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ABSTRACT

In Finland, physical punishment of children is clearly forbidden by the Child Custody Act of 1983, but studies show that up to 72 percent of children under age 14 have experienced corporal punishment at home. This conflict is the subject of the proposed research study described in this article. The article begins with a legislative history of corporal punishment in Finland, and then provides a summary of research on its prevalence and attitudes toward its use. Following is a discussion of the proposed research, which will focus on the conflict between scientific and legal condemnations of corporal punishment and the "common knowledge" that it is sometimes necessary in child rearing. The study's methods, which involve analysis of texts, are described, including the choice of text sources (pedagogical books, legal regulations, and newspaper copy) and the use of Foucault's archaeological method. The article concludes with a description of the study's social function, which includes the uncovering of previously forgotten assumptions operating within discourse on corporal punishment. Contains 34 references.

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## PHYSICAL PUNISHMENT AND EDUCATION IN EARLY CHILDHOOD: THE CASE OF FINLAND

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I will start this paper with a fictive example:

The children's playground in Alexander Street is everything one can expect from a playground. The only negative aspect is that there is a busy street next to it and the area is fenceless. So the children can easily run into the street.

Lisa is in the playground with her mother and brother. She is a lively child and she loves ball games. Her plans for today is to play ball games, but before Lisa can go her mother asks her if she remembers that the street is dangerous and it is forbidden to go there while playing. Lisa nods and asks if she may go now, her friends are waiting for her. She joins the other children and they start playing.

After a while Lisa's mother notices that she is running after the ball straight towards the street. Mother rushes after her and luckily catches her just in time. The mother is very upset. She pulls Lisa's hair and shouts angrily that she has warned Lisa at least thousands of times about the street and that it is forbidden to run there. Lisa starts to cry.

In my example the child is saved, but what we are - or at least I am - more interested in, is the subsequent situation between Lisa and her mother. Did the mother act correctly when she pulled her daughter's hair? She used only light physical punishment. If someone asks that question from Lisa's mother or someone else's parent, the answer might be something like this: "I did what I had to do. I got scared and since we had talked about that street so many times Lisa ought to know that it is forbidden to go even near the street. I also think there are situations like this when you have to punish the child, pull her hair, for example, so that the next time she will remember."

Certain experts in education might answer otherwise by claiming that the mother's solution was not right because children's corporal punishment is not allowed. It can cause a trauma for the child or he/she might learn a violent way of solving problems. If the expert is from Finland, she or he might

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also say that the mother behaved wrongly because according to Finnish law corporal punishment is prohibited, even if such punishment were used for an educational motive or reason. Later in this paper corporal punishment will refer to inflicting bodily pain as a response in an educational situation (see also Clark - Freeman Clark 1989, 43-44).

In Finland the provision - from the 19th century - which stated that the parent's obligation was to punish physically a child under 15 years who had committed a crime was removed in 1970, after the reform of chapter 21 in the Finnish Penal Code (1969). Before this reform, what came to crimes done against one's life and health, the Code prescribed that child abuse (assault) in some cases, such as corporal punishment for an educational purpose, for example, was not a penal offence. In the preparatory material related to the reform (Government Bill 68/1966) it can still be read that in case of minor (petty) assault or punishment (corporal) one can avoid legal consequences. This provision concerning parents' rights to interfere with the child's bodily integrity for an educational reason was removed from the Penal Code as unnecessary since the parents' "parental power" was seen prevailing without any specific reference to it. (Nikula 1984, 24; Nieminen 1990, 108.)

This was clearly changed in 1984 in the Child Custody and Right of Access Act (1983 abbrev. Child Custody Act). According to the Act, corporal punishment is illegal: A child is to be brought up in the spirit of understanding, security, and love. The child must not be subdued, corporal punished or otherwise humiliated. The child's growth towards independence, responsibility, and maturity is to be encouraged, supported, and assisted.

By this provision the legislator seeks to point out that also children have the right to bodily integrity like adults and the right to have protection even against their parents. For centuries the father was "the master of the house" (patriarchal family system), but more recently both parents have used their "parental power" including the right to give orders to children, demand obedience from them and use corporal punishment when it seems to be necessary (see Mahkonen 1978, 41-82; Pollock 1983, 151, 154-156, 161-162, 172-173, 184-185; Nieminen 1990, 25; Pykkänen 1992, 98-110).

