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### **Vicious Infants: Child Citizenship and the Rise of Incurable Criminality in the Antebellum U.S.**

In 1854, New York city reformer Charles Loring Brace warned that there are “no dangers to the value of property or to the permanency of our institutions, so great as those from the existence of such a class of vagabond, ignorant, ungoverned children” who, despite their lack of loyalty or even personal connection to the American nation as Brace knew it, would grow up into voting, rights-bearing citizens (321).

Transforming the truist promise that “children are the future” into apocalyptic warning, Brace foretold the time of their adulthood, “then let Society beware, when the outcast, vicious, reckless multitude of New York boys, swarming now every foul alley and low street, come to know their power and *use it!*” (322). Such worries about impoverished urban childhood and its effect on national identity, were, by the time of Brace’s writing, a well-established social concern. Along with a spike in urban population, industrialization brought new demand for short-term child labor, spurring states to allow juvenile workers to make their own contracts for the first time.<sup>1</sup> As a result, cities were flooded by children operating with an unprecedented degree of independence and mobility. This demographic shift offered a two-pronged problem to commentators, who were foiled jointly by the contradiction between an urban upbringing and strong Romantic associations of innocent children with nature and, on a more material level, by the sheer numbers of unattached children to be accounted for: by 1849, for instance, the New York chief of police estimated that 10,000 children lived in the streets of the city, a population that was even more significant given that the city itself numbered only 500,000 (qtd. in Hindman 464). While a

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<sup>1</sup>For a discussion of the legal details of this transition, see James D. Schmidt’s “‘Restless Movements Characteristic of Childhood’: The Legal Construction of Child Labor in Nineteenth-Century Massachusetts,” *Law and History Review* 23.2 (2005): 315–350.

fraction of these subjects were funneled into the public orphanages which proliferated between the 1830s and 1860s and which focused on domesticating these apparently unattached children, a parallel discourse emerged from the penal system to punish and reform the perceived antisociality of urban youth (Hacsi 19-21). Increasingly labelled with the newly coined term “juvenile delinquent,” children in the city could be criminalized for having unstable housing or a home that was deemed unsuitable by authorities, for petty theft or for participating in informal economies ranging from prostitution to petty theft to picking chips of dried horse manure to sell as fuel.

The rise of delinquency discourse allowed for an additional means of selecting between children who were future citizens and those disqualified by their race, class, or ethnicity. However, in building explicit categories for children judged to be irredeemable to the social order, delinquency discourse also articulated latent fears of children more generally as asocial and potentially unassimilable beings. Kathryn Bond Stockton has noted the attempt to separate children from “adult” spheres, such as those of sex and money, has counterintuitively placed children in deviant relationships to those normative spheres, arguing that “innocence is queerer than we ever thought it could be” (5). In other words, to imagine a childhood pure from earthly concerns was also to imagine a child who had not assimilated into social rules. As it emerged in Loring Brace and many others, children’s projected innocence made it possible not only for them to be exiled socially but also for them to refuse to assimilate into society in a way more fundamental than adults. Children’s projected innocence of society left room to imagine their refusing to take part in the social order to which they were born. While the penal system for delinquency was one of any number of mechanisms that prevented this rejection from having a practical form, but in naming that risk, delinquency articulated a larger fear of childhood as a site of civic deviance.

The question of whether minors inherently belonged to the political system to which they were born had high stakes. American political thought during the Revolution and the early republic had been

deeply invested in disarticulating nativity and sovereignty in order to justify its break from Britain. Thomas Paine, for instance, declared that “every age and generation must be as free to act for itself, *in all cases*, as the ages and generation which preceded it” because “the vanity and presumption of governing beyond the grave, is the most ridiculous and insolent of all tyrannies” (277-8). In the context of the early republic, however, this freedom became a trickier proposition as given the simultaneous strong desire to stabilize the future continuity of the U.S. Thomas Jefferson took the paradox to its logical extremes, maintaining in a letter to James Madison in 1789 that, because “the earthy belongs always to the living generation” without interference from their ancestors, “every constitution [...], and every law, naturally expires at the end of 19 years” and that “by law of nature, one generation is to another as one independent nation to another.” For Jefferson, the idea may have been more thought experiment than an immediate policy recommendation, but if a stable democracy is a contradiction in terms as Jefferson suggests, it would seem that the only way to ensure juvenile freedom is to embrace the anarchic futurity that Brace warns will spring from delinquency. Far from being conservative unifiers of the nation, children threaten to be its undoing, either making fantasies of self-determination impossible or necessitate the perpetual dissolution of the nation.

In scholarly conversation, child subjectivity has generally been framed in two alliterative alternatives: nature v. nurture and, for literary critics following the work of Joseph Slaughter, tautology v. teleology. The two binaries are clearly distinct – where nature/nurture hinges on causality, tautology/teleology is a description of narrative temporality – both attempt to sketch the limits of discipline by gauging the extent to which a child is born the individual that it will be or is can be socialized into something else. I argue that an alternative term from the early days of delinquency discourse, that of “the incorrigible child,” can help unpack the juncture between the child and disciplined subject by adding an emphasis on the ways that child character defies scrutiny. From a legal

stance, incorrigibility emerged a penal category tied to harsher penalties. As it appears in William Blackstone's *Commentaries*, the "incorrigible rogue" is the most extreme of the criminal classes, exceeding both "idle and disorderly persons" and "rogues and vagabonds" in their hardened criminality (169). When applied to juvenile delinquents, then, incorrigibility marks a similarly habitual deviance. For juvenile law in particular, though, incorrigibility came to be an offense deemed in itself, labeling those children beyond correction and paradoxically placing them in a position that is so outside the reach of state discipline that they are given over to state discipline entirely.<sup>2</sup>

