. Inflicting emotional (but still also physical) pain on

children was supposed to happen out of love, for the children's sake, and this claim was supposed to be met by way of functionalizing an allegedly natural punishment (Kelber, 1830, p. 160; Schwarz, 1835/1968, p. 139; Münch, 1840, p. 75; Overberg, 1844, p. 668; Herman et al., 2007, p. 209).

This aestheticization of violence allowed for "reconciling" the suffering caused by punishment with the premise of "child-appropriate" education and for belittling corporal punishment, which in practice culminated in telling the children that they should thankfully accept such violent behaviour as "loving punishment" (Dudek, 2012; Hirdina, 2006). This becomes obvious e. g. by making those to be punished participate in the preparations for the punishment ritual, when they themselves had to fetch the punishment tools or to cut the birchs. To keep up fear or to remind to the possibility of punishment, the possible consequences of inappropriate behaviour became part of textbooks and books for children (C. Heinze, 2011).

In the discourse on educational punishment (most of all corporal punishment) the participants come to the conclusion that punishment without suffering would not make any educational sense and that without physical or emotional pain the actual goal would not be achieved (Fecht, 1810, p. 80; Denzel, 1814, p. 214; Niemeyer, 1796/1970, p. 174; Schwarz, 1835/1968, pp. 133, 140). Even the modification of punishment theory, in the sense of the stimulus for suffering in form of violently inflicting pain on the body by help of hard objects being transformed into an invisible, though painful and inevitable necessity which was supposed to be directly connected to the deed, followed this principle (Fecht, 1810, pp. 55-56; Campe, 1788/1961, pp. 21-22; Niemeyer, 1796/1970, p. 172; Denzel, 1814, p. 221; Diesterweg, 1820, p. 75). What becomes obvious here is the instrumentalization of the concept of natural punishment as such, which was considered acceptable in the discourse of the time, as "the violence of punishment [is hidden] behind analogy-guided punishment" (Foucault, 1975/1994, p. 134). This way the seemingly natural consequence becomes a manipulation of the child, as those being educated are made believe that it is an inevitable, self-created consequence of their own misbehaviour.

Alternative models such as Stephani's were rejected by giving the

reason that precisely beating children “did not mean that they were handled [...] as objects and made unfree” and that corporal punishment had to be kept as an important “stimulus of fear” (Schwarz, 1827, p.143). Most educationalists believed punishment to be inevitable simply because the abnormal misbehaviour of children was supposed to be “healed” – like by help of a remedy – to this way make them open towards “moral” remedies (Niemeyer, 1796/1970, p. 180; Fecht, 1810, p. 73; Denzel, 1814, p. 214; Diesterweg, 1820, pp. 62-63; Zerrenner, 1826, p. 215; Schwarz, 1835/1968, p. 132f.). By rejecting alternative methods of education such as Stephani’s, the German discourse missed the opportunity to enforce a kind of education which – measured by its goals – was firmly liberal. Instead, the path chosen resulted in lastingly legitimating corporal punishment until the mid-20th century. The actual educational challenge, to which a. o. Kröger pointed out in 1823, by asking: “Can moral illnesses be healed by help of physical means, can morality be based on immoral punishment?” (p. 105), was mostly ignored. Rather, an attitude was institutionalized which Strebel in 1870, when encyclopedically discussing the discourse, summarized by the following demand: “It must be *allowed* to beat, but their must not any necessity to beat” (Strebel, 1870, p. 295, Italics in the original).

Thus, giving up on corporal punishment must be considered an ambivalent process: The basic principle of punishment working by way of feeling physical or emotional pain was not fundamentally questioned, for this would have meant to completely reject this kind of punishment as a means of education, due to its inhumane context of justification.

Notes

¹ Translation, Dr. Mirco Wittwar.

² Since Antiquity (Quintilian, Horace), criticism of corporal punishment has been a frequent feature of the history of education, however this position was not able to push through in the discourse, so that we may speak of a continuity of corporal punishment as far as into the 20th century (Osterwalder, 2000). In the context of this contribution it is not possible to sketch this development. The focus of this analysis is on the first half of the 19th century.

³ Tool for punishment, made of the dried penis of an ox.

⁴ The autobiographical descriptions of draconic punishment in Schlumbohm, 1983.

⁵ The term “failed adjustment” is used while referring to William F. Ogburn’s “theory of cultural lag” (1957/1969).

