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Childhood in History

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It is easy to assume that definitions and expectations of age groups—infants, children, adolescents, adults, the aged—are fixed and unchanging determined principally by the biological facts of physical and mental development and decay. However, they have changed remarkably over time, and are still changing. In the present they vary considerably among different cultures, especially between rich and poor societies. A ten-year-old in a Latin American shanty town or on a Calcutta pavement may be economically self-supporting and behave with an independence we define as adult, and which would be unthinkable for most of his or her peers in Britain.

Even in current British legal and administrative practice the dividing line between adults and younger people is less clearly defined than might be expected. The age of attaining legal majority and the right to vote has recently been lowered to 18. Yet a Member of Parliament must be 21 and it is possible to take on the responsibilities of marriage at the age of 16, although parental consent is required until the age of 18. Also at 16 it is possible to leave school and enter full-time employment; a girl may engage in sexual intercourse with a male without his running the risk of prosecution. No one can be sent to prison or hold a driving licence before the age of 17, although a boy may join the armed services with parental consent at the age of 16; a girl not until 17. A ten-year-old may be convicted of a criminal offence, although until the age of 14 the prosecution must prove the defendant capable of knowing the difference between right and wrong.

Most of these divergences in the ages at which children acquire adult responsibilities in the worlds of work, crime, politics, sex and other activities, and the assumed slower acquisition by girls than of boys of some but not other aspects of adult competence reflect historical changes in definitions of childhood. The statutes which enforce them often express the view prevailing at the time of their enactment. They exemplify the degree to which such definitions are conditioned, not by some fixed biological and psychological reality—which is not to deny that such realities may exist—but by cultural norms and values. There is no biological or psychological reason why boys who mature physically and intellectually later than girls should be assumed to be responsible for their sexual activities at the age of 14, whilst girls are given the protection of the law until 16. Nor is there any clear

Source: M. King (ed.), *Childhood, Welfare and Justice*, London: Batsford, 1981, pp. 6–25.

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reason why individuals should be assumed capable of the considerable responsibilities of conducting a marriage and a home at 16, but unable to carry the responsibility of the vote until 18. Such apparent inconsistencies in social expectations of certain ages are not, as we shall see, a modern phenomenon. These examples, however, demonstrate that currently in Britain we assume that young people gradually during the 'teen' years acquire adult capabilities. This has not always been so.

The current wavering line between 'childhood' and adulthood is the most recent stage in several centuries of change in the definition of the length and responsibilities of both childhood and adulthood. The boundary between infancy and later life has remained largely unchanged. The infant whose power of speech and capacity to carry out other essential functions are limited or non-existent has always been regarded as different and in need of adult care, although, as we shall see, conceptions of the nature even of the infant have changed over time. Change has, however, been more striking in attitudes towards the period between infancy and adulthood.

The Emergence of Class and Age Groups

In the past few years understanding of such historical changes has been much influenced by the work of Philippe Ariès.¹ Ariès has argued that in medieval Europe 'the idea of childhood did not exist'. Rather, individuals moved directly from the physical helplessness and dependency of infancy into adult society—if, that is, they were among the minority who lived to complete this vulnerable early period of life. Thereafter they dressed like adults, spent most of their time in adult company, sharing adult conversation, games, sometimes sexual activities. There was no trace in such activities of the modern consciousness of a particular nature of childhood, distinguishing the child and his or her proper activities, physical and emotional needs, from those of the adult, no assumption that after infancy 'children' required particular treatment. Infants, though treated with care and affection, were hardly regarded as individuals.

'In the tenth century', Ariès points out, 'artists were unable to depict a child except as man on a smaller scale'.² He continues: 'In medieval society, the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society this awareness was lacking. That is why, as soon as the child could live without the constant solicitude of his mother, his nanny or his cradle-rocker, he belonged to adult society.'³

From the thirteenth century, Ariès argued, and most notably in the sixteenth and seventeenth centuries, a new consciousness emerged, at least among the prosperous middle and upper strata or society, of the specific nature childhood, of a period between infancy and adulthood which was different in character from the preceding and succeeding age periods. This was first manifested in an attitude towards children as playthings, creatures to be coddled who were objects of affection and amusement for adults. Childhood in this sense lasted hardly beyond the

age of five or seven. It was marked by the emergence of separate forms of dress for young children and by a conception of children as innocents, unpolluted by adult knowledge.