The tradition of corporal punishment is old; therefore it is difficult for some of us to understand that it is seen as an assault and that it is illegal. In some families corporal punishment is still a part of their educational reality. In the process of enhancing children's rights the international conventions have had a certain impact on national legislation. This is true also in the case of Finland. In this context one must mention especially the Geneva Declaration (1924), the Declaration of the Right of the Child (1959) and the more recent Convention on the Rights of the Child (1989).

In 1993 the Finnish Supreme Court has judged (case 151:1993) that physical punishments, such as pulling children's hair, for example, are against the law even if they are used with an educational intent. In one example case the stepfather repeatedly used corporal punishment to get his 5-year-old stepdaughter to 'behave correctly'. The Supreme Court punished the stepfather with a fine for petty assaulting (battering) according to the

Penal Code (1889 chap 21 art 7) and the Child Custody Act (1983 art 1.3). Before the Finnish Supreme Court's decision and despite the provision which forbade corporal punishment people considered it as a parents' right according to opinions expressed, for example, in the leading notional newspaper *Helsingin Sanomat*, in 1978 and in 1993. At this stage it is impossible to say if the peoples' opinions and attitudes towards corporal punishment are going to change in the future.

Some Finnish scholars have claimed that corporal punishment and child assaulting are different aspects of the same phenomenon (Ruoppila 1979, 277; Peltoniemi 1984, 18-25, 113; Sariola 1990). According to Korpilahti (1981, 53-54) most child assaults started with corporal punishment and according to Peltoniemi (1984, 18-25) corporal punishment is one form of family violence. So, corporal punishment, even used for an educational motive, is in some interpretations violence/ assault/ battery/ child abuse. This is not a surprise considering the fact that some of the very same scholars have - in many cases - taken part in the legislative process of Child Custody Act and Child Welfare Act. The latter Act sets an obligation on public authorities to breach autonomy of the family and intervene if the conditions in the home and the custody of the child are not in conformity with the best interests of the child. Under these kind of circumstances the child has a right to protection.

As one can notice, children's corporal punishment is related to less severe violence. In the Finnish Penal Code (1889 arts 5-7) three different levels in assaulting have been defined: 1) aggravated, 2) ordinary and 3) petty. According to the Penal Code assaulting a child under 15 years of age is subject to official prosecution and the obligation of the police is to investigate the case and the prosecutor has to bring a charge against the assaulter, even if it is the child's parent (see also Nikula 1984, 25; Nieminen 1990, 108; Rätty 1992, 30).

The above demonstrates the starting point of my study. There is a conflict: children's physical punishment is forbidden clearly by Child Custody Act in Finland, but there are people who use physical punishment in spite of this provision. Children's physical punishment is also forbidden in the Nordic legal systems of Sweden (1979) and Norway (1972). It is interesting to notice that in these countries the Acts whose function is to protect children (Child Welfare Act), were enacted in Sweden in 1902, in Norway in 1896 (put into effect in 1900), and in Finland in 1936 after almost 40 years' efforts. The first initiative to the Child Welfare Act in Finland was taken already in 1897, by an assembly of the representatives of the parliament, when Finland was still under the rule of Russia. Finland's declaration of independence was given on December 6, 1917. (Government Bill 93/1934; Pulma & Turpeinen 1987, 106.)

## The findings of previous Finnish research

The findings of some studies show that parents use corporal punishment. According to the Finnish Gallup research (1978), 69 % of the surveyed people (475) told that their parents had used corporal punishment (Vuoristo 1979, 16). The latest and the most comprehensive research (Sariola 1990), conducted with the aid of an anonymous questionnaire given to 9th graders, pupils aged 15-16, shows that before the age of 14 72 % of them (7 349 pupils) told that their parents had used some sort of physical punishment including slapping, pulling hair, shaking, birching and beating up. This data was collected during 1987-1988 in 409 classes from comprehensive schools (88,8 % responded), and the sample is representative of the whole country.

Why do adults use corporal punishment? According to Sariola's research, children thought that the reason was mostly because of their own behavior (46 %) and educational reasons (36 %). Other causes such as the parent's personality, parent's stress, abuse of alcohol, a will to show their power, hate for the child and quarrels were also mentioned. Those who had no experience about corporal punishment thought that it was due to adults' behavior (see also Miller 1985; Dyer 1986) and those who had experience of corporal punishment thought that there was an educational motive. (Sariola 1990, 57-61.)