In its wider legacy, however, the incorrigible gains a measure of power from the quality of being beyond correction. For instance, in the *Yale Literary Magazine* in 1847, "incorrigible" is deployed to describe not a recalcitrant child, but a geometric principle which cannot be disputed. In this sense, the "incorrigible" takes on a specific epistemological standing grounded in the ideas that some statements must be accepted as true. Grounded in phenomenological experience of the body – scents, tastes, pains – the incorrigible assertion is one that, whether true or not, exists beyond interrogation by any other parties; it is a personal claim simply not open to question (Coliva 59). Likewise, when the children were labeled as incorrigible, the word carried with it an association beyond the immobility or refusal to change and, instead suggested an asociality so fundamental that it defied surveillance. Incorrigibility named, therefore, the infuriating and frightening gulf between disciplinarians and the charges whom they wished to form into their image, the state of seeing a set of children as the future but falling to recognize any connection extending from themselves into that future.

The visions of inmates of the House differs from other types of childhood in this project in that Houses were premised on the hope that children might still be returned to fold of national adulthood.

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<sup>2</sup> See, for instance, the 1826 Assembly Act founding the Pennsylvania House of Refuge and authorizing it to commit children for "incorrigible and vicious conduct," and the 1838 case, *Ex parte Crouse*, confirming the already extent practice of doing so without need to apply habeas corpus.

Against the profile of this rehabilitative mission, however, can be seen the silhouette of another type of child, one who represents their failure. Some are those delinquents who remain outside the House, cast in this discourse as the counterfactual alternative for every child saved. Still greater threats, though, are the internal failures, those children who were enrolled at the Houses but who nonetheless still refused reformation. These are the cases of “incorrigible wickedness” with which the fifth annual report of the New York House acknowledges having already met (qtd. in Hart 190) or which the next year’s report merely deduces are among the many inmates released as apparent successes. As that report records, the institution has taken in 860 delinquents over the course of its first six years and had released 650, but the presence of continued criminality among those six hundred appears even to the House administrators as a matter of inevitability; the officials ask, “is it to be supposed that in so great a number, a thorough moral reformation could, by human means, have been wrought in every one?” (225). I want to suggest that in this aggregate projection of antisocial children – that fact that the author is sure that there have been failures without any clear idea just who they have been – is a central aspect of the fear of incorrigibility, for not only that it cannot be redeemed, but that it cannot be reliably seen. Incorrigible childhood verges on precious childhood and threatens it, precisely because the two look so much alike.

I approach the analysis of incorrigibility, therefore, by bringing together two distinct archives written from either side of the question, one which assumes deviance and the other which assumes its absence: first, a series of 1820s delinquent case histories which seek to profile each child’s character and to detail the institution’s attempts to change it, and, second, a set of domestic manuals in popular circulation during the early nineteenth century, which was intended for bourgeois parents increasingly interested in raising a “perfect” child. Different as their audience and form are, the two converge in their wavering at the wary configurations of children’s corporeal presence, their potential future roles as liberal citizens, and, most pointedly, in their hazy attempts at imagining a subjectivity that straddles

those two states. Faced with a child self whose interiority cannot be fully gauged either in the terms of agential consent or physical duress, young bodies can take on a menacing degree of social illegibility and, in the process, threaten to put the national futurity into equal doubt.

*Institutions and the Incurable Character*

The first prison intended specifically for juvenile criminals in the United States was built in New York City in 1824. Known as Houses of Refuge or, less frequently, as Houses of Reformation, such institutions were part of a larger transatlantic fascination with juvenile delinquency, explicitly borrowing their design from similar establishments in London and Dublin (Hart 25). Though the U.S. was slower than Britain to adopt separate penal systems for minors, the idea caught on quickly enough that within thirty years, as the *Pennsylvania Journal of Prison Discipline and Philanthropy* from 1854 reports, Houses of Refuge had since been founded in Philadelphia; Boston; Portland, Maine; Providence, Rhode Island; Westborough, Massachusetts; Rochester, New York; Pittsburg; Cincinnati; and Chicago (“Art. Lii.”).<sup>3</sup> Although the details of the schools differed, the typical program for inmates consisted of a full workday meant to train the children in a profession while also allowing the institution a measure of financial support. An 1827 report by the New York House of Refuge, for instance, reported that inmates attended two two-hour school lessons and labored for another eight hours with its one hundred and twenty-two boys working at “chair-making, shoe-making, tailoring, brass nail manufacturing, and silver plating” (16) and its twenty-seven girls working at “baking, tailoring, sewing, and washing” (18).<sup>4</sup>

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<sup>3</sup> Even this list is not nationally comprehensive, missing at least the incorporation of a New Orleans House nine years prior to the report’s publication. See online records of New Orleans City Archives for details.

<sup>4</sup> As an official report on the institution’s benevolence, these work hours may well have been exceeded in practice, especially as increasing income from inmate labor was both a source of direct funding and evidence of sustainability used to argue for future support from external patrons. Moreover, the report itself notes that the in-house work done by female inmates “engrosses almost the whole of their time” as those twenty-some children were responsible for clothing the whole of the Institution’s population (18).

Because time served in the House was regarded as rehabilitation rather than punishment, inmates were not given sentences of a specific length. Instead, if their behavior was deemed suitable and an opportunity was available, they left the institution by indenture into an apprenticeship or, more rarely, they were released to familial care. If not, Houses had authority over their charges until they reached the age of majority, which was typically twenty-one for male subjects and eighteen for female.