During the same period, however, Ariès argues that another new concept of childhood began to emerge. This emphasized the need for a period of training and discipline before the individual could acquire full adult capabilities, a training normally in the shape of formal education. It was decisively influenced by the sixteenth-century Reformation with its emphasis both on the importance of a disciplined life and upon the need for a fully formed person to possess the contemporaneously expanding range of knowledge in theology, the humanities and sciences. In addition emerging Calvinism emphasized the depravity rather than the innocence of infancy, that the child was doomed to sin and evil unless controlled and trained by parents and by the schools.

Hence arose the belief in the need for a period of training between infancy and the attainment of adulthood, which lengthened over time as the demands of education and of required adult knowledge increased. The eighteenth-century Enlightenment, with its belief in the capacity and need of human beings to attain full rationality for the good of society, reinforced the emphasis upon the need for a lengthy period of education. These changes in attitude towards childhood were, of course, closely associated with changing expectations of adult. Fully developed adults were increasingly conceived of as individuals with a certain level of knowledge and capabilities. At least ideally, in élite circles adult life became intellectually more demanding and, with the increasing complexity of economic life, technically more demanding. As Ariès puts it: 'Henceforth it was recognized that the child was not ready for life, and that he had to be subjected to a special treatment, a sort of quarantine, before he was allowed to join the adults'.⁴ It also became less acceptable for adults to spend much time, as they once had, playing 'childish' games except for short periods defined as 'leisure'.

Ariès points out that childhood lengthened faster for boys than for girls; similarly adult life changed more decisively for men than for women. For girls childhood hardly lengthened between the thirteenth and the seventeenth centuries, when they might still be married and in control of households at 14. Also it lengthened faster among the middling strata of society, among the steadily growing numbers of future lawyers, churchmen and burgers, than among the nobility or the labouring poor. Even in the seventeenth century many of the European nobility received little formal education; a few were army officers at 14, or, very rarely, at 11.⁵ However in the eighteenth and still more in the nineteenth century, education lasting into the late teens became normal for boys of aristocratic families and increasingly, though to an earlier age, for girls.⁶ The children of the labouring poor worked, from necessity, to supplement the family income from the moment that they were physically able to do so, and continued to do so late into the nineteenth century. Their experiences changed as little as those of their parents. Also, notably in the eighteenth century, childhood became increasingly commercialized. Toys, books and games designed specifically for children were invented, produced and marketed among the minority able to buy in Britain as never before; at the same time adult leisure also became increasingly commercialized, both being aspects of the general growth of capitalist enterprise in this period.⁷

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In analyzing the reasons for these changes Ariès stresses the influence of ideological change, in particular the influence of Calvinist religion and the philosophy of the Enlightenment. He offers little explanation however for certain phenomena which he detects, in particular that the formal lengthening of childhood came earlier to boys than to girls and first to the professional and commercial middling strata. He points out, but does not explore, that 'there is a remarkable synchronism between the modern age group and the social group: both originated at the same time, and in the same milieu—the middle class'.⁸

If the major forces leading to the lengthening of childhood as Ariès describes it were Calvinist and Enlightenment theory there is no *a priori* reason why boys' lives should have been affected sooner than those of girls. We need also to explain why such theories were differentially attractive to the prosperous middle groups in society not all of whom, if they were engaged in commerce, can be described as intellectuals and therefore at the forefront of exposure to new ideas,

This leads us to recognize a gap in Ariès explanation, which is the lack of systematic examination of the influence of economic change upon definitions of childhood. The fifteenth to the eighteenth centuries was the period of the emergence of European capitalism, England recognizably became a capitalist economy based upon commerce and capital intensive agriculture and similar changes were evident in France, Holland and elsewhere. Two effects of this change were, first, that those who had any form of access to wealth or property strove to maximize their control over it in order to dispose of it most profitably, and, secondly, that adult life became more demanding—work was more time-consuming, more skill was required—for those directly involved in commerce or in associated professions such as the law. It is therefore reasonable to expect that the middling strata would wish to tighten their control over the next generation, to train them in habits of work-discipline so that carefully acquired wealth was not later dissipated by careless marriages and loose living, and also to train them in the skills required for success in adult life, at least by males.

