



# 'Troubling' Chastisement: A Comparative Historical Analysis of Child Punishment in Ghana and Ireland

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## Abstract

This article reviews an epochal change in international thinking about physical punishment of children from being a reasonable method of chastisement to one that is harmful to children and troubling to families. In addition, the article suggests shifts in thinking about physical punishment were originally pioneered as part and parcel of the dismantling of national laws granting fathers' specific rights to admonish children under conventions of *patria potestas*. A comparative historical framework of analysis involving two case studies of Ireland and Ghana illustrates non-unilinear pathways of international convergence towards the prohibition of physical punishment. The comparative historical analysis highlights the 1930s and 1940s as an era when Ireland began to reject *patria potestas* and religious or judicial rulings which allowed for children to be given 'a good beating' in family and school settings. However, from the same period, Ghana is seen to experience Christian remonstrations not to 'spare the rod' leading to the 'conventional' tradition of 'this is how we do it here'. Two case studies serve to illustrate that banning physical punishment was less controversial in Ireland where allied traditions of *patria potestas* and disciplinarian Christian beliefs had lost their moral hegemony than in Ghana where such beliefs still held influence. The article concludes overall that normative campaigns against physical punishment of children emanate from a coherent paradigm of family policy where childcare, education, and well-being of children are embedded as everyday societal responsibilities rather than privatised or patriarchal familial obligations. The coherent model offers an alternative moral hegemony to neo-liberal and Janus-faced conceptualisations of good or 'intact' families versus 'broken' or 'troubled' families.

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**Introduction: underclass theories of 'vulnerable', 'broken', or 'troubled' families**

Conceptualising 'the family' is a core, normative, and controversial concern of sociology and comparative social policy (Heaphy, 2011; Kaufman et al., 2002). For example, a major controversy has arisen from normative and underclass theories of 'broken' or 'troubled' families and what Gillies (2005) referred to as the 'top-down projection of values and standards onto families' (p. 70). Pringle (1995) suggested that normative British perspectives on broken families drew on the 'underclass theories' from American academics (p. 56). Pringle (1995) further explained that underclass theorists had focused 'on the growth of illegitimacy' and 'illegitimacy as a causal factor' of social disruption, unemployment, and poverty in Britain (p. 56). Similarly, Crossley (2015) suggested that initiatives, such as the Troubled Families Programme (TFP), introduced to England in 2011 were part and parcel of 'crafting the state' towards 'neo-liberal forms of governing families' (pp. 1–5). For Crossley (2015), the TFP was part and parcel of trans-Atlantic regulations of an 'intergenerational underclass' that was understood by right-wing politicians to be 'stubbornly impervious to the normal incentives of the market' (pp. 1–5). These predominantly trans-Atlantic British and US approaches were underpinned by neo-liberal welfare state ideologies which treated 'poverty and social exclusion as residual problems' (Levitas, 2012: 5).

In a similar vein, Crossley (2015) located neo-liberal discourses of troubled families within a much more significant effort to 'roll out liberal economic and social policies that punish the poor' (p. 15). Crossley (2015) viewed the extension of the TFP 'family intervention' approach from covering 140,000 in 2011 families to a further 400,000 families as 'an integral part of the aggressive neo-liberal state crafting' taking place in the United Kingdom (p. 17). This type of aggressive neo-liberal state crafting led to a paradoxical situation in the USA whereby American welfare reforms such as the introduction of the Personal Responsibility and Work Opportunity Reconciliation Act (1996) created adverse conditions for lone mothers by withdrawing welfare benefits to raise children and then lone mothers were blamed for creating cycles 'of intergenerational poverty' (Rush, 2015: 44).

Pejorative discourses of broken families, absent-father families, and lone-mother families were labelled by Wilson (2013) as the 'pathologisation of family diversity' (p. 131). An emerging critical literature of neo-liberal forms of family governance and family troubles subsequently sought to distinguish between 'troubling normalities' and 'normal family troubles' (Ribbens McCarthy et al., 2013). These accounts recognise that children are 'social actors' (Cooper, 2013: 19) and that 'families construct their version of the normal' (Hooper, 2013: 131) within an 'aggressive' conservative neo-liberal context (Wilson, 2013: 163). These critical perspectives and specifically Fink's (2013) history of family troubles broadly inform this article as it aims to

contribute to contemporary debates about family troubles by adopting a comparative historical perspective. From a global sociology perspective, Therborn (2004) distinguished between five major family systems: the African (sub-Saharan), the European (including the New World settlements), East Asian, South Asian, and West Asian/North African (p. 11). Methodologically, this article focuses on two case studies of Ghana as an example of the sub-Saharan African family model and Ireland as an example the Nordic/European family model. The article also builds on Ibrahim and Komulainen's (2016) work which compared physical punishment of children, widely accepted in Ghana representing the sub-Saharan region to that of Finland, representing the Nordic/European family model where physical punishment was prohibited from 1983. Ireland has since joined the growing ranks of Nordic/European countries that prohibit corporal punishment by introducing a ban in 2016 and offers an English-speaking liberal variant of the European family as a counterpoint to the Nordic Finnish family variant.

## **Theoretical framework and methodology**

The study adopts a comparative historical framework based on what Amenta and Hicks (2010) refer to as 'deep knowledge' social policy case studies (Ireland and Ghana) to illustrate tensions in different countries between normative child welfare initiatives and religious, customary family ideologies. Comparative historical analysis is a primary method of exploration in the social sciences for examining historical transformations and for explaining essential processes and outcomes. The article explores the central hypothesis that case-oriented research allows us to examine outcomes of processes in different nations and ascertain causes of divergence or convergence (Osinsky and Eloranta, 2015). The core research question is how over time international public perspectives have shifted from viewing physical punishment of children as a normal response to family troubles into viewing physical punishment as a harmful activity that is troubling to families. A research sub-question is how, if at all, changing perspectives on physical punishment of children are allied to an international decline in patriarchal fatherhood or legal conventions of *patria potestas*.