Translating the mechanisms of the adult criminal code into a penal code for juveniles, however, also required developing a system for gauging the character of subjects liable to be seen as blank slates. Thus, along with this new form of criminality came a need to recalibrate the alignment between individual and environment as commentators were forced to reckon with just how responsible delinquents could be held for their actions. A few reports of juvenile crime did frame it, explicitly or tacitly, as a matter of individual moral choice. The discussion of a young thief in an 1835 New York newspaper shifts immediately into a repetitive apostrophe of the “Young Man!” reader, warning that he avoid the same fate (“Crime Among the Young”). Similarly, even Charles Dickens, a strong proponent on behalf of criminalized youth, formed his 1839 *Oliver Twist* around the notion that his protagonist’s innate goodness saves him time after time from attempts to drag him into crime and so disinherit him; his continued innocence is proof of an aristocratic inner moral strength and condemnation of all those lower-class characters around him who do not themselves resist delinquency.

Generally, though, the discourse of delinquency is less likely to ascribe bad character to a delinquent is it was to ascribing an absence of any character. That is, the discussion of child crime is far less interested in inner motivation or intention than in inventorying the external causes that had produced child subjects as criminal, and the suspects were many. When the board of managers of the Philadelphia House of Refuge offered a prize for the best essays on juvenile delinquents, they introduced the winners with a list typical for the period, including “the rapid natural increase of our population,”

“the influx of ignorance, sottishness and crime from foreign lands,” and the “corrupt influences which grow with the growth of our cities, and extend with the prosperity and enterprise of the country” (6). For such commentators, delinquents act as a social barometer, absorbing and reflecting whatever set of social evils are preoccupying the writer, such that their share of childhood ‘innocence’ lies in their lack of personal will. For instance, the 1850 New York sermon, *Juvenile Depravity and Crime in Our City* by revivalist and eventual utopian Thomas Lake Harris is representative in its insistence that delinquency was a product of overwhelming influence rather than personal failing. For Harris, the fundamental principle of childhood is that “*the Child is passive*” to the point that “it may drink vice from its mother’s bosom and imbibe contagion from its father’s touch” (6). Child subjects in this framework were distinctive from adults in that their unusual openness to their environment, because they lack the clear boundaries between internal and external worlds that would allow for a private life as we would recognize it. They are reflective, not agential figures.

The importance of the environment in anchoring adult understanding of the child was not a model specific to delinquency. Rather, delinquency’s obsession with urban youth (a term that still remains something of a euphemistic pejorative) derives from a more general coupling of child and nature arising the late eighteenth century. Observing the period’s preference for meadows as the site of “true” childhood rather than factories or even classrooms, Alan Richardson has observed that the prototypical child of early Romanticism is “Edenic, natural, and asocial,” in that the child’s singular connection to the idyllic natural world marks its innocence of human vice, even as the child’s innocence acts as guarantor of the natural world’s idyllic character (14). As Ralph Waldo Emerson described childhood in his 1836 essay “Nature,” the natural world surrounding a child is so constitutive of the child’s character that there is no clear boundary between the one and the other. While “the sun illuminates only the eye of the man,” he writes, it “shines into the eye and heart of the child” such that



“the inward and outward senses” perfectly correspond (11). From this perspective, for a child to be born and reared in a bustling city bordered on perversion. Where a child in open exchange with nature signified purity, a child whose sense of self fused instead with the artificial space of the city verged upon an equally unnatural character. Children of the city might have been objects of pity, but they were not to be trusted. An 1856 self-help manual from Boston, *How to be a Man: A Book for Boys*, put the matter directly, declaring that “cities abound with boys who are old in mischief and crime. They take great delight in leading astray the simple-hearted; and if boys from the country come within reach of their influence, they are almost sure to be ruined” (179-80). Rural boys are “simple-hearted” and untainted, but city boys become “old” beyond their age. City children are equally corrupted and corrupting to others, acting at once as victim and perpetrator.

As I read them, the records of the New York House of Refuge work as an ad hoc attempt to theorize the paradox between isolating a deviant individual for moral reform and situating the origins of that deviance in the material conditions of their upbringing. That is, by choosing to read what were functionally bureaucratic documents as instead as experiments in characterization, these delinquency records reveal the strange place of the incorrigible subjectivity between the environmental and the individual, between the physical body and projection of a mind within. As institutional texts, these case histories are fairly consistent and systematic in their structure. As each new inmate entered, they were assigned an identifying number and would have an interview with the current superintendent who would ask for a brief version of their early biography (e.g., age, birthplace, ethnicity, status of parents, with whom the child had lived) and then press them for an account of all past crimes, however minor, the inventory of which would be recorded in full. This biographical background forms an introduction to the second half of the document, those records taken of the child’s time after they had become an inmate of the House. This portion, entitled “Remarks,” consists of dated entries which could vary in frequency

from every few days to an annual update and which featured brief character sketches or recorded significant events in the child's reformation, or non-reformation, such as indentures, escape attempts, or persistent rule-breaking. Nearly all remarks sections include at least one entry made after the delinquent had left the House recording relapses, professional standing, or merely a lack of further information.<sup>5</sup>

Rather than arguing that this log offers a well thought-out framework, I emphasize the moments of rupture when the observer can make nothing of the child observed. Treating these entries as an attempt at a hermeneutics of child subjectivity which dissolves into incoherence suggests the anxiety that surrounded the child body when it emerged from the space of the city. Foucault has argued that reformatory discipline constructs the subjectivity that it reforms by treating the corporeal as the immediate sign of a non-corporeal, truer self; he writes in *Discipline and Punish*, the body “serves as an instrument or intermediary” in modern penal thought, which power interacts with only in order to “reach something other than the body itself” (11). The body which House administrators encounter, however, is a denaturalized one, formed by an artificial environment. That bodies are social objects is no revelation from a critical vantage, but the archives of the House show the official realization that the corporeal could be an unreliable witness to the intentions and inclinations of the children they imprisoned. As the House trained the body into compliance, its officials are forced to recognize their failure to scrutinize anything but the body itself.