Such pressures were felt less acutely by great landowners whose wealth was extensive and secure or amongst the landless labouring poor. Only later, as the landed élite felt the pressure of competition for power and wealth from the middling classes, and later still, when a changing industrial economy changed the state's demands upon the labouring poor, requiring higher levels of education, skill and physical and mental efficiency, did certain aspects of the lengthening of childhood, especially the growth of education begin to affect the mass of these higher and lower strata.

There was, then, a clear correspondence between the birth of capitalism, of modern classes and of modern age groups. The emergence of old age as a distinctive category has a similar history to the emergence of childhood. This is not, however, to deny a certain autonomous influence to ideas, such as those of the Reformation, and counter Reformation, among social groups not immediately involved in capitalist economic activity. We cannot ignore for example, the stimulus of the counter-Reformation to the education of potential French Catholic clergy in order to strengthen the hold of the faith.

It is clear, then, that over several centuries, in important respects, notably the spheres of work, education and leisure, the lives of adults and of children have been increasingly differentiated and that this differentiation has primarily been

conditioned by economic and intellectual rather than by biological change. The ‘invention of childhood’ long pre-dates the significant decline in child mortality which, it was once thought, enabled parents to invest affection in their children without suffering the distress occasioned by the death of a loved child.⁹ Furthermore, the lengthening of childhood has moved inversely with change in the age of attaining physical maturity, which has fallen over time.¹⁰

Recognition of the changes described by Ariès has tempted some to go beyond the evidence and conclusions presented by him and others, to suggest that at some point in the remote past children past the age of infancy led lives, and had responsibilities and rights more or less equal in all respects with those of adults, and even to argue that this provides some justification for establishing civil equality between adults and children now.¹¹ Whatever other arguments may be offered to support this proposition it is extremely doubtful that the totality of historical evidence does so. This is because Ariès does not provide, or offer, a total history of childhood, or of the relations between adults and children. Ariès’ central concern was with the history of the family. He argued that the family has grown stronger not weaker over time, and that the strengthening of emotional ties within the family arose largely from the increasing care and concern which parents came to feel towards their increasingly dependent children, as distinct from a previously largely instrumental attitude towards them as inheritors, or, if female, progenitors of lineage and wealth. He did not examine aspects of the relationship of adults and children which were not pertinent to this theme. In these other respects children’s rights and responsibilities may have changed over time rather less dramatically than other aspects of their lives. These concern the material position of children, their command over resources, their rights to own property including the property of their own persons.

Childhood and Property

In medieval and early modern Europe property ownership was the crucial defining characteristic of a full member of society. Property ownership meant power and freedom. In Roman law children before the age of majority had no legal rights. The concept of *patria potestas* subordinated them entirely to the control of the father or, if he was deceased, to a male guardian. They could own no property, could not marry without parental permission, could live only where the parent or guardian directed.¹² In England after the disappearance of Roman control a distinctive body of law and custom emerged. Up to the Norman Conquest the law, so far as can be ascertained, said nothing specific about the control of a living father over a propertyless child, but; ‘It is clear all through the period that the father’s power over his children was large.’¹³ From at least the seventh century the law allowed him, in circumstances of dire necessity, to sell a child under the age of seven, and to veto the marriage of a daughter under 17, although he could not in law enforce a marriage upon an unwilling child.¹⁴

There is every sign that in Anglo-Saxon England the assumption that children were subordinate to adults was so much taken for granted that there was no apparent need for the law to intervene. The law began to speak on such matters only

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‘as men grew wealthier and began to traffic in all manner of rights’.¹⁵ Then, disputes arose as to inheritance of property rights. Increasingly in later Anglo-Saxon times tenancy of land became hereditary. It no longer reverted automatically to a superior lord on the death of the tenant. Where the heir was a child, the right to control the land in his or, more rarely, her name until old enough to control it in his or her own right, became recognized as a source of prestige and profit. The resulting competition for the wardship of infant heirs created a need for laws to clarify a situation which arose frequently in a period of high adult mortality.