One previous research from 1978 showed that 4 % of the people surveyed considered corporal punishment a generally approved method in education, 40 % approved of it in exceptional cases and 55 % considered that one should handle educational situations with other methods (Vuoristo 1979, 16). The findings of a research done in 1981 (530 people were interviewed) showed that 47 % considered that there is a need for corporal punishment in exceptional situations, 44 % did not approve of corporal punishment and 9 % did not know what to say (Peltoniemi 1981, 651). According to the latest research (1990), 45 % of the children surveyed considered corporal punishment necessary and 55 % did not approve of it (Sariola 1990, 61). These studies show that the tendency towards corporal punishment has not changed very much.

*Table 1. How did people consider corporal punishment in education?*

| Year<br>(data collected) | Approved | Disapproved |
|--------------------------|----------|-------------|
| 1978                     | 40 %     | 55 %        |
| 1981                     | 47 %     | 44 %        |
| 1988                     | 45 %     | 55 %        |

The latest research (1990) also brings into daylight the fact that those who had experiences of violence are probably going to use corporal punishment in the future as a parent, at least more than those who had no experience of violence. Similar conclusions have been made in other studies (Vuoristo

1979; Straus & Gelles & Steinmetz 1980; Hirsjärvi 1981). In Sariola's research pupils who had *much* experience of severe violence were an exception, they were expected to use less corporal punishment in the future as a parent than those who had *some* experiences of severe violence. 77 % of the pupils told that they were not going to use corporal punishment in the future and 5 % told that they probably or certainly were going to use corporal punishment in bringing up their own children. (Sariola 1990, 61-62, 66-67.)

Although corporal punishments are related with the home background, one study (Kangas 1990) showed that even in kindergartens physical punishments are not unknown. The study was conducted with the aid of 100 anonymous questionnaires given to day care center (kindergarten) personnel responsible for education in 10 kindergartens in Helsinki (61 % responded). The data was collected during late 1989 and the sample is not representative of the whole country, but it does give some sort of an indication about the whole country's situation.

Kangas asked mostly yes/no-questions in three different levels: 1) Have you heard that some kindergarten staff member has, for example, pulled a child's hair? (rumours, what kind of "stories" circulate in kindergarten) 2) Have you seen that some kindergarten staff member has pulled a child's hair? (eye-witness, have they seen some prohibited educational methods or strong measures used) and finally 3) Have you pulled a child's hair in an educational situation? (confess, I have used some prohibited educational methods).

*Table 2. Have you heard, seen or used physical punishment in kindergarten? (source Kangas 1990, 15-18.)*

| Act                 | Rumour | Eye-witness | Confession |
|---------------------|--------|-------------|------------|
| Pulling hair        | 47.5 % | 20.6 %      | 13.5 %     |
| Corporal punishment | 51.9 % | 40.4 %      | 28.8 %     |
| Slapping            | 18.6 % | 6.8 %       | 1.7 %      |

Educators (31.5 %) in kindergarten admitted that they had used strong (forcible) measures when they were tired. 79.1 % told that they have had to use strong measures to protect a child from his/her own violent reactions and 87 % told that they have had to use strong measures to protect other children from the violent one. The study did not show that the most commonly used educational methods in kindergarten are the prohibited ones, but it showed that the kindergarten cannot be considered a "free zone" concerning educational problems, (Kangas 1990, 19, 27) which hardly is surprising.

One has to bear in mind that not all used educational methods are prohibited ones. Discipline, correction and admonitions as well as positive measures are part of ordinary life and education, but on the other hand it is also forbidden in kindergartens to treat children submissively, in a discrimi-

natory way or abuse them mentally (see Child Custody Act). Children have to learn their limits, learn how to behave (self-discipline and responsibility) and due to that they need both rules and guidance. (See Caplan 1980; Dyer 1986; Kangas 1990; Furman 1993.)

## Outline of research

In my study I intent to view physical punishment as an educational issue. Children's physical punishment is a significant social phenomenon because it is related with education and many have experiences about it. Children's corporal punishment is also a subject which from time to time captures the public's indignation and attention just like all other forms of child abuse. In Finland, after the Supreme Court's decision (case 151:1993), the time is right for public discussion about corporal punishment. Although my starting point is in everyday life, my research object is the "right" and "true" knowledge concerning physical punishment. How has it developed? Why is children's physical punishment permitted or forbidden?