The disciplinary history of Ann McCollister, the fifth inmate to enter the House and one of its early failures, suggests the frustrated attempts at communicating with a delinquent subject. Her biography prior to entering the House included slightly more criminal activity than average, but was nothing extraordinary in its combination of petty theft and prostitution. Born in New York to an enlisted

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<sup>5</sup> The layout of these documents requires an unorthodox citation method. To preserve specificity, I have chosen to cite parenthetically first with the relevant case number and then, when relevant, with the date of the cited remark.

and subsequently absentee father and a working mother, Ann bounced between informal employments, roaming the streets, the Almshouse, and Bridewell – the latter having been taken up for theft. On January 5<sup>th</sup> of 1825, Ann was transferred from Bridewell into the House of Refuge. She was, at that point, twelve years old. Ann remained at the House until 1830, when she aged out of the program and was moved back into the Almshouse as a “hopeless subject.” In the interim, she escaped or attempted escape from the House continually, stole, injured a teacher with a knife, and was almost consistently defiant to attempts at rebuke. At last record, she had left the Almshouse, collected several other women who had been delinquents with her in the House, and, together with the House veterans, started her own brothel. In short, Ann was not reformed.

The process of Ann’s non-reformation as it was recorded by Superintendents Joseph Curtis and N.C. Hart<sup>6</sup> was a process of trying and failing to find a medium of communication. Most pressingly, the records come as an attempt to make Ann’s body into the point of contact for her subjectivity, against her considerable resistance. The unusually lengthy first entry, written twelve days after her entry to the house, from the log portion of her profile, for example, offers a miniature drama of refusal on Ann’s part to be involved in the House’s discipline. The Superintendent describes the event:

She is the most refractory of all the girls she appeared to treat the repeated admonitions with indifference, and as if to [illegible] whether she could receive any but pleasant words her conduct during most of the day bespoke a total indifference to all that was said to her; in private (before tea) she would not give the least appearance that she was disposed to do better, [I] found it necessary to chastise her as a child which she received with a display of stubbornness to me surprising though she must have suffered much yet after she was seated there was no appearance of a tear or any irregularity in breathing Her reply to my first question was as clearly spoken, as full of temper as before she was corrected, after a few moments reflection, I found myself considerably exhausted I then found it necessary to give her solitary confinement. She went to

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<sup>6</sup> Curtis resigned as superintendent in 1826 and was succeeded by N.C. Hart (Doc. Rel. 100), who remained in the position until he stepped down for health reasons in 1837 (“Annual Report” 74). Because the two held converging attitudes regarding delinquency and to highlight the institutional nature of their narrative voice, I refer the author of a given entry by title rather than personal name.

Prison at 6 o'clock PM with much firmness of manner Shortly after I carried her 3 Blankets and made her bed not a word was spoken. (Jan. 17, 1825)

To begin with a rough schematization, the interaction comes in three waves. The first is purely discursive. At stake are “repeated admonitions,” “pleasant words,” and Ann’s “total indifference to all that was said to her,” whether praise or criticism. Ann does reciprocate, though, in her meeting with the superintendent through her entirely clear and forthright refusal to change her behavior; she is honest about her intention to remain criminal. After talking fails, the superintendent turns from words to action – appealing to his authority over her body by “chastis[ing] her as a child,” a euphemism for corporal punishment that emphasizes the body as a source of influence for subjects seen as underdeveloped in reason. Finally, the corporal punishment having failed to subdue Ann’s speech, all attempts at verbal communication are cut off (“not a word was spoken”), and the Superintendent reduces the nature of his authority to his control over her entire sensory experience, isolating her in prison; his personal delivery of blankets to her appears then as a performance of Ann’s material dependence on his good will.

I also want to pause, however, on the specific moment of failed corporal punishment in this anecdote and suggest that its ability to leave the Superintendent “considerably exhausted,” and thereby to turn the record’s scrutiny fleetingly back on its author, represents a crucial moment of disjuncture in the attempted socialization of Ann. As I have discussed, under Foucauldian models, the disciplined body acts as a means of inventing an inner self or soul, with materiality acting as the immanent medium on and through which power can operate. What the author encounters in Ann, though, seems to be a body that itself has not been socialized to respond to discipline. Though the Superintendent imagines from his experience of bodies that Ann “must have suffered much,” she shows none of the bodily signs that would have let him interpret her pain, for as he marvels, “there was no appearance of a tear or any irregularity in breathing.” Unsurprisingly, without Ann’s body as a point of contact, her posture towards the House, and her “temper” at the Superintendent, remain unchanged. Instead, it is the Superintendent

who is left apparently shaken and in need, as he writes, of “a few moments reflection” by the paradox of corporal punishment’s effect on a subject whose physical body appears unruly. The regularity of Ann’s breath has itself become an element of her moral deviance, not because it reflects any specific vice, but because it marks the Superintendent’s utter failure to engage anything other than the body.