For processes that transcend national and regional boundaries, most comparative historical research is based on secondary evidence and has been revived in recent times as 'a leading mode of analysis' in the social sciences (Mahoney and Rueschemeyer, 2003: 7). Concerning research design and how the literature and policy documents were chosen the article draws on studies that are 'particularly relevant to the research' rather than attempting to 'cover the field' or sub-fields in order to explain as Maxwell (2005) suggests what we 'think is going on' (p. 39). So, for example, this study draws on literature specific to the decline of patriarchal fatherhood or patriarchy as a familial concept (Rush, 2017; Hobsbawn, 2005; Orloff, 1993; Pateman, 1988; Therborn, 2004) rather than broader and widely accepted theories about the changing nature of private patriarchy into public patriarchy (Walby, 1990). The conceptual or theoretical framework rests on the idea that there has been an international and exponentially convergent decline in normative acceptance of physical punishment of children as a reasonable way of dealing with 'normal family troubles'. This international shift in thinking is

allied in this article to the idea that the prohibition of physical punishment of children was pioneered in regions of the world where there was a parallel decline in patria potestas, or rule of the father, as an aspect of the changing nature of patriarchy (Rush, 2015). The article argues that the prohibition of physical punishment across more than 50 countries in mainly Latin America, Africa and European/Nordic regions means this trend can no longer be viewed as a Global North or Anglo-American/Nordic cultural imposition (Ibrahim and Komulainen, 2016: 66).

While, on one hand, Latin America, European/Nordic, and, to some extent, African regions are leading the way, on the flipside, the Northern USA and the UK remain bastions of the liberal principle of 'reasonable chastisement'. The article suggests that the adherence to principles of 'reasonable chastisement' in the USA and UK has little to do with enabling fathers and mothers. On the contrary, it has more to do with an aggressive neo-liberal refusal to embed Nordic principles of 'child care institutionally, education and well-being of children as in many ways a societal responsibility' (Ibrahim and Komulainen, 2016: 66). The Nordic/European paradigm of institutionally embedding what Michon (2008) labelled as coherent family and care policies are less about the top-down promotion of idealised family discourses and more about bottom-up-driven responses to the everyday needs of a plurality of families. Whereas, the neo-liberal or neutral paradigm is more about troubling or punishing 'troubled' families for their failure to live up to privatised child welfare obligations in national residual welfare state contexts of increasing social inequalities.

The family is also central to concepts of patriarchy, and in recent years, there has been a revival of feminist interest into 'the nature of patriarchy as a family-based system of control, over women and children' (Folbre, 2009: 208). This way of conceptualising patriarchal family relations was epitomised by Orloff (2009) who explained, 'patriarchy refers to a form of male dominance in which fathers control families and families are the units of social and economic power' (p. 304). However, there is a consensus that the phenomenon of 'the family' remains resilient and largely unscathed by modernisation, industrialization, and globalisation (Gillies, 2003; Therborn, 2004). On the contrary, the rigid patriarchies or 'rule of fathers' associated with Confucianism, Islam, and Christianity, particularly Catholicism, were purposively eroded within some family systems and legislative jurisdictions (Hobsbawn, 2005).

This article allies the decline of patriarchal fatherhood to the decline of physical punishment in Ireland as an example of European family models and contrasts the Irish experiences with the relative absence of these allied declines in Ghana as an example of a sub-Saharan African nation. A significant aspect of patria potestas is discrimination against daughters to 'special physical sacrifice demanded of girls of women' (Therborn, 2004: 14). This study builds on others (Atta, 2015; Kyei-Gyamfi, 2011) to highlight how patriarchy and physical punishment of girls collide within Ghanaian schools. The article raises questions concerning dualisms of 'good' and 'bad' images of children and religious and judicial exhortations to 'lay the lash' on them in Ireland or elevate 'the cane' as a symbol of physical correction in Ghanaian homes and schools. Overall, the study questions the depiction of a dichotomy between rhetoric versus reality about social policies banning physical punishment legislation by showing that social policy legislation is either designed to encourage or to keep up with cultural

change, or a mix of both. In Ireland, law tended to follow changing societal attitudes and cultural change more slowly whereas in Ghana, like Sweden, legislation is responding more promptly to changing societal attitudes and thereby encouraging cultural change. Nonetheless, Ghana is lagging behind the seven other African countries that prohibit corporal punishment which are Benin, Cabo Verde, the Republic of Congo, Kenya, South Sudan, Togo, and Tunisia.

### **From normal to troubling: changing ways of thinking about physical punishment of children**

An early victory on prohibiting physical punishment of children (and wives) came with the passing of the Swedish Penal Code of 1864, as Therborn (2004) noted. The Penal Code abolished the death penalty for violence and insults against parents and abolished a husband's ancient right to physically admonish his wife (Therborn, 2004: 17). The concept of social guardianship of children (a part of the 1915 Scandinavian Law Commission) set out the principle of serving the best interest of children which followed on from 'the large post-patriarchal consensus in Sweden' that a husband's legal guardianship over his wife should be also abolished (Therborn, 2004: 81). Historically, Norway introduced a Child Protection Act in 1896 which promoted children's education and inhibited their negligence, followed by Sweden in 1902 and Denmark in 1905 (Harrikari, 2011). From this era, the Nordic countries adopted a gender egalitarian and individualistic concept of family law which made the patriarchal authority of husbands and fathers mostly obsolete.