In everyday life one can find two opposite concepts; the "right" prevailing "scientific" interpretation which thinks that physical punishment is totally wrong and there is nothing good in it and "everyday knowledge" which thinks that there are situations that require physical punishment. These two opposite concepts show that physical punishment is seen either as good or bad. Behind the concept of physical punishment one can find two contradictory basic concepts about the child; the child is also seen as good or bad. This notion leads at least into two different ideas about child: Christian and "Modernistic" or Psychological.

The Christian concept of child (man) is based on the original sin doctrine, which means that because of Eva's choice in the paradise, the child has an inborn inclination for bad. In the modernistic or psychological concept the child is seen as an active person and more as a slave of his/her desires and instincts than an evil or a bad person. (See Sunley 1974, 163; Hirsjärvi 1981; 39-40; 1982, 63-64, 95-131; Tähtinen 1992, 40-41; Häggman 1994, 141-143.)

The intention of my study is to trace the Finnish discourse on physical punishment primarily by means of studying text. So the research material is text, discourse. The statements concerning the physical punishment of children are in the focus. The way I see it, studying literature and texts - history - gives you an idea of the past knowledge from which today's concepts of punishment are derived. The French intellectual Michel Foucault (1926-1984), for example, argues that discourses are never independent of history and power (Cherryholmes 1988, 38). According to Foucault (1985, 7) the truth is a research object: the truth in its positiveness, as something that

can and must be thought about and "power is 'always already there', that one is never 'outside' it..." (Foucault 1980a, 141).

As I mentioned before, the intention is to trace the thinking process concerning physical punishment in education by taking a look at three different keypoints or aspects. These keypoints are 1) four Finnish school-pedagogues' texts as a pedagogical authoritative expert talk, 2) legal regulation concerning children's rights and bodily integrity as a states official standpoint and 3) opinions expressed in the newspaper as a public civil discussion.

First keypoint: My hypothesis is that first of all the authoritative school-pedagogues with their texts have been essential for the direction and formation of the Finnish discourse of physical punishment. For that reason I have chosen one wide text (book) from four Finnish school-pedagogues - or one might call them educational thinkers or experts - from the 18th to the 20th century. Those are H.G. Porthan (1739-1804), U. Cygnaeus (1810-1888), A. Salo (1887-1951) and M. Koskenniemi (1908- ). Porthan was the first in Finland to hold lectures on pedagogics (1783) and Cygnaeus made important proposals about the elementary school (1861). Salo distinguished himself by writing books about didactics and according to Päivänsalo he created a new theory on education and Koskenniemi brought up new didactics in teacher education. (Päivänsalo 1971, 34-36, 38, 65, 153, 204-205, 228, 272, 322.)

The chosen books are: Porthan's Curriculum for tutors concerning their duties and intelligent action (Utkast til Undervisning för Informatörer, rörande deras kloka förhållande 1889), Cygnaeus: Uno Cygnaeus's Writings about founding and organizing Finnish elementary school (Uno Cygnaeus Kirjoitukset Suomen kansakoulun perustamisesta ja järjestämisestä 1910), Salo: Introduction to general pedagogy (Johdatus yleiseen kasvatustoppiin 1952) and Koskenniemi: Elementary-school didactics (Kansakoulun opetusoppi 1946). One has to notice that these books are available only in their original languages (titles translated by the author).

Second keypoint: Today's legal situation is such that the states official standpoint to children's physical punishment is negative. I will also study the development of the legal regulation of corporal punishment starting from the 18th century. This legal material represents a very special point of view, it determines how one ought to think about physical punishment: in other words, what is "true" knowledge. The sample consists of two Acts from the 18th century, three Acts from the 19th century, two Acts from the 20th century and Government Bills concerning children's corporal punishment and protection.

The third keypoint is closer to the contemporary scene and the main object of the study is the opinion page in Finland's biggest newspaper, Helsingin Sanomat, and in it two specific debates on children's physical punishment. These debates are from 1978 and 1993. The sample consists of 37 opinions from ordinary parents and professional people who are interested in children's well-being.