By 1066 it was established, and continued to be accepted as law after the Norman Conquest, that where an heir was a minor the lord to whom the hereditary tenant owed service obtained legal wardship of the heir. Until the minor attained majority the lord could take the rents and profits of the land for his own use, indeed deal with it as he wished. In return he was obliged to provide for the maintenance of the heir. The lord was also entitled to the body of the heir. Should the latter escape or be seduced away from the lord’s custody, the lord could compel his or her return. The lord could sell the heir in marriage; the heir wronged the lord if he or she married without consent, and owed him compensation in such circumstances. The lord could not however compel a marriage ‘of a disparaging kind’. In theory these laws of wardship and marriage applied only to land held in return for the obligation of military service to the lord. However by the eleventh century it appears to have applied in practice to all forms of tenure. At this early period the law concerned itself with the ‘rights’ of children only when they inherited property. It was concerned primarily to secure for the lord maximum profit from the land whilst it was formally held by a minor and to ensure that its future value was not depleted by an unsuitable marriage. The rights of the child were restricted to that of adequate maintenance.¹⁶ The value of wardship rights to the guardian is suggested by the fact that the barons had them included in Magna Carta.¹⁷ Minors whose fathers were living might inherit land from their maternal family. Normally it was placed in the custody of the father until the heir attained majority, the father acquiring the same rights and obligations as guardians in other circumstances.

By the eleventh century the age of majority in such cases was 21. In the sixth century it had been only ten, by the seventh century 12, although a father had a right to chastise a son until the age of 15. Interestingly, in view of current debate concerning the lengthening of childhood, by the thirteenth century the jurist Bracton was already pointing out that ‘in times past girls and boys had soon attained full age (majority); life was rude and there was not much to learn’. He argued that the prolonging of the disabilities and privileges of infancy during medieval times derived from the introduction of heavy armour. The son of a knight (a member of the social *élite*) could only be regarded as ‘of full age’ when he was strong enough to bear full armour and fight as a knight.¹⁸

For inferior classes, holding their land by non-military forms of tenure, in the twelfth century ‘full age’ remained 14 or 15, the age at which a male could work the land. The son of a burgess attained majority when he could ‘count pence, measure cloth and conduct his father’s business’. However, increasingly the age of legal majority for the *élite* was extended to all social classes, 21 being effectively the norm by the thirteenth century. Males and females appeared to have

reached majority at the same ages.¹⁹ Nevertheless, custom, although the judges frowned upon it, continued to accept lower ages of adult competence for certain activities. Still, by the early seventeenth century, a male could make a will at 14, a female at 12; and a 17-year-old could, on the insistence of canon law, act as executor of a will. Males might marry at 14, girls at 12, until 1929 when the age of marriage was fixed at 16.²⁰

In earlier times, however, the age of legal majority was only of practical significance for those who inherited property. In 1259 and 1267 the property rights of minors were strengthened by enactments that the guardian must give to the heir on attaining majority the full value of the land left by his predecessor at death,²¹ and account to him for any profits made from the land. This change of law derived less from concern to safeguard the rights of children than from the desire of the King to curb the growing powers of the barons by restricting the extremely valuable gains they made from wardship at the expense of their wards.

This subordinate legal position of minors even by the thirteenth century, arose jointly from the traditional social subordination of minors and from the ambitions of feudal lords to exploit their rights to the full. In the mid-thirteenth century, then, inheritors of property aged under 21 had extremely limited rights to dispose of that property, or of their own persons or to decide whom they could marry; but they did not entirely lack legal rights. The law always, somewhat confusingly, from Anglo-Saxon times, insisted that inherited land was the property of the minor not of the father or guardian. Where inheritance was challenged, the courts normally held the case in abeyance until children attained majority, to prevent their being outmanoeuvred by wily adults. A minor could sue a parent or guardian for mismanagement of the inheritance whilst still a minor. However, he or she was treated differently from adults by the courts. Minors could not appoint adults to speak on their behalf, even an attorney, again due to the danger of adult manipulation of the child. Minors might speak on their own behalf, in which case the court banned close cross-examination lest it confuse the child; for a younger child the court appointed a 'next friend' usually an officer of the court, to plead on his or her behalf; or if the minor was a defendant the court appointed a guardian *ad litem* to speak for him or her. The court therefore historically regarded itself as protector of the minor against the manipulation of adults. This was an expression of the King's traditional role of protector of his weaker subjects as feudal lord above lords. In practice also a young minor was unlikely to be aware of or have access to these legal rights, although an older 'child' was more likely to detect abuse and involve the law.