What Therborn (2004) calls the 'Constitutional Moment' came with specific reference to the United Nations Constitutions on Human Rights and Children's Rights and the introduction of legislation across most European countries eroding paternal power and prohibiting physical punishment of children. The UN Committee on the Rights of the Child defines corporal punishment as

Any punishment in which physical force is used to cause some degree of pain or discomfort, however light. Most involves hitting ('smacking', 'slapping', 'spanking') children, with the hand or with an implement—whip, stick, belt, shoe, wooden spoon etc. But it can also involve, for example kicking, shaking or throwing children, scratching, pinching, burning, scalding, or forced ingestion (for example washing children's mouths out with soap or forcing them to swallow hot spices).

The constitutional moment is understood to have heralded a new wave of post-war European legislation. For example, in the case of France, a father's 'droit de correction' over disobedient children was abolished in 1935, but it was not until 1965 that *puissance paternelle* (paternal power) was replaced with *autorité parentale* (parental authority, Therborn, 2004: 100). Contemporary international debates surrounding the physical punishment of children are broadly framed around a dichotomy between the Conservative 'Authoritarian' model versus the 'Nordic' anti-spanking model and what Baumrind (1996) labelled as the 'Rousseauian romanticization of children as rightfully self-absorbed and self-gratifying' by Swedish and Norwegian educators (p. 412).

According to Baumrind (1997), the latter model, in the USA, was associated with the anti-spanking children's welfare activism movement, while the former centred on a hierarchical paternalistic 'Christian fundamentalist defence of strict and sometimes punitive parental authority' (p. 321). Therefore, in places where Christian fundamentalist congregations are particularly strong, such as Ghana and the USA, we might expect to find that corporal punishment of children as a Christian principle is highly encouraged. Indeed, Gottman (1998) noted how the tendency towards religious authoritarian fatherhood was becoming something of a social movement in the USA with men's rights activists such as the Promise Keepers advocating corporal punishment of children as part of what they see as strengthening marriage, masculinity, and the family.

The case for Baumrind's (1997) dualist depiction of parental authoritarianism versus the Nordic prohibitionist model of physical punishment is supported by Sweden's close association with the founding in 1946 of the UN International Children's Emergency Fund (UNICEF) and the UN Convention on Children's Rights (1989). Moreover, Sweden is viewed from a UN perspective as a nation whose history paved the way for a more comprehensive European and global role in the late 20th century as 'an active agent in defining how children could be best served' (Fass, 2011: 24). A paradigmatic shift in progressing children's social citizenship rights came with the UN International Year of the Child (1975) which sought to promote children's expressive rights as active agents for social change rather than view children as passive objects of social policy or parental agency (Fass, 2011: 27).

Sweden, aiming to change public attitudes, assist the early identification of children at risk and promote early family support interventions, was also the first nation to prohibit all forms of physical punishment of children in 1979. While the first aim of changing public attitudes was also the primary aim, Swedish parliament 'enacted the law without express reference to sanctions. This is because lawmakers conceived the prohibition as having its primary effect by influencing societal attitudes rather than by more immediately deterring individuals with the threat of penalties' (Roberts, 2000: 1028). While there is a consensus that public support for physical punishment declined in Sweden and the three aims of the legislation were successfully accomplished, some findings show the legislation to be causal. In addition, other findings suggest that successful legal reforms are borne out of, or follow, changes in public attitudes (Roberts, 2000: 1027). This is very much a 'chicken and egg' question so the primary lesson of the Swedish experience was the absence of any overt punitive element to the legislation or threat of sanctions. This legislation was not about troubling or punishing families or about creating concepts of troubled families but rather about arriving at a societal consensus without sanction. Interestingly, the case for legal reforms included the argument based on survey data that changing public attitudes 'reflect a growing disenchantment with corporal punishment around the world' including nations as widely disparate as Germany, Kuwait, the USA and Sweden (Roberts, 2000: 1033).

The UN committee's jurisprudence on corporal punishment has been evaluating country reports and making 'concluding remarks' since 1993. All African countries except Somalia have ratified the UN Convention on the Right of the Child, and all have also ratified the African Charter. However, cultural pluralism and customary laws in Africa often undermine normative family policy initiatives. This point was reiterated by

Ibrahim and Komulainen (2016) who observed that there are conflicting normative perspectives in Africa with the African Charter on the Rights of the Children (1990, Article 20 (1)C) granting the use of corporal punishment when it is ‘administered with dignity, love and humanity’. Ghana stands out regarding the severity of physical punishment in school settings where, following an incident where a girl was blinded, there were calls for legal reforms (Freeman, 2010: 245). The Committee on the Rights of the Child’s concluding remarks (Ireland, Fiji, Jamaica, Korea, Lebanon, Senegal, and Ghana) prohibit the corporal punishment of children with a specific recommendation to remove caning as a form of discipline from the teacher’s handbook (Freeman, 2010: 219).

A landmark decision in the more *laissez-faire* UK was reached when the European Court of Human Rights overruled an English court’s finding in 2010 that a step-father who had caned a boy of nine had acted within the common law test of reasonable chastisement. The European Court ordered the child to be paid £10,000 in compensation (Freeman, 2010: 236). Freeman suggests, ‘the law in England effects a bungling compromise that satisfies no one’ leaving abolitionists unsatisfied and police, parents, and social workers unclear as to what their powers are. However, after Christian fundamentalist parents and teachers brought a case to the House of Lords against the prohibition of corporal punishment in schools which was ruled against, Baroness Hale upheld this bungling compromise by arguing parents should have ‘a large measure of autonomy’ (Freeman, 2010: 237). Freeman (2010) concluded that an increasing number of countries, especially in Europe, had outlawed the physical punishment of children but that the ‘English-speaking world will resist change’ (p. 250). As of 2016, Ireland broke ranks with this liberal English-speaking residual or *laissez-faire* approach to the physical punishment of children and resistance to change by legislating against any physical punishment of children by parents and becoming the 47th country to do so.