The lessons that Ann learns in her time at the House and the height of her improvement lies, in fact, in constructing a wall between her intentions and her outward comportment. At her best, Ann’s profile presents her as having tricked her observers into optimism. Only two notes of more than two dozen show approval of Ann, one noting that she has “recently made profession of a religious nature which gave us much encouragement” (Sept. 31, 1825) and the other, more ambivalently, observes she “now and then evince[es] [...] a disposition to do well” (August 1, 1828). The case history, however, describes both her religious awaking and more general wish to improve as diversions and false signs, which prove utterly useless in predicting Ann’s future behavior, as in each case, the entry that signals hope also includes its disappointment. Her religion is quickly submerged in “her strong propensity to evil” such “she again becomes ugly and troublesome,” and the entry that observes her occasional improvement in disposition declares that she would always “again break forth in wickedness” and comments, almost passingly, that her “last very bad act was in stealing the matron’s sweetmeats, and plotting to burn the female house.” Where, in most cases, arson plots alone are enough to justify an entry in the log (which is not to suggest that they were especially rare), for Ann, the case is extreme enough that they become merely anecdotal evidence of an incorrigibility that is much broader than any set of acts alone. After this latter entry, the record stops for two years, resuming only to recount the aftermath of Ann’s departure from the House, as if stymied entirely by her recalcitrance. In fact, Ann’s education lies entirely in this improved ability to perform a mode of sociability that she does not feel, moving from an unrepentance that permeated speech, body, and putatively mind into an unrepentance that could be

kept temporarily apart from her external behaviors and sheltered in a version of selfhood that not only remained unchangeable but had become thoroughly illegible.

Perhaps an even more pointed example of the anxiety surrounding the unstable signification of child bodies comes in the profile of Samuel Slowly, who was admitted in 1826 at the age of fourteen. Unlike Ann, Samuel was criminalized without his having committed criminal acts of any kind, entering the House solely because his father took Samuel to be committed to avoid supporting him, and the first portion of his stay in the House is similarly low profile. The first note made under “Remarks” records Samuel’s indenture away at little less than five months after his arrival, suggesting that he was found to be in no need of major reform. The profile takes a sharp turn, however, after it records Samuel’s escape from his indenture and his eventual recapture by police, because the Samuel that returns is markedly different than the one that had left. The Superintendent marvels at the scenes caused by his arrival:

His appearance was very excentric – his hair long – his movement much like a female &. – He states that he left his Master Mr. Mappa in Girl’s clothing to avoid detection – served better than a year in the country in the capacity of a Girl – came to the City in the same habelement – some however judged that he was a Morphredite [sic] – and whenever he appeared in the Streets, let his apparel be what it might, he was mobbed by boys &. so strong was the impression that he was neither male nor female by the remarks of the boys in the Yard – that means was taken to ascertain the fact, - when lo, he was a man – but had practiced to put on female airs in walk &. – so much that he still in walk &. carries the appearance to this day [sic] (Inmate 138; April 5, 1831)

Samuel returns to the House physically changed, but the Superintendent is hard-pressed to locate precise nature of the change. The most he can do is to list – “hair,” “movement,” “walk” – but the unusual frequency of the catchall “&” in this short paragraph suggest his difficulty in finding exactly what it is that signifies Samuel’s gender as female. Foiled by appearance, he turns to anatomy as the ultimate arbiter of identity, recasting the mob assaults of Samuel, which he also reports as incessantly repeated, into a singular moment of discovery complete with dramatic apostrophe, “lo, he was a man.” Of course, the physical conclusion was a foregone one. As a former inmate, Samuel’s anatomy would have already

been known to House officials. However, the insistence on returning to the body to settle what officially already been a settled question, whether Samuel was to be treated as male or female, appears as an attempt to manage the fact that Samuel's body has also learned to be female and to learned to be female so thoroughly that, even after his scene of apparently definitive investigation, the Superintendent circles back to the femininity that continues to mystify him.

Whether Samuel saw himself as transitioning genders or strictly as situational disguise is beside the point, because what's threatening about the incident from the Superintendent's vantage is the impossibility of resolving the question. That is, the grounding assumption of the House's disciplinary regime is that, by constant monitoring and correction of the body, the child's character may be formed, monitored, and corrected, or, as Foucault writes, that surveillance "invests bodies in depth" (217). The corporeal must be read as a symbol of the incorporeal. Delinquents such as Ann and Samuel, however, present bodies that explicitly need socialization before they can intelligible to others and, in the process, learn to trick observers into thinking they have more insight than they do. While Ann gradually learns to present a face of strategic remorse, the fugitive Samuel retrains his previously masculine posture into a feminine one as a disguise from surveillance. In other words, the putative correspondence between body and character, which had made it possible for the House to imagine reforming children by changing their environment and dictating their routines, became a screen from observation. The idea that one can act one way and feel another is hardly unique to delinquency, but to consider children simultaneously as having been born outside of social norms and as capable of this deception is to accept that there may never be full understanding of the children being raised. Even the best-behaved child threatens incorrigibility if behavior can be a ruse rather than a reflection of a stable, inner self.

The Superintendent's greatest frustration describing his inmates, however, comes not in cases like Samuel and Ann, for whom there is at least a narrative to the failed reformation, but in those cases

where he realizes his inability to describe at all. That is, a persistent rhetoric emerges across the first five years of the House’s records in which, rather than characterizing the most difficult children, the Superintendent collapses into tautology. Entries declaring, often in full, that “John is John still” (385; Oct. 27, 1831), “Wesley is Wesley still” (454, June 11, 1828), and “Alfred is Alfred still” (323; Feb. 1, 1828) are less description than they are abdication of description. Similarly, to move from a portrait of Sarah Doxey as having “a curious combination in [her] conduct and disposition” in that “sometimes she is as good a girl as can be wished” but “at other times she is disagreeable and stubborn and but little dependence can be placed upon her” (116; Jan. 1828) into the plain declaration that “Sarah is about Sarah still” (116; Oct. 15; 1830) is an abbreviation, not a change in meaning, because that is the only reliable thing to be said about a girl who is sometimes one way and sometimes entirely different. Where external signs promised to be symbols of an inner self, these tautologies suggests a collapse of this relay. To be Sarah has a particular meaning, but the Superintendent has no insight into the content of that meaning beyond that particularity. Her behavior can be documented endlessly, but nothing like the portrait of private self can be gleaned from that data. As result, the Superintendent cannot have the slightest assurance that a moment’s good behavior is an internalized improvement rather than either a calculated ploy or just a fluke. Because the House cannot construct a knowable version of Sarah’s self, it certainly cannot hope to reform that self into a lawful citizen.