With the decline of feudalism, rights of guardianship passed from the feudal lord to close male relatives of the heir or to others appointed by the deceased. The rights of the guardian remained as before, including the right to sanction marriage and to the custody of the person of the minor. This right was certainly invoked even for older minors, for example in *Tremain's Case* in 1719 in which: 'Being an infant, he went to Oxford contrary to the orders of his guardian, who would have him go to Cambridge. And the court sent a messenger to carry him from Oxford to Cambridge. And upon his returning to Oxford, there went another, *tam* to carry him to Cambridge, *quam* to keep him there'.²³ Yet from the late seventeenth century, where guardianship rights were abused the minor could invoke the support

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of the Court of Chancery, which could if necessary assume wardship again in the name of the King's overriding responsibility for his subjects.²⁴

The law was less precise, because rarely invoked, concerning the rights of propertyless children. However, it seems clear that the father could from the earliest times assert his right of custody, to inflict 'reasonable chastisement' and to prevent marriages which he deemed unsuitable.²⁵ The need for the consent of the parent or guardian for the marriage of minors became and has remained statutorily enforceable.²⁶ For grave injury from an adult the minor could, if he or she was able, sue.

As we have seen, from very early times, the role of the law was chiefly to protect the rights of the parent or guardian against the loss of the property or service which the minor represented. Only if they abused these rights might the law intervene to support the minor. Only from the 1870s did the law acknowledge that the first consideration in deciding who should have custody of a minor was the interests of the child (i.e. whether or not he or she was well cared for), rather than the adult's possessional interest.²⁷ Also in the nineteenth century the law for the first time gave right of custody to the mother even whilst the father was still living.²⁸

In other respects adults and children were not treated equally before the law from an early date. Under Edward III previous custom was confirmed in law when it was enacted that a child under seven could not be convicted of a felony. On behalf of a child aged between seven and 14 it could be contended that the defendant did not have 'full knowledge' of the significance of his or her action.²⁹ By the sixteenth century it was generally accepted that a child would not be asked to give evidence on oath on account of the law.³⁰

Working Children

The evidence so far suggests that even in medieval times children were largely cut off from the world of adults in important areas of their lives—control of their own incomes, and, given the law of custody, control of their own persons, as well as in their liability for crime. The absence of real property rights, of course, did not affect most children, since neither they nor their parents owned property. It can be argued that the children of the labouring poor shared very fully the life of adults until late in the nineteenth century, since they had to work for survival.

However, again, it may be necessary to modify this picture. Due to high adult death rates there was a high level of demand for child labour in England up to the middle of the nineteenth century. This did not necessarily mean that children and young people could be entirely independent at significantly earlier ages than in the present. Children were always paid lower wages than adult males at labouring jobs until at the earliest the mid-teens, i.e. the age at which many now begin to work.³¹ In the artisan trades the system of apprenticeship meant that the young worker underwent a long period of low paid training which might also last until around the age of 21.

From the earliest times, children from as young as the age of nine or ten might work away from the home of the parent or guardian, either as apprentices or in such unapprenticed labour as domestic service.³² They remained however under

the control of their masters or employers, their movements determined by agreement between parent or guardian and employer under the laws of custody. Where a family owned or had permanent tenure of a small farm the child or children who was/were the potential inheritors of the land might remain under very close parental control, prevailed, for example, from marriage until the time came to inherit—hence, for example, the traditionally high age of marriage in rural Ireland.³³

Industrialization almost certainly increased the potential material independence of working class minors since in many, especially un- or semi-skilled occupations, such as in Lancashire textile factories, they could earn sufficient wages to be self-supporting from their midteens. Becoming significant contributors to the family income emancipated them to some degree from parental control, enabling them to establish a bargaining rather than a subservient relationship with parents, and, if this proved impossible, enabling them to live, as a minority chose to do, independently of parents, normally as lodgers in another household.³⁴

Significantly, however, the spread of ‘teenage’ independence in nineteenth-century Britain was followed by increased attempts at parental and societal control of this age group and the emergence of a new literature concerning adolescence as a ‘problem’. Notably in the 1890s, youth clubs, the Boys’ Brigade and other organizations emerged specifically to discipline this newly independent age group. Parents even handed over troublesome children to police custody, invoking control by the magistrates court where their own had failed.³⁵ The later nineteenth century saw the beginning of a period of struggle between older minors and adults over the status of the former, the outcome of which, since young people retained their economic independence; was the recent lowering of the age of legal majority to 18 and the attainment of independence in other respects.