## **An overview: divergence in the decline of patriarchal fatherhood across culture**

Before the 20th century, *patria potestas* and *manus mariti*, being fatherly and husbandry power, were actively institutionalised by Catholic Church law and secular law (Pateman, 1988). While the two major European enlightenment codifications, the Prussian Code of 1794 and the French Code Napoléon of 1804, were regarded as ‘virulently patriarchal’ with the latter stipulating ‘wifely obedience’ and references to *puissance paternel* or fatherly power being widespread throughout the French Code (Therborn, 2004: 21). The Civil Code for the German Reich which unified German law from 1871 substituted parental power for fatherly power. But, paradoxically, this Civil Code regulated that the father should exercise parental power. Key dates in the dismantling of patriarchy in Great Britain were the English Royal Commission on Matrimonial Causes of 1912 and much later the 1973 Guardianship Act, which gave mothers the same rights as fathers (Therborn, 2004: 101).

In the Irish case, Fahey (1998) traced de-patriarchalisation trends back to the Supreme Court judgement in the 1951 *Tilson Case*. This judgement abolished paternal supremacy and awarded mothers equal child-rearing rights to fathers. The decline of patriarchal family relations in Ireland was explained not only as the legislative dismantling of pater-

nal power but also as the declining influence of the Roman Catholic clergy over the regulation of sexual codes of behaviour inside and outside marriage (Kennedy, 2001:169).

Hamilton's (1990) study of the decline of East-Asian patriarchy introduced the related concepts of patrimonialism and filial piety. Patrimonialism was a form of state governance by authoritarian leadership, which had its genesis in filial piety as a principle of Confucianism which made a virtue of respect for family elders and ancestors but it also translated into a 'doctrine of sincere submission' between sons and fathers, between bureaucrats and rulers, between wives and husbands, and throughout the mechanisms of Imperial Chinese governance (Hamilton, 1990: 77). Key dates of patriarchal decline in China included the abolition of Confucianism as an imperial exam subject in 1910; The Communist Revolution of 1947; the new Marriage Law of 1950; and the Cultural Revolution of 1966, which paved the way for the One-Child Family Planning Policy of 1979. Key dates in the decline of Japanese patriarchy were the introduction of compulsory education in 1872 during the Meiji Restoration. The abolition of the household system under the revision of the civil code (Meiji Minpo) for the new Japanese Constitution of 1947 was also crucial as it paved the way for legislative codifications of gender equality in Japan (Therborn, 2004).

By contrast, the sub-Saharan African family constitutes the major alternative to the European and Eurasian families and one where patriarchy remains 'well entrenched' (Goode, 1963; Therborn, 2004: 46–107). In pre-colonial Africa, kinship was extraordinarily important especially in the absence of corporately organised religions and 'patriarchal power was supreme on earth, and religious practices are geared to veneration of and contacts with one's ancestors and their spirits' (Therborn, 2004: 14).

Overall, the juridical decline of patriarchal fatherhood in the contemporary era is generally traced back to the Scandinavian Law Commission of 1905 and portrayed by Nordic feminist scholarship as a prelude or pre-requisite to the gender egalitarian and universalist welfare ideology of 'Nordic state feminism' (Melby et al., 2006). Also, in the UK and the USA, the residual and male-breadwinning fatherhood regimes are lagging behind (Rush, 2015). In these English-speaking regimes, such as the UK and USA, the juridical decline of patriarchal fatherhood and male-breadwinning is often portrayed as the breakdown of the family and met with calls for targeted family support policies aimed at strengthening 'vulnerable families' (Dennis and Erdos, 1992; Popenoe, 1996). As we have seen, pejorative discourses of broken, vulnerable, troubled, or lone-mother families are often linked with underclass theories. They are also associated with English-speaking liberal welfare state variants that have failed to keep up with the parallel decline of patriarchal fatherhood and male-breadwinning family arrangements (Rush et al., 2017). Therefore, the juridical decline of patriarchy is associated with the 'Nordic state feminism' and universalist welfare state ideologies in the Nordic, central European, and East-Asian regions (Borchorst and Siim, 2008; Ferree, 2012; Kobayashi, 2004). On the flipside, the same cannot be said about the sub-Saharan region (e.g. Ghana).

In West African context, including Ghana, Ibrahim (2015) highlighted that the absence of a reliable child welfare system or universalist redistributive welfare state is commonplace. By implication, 'people's socio-economic insecurity necessitate a strong rather than less reliance on ties to family and community' (Ibrahim, 2015: 316). People's strong reliance on families and patriarchal-oriented communities also helped to legitimise the



group of families and children as ‘functional’ or ‘dysfunctional’ on the axes of ‘broken homes’, and ‘intact families’. In addition, Ibrahim and Komulainen (2016) argued that convergence ideologies of physical punishment and good child-rearing in Ghana were ‘reinforced by a strong patriarchal family structure, which has men as the supreme enforcers of every familial rule and regulation’ (p. 64). These divergent trajectories of patriarchal decline and universal child welfare developments are also crucial entry points to compare Ghana representing West Africa to Ireland in the West.