### *Domestic Delinquency and the Anxieties of Corporal Punishment*

The early American gothic author, John Neal, would have quite sympathized with the frustrations of the two Superintendents at the House, because to him, all children shared a version of this same dangerous



secrecy. In an essay first published in 1834, strikingly titled “Children – What are They?”,<sup>7</sup> Neal imagines himself standing at a window, watching a group of children play in a nearby meadow, marveling that among them were the “the liar and the thief,” “the burglar, the ravisher, the murderer, and the betrayer of his country” and, moreover, that he had no idea which of the children they were. Noting three recent convictions of boys under twelve for murder, Neal declares children the “cryptogamia of another world” because the child that seems bright and perfect can also be the child who is scheming or brutal. Neal mocks the idea of treating children as cherubs or harmless dolls, declaring, “Playthings! God! If the little creatures would but appear to us in their true shape for a moment! We should fall upon our faces before them, or grow pale with consternation, or fling them off with horror and loathing.” The particular frightfulness of the child, in Neal’s opinion, is not that they pose a definite danger but that the danger they *might* pose is shielded from sight by the apparent harmlessness of their age.

What Neal’s essay suggests, in other words, is that the fear of incorrigible childhood extended well beyond the sphere of its technical meaning and found resonance in describing childhood writ large. That is, where officials at the House found themselves frustrated by the inaccessibility of their charges, the same potential disconnect threatened the relationship between parents and their own children, and the same possibility lingered that an asocial childhood – even when considered asocial out of purity or elevation – might not grow out of its isolation. I do not want to suppress the particularity either the penal or the domestic scene. Where officials in the House encountered their charges as already malformed and in need of intervention, antebellum parents were more likely to see themselves as custodians of a growth that could unfold along a largely natural course, requiring guidance rather than intervention. Likewise, institutionalized children had an affective landscape of pre-existing loyalties and external ties that was quite different than those of a child born into a family. However, by noting what the two scenes share in

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<sup>7</sup> A title altered in one of its many republications to the equally pointed “Children – What are They Good For?”

their anxiety around the connection between childhood's manifest physicality and the projected subjectivities that those children represent, we can bring into focus a larger cultural pattern of mistrusted childhood.

The antebellum period saw an influx of new domestic manuals, peaking in the 1830s and 1840s, as the Victorian reverence for family life intersected with rising literacy rates for advice literature's primary audience, white women from middle-class households (Leavitt 6). While such manuals covered subjects from economic meal-planning to formal etiquette, advice for raising and education children was an enormously popular topic for manuals. I here sample from five popular books discussing the methods of correct parenting, chosen for the width of their distribution or the influence of their author. Four of these are products of roughly contemporary American writers and were originally published in either Massachusetts or New York: Amos Bronson Alcott's *Observations on the Principles and Methods of Infant Instruction* (1830), Lydia Maria Child's *The Mother's Book* (1831), Herman Humphrey's *Domestic Education* (1840), and John A. Gere's *The Government of Children* (1851). The fifth, John Locke's *Some Thoughts Concerning Education*, is an obvious outlier geographically and temporally, but despite its English origin and 1693 publication, Locke's work had a considerable afterlife shaping American attitudes about childhood. In her work on the coevolution of child rights and American independence, Gillian Brown reminds that Locke's *Thoughts Concerning Education* would have been more broadly consumed than even his most popular work on political theory, *Two Treatises on Government*, and that its theories spread through pedagogical discourse to such an extent that even those who had never encountered the text would very likely have been quite familiar with its ideas, whether or not they could have pinpointed their source (17).

The origin of incorrigibility in these works was, ironically, the need to incorporate children into liberal democratic society. In his history of the concept of character in U.S. reform literature, James

Salazar observes the central tension in such literature as simultaneously a nationalist project in training children in American behavior and a project in asserting that an independent American character had existed all along. He writes, “as guides as well to the formation of self-governing and independent citizens, these character-building manuals imagined the child not simply as the ‘plastic’ material [...] but also as the kind of self-founding, antigenealogical national subject” (Salazar 14). As Salazar observes, the drive to naturalize national identity required the projection of an innate personality, where an innate Americanness might reside. Moreover, the idea of a child who could be perfectly conditioned into obedience conflicted with the need to understand adults as individuals capable of autonomous thought and, therefore, properly democratic voting practices. The child of these manuals’ rhetoric must retain a measure of selfhood that remains asocial, in order to imagine them growing as having the personal freedom necessary to be a socially functional adult.

The difficulty of imaging even the model childhood as continuous with the disembodiment of rights-bearing adulthood was most pointed in such manuals when they attempted to address the determined corporeality of the child – the awkward predicament of severing physical growth from rational development and, subsequently, of preserving a fantasy of the pristinely disembodied citizen.<sup>8</sup> Like the officials of the House, these domestic advisors relied upon the body as an index to understanding and asserting authority in the form of corporal punishment over child subjects who seemed too little socialized for other appeals. In this reliance on the body as a failsafe to accessing a selfhood posited as elsewhere, however, writers meet with the corollary fear of disconnection between bodily comportment and interior state. Too much attention to the body, in other words, could produce a deceitful subject who learns to conform only outwardly. However, because the discourse of childhood

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<sup>8</sup> For critiques of the American liberal tradition demanding such embodiment, see Michael Warner’s *The Letters of the Republic* or Carole Pateman’s *The Disorder of Women*.

also foregrounded the body as a non-negligible aspect of the juvenile subject, attempts to understand juvenile discipline appear stranded between the embodied dependent that they saw children as and the vision of a disembodied, rational adult that they wished to create.

