

Children, Law, and the Anglo-American Revolution in Authority

This book explores the profound shift in how children were perceived and treated in the Anglo-American world during the 18th century, and the impact this had on the development of child law and the concept of parental authority. Drawing on a wide range of sources, including legal cases, statutes, and conduct literature, the book argues that the rise of a new, more sentimental view of childhood led to a decline in the use of physical punishment and an increase in the use of moral suasion to discipline children. This, in turn, led to a shift in the legal understanding of parental authority, from a right to inflict corporal punishment to a duty to provide for the child's moral and intellectual development. The book concludes by considering the implications of this revolution in authority for the history of childhood and the development of modern child law.



By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority (Published by the Omohundro Institute of Early American History and ... and the University of North Carolina Press) by Holly Brewer

★★★★★ 5 out of 5

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The Rise of the New Sentimentalism

The 18th century witnessed a dramatic shift in how children were perceived and treated in the Anglo-American world. This shift was driven in part by the rise of a new, more sentimental view of childhood. This new view of childhood emphasized the innocence and vulnerability of children, and saw them as beings who were in need of protection and nurture. This view was reflected in a number of literary works of the period, such as John Locke's *Some Thoughts Concerning Education* (1693) and Jean-Jacques Rousseau's *Emile* (1762). These works argued that children should be treated with respect and that their education should be focused on developing their moral and intellectual faculties.

The Decline of Physical Punishment

The rise of the new sentimentalism led to a decline in the use of physical punishment to discipline children. This decline was reflected in both legal and cultural norms. In the legal realm, a number of statutes were passed that limited the use of corporal punishment in schools and other institutions. In the cultural realm, conduct literature increasingly condemned the use of physical punishment and advocated for more humane methods of discipline. This shift in attitudes was due in part to the growing belief that physical punishment was harmful to children's physical and emotional development.

The Rise of Moral Suasion

As physical punishment declined, moral suasion emerged as the preferred method of disciplining children. Moral suasion involved using reason and persuasion to convince children to behave properly. This method of discipline was seen as being more effective and less harmful than physical

punishment. It was also more consistent with the new sentimental view of childhood, which emphasized the importance of developing children's moral and intellectual faculties.

The Shift in the Legal Understanding of Parental Authority

The decline of physical punishment and the rise of moral suasion led to a shift in the legal understanding of parental authority. Traditionally, parental authority had been understood as a right to inflict corporal punishment on children. However, by the end of the 18th century, parental authority was increasingly seen as a duty to provide for the child's moral and intellectual development. This shift was reflected in a number of legal cases, which held that parents could be held liable for failing to provide for their children's education or for abusing them.

The Implications for the History of Childhood and the Development of Modern Child Law

The revolution in authority that occurred in the Anglo-American world during the 18th century had a profound impact on the history of childhood and the development of modern child law. The new sentimental view of childhood led to a decline in the use of physical punishment and an increase in the use of moral suasion to discipline children. This, in turn, led to a shift in the legal understanding of parental authority, from a right to inflict corporal punishment to a duty to provide for the child's moral and intellectual development. These changes had a lasting impact on the way that children were treated in the Anglo-American world, and they continue to shape the development of child law today.

This book provides a comprehensive and nuanced account of the revolution in authority that occurred in the Anglo-American world during the

18th century. The book draws on a wide range of sources to argue that the rise of a new, more sentimental view of childhood led to a decline in the use of physical punishment and an increase in the use of moral suasion to discipline children. This, in turn, led to a shift in the legal understanding of parental authority, from a right to inflict corporal punishment to a duty to provide for the child's moral and intellectual development. The book concludes by considering the implications of this revolution in authority for the history of childhood and the development of modern child law.



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