The belief that the children of the labouring poor had no right to try to be economically independent but should remain under the control of their parents, or, if parents could not or would not support and control them, that of the community, had indeed a long history. The Elizabethan Poor Law enacted that children whose parents could not provide for them should be put to work or apprenticed. The age of the ‘children’ concerned was between five and 15. The law assumed that a family’s financial inability to provide for its children was sufficient grounds to separate a child from his or her parents. The consent of the parents was not required. Once a child was thus separated he or she became for all practical purposes a ward of the state and the state’s duty was to provide a home and to ensure that he or she worked regularly.³⁶

Children’s Rights and Responsibilities

The legal fact that parents or guardians had custody of children and wards until majority meant that children or wards could not normally sue their parents or guardians for cruelty or exploitation as an adult could sue another adult for assault—and frequently did. The English, even labouring people, have a long tradition of litigiousness.³⁷ When in 1889 cruelty to children by parents and others became for the first time a specific criminal offence,³⁸ the child was given no independent right to initiate action against the offender; this right was taken by the court to

intervene, in the interests of the child. This was firmly within a long tradition of the court's assuming the right to protect the child against adult exploitation.

In other respects, the nineteenth century saw an increase in the spheres of life in which the child was assumed not to have equal civil rights with the adult. This was an aspect of the increasing involvement of the law in more areas of the lives of all age-groups, including, for example, divorce, as divorce became legal for the first time in 1857 and the grounds on which it could be obtained were gradually extended thereafter.³⁹

The reduction in legally permissible hours of work and the regulation of work conditions, first for pauper children, mainly orphans, then for all working children, first in textiles, later in other factories, workshops and other forms of work, began in 1802. It progressed fastest in the second half of the nineteenth century, the period in which publicly financed education for working-class children also rapidly expanded, becoming compulsory to the age of 12 or 13 in 1880.⁴⁰ The introduction and spread of compulsory education was closely associated with the increasing technological sophistication of the economy, requiring a more educated work force, and the extension of voting rights to more working people, necessitating an educated electorate.⁴¹

Also in the second half of the nineteenth century and especially from the 1880s there were other moves to remove children from the full rigours of adult life. The age of criminal responsibility remained where it had been, at seven. This meant that in the early nineteenth century children above that age could be, and from time to time were, hanged, imprisoned and transported equally with adults, although lack of 'full knowledge' could still successfully be pleaded on behalf of children aged seven to 14. The passionate convictions of philanthropists, its, such as Mary Carpenter that such treatment was harsh and brutalizing led to demands both to improve the prison conditions of adults and to remove children first from adult forms of punishment then from the processes of law deemed suitable only for adults. This process was completed in the Childrens Act 1908, which separated the judicial and punitive processes concerning adults and children under 14.⁴² A succession of statutes since the Infant Life Protection Act 1872, culminating in the Children and Young Persons Act 1969 and the Childrens Act 1975,⁴³ have striven to protect children from neglect and ill-treatment by parents and guardians and to provide, where it was thought necessary, alternative forms of care. However at no time was it thought necessary to give children independent voices in such proceedings, or access to legal representation. Only in the past ten years has this become an issue.⁴⁴

No legal questions arose concerning the custody of children in cases of marriage break-up before 1839. Before 1839 children were automatically in the custody of a living father. The Custody of infants Act (1839) gave the Court of Chancery the right to grant to the mother custody of a child under seven. The 'fitness' of the father or mother was the Court's chief concern in such cases.⁴⁵ This continued to be so until 1873 when the maternal right to custody was extended to the age of 16.⁴⁶ Custody remained thereafter a question to be decided among mother, father and the court.

The later nineteenth century saw a number of decisive moves to protect poorer children from adult work, legal processes, and adult cruelty and from some of the

worst effects of adult poverty, and many more followed throughout the first half of the twentieth century.⁴⁷ They were motivated both by philanthropy and, from the later years of the nineteenth century, by increasing recognition of the importance for Britain's economic and military success and internal stability of maximizing the physical and mental health of growing generations. Since these motives gave at least as much emphasis to the needs of the state as to the needs and rights of children such protective legislation tended to place important decisions concerning children in the hands of parents and/or the state rather than to provide the child with means of representation or any share in the decisions. Such moves can again be seen as extensions of the age-old right claimed by the state (once personified by the sovereign) to intercede on behalf of more vulnerable citizens.⁴⁸

The fact that children were younger, physically weaker and had less knowledge of the world than older people made them vulnerable to adult authority even in medieval times, and the courts do not appear in practice to have had a high opinion of the capacity of minors to speak for themselves. The modern situation in which the welfare of a minor is regarded as a matter to be settled among parents or guardians and the state has a long history.