This is done in order to reconstruct how the "right" and "true" knowledge concerning physical punishment has been developed; by what authorization can the prevailing concept claim to have special insight into the truth? The focus is on "truths" which constitute the discourse on corporal punishment. As Simola (1995) stated in his own study concerning the Finnish school teacher in educational state discourse: "These truths are basic and often self-evident elements of discourse, well known and accepted but rarely consciously articulated or identified conventions of the authoritative expert talk that classifies and determines what is "true" knowledge, "right" power and "good" teacher in the discursive field of schooling."

As far as I am concerned the above also applies to corporal punishment. Discourse on corporal punishment determines and classifies the "true" knowledge, "right" power and "good" educator in the discursive field of education, and at the same time when "discourse makes it possible to construct the topic in a certain way it also limits the other ways in which the topic can be constructed" as Hall puts it (1992, 291). Discourse is constructed in practice and it is enacted in a "discursive practice" which means "a body of anonymous, historical rules, always determined in the time and space that have defined a given period, and for a given social, economical, geographical, or linguistic area, the conditions of operation of the enunciative function" (Foucault 1982, 117). Discursive practice determines what, who, how and in which legitimation one can say something and expect to be taken seriously.

The research material is text and the research belongs to the qualitative research tradition. The explicit method or way of approaching the subject is influenced by Michel Foucault's archaeological method (see Foucault 1980b; 1982). Here you have to bear in mind that we are not talking about a simple step-by-step method, however, you can be influenced (methodologically) by Foucault. In a restricted manner of speaking the study is "Foucaultian". Foucault "tries to account for how texts came to be what they are, not explain or interpret them or say what they really meant" (Cherryholmes 1988, 33).

Following my own study (Husa 1995) of Foucault I have selected five crucial points from his archaeology of knowledge method 1) An openly critical starting point 2) A pursuit to challenge the prevailing truth 3) Understanding the text as an autonomous discourse 4) Historical perspective in a "deconstructive" rather than a reconstructive mind and 5) Selecting sensitive issues as objects of study. To be a bit more concrete one could argue that the Foucaultian way of analyzing discourse is not that different from a typical text analysis. This means that one can borrow methodological tools from traditional text analysis.

## What's the function of this kind of a study?

The intention is NOT to show by the means of a scientific research how you should or ought to think about children's physical punishment. Corporal punishment is stigmatized in Finland and it is strictly forbidden even if one had educational motives. Despite the provision there are parents who use corporal punishment. Because of this intellectual contradiction I think it is important to show that things could be otherwise; one could argue that I am trying to construct an alternative interpretation, not a sort of a "truth". "Truth" is not the only "truth", in most cases we can talk about different interpretations of socially constructed phenomena. This is why I think that one must study the discourse of corporal punishment and the most frequently used pro and contra arguments. The aim of the study is to find textual traces to a deeper understanding of modern discussion on corporal punishment.

The purpose of the study is also to bring into daylight the sort of truthlike knowledge that we unconsciously are aware of but which has already once been forgotten and that has been buried under structures of human knowledge. In other words I am trying to show that our basis of knowledge - concerning corporal punishment - has its foundations in the unconscious social conventions, which means that our knowledge is not actually truthlike but more or less contractual in manner. The academic goal and intention is to bring forward the sort of a hidden structure of knowledge about corporal punishment which makes it possible to reflect on the subject critically. One ought to choose the basic values consciously or some values will effect on one's activities unconsciously.

The study has got started reasonably well but there are no final results to present yet. At this point I have read the texts by the school-pedagogues and made a preliminary study of the legal material concerning the subject. While processing the textual material one can find the conception that it is acceptable to use corporal punishment in early childhood after the more "noble means" themselves have been proved to be ineffective. In the texts one can also find mentions that corporal punishment can have a harmful influence on the child. But one can avoid this so that the parent (usually father) is the one who punishes the child. It is the loving relationship between the child and the parent that makes it less harmful to the child. The whole idea is that with minor pain you can avoid the bigger evil. Only small children will be punished corporal because it has no effect on bigger children over 10 years of age. The Finnish legal system, however, does not recognize such a "natural" opportunity to use corporal punishment.

Behind the school-pedagogues' texts one can find the influence of those two concepts of man which have already been mentioned earlier: the Christian, in which the child is seen as bad from the day he is born, and the Modernistic or the Psychological concept, in which the child is seen influenced by the environment and also as a genetic person. What else there

is to be found from the other keypoints of my study is still an open question at this stage.

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