## **Case studies of Ireland and Ghana**

### *Ireland: the decline of physical punishment allied to the decline of patriarchal fatherhood*

The decline of patriarchal power was posited by Kennedy (2001) as a phenomenon in Ireland that was rooted in the 1920s and the 1930s. This account reveals four overarching historical influences on the decline of paternal power in Ireland. First, the introduction of the Guardianship of Infants Acts (1927) which removed the parental marriage veto for offspring under 21 years. Second, young people’s craze for hedonic leisure activities and ‘indecent’ dress codes which altered the status quo. The third was the refusal of young women to accept patriarchal and theological control concerning gender and sexual relations. These three trends provoked the ire of Catholic Bishops. As a result, the Catholic clergies sermonised parents to ‘lay the lash’ on their daughters’ backs. Paradoxically, the fourth influence was parents’ relaxation of control over their children in spite of these Catholic priestly admonishments from the pulpit.

Kennedy (2001: 154), drawing on Lee’s (1989: 158) historical documentation, explained that while sexual matters were at the centre of family life, family life was the ‘principal, indeed almost exclusive concern of bishops for decades’. Kennedy further highlighted that the decline in parental authority, brought on by the removal of parents’ power due to the Guardianship of Infants Act (1927), was linked to the ‘lax conduct of boys and girls’ in Ireland. In the language of the Archbishop Gilmartin of Tuem, ‘parental control had been relaxed, and fashions bordering on indecency had become commonplace’. Similarly, Bishop O’Doherty of Galway has once declared, ‘[I]f your girls do not obey you, if they are not in at the hours appointed, lay the lash on their backs, that was the good old system, and that should be the system today’ (cited in Kennedy, 2001). In contemporary Ireland, these statements could be seen as eccentric, but as Kennedy (2001) argued, they represented the hierarchical Catholic teaching orientated towards ‘power, authority and control’—a violent approach to obedience, which resulted in ‘actual physical cruelty, falsely exerted and justified as duty’ (p. 169).

A historical study of physical punishment and abuse of children in Irish schools and families highlighted a hierarchical and punitive approach (Maguire and O’Cinneide, 2005). Maguire and O’Cinneide’s (2005) study showed that physical punishment of children in homes and schools was widely accepted until the 1980s under the prevailing view that ‘a good beating never hurt anyone’ (p. 63). Accordingly, the right of parents to beat their children was scarcely questioned. The Children’s Act of 1908 specified that nothing affected ‘the right of any parent, teacher, or other person having the lawful

control or charge of a young person to administer punishment' to a child or young person (Maguire and O'Conneide, 2005: 636). The right of parents to 'beat' or 'thrash' their children was re-affirmed by the courts as in a 1930 case when a District Justice in Roscommon suggested 'what this boy needs is a good thrashing' to which the boy's father responded 'I gave him the rod severely' (Maguire and O'Conneide, 2005: 636). Similar incidents, such as a case in Bray in 1949 where several parents were ordered to beat their errant children in front of the Guards (police), were commonplace and it was not until 1997 that the Criminal Law Act abolished the rights of the courts to impose corporal punishment sentences (Maguire and O'Conneide, 2005: 636). Physical punishment and the use of canes were also commonplace in schools and Maguire and O'Conneide cite numerous autobiographical accounts from the poorer areas of Dublin, such as the Liberties and Irishtown, where people recalled that teachers were the only adults to beat children with a cane or a stick and that 'it was not unusual for the canes to break' (Maguire and O'Conneide, 2005: 640).

However, even though physical punishment of children remained commonplace in Irish schools and homes until the 1980s, Maguire and O'Conneide (2005) show that 'popular opinion had begun to coalesce against corporal punishment as early as the late 1940s' (p. 650). Letter campaigns to the readers' columns of Dublin newspapers appeared during the 1950s. As early as 1929, parents in Cullane Co Mayo withdrew 120 pupils (from a total of 133) from the local National School to protest 'frequent violations of corporal punishment regulations' by the School Principal, his school teacher wife, and another teacher (Maguire and O'Conneide, 2005: 641–50). Ireland eventually banned corporal punishment in schools in 1982 (Great Britain followed suit 4 years later in 1986) 'after 30 years of sustained pressure', and it would be another 33 years before the corporal punishment of children was banned in the home.

Accordingly, Ferriter's (2009: 16) periodisation of late 20th century challenges to Catholic Patriarchal authority distinguished roughly between 1940s–1960s and the 1970s onwards. The former represented the omnipresent Catholic moral order enforced with vigilant watchfulness, surveillance and eavesdropping, and physical punishment of 'disobedient' children (e.g. daughters who stayed out late in dancehalls and errant schoolchildren). But parents and 'a variety of activists and the Irish women's movement in particular' challenged it (Ferriter, 2009: 546). As a result, the Catholic ethos fell from grace in the second or contemporary era, as documented in the *Journal of the Institute of Public Administration of Ireland* which explained in a special edition on child protection that

The effect of these developments at a socio-political and cultural level has been such that a crisis of legitimacy and public trust now surrounds key Church and state institutions involved in the provision of child protection and welfare services. (Ferguson and McNamara, 1996: 3)

Subsequently, on 11 November 2015, the Irish Parliament adopted legislation explicitly repealing the common law defence of 'reasonable chastisement' of children, making Ireland the 20th European Union state to achieve prohibition of corporal punishment, the 29th Council of Europe member state, and the 47th state worldwide. Senator Jillian Van Turnhout who tabled the legislation framed the change in the final stages of Dail (Irish Parliament) debates as a post-colonial break from the English common law defence of 'reasonable chastisement':

This ancient defence of reasonable chastisement is not an Irish invention. It came to us from English common law. Through its colonial past, England has been responsible for rooting this legal defence in over 70 countries and territories throughout the world. In England, Wales and Northern Ireland, the reasonable punishment defence still allows parents and some other carers to justify common assault on children. In Scotland, there is another variation, namely the defence of justifiable assault ... With this amendment we have a way to unite and agree that all citizens are equal. There must never be a defence for violence against children.