Given his strong emphasis on education as formative, it is a little surprising just how prominent a role the body has in even Locke's conception of child subjectivity. While the bulk of his *Thoughts on Education* is devoted to developing faculties such as reason, judgment, and virtue, Locke begins his text by noting the impossibility of rational improvement without bodily care: "I imagine the minds of children as easily turned this or that way as water itself: and though this be the principle part, and our main care should be about the inside, yet the clay cottage is not to be neglected" (211). Not only, though, does the everyday bodily condition of the child intrude on the putatively lofty education that Locke would give, but, as is further confirmed by the anxiously exhaustive regime that follows – which advocates, among many other causes, for the moral merits of cold, wet feet (213); a strict avoidance of melons, peaches, and plums (222); and a careful discipline of bowel movements (227) – the unruliness of the child's body is threateningly contiguous with the limits of adult authority. The physical must be corralled by constant and painstaking discipline to give access to the mental.

Locke's emphasis on the physical management of childhood as the underpinning for moral adulthood permeates his antebellum successors as well. Humphrey, in fact, very nearly paraphrases Locke's metaphor of water and clay cottage, declaring that "although the young *mind* is that priceless gem which it should be a guardian's supreme care to polish, the *casket* must not be overlooked, nor neglected" (61), while Alcott believes that the overwhelming force in infancy was the "claims of animal nature" and recommends a session of active play as the necessary preparation for a child to engage intellectually (5). Child goes so far as to trace the national characters of the Dutch and the French back to the manner that their handling as infants. Dutch "heaviness," she speculates, comes from Dutch

infants being kept in “repose” for too long, while French “vivacity” comes from a parental tendency to be “perpetually tossing them about” (1). Appropriately, then, in these U.S. manuals, children’s bodies appears overwhelming as the first means for socialization of the non-speaking infant, at times, in quite brutal ways. Humphrey is perhaps the most mild in his promise that a mother “conveys her meaning in tones, and looks, and smiles, and frowns, to her darling boy, long before it is capable of understanding a single word she utters [...] and in this way she begins to mold its temper and habits to her wishes” (42). Faces act in the absence of language as a naturalized method of communication, allowing immediate access to an infant’s temper and allowing its socialization to begin before it is physically capable of social behavior.

This method of infant training, however, had its more extreme extensions as well. Gere, too, insists that there is no reason to delay training a child until it is capable of either speech, because an infant can instead be respond to physical stimuli. Specifically, Gere promises a technique for teaching crying children to calm themselves on command before the age of six months. Instead of maternal empathy, though, Gere admits that “in general, it will be indispensable to make an appeal to fear” as the basis for this pedagogy (59). His advice is that a guardian faced with a crying child should first attempt to distract it with a few words but, as this will often fail, recommends that they escalate to violence:

When infant is unresponsive, recommends that it may be necessary to add, on the same principle on which physicians apply counter-irritants, suddenly but gently, a *slap*, or a *shake*, just sufficient to render fear the predominant passion at the moment, -- and then it may be eased off, as already described. But some rare instances will occur, in which these means will not only not answer the purpose, but serve only to increase the passionate excitement which obtains in the midst of a fit of squalling, or of obstinate, silent resistance to parental authority. In such instances, imitate the practice of physicians, who order blisters to establish upon the surface a centre of sympathy, and repeat the slap, or ply the rod, the instrument directed by the Holy Scriptures, with an intention to *smart*, but never to bruise or injure, until it is obvious that the sensation upon the surface becomes the centre of interest, and no longer. (59-60)

Given the excess of the advice itself – that if slapping infants is too mild, one should blister them and then slap the blister – it does possess its own theory of infant character. If the child is crying, Gere

reasons, the adult can distract it out of a tantrum by inspiring a new “predominant passion,” fear apparently being chosen as the most innate. In his choice of medicine as the arena for a training that could as easily been made a matter of etiquette or morality, Gere makes an implicit claim that the route to a child’s thoughts and feelings is fundamentally a physical one. The “centre of sympathy,” to borrow his term for the disciplinary blister, between parental intent and juvenile feeling is hardly the product of abstract affinity. It is the wound that the guardian can leave on its child’s flesh.

Gere’s suggestion would have been thoroughly controversial – he himself acknowledges that some of his methods have been condemned as “oppressive and cruel” (82) – but they would have been polarizing precisely because they pinpoint contemporary fears about how a child that had been socialized by force. As it did with Ann of the New York House of Refuge, discussions around how embodiment shaped the social status of the child converged on the issue of corporal punishment. Corporal punishment made explicit how greatly adult authority relied on the child body as a relay for controlling the child self. However, in isolating the body as the source of power, corporal punishment also articulated limits to adult authority, tracing it to a mode of domination that was judged as always partial and, moreover, as a thoroughly unacceptable basis for sovereignty over the adult citizen that these manuals attempted to produce. Thus, when Gere advocates that pain precede language as a system for communication with infants, he does so directly from the premise that authority over the child corresponds strongly with authority over the adult, because at the heart of Gere’s method is his belief that fear “appears to lie at the foundation of all human obedience, from infancy to old age” (59). In other words, to identify the primal socialization for an asocial child self as a process of physical domination is to undermine the potential of even the adult self to imagine a freely operating society.