⁶ Tenorth calls this kind of knowledge “vocational knowledge”, its “functional meaning being primarily determined by educational practice and in the context of the differentiation of vocations connected to exerting influence on humans and also, historically seen, most of all in relation to theology” (Tenorth, p. 124).

⁷ In this context, at first educational encyclopedias and dictionaries were considered. The encyclopedias select, structure and systematize the educational knowledge of the time (K. Heinze, 2008, pp. 57-62). At the same time they are an important source for the reproduction of the discourse, and with their patterns of organization they are in accordance with certain knowledge policies. Thus, there knowledge is not only cumulated but the respective discourse is continued and, if necessary, canonized. In this context it is interesting that most of the authors of these encyclopedias were “school men” (“Schulmänner”).

Starting out from the references found in encyclopedias and dictionaries, text- and handbooks as well as professional journal articles and monographic statements were included into the analysis. The majority of authors under consideration were both theologians and educationalists, and they were active at various levels of school administration; partly it is statements by teachers.

⁸ But paradoxically Campe in his theory of punishment supported corporal punishment, although limiting it strictly (Campe, 1788/1961, pp. 48-52).

⁹ See e. g. the debate on a slap in the face in Anonymous, 1847b, p. 988.

¹⁰ The term “sentimentality” refers to the harsh criticism of philanthropy, which increasingly gained ground at the end of the 18th and the beginning of the 19th century.

¹¹ See e.g. the keyword “Ruthe“ (birch) in Carl Daniel Küster’s “Sittlichem Erziehungs-Lexikon ...“ from 1774; see also K. Heinze, 2008, pp. 94-99, see also the keyword “Belohnungen und Strafen (reward and punishment)“ as well as “Ruthe, Stock etc.“ (birch, stick etc.) in “Universal-Lexicon der Erziehungs- und Unterrichtslehre ...“ by Matthäus Cornelius Münch from 1840: “Among the tools for corporal punishment for younger pupils, let the birch have priority, as it is the most proper, most harmless and most interfering one: its use by the peoples has made it holy“ (p. 74; see also K. Heinze, 2008, p. 328).

¹² Still in 1873, an elementary school teacher quotes the following saying as an instruction: “He who loves his child will always keep it under the birch, so that afterwards it will be a pleasure to him. Thus, bend its neck because it is still young, blacken its back because it is still small, so that it will not become stubborn and disobedient“ (Sachse, 1873, p. 126). See also Anonymous, 1859 and Anonymous, 1868, who quotes from a narration by Karl Stöber: “... that it is possible to deal with the young even without anger and shouting, only by help of the birch which, while prayers are said, is made of the olive branches of love, condescension and sternness“ (Anonymous, 1868).

¹³ See below, section “The legitimization of corporal punishment as a vicious cycle”.

¹⁴ Christian Ludwig Fecht (1778-1858): Protestant reverend and educationalist, a. o. Professor and Prorector of the Educational College of Lahr (Grandduchy of Baden), supported the Girls’ High School in Lahr (memorandum from 1827), Dean of the Church District of Lahr (Fix, 2001).

¹⁵ See also e. g. Niemeyer, 1796/1970, p. 174; Denzel, 1814, pp. 214-215; Kelber, 1830, p. 126; Schwarz, 1835/1968, pp. 139; Schulmeister Baculus, 1831; Münch, 1840, pp. 72-75; Overberg, 1844, pp. 656-671; Anonymous, 1859.

¹⁶ Heinrich Stephani (1761-1850): Protestant theologist and educationalist, a. o. a private tutor, a reverend, Bavarian consistorial councillor and school inspector in Augsburg, Eichstätt and Ansbach (Kingdom of Bavaria), contributed to school reform in Bavaria (e. g. the Lautier method), due to conflicts with the Church he was relieved from his positions (see Diesterweg, 2003, p. 731).

¹⁷ See Anonymous, 1779a, pp. 114, 123; Wenzel, 1796, pp. 112-114; Wenzel, 1797, pp. 377-381; Anonymous, 1839; see also K. Heinze, 2008, pp. 188-189.

¹⁸ See also Anonymous, 1779b, pp. 6-7.

¹⁹ Connecting to Judith Butler, Norbert Ricken points out to "the simultaneous (and paradoxical) production and subjugating of subjectivity" (2006, p. 553).

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