(<http://www.jillianvanturnhout.ie/jvt1111/>)

Senator Jillian Van Turnhout depicted the English common law defence of reasonable chastisement not only as a colonial imposition on Ireland but as an imperial imposition on 70 countries worldwide. James Reilly T.D., Minister for Children and Youth Affairs continued in a similar vein by framing the legislation as a move away from colonial legacies of ‘reasonable chastisement’ imposed by English common law towards a more European and International perspective on physical punishment:

The removal of the Common Law defence sends a strong message which will, I hope, lead to a cultural change across Irish society that corporal punishment is wrong. We have not created any new offence but rather we are removing something that has its roots in a completely different era and societal context ... in taking this step Ireland is making an important contribution to the global movement towards a world where all children are free from violence. ([https://www.dca.gov.ie/docs/11.12.2015\\_End\\_corporal\\_punishment\\_as\\_removal\\_of\\_defence\\_tak/3669.htm](https://www.dca.gov.ie/docs/11.12.2015_End_corporal_punishment_as_removal_of_defence_tak/3669.htm))

Moreover, like Sweden, the changes in Irish legislation did not bring about any new sanctions or offence but merely removed the English common law defence of reasonable chastisement. In essence, the Irish legislation reflected a modernisation of Irish attitudes and parenting styles towards Nordic/European Union norms and increasingly Latin American and African norms. According to Nixon and Halpenny’s (2010) reports on children’s perspectives and parenting styles and Williams et al. (2013) report (i.e. derived from a survey involving 8,570 children aged 9 years and their families and teachers), there was declining support for physical punishment of children in Ireland and increasing societal opposition.

Although the Nixon and Halpenny report found that 34% of people believed smacking should remain legal, legislative change in Ireland was actually keeping pace with societal and attitudinal changes. Put simply, as Ireland moved away from a post-colonial, patriarchal, and religious acceptance of beating children towards a more Nordic/European understanding of children as social citizens and active agents in their own right then the legislation followed on foot of sustained campaigns against physical punishment in schools and homes.

## Ghana

By contrast, physical punishment of children is widely prevalent and socially accepted throughout Ghanaian society. Corporal punishment is lawful in the home and Article 13(2) of the Children’s Act (1998) agrees with the concept of ‘justifiable’ and ‘reasonable’ physical correction of a child. Notwithstanding the Universal Periodic Review

(UPR) by the UN in 2008, the Government of Ghana defended the legality of 'reasonable' corporal punishment in both homes and schools. Specifically, the Education Act (1961) and the Ghana Education Code for second cycle school provides for up to six strokes by a head teacher or person authorised by the head teacher. Agbenyega's (2006) study on the practice of corporal punishment in 10 basic schools in the Greater Accra District in Ghana concluded that physical punishment has a range of 'positive functions' in Ghanaian school system. The report of 9 June 2015 Committee on the Rights of the Child/Ghana/CO/3-5 observed that corporal punishment was being widely practised in society and that it was accepted as a form of discipline in keeping with Children's Act (1998) acceptance for a degree of reasonable and justifiable punishment.

However, a study by Parkes and Heslop (2013) on stopping violence against girls in school in 2008–2013 involving more than 1,000 girls in Ghana, Kenya, and Mozambique found that in 2013, the use of corporal punishment had reduced since the baseline survey carried out in 2009. In Ghana, in 2013, there had been slight reductions (9%) in the proportions of girls experiencing most forms of corporal punishment from 2009 to 2013. According to statistics collected in 2010–2011 under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), 94% of children aged 2–14 years had experienced violent 'discipline' (physical punishment and/or psychological aggression) in the home in the month before the survey. However, while 73% of children experienced physical punishment, only 50% of mothers and caregivers thought 'physical punishment' was necessary for childrearing.

Outside the home, Atta (2015) sets educational inequalities and violence perpetrated by teachers, who are mainly male, or classmates against Ghanaian schoolgirls within a societal context of 'patriarchal relations within the household, patriarchal culture, sexuality and violence towards females' (p. 13). Moreover, Atta (2015) suggests, on one hand, that a combination of 'traditional practices, stereotyping, cultural and religious beliefs' perpetuate patriarchal discrimination or injustice against women and girls 'in some parts of the globe, particularly on the African continent' (p. 11). On the other hand, Seguada's (2015) account of the importation of religions into Africa argues that women and girls became worse off under colonialism from the 19th century as Christianity appropriated traditional gender neutral or female designations of deities to give the African colonial idea of god 'full patriarchal attributes' (p. 10). Ultimately, Seguada argued that

The gender inequalities we find in modern African societies cannot be attributed to African traditions, at least not on these traditions alone. Instead, imported religions and colonialism decisively shaped the current mindset in Africa which has a negative impact on the current gender issue in African countries.

This type of post-colonial discourse on the shaping of modern African patriarchies and gender inequalities is summed up by Chengu (2015) who blames 'patriarchal Christianity, and its masculine fundamentalism' for the oppression of African women. On the whole, these post-colonial perspectives on Christianity and patriarchy in modern Africa suggest that religiously augmented colonial codifications or re-inventions of customary laws in Africa were more patriarchal than in the pre-colonial era. They 'reached

a peak during the depression of the 1930s when in Central Africa, as elsewhere, there was a connection between depression, inflation and the strength of conservative ideologies' (Ranger, 1993: 11; Therborn, 2004).