Gere’s logic, if not his conclusions, follows quite directly from Locke, for whom corporal punishment threatened to disqualify children from democratic citizenship. While Locke’s extrapolation

between child liberty and the political rights of adults springs from a considerable tradition of paternalist analogies – his *Two Treatises of Government*, for instance famously rebuts Filmer’s own conflation of royal and paternal authority – but his discussion moves beyond analogy and into an analysis of how corporal punishment shapes the development of child subjectivity itself. He critiques whipping, therefore, as making the child into an adult unfit for political participation:

Such a sort of *slavish Discipline* makes a *slavish Temper*. The Child submits, and dissembles Obedience, whilst the fear of the Rod hangs over him; but when that is removed, and by being out of sight, he can promise himself impunity, he gives the greater scope to his natural Inclination; which by this way is not at all altered, but on the contrary heightened and increased in him; and after such restraint, breaks out usually with the more violence. (113)

The prospect, at least, of physical discipline seems inevitable, because for all his reluctance, Locke still admits that when faced with what he interchangeably terms “obstinacy” and “rebellion,” physical checks are the only assertion of control (138). Counterintuitively, though, the failure of corporal punishment is the submissiveness it first seems, for the child’s “natural Inclination” is not subdued but “heightened and increased” until it is capable of all the more violence. Whipping is ineffective, in other words, because it isolates the body and thereby teaches the child that outward appearance can be used as a shield between its inner self and any illicit desires lurking there and disciplinary surveillance. Instead of the self imagined by liberal democracy that internalizes the authority to which it answers, the beaten child is made into a slave only able to resist power by deception.<sup>9</sup>

The aversion to corporal punishment in Child’s manual is similarly concerned, not with an abstract dislike for violence or even a wish to avoid causing the children pain, but with the fear that it would teach children how to put on a deceptive face of obedience. They might learn to act good without

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<sup>9</sup> I do not have the space in this chapter to do justice to how the analogy between the child and the slave operated within the context of U.S. slavery. However, as Richard Brodhead’s “Sparing the Rod: Discipline and Fiction in Antebellum America” (1988) argues, the desire to distance white children as thoroughly as possible from violence of slavery was clearly also a driving force behind the growing disapproval of corporal punishment.

being so. Unlike Gere, Child finds intimidation to be an inadequate source of authority, on the grounds that “mere fear of suffering never makes a person really better. It make them *conceal* what is evil, but it does not make them *conquer* it [emphasis in original]” (36). As she continues to explore the division between children that “conceal” and those that “conquer” their vices, Child outlines the dangerous possibility that a man may grow up having learned by force to “regulate his outward behaviour” and to project “outward goodness” all without having “cleanse[d] his heart,” functioning in society through “hypocrisy” or “concealment” (37). In this worst case scenario, the child disciplined by force matures into an adult who lives deceptively, functioning in society yet never revealing a true self to the rest of the world. Indeed, Child’s feelings about the dangers of corporal punishment were so strong, or the social pressure to condemn it compelling enough, that she added a “Concluding Chapter” to her 1844 republication of the *Mother’s Book* recanting her original edition’s stance that physical discipline might be acceptable in cases of the very last resort and insisting instead that it could never be used without sparking “rebellion” even when “its outward manifestations might be restrained by fear” (171).

Agreeing that beating children threatened to teach them to perform an insincere obedience and thereby to cordon off their feelings from scrutiny, Humphrey and Alcott each sought to reconnect the emotional and the physical. For Humphrey, this entails a fairly conventional suggestion that guardians themselves perform the emotional effect that corporal punishment is intended to have upon the child. “Let him see,” Humphrey advises, “from your countenance and from the tones of your voice, that every stroke costs you more pain than it does him; and he must be perverse indeed, if he does not yield and reform” (60). If parents beat their children, they must actively present it as an act of emotional transference, annulling the role of physical suffering so much that the predominant pain is the grief of the parent. What Humphrey’s recommended ritual assumes is that the physical punishment will not



naturally have an affective impact. To put it differently, if parents want to discipline children through the body, they must also socialize children's responses to their own bodies.

Alcott, meanwhile, had a far stranger approach to corporal punishment. Instead of advising guardians to convey their own pain with every blow, Alcott entirely redirects the physical pain to the adult. Although he does not advise the practice in his own writings, Elizabeth Palmer Peabody's *Record of a School* (1833) describes him inverting the scene of punishment and requiring that disobedient students whip Alcott as penance (Brodhead 68).<sup>10</sup> While Alcott's reversal of disciplinary roles has very strong sexual overtones from our perspective, when it is read with Humphrey, the scene of suffering adulthood takes on a different light. Humphrey's lesson that internal and external must correspond recurs in Alcott's underlying premise that when a guardian feels grief at the behavior of a child, its corollary is that the child should cause the corresponding physical pain as well. Moreover, in forcing children to inhabit the place of the striking adult while also in the place of the chastised child, Alcott expands a child's misbehavior into a communal injury in which physical pain cannot mark an incorrigible child self because even that pain is attached to the parental authority.

In this ultimate preference for a suffering adult over a suffering child, Alcott marks the extent to which neither children nor the pain of children was a simplistic rallying point for U.S. society. Instead, as fears of antisocial childhood moved between the institutionalization of poor children and the training of the affluent, disciplinary experts from both spheres came to see child bodies themselves as products of human training and, in that recognition, came to doubt their strength as relay between adult and child. Moreover, because those in authority saw themselves as products of the system they ran, the child came

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<sup>10</sup> This practice was also approvingly borrowed and circulated widely when Alcott's wife, Louisa May, included it in her novel, *Little Men*, as the ultimate disciplinary tool of Professor Bhaer (1871).

to signify a paradoxical site, in which to imagine the potential for a democratic citizen also required preserving the possibility of a profoundly unassimilable childhood.

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