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CANING OF BOYS IN THE NAVY.

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A note by Naval Law Branch on this subject is circulated for the information of Members of the Board, in view of the reference made to it at the last Board Meeting.

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TO *J.M.*

10th July, 1931.

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CANING OF BOYS IN THE NAVY.

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NOTE BY NAVAL LAW BRANCH.

The rules at present governing caning as a summary punishment in the Royal Navy are as follows:- 'Art.585, Clause 2, M.R.& A.I.);-

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" 585. * * * * *

2. CANING.on the breech with clothes on is "limited to boys rated as such and to Boy Buglers "and Band Boys when embarked and is to be inflicted "with a light and ordinary cane. 'The number of "cuts or blows is not to exceed 12, and the "punishment is not to be carried out in public. "Caning is intended for the serious offences of "theft, immorality, drunkenness, desertion "in special cases as an act of leniency), "insubordination and deliberate or continued "disobedience of orders. In the absence of the "Captain, the Commanding Officer is not to order "caning to be inflicted, unless the Captain shall "be absent from duty by permission of superior "authority for more than 8 hours".

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In the boys training establishments, there is a further limitation that not less than 6 cuts must be awarded, the object being to emphasise the fact that the award of caning as a punishment is restricted to the more serious offences.

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The regulations in their present form date back to 1912, when the question of caning was considered very fully by the Board on the Report of the Local Committee on Naval Discipline. That Committee reported as follows:-

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"150. The Committee have devoted much attention to the question of the punishment of boys who misconduct themselves. In their opinion it is necessary that there shall be some means of correction which, while not having any bad results or interfering with their course of training, will act as a deterrent."

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"151. The number of appropriate punishments which can be inflicted on boys is very limited, and, apart from caning, almost the only means of dealing with the troublesome boys is by treating them as men and giving them punishments which in many cases involve their association with the bad character in the ship; this invariably leads to boys so treated considering

themselves/

"themselves as heroes and does more harm than
"good. Most of these other punishments are
"protracted and are likely to cause the boys
"to brood, and for this reason they are
"objectionable. Statistics which have been
"compiled show that there has been no increase
"in the ratio of punishments to numbers borne for
"the Navy generally since 1902 and though the
"ratio in the case of boys remained practically
"the same until 1906 (in which year the
"restrictions on caning were introduced), since
"that year it has increased by over 40 per cent.
"It is thus evident that the other punishments
"adopted in lieu of caning were quite ineffective."

"152. It appears to be the opinion of the
"petty officers that the behaviour of the boys
"in the service has deteriorated considerably
"since the restrictions on caning have been in
"force, that boys are not so amenable to
"discipline, and that they do not treat their
"superiors with the same respect as formerly.
"No doubt this is partly due to the fact that
"discipline in all grades of life ashore is
"more lax than it was, and that boys consequently
"enter the service with very little idea of
"obedience or deference to those in authority
"over them; but as far as the Navy is concerned
"in the present day, when men are distributed
"in small parties in different compartments
"in many cases without constant control by a
"superior, strict discipline and unflinching
"obedience are more essential than ever."

"153. The Committee have diligently sought
 "for any convincing reason for the objections
 "which have been raised to this form of
 "punishment, but have been unable to discover
 "one. They have, however, received from all
 "classes in the Navy practically unanimous
 "testimony as to the value of caning as a
 "deterrent, and the manner in which this
 "testimony was given was in their opinion
 "sufficient to convince any unprejudiced
 "person that there was nothing about the
 "punishment to which objection could be taken,
 "and that, while it left no bad results, it
 "was sufficiently unpleasant to induce those
 "who received it to hesitate before committing
 "themselves again. The Committee have
 "received direct evidence to this effect and
 "also to the fact that other punishments may
 "be inflicted on boys again and again without
 "good results."

"154. They, therefore, have arrived at the
 "conclusion that caning is by far the most
 "suitable punishment for boys. They recommend
 "that the order directing the punishment to be
 "inflicted in private should remain in force,
 "but there is an anomaly in regard to caning
 "which in the opinion of the Committee should

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"should be remedied they allude to the fact
"that the regulations at present direct that
"caning is only to be inflicted under the
"actual order of the Captain, though the
"Commanding Officer in the absence of the
"Captain has full powers with regard to the
"award of all other punishments, and they
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"submit that this restriction should be
"removed. It has been recommended by some
"officers that the executive officer, if of
"the rank of Commander, should be authorised
"to inflict this punishment up to six cuts
"without the necessity of obtaining the
"Captain's approval in each case, and the
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"Committee see no objection to this proposal.
"They further recommend that all boy ratings
"under the age of 18, including marines,
"should be eligible to be caned."

The attention of the Board had previously been drawn to the large increase in the percentage of the total number of punishments awarded to boys in the years prior to 1912, referred to in paragraph 151 of the Committee's report.