More generally, that corporal punishment was linked to old Ghanaian traditions and customs aimed to reduce rule-breaking behaviours among children (Boakye, 2013; Kyei-Gyamfi, 2011). These customs and norms were based on a Ghanaian philosophy of childhood described by Ibrahim and Komulainen's (2016: 60) in relation to debates surrounding the term 'the image of childhood' developed by Rwezaura (1998). 'The term "image-of-childhood" refers broadly to the manner in which a given society perceives its children at a particular historical point in time and how children are expected to relate to the adult world (Rwezaura, 1998: 254, see also Jane Ribben's [1994] conceptualization of the 'typifications of children'). However, Kyei-Gyamfi (2011) observed that

Many people have moved from their communities of origin to settle in urban areas and have changed lifestyles in the process. There seems to be a clash between tradition and modernity, and the clash has had a major effect on the upbringing of children by their parents. Adults with changed lifestyles inculcate modern ideals into the upbringing of their children and these are opposed by adults with conservative mentalities. (p. 83)

Kyei-Gyamfi (2011: 92) explained that the media has been instrumental in raising public awareness on corporal punishment, with many radio stations (e.g. 120 FM) and TV channels establishing advocacy programmes with local community groups. While some faith-based organisations are strong advocates for ending violence against children, they sometimes paradoxically support the corporal punishment element of child-rearing philosophy. However, despite these campaigns, Kyei-Gyamfi (2011) concludes that Ghanaian 'children live in constant fear' because 'the cane has been a symbol of correction in Ghana for a very long time such that many people see it as the only form of correction' (p. 94).

However, urbanisation/modernisation of village life alongside digitalisation of social life such as access to mobile phones has led to a gradual shift in the perception of physical punishment of children due to heightened awareness of campaigns against physical punishment (Imoh, 2012). Also, Article 15(2) of the 1992 Constitution and the 1998 Children's Act which protects all people from degrading treatment and punishment might also be filtering into changes in public attitudes and perceptions (Imoh, 2012).

A significant factor of Ghanaian families as Ibrahim (2015) commented is that the bulk of parenting does not exclusively rest on biological parents because many urban dwellers often seek parenting help from their relatives in villages and villagers depend on their well-to-do relatives in cities for economic support. This way the boundaries between more traditional ways of parenting and new urban norms are blurred. As Ibrahim (2015) observed the centrality of families as principal determinants of 'good' and 'bad' behaviours of children shape the realities of physical punishment in Ghana (p. 318).

Imoh's (2012) study of children's perceptions of physical punishment in Ghana reported support for 'continuing use of physical punishment as a method of child discipline'. This study highlighted that support for the use of physical punishment is often based on customary-philosophy: (a) 'this is how we do it here'. Imoh's (2012, 2013)

work also pointed out its perceived practical implication: (b) Ghanaian children raised in a social context where the use of physical punishment is commonly applied and accepted were perceived to be better behaved than children raised in Western societies. However, rather than reflecting traditional African customs and traditions Agbenyega (2006) suggests that these beliefs are rooted authoritarian Christian catechisms recited by mainly male school teachers:

Using the Judeo-Christian perspectives, teachers quote phrases from the Holy Bible to support their arguments. 'The rod and rebuke give wisdom but a child left to himself brings shame to his mother' (Proverb 29: 15) ... 'Correct your son and he will give you rest'. (Proverb, 29: 17) ... 'A rod is for the fool's back'. (Proverb, 26: 3) ... 'Harsh discipline is for him who forsakes the way'. (Proverb, 15:10, pp. 118–119)

This type of Christian religiosity sets up dualistic 'images of childhood' based on 'good and bad' behaviours which blame families, and in particular 'brings shame to his mother' for children's rule-breaking behaviours and for 'sparring the rod' (Ibrahim, 2015: 318). However, not all aspects of these dualistic Ghanaian 'good' and 'bad' 'images of childhood' are rooted in religious colonialism.

For example, 'Trokosi', which is the Ewe people's custom of enslaving young girls to shrines, can be traced back to the 1700s. The word Trokosi stems from 'Tro' to a god and 'kosi' the 'name of a first female born out of the magnanimity of a deity' or 'kosi' means wife of slaves of the gods (Ohrt, 2011: 32). In Trokosi spiritual practice, any adult who transgresses against the collective sentiment of the village social community submits a young girl from his or her family to the traditional Shrine Priest to labour and serve for 3–5 years in shrines as a way of atonement. The shrines are small dwellings where 'the deities reside' and are usually visible on a mound within a traditional Shrine Priest's homestead (Ohrt, 2011: 32). This way of family atonement for adult sin or transgression is increasingly campaigned against as a form of localised trafficking often involving sexual abuse of girls. Consequently, in 1998, an amendment to Ghana's Criminal Code outlawed it (Ohrt, 2011: 10). Alternatively, adherents of Trokosi suggest campaigns against it by Christian development non-governmental organisation's (NGO), such as International Needs Ghana (ING) is 'the last stage of euro-cultural colonialism' because Europeanised 'Christianity is the rendition of African traditional religion' or in other words the usurping of African traditional religion (Ohrt, 2011: 28–30). On the contrary, for Agbenyega (2006), the use of corporal punishment in schools is allied to 'antiquated thinking that it facilitates learning among pupils' and on 'Judeo-Christian perspectives to justify that the folly of children could be best thrashed out through a severe caning' (p. 111).

McCauley (2013) and Ibrahim (2015) explained that before the imposition of British rule through colonisation, there was no unified state of Ghana but rather a variety of ethnic communities with distinct systems of descent and social organisation. For example, the Akan were matrilineal, and women had a relatively high level of social, economic, and legal independence, whereas the Konkomba, Kusase, Ewe, and Dagomba were patrilineal and more male-dominated, and restrictions on women were pronounced in the Islam-influenced Dagomba and Gonja ethnic groups (e.g. Agbenyega, 2006; Ohrt,

2011). However, in modern and rural Ghana physical punishment of children intersects with familial patriarchy, the social standing of male teachers and with pious mothers' responsibilities for raising good 'children' as opposed to 'bad children' associated with Western secular individualism. For Ohrt (2011), factoring in cultural pluralism and varied cultural contexts to African debates on cultural practices, such as Trokosi is not about rejecting modernity or accepting pre-colonial or colonial customs (p. 43). Instead, it is about developing academic and civic feminist discourses which transcend barriers of intersectionality and conservatism when addressing human rights, women's rights, children's rights, and child protection in families. In addition, Imoh (2012) argues, 'there is a significant minority of parents emerging in Ghanaian society who oppose the status quo and stress the need for a rethink in parenting styles' (p. 140), which in turn requires a need for more social dialogue between social policy makers, the media, Ghanaian society, communities, schools, families, and children.

## Conclusion

This article argued that the growth of anti-physical punishment ideologies and legislation was a parallel development to the juridical decline of patriarchal fatherhood over the course of the 20th century in many regions of the world. In offering a perspective across cultures on the periodisation of patriarchal collapse, the article emphasised that the juridical decline of physical punishment as an aspect of patriarchy was different in Ireland compared to Ghana. It explained that the decline of patriarchal fatherhood (over the course of the 20th century) in the regions of Eastern Europe, East Asia, Europe, and to some extent the English-speaking nations was not matched in sub-Saharan nations such as Ghana. However, it also highlighted that physical punishment of children as an aspect of patriarchy remained legal in Ireland, as an ex-colony, within an English common law code of 'reasonable chastisement'.

The two case studies showed that Ghanaian academic and legal discourses are shifting in line with prevailing normative thinking in a similar way to Ireland, even though debates in Ghana are more highly contested and gendered. However, while public support for physical punishment is eroding, particularly against girls in both family and school settings, some older customs are resistant to change. For example, Trokosi customs illustrate some cultural, family, and village anomalies within a growing Ghanaian unease with physical punishment, especially in schools which remain highly gendered and institutionally stigmatising for young girls and women. Britwum et al. (2012) chart the growth of Ghanaian feminism from the early 20th century through to the government-backed National Council of Ghana Women in the 1960s and up to the institutionalisation of gender and women's studies at the University of Cape Coast in Ghana. While these movements have been at the forefront of campaigns to end the physical punishment of girls in schools they have had less influence on dismantling patriarchal familism in Ghanaian homes and villages. However, the case studies show a pattern of legislation upholding patria potestas in families and teachers' rights as in *Locus Parentis* to inflict physical punishment being slowly replaced with social policies prohibiting physical punishment first in schools and then in families in keeping with changing societal attitudes and patterns of parenthood. Moreover, thus far, our analysis is in sync with the theories

of Ranger (1993) and Therborn (2004) regarding religious codifications of African customs. Our article acknowledged that the dualistic 'images-of-children' as 'good' and 'bad' in modern Ghana is inseparable from the reinvention of traditional customs and family ideologies that occurred throughout Africa in the Christian colonial era and accelerated from the 1930s.

The Irish case study offered a periodisation of decline in societal support for the physical punishment of children and young adults which began with the questioning of its institutionalised religious legitimacy from the 1930s and culminated over 70 years later with the rejection of English common law codes of 'reasonable chastisement'. By contrast, physical punishment is still promoted by teachers in Ghanaian schools and is accepted more in Ghanaian homes. The union between these two vital institutions/environments in terms of physical punishment might be interpreted as societal acceptance among Ghanaian parents and children or as 'normal' practice. Yet, Ghanaian academic, civic, feminist, and legal discourses were shown to be shifting in line with prevailing European thinking in a similar way to Ireland.

In addition, while analysis of the decline of physical punishment of children in Ireland as an aspect of patriarchal fatherhood decline factored in the post-colonial rejection of English common law, it also factored in the gradual declining influence of the Roman Catholic clergy on family matters from the 1930s. Alternatively, while the impact of religious hegemony started to diminish ever so slowly in Ireland from the 1930s, it began to take hold of Ghanaian society from the same period as patriarchal and Christian colonial codifications of customs and traditions began being reshaped across Africa.

Specifically, the two case studies illustrated that Irish society began to reject religious exhortations to punish children from the 1930s, whereas Ghanaian societal community, as elsewhere in Africa began learning not to spare the rod under the new colonial Christian custom of 'this is how we do it here'. Overall, the study questioned the depiction of a dichotomy between rhetoric versus reality in relation to social policies banning physical punishment legislation by showing that social policy was either designed to encourage or keep up with cultural change or a mix of both. In Ireland, legislation tended to follow changing societal attitudes and cultural change more slowly whereas in Ghana, like Sweden, social policy makers are responding more promptly to changing societal attitudes by encouraging cultural change under pressure from changing parental opinions and campaigning NGOs.

The case studies in this study have borne out the hypothesis of divergence between an allied decline of physical punishment and patriarchal fatherhood in Ireland as compared with the duality of legacies of patriarchal fatherhood and wider societal acceptance of physical punishment in Ghana. However, with Latin American and other African countries, besides Ghana, now leading the way in objection to physical punishment it may be interesting to explore the dynamics and relationships between declines or persistence of patriarchal fatherhood in these countries vis-à-vis their international positions at the vanguard of cultural change in 'troubling' the physical chastisement of children.

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