The Board, However, were unable to accept the view of the Committwe that there should be power to delegate the award of this punishment to the Commander whenever the Captain was absent, but they agreed that in the absence of the Captain from duty by permission of superior authority for more than 48 hours, the officer in command might order the punishment to be inflicted. They also decided to make general the rule (previously applied only to the Training Service) that caning should only be awarded for the more serious offences enumerated in Art.585(2).

Statistics have been prepared showing the percentagos of canings awarded in the last few years in the boys' training establishments, and the total number of punishments awarded to boys, to the average number of boys borne. Figures for the training squadron for 1926, 1929 and 1930, have also been obtained, as well as for typical ships of the Atlantic and Mediterraneoan Fleets.

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These figures which are given in Table A attached, do not enable any very definite conclusions to be drawn, though they show that, while canings and punishments generally have increased in the Training Establishments between 1926 and 1929, the canings fell considerably last year, but the total punishments increased. In the Training Squadron both canings and punishments have decreased, The number of boys in ships other than the training squadron is so small that much importance should not be attached to the figures in their case. Figures of canings worked out for typical ships before the war showed an average of 67% for a period of 4 years, so that the present day percentages, which only in one case exceed 50%, are considerably lower.

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between ship and ship and establishment and establishment for which there seems to be no very satisfactory reason, even allowing for the human element. Thus, both canings and

punishments in the ST.VINCENT for 1927-29 years were appreciably higher than in the GANGES, and particularly so in 1929, when it would be expected that the former establishment would have settled down in 1930, although canings

in the ST.VINCENT have fallen to about the same level as in the GANGES, total punishments are still much heavier. In

the Training Squadron in 1929, there were in the MARLBOROUGH only 17 canings during the year for an average total of 306

boys (5.5%) and in the EMPEROR OF INDIA 150 canings for an average total of 337 boys (44.5%). In 1930 there were 20 canings in the

MARLBOROUGH for 290 boys (6.2%) and 100 in the EMPEROR OF INDIA for 310 boys (32%), although the EMPEROR OF INDIA had given

total punishments. The FISGARD figures are considerably below those of the other establishments, but this would be

expected in view of the different type of boy entered.

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There can be no doubt that, for the great majority of boys (there are of course exceptions), caning is the most suitable punishment for the more serious offences and generally speaking, caning is preferable to such alternative punishments as imprisonment, detention or cells which are unsuitable for boys if they can be avoided. The Commanding Officers of the Training Establishments are unanimous on this point. As regards the medical aspect of the question, the M.D.C. states no permanent physical injury is inflicted by caning as at present carried out and that the type of boy entering the Navy is not likely to be affected from the mental point of view. One might go further and say that punishments of the "extra work" type or confinement to quarters would be likely, for growing boys undergoing instruction, to be more harmful. The Captain of the GANGES states that, although caning is severe, it is soon over and does not weigh on the mind to the same extent as a long period of 8 a*, which is very apt to affect the boy's school and general work. He adds that an intensified form of 8a would be necessary to replace caning, if the latter were abolished or restricted.

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If it is agreed that caning is generally the most suitable punishment for the more serious offences, two questions arise (i) whether the offences at present named in Art.585(2) ought to be restricted further, and (ii) whether Commanding Officers do, in practice, restrict the punishment to the more serious offences, in accordance with the spirit of the regulation, as much as they might. Table B shows the percentage of canings to the total punishments awarded to boys and although the percentage varies to some extent in different establishments, there is not sufficient evidence to show that it is being awarded for a wider range of offences than was the

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* 8a punishment consists of having meals at defaulters table, standing on deck for half an hour during the dinner hour, half an hour's drill during recreation time, turning out half an hour earlier and standing on deck, leave and pocket money stopped

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"or gross and continued disobedience of orders" for the present wording, - this would secure that a first offence is not so punished - but the other offences mentioned "theft, immorality, drunkenness, desertion and insubordination" hardly call for any disqualification.

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Apart from this, the differences in the number of canings awarded in different ships or establishments might be pointed out confidentially and Commanding Officers instructed to use every endeavour to keep down the number as much as possible; also Commanders-in-Chief could be told when examining the punishment returns, to draw attention to any cases where the numbers seem to be abnormally high or where the punishment has been awarded for offences not specified in the regulations.

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case in 1926. The **ATTEMPT** Captain of the G. N. S. states, however, that over 50% of the canings each year have been awarded for the offence of smoking, which is direct disobedience of orders, and probably, the same occurs in other establishments. It may be that only the very bad cases are so dealt with, but there appears to be a loophole here in the working of Art. 585 - deliberate or continued disobedience of orders - in that small offences against standing orders or regulations **TO** can be regarded as deliberate **COPY** disobedience of orders. The regulation might be strengthened by substituting.