Changing Attitudes Towards Children

Hence, although there have been significant historical changes in the experience of and attitudes to children, described by Ariès and others, as regards certain aspects of childhood, notably the subordination of children by the law, there has been much less long-term change. Considerable confusion has arisen in this matter, largely due to misunderstanding of Ariès's purpose. He detached and documented a number of important and real changes in attitudes to and treatment of children. He was not attempting a total history of the relations between adults and children; it is mistaken to generalize from his discovery that in certain respects the lives of adults and of children in the past were similar, to the assumption that they were in all respects the same, still less to conclude that past similarities, even where they exist, can necessarily be revived in the very different culture of the present.

Some confusion has perhaps arisen between the history of the actual subordination of children and the intellectual history of attitudes to childhood. The spread of the desire for knowledge of the secular world from the Reformation onwards incorporated the desire to explain and justify social relations, including those between children and adults. From the seventeenth century there was increased interest in the child as the object of scientific enquiry. Both these explanations, and the actual treatment of minors past the age of infancy, have been closely affected by cultural and economic changes.

Explanations have an importance of their own since they influence the practices whereby the control of children operates. Sixteenth- and seventeenth-century Calvinism emphasized infant depravity, arguing that children were doomed to sin and evil unless controlled by the parents. This historically new conception was important because it introduced the notion that children were psychologically and morally different from adults. It sanctioned strict adult control of children, at least in the higher social classes with access to such ideas. This is discernible in the

post-Reformation period in the formal, rather distant relations between parents and children.⁴⁹

The decline of Calvinism in Britain in the late seventeenth and eighteenth centuries loosened the control of such ideas. However, the notion of children as different remained. They were seen, however, not as innately depraved but as innocent and ignorant. John Locke argued that children's minds were *tabula rasa*, to be filled in by experience or education, a notion which once more placed the onus upon adults to create good and intelligent human beings from their children. The eighteenth-century Enlightenment reinforced this approach by emphasizing the capacity of the human mind to develop in increasing rationality, assuming the essential ignorance of children. In his variation on this theme, Rousseau argued that children were essentially innocent and innately good but were corrupted by society as they grew up. He advocated changed social arrangements which would enable individuals to retain this innate goodness throughout life.

These changing attitudes in the eighteenth century led to a shift, again among the higher classes, away from strict parental control towards closer more affectionate relationships between adults and the innocent child. It was no longer believed to be necessary to exorcize demons, rather to nurture and to educate in order to encourage the emergence of a rational and humane adult.⁵⁰ Such ideas survived into the nineteenth century in Britain but faced competition from the revival of Protestantism in a variety of forms, with its dual emphasis upon education and control. The insecurities of the competitive bourgeois world also led to a reassertion of parental, and especially of paternal, authority within the family and of a revival of more formal parent-child relationships initially among the growing bourgeoisie, which then spread to other strata.

This continuing subordination of children was justified by Protestant theology among those who accepted it, by non-theological conceptions among the increasing numbers who, in the nineteenth century, did not. One influence of Darwinian evolutionism was the generalization of evolutionist conceptions to all forms of life, including human life. Just as 'primitive' races were believed to be further down the evolutionary scale than those of western Europe, so were children lower than adults and were shaped by their environment. Again, though in a new way, it was emphasized that human beings were not born complete and unchanging into the world but were formed by their experiences. Hence they could become full members of society only when this experience was complete. The assumption that at a definable stage it was completed went unchallenged.

The major post-Darwinian secular justification of the differentness of childhood has come from psychology, with its development as a distinct sphere of intellectual activity from the late nineteenth century. In their different ways, psychoanalysts since Freud, and developmental psychologists since Piaget have emphasized the importance of childhood and its differentness, in that the child is believed not to have obtained a level of adult competence. This was defined by Freud as 'the genital, heterosexual adult, parent to children, with a place in the occupational world'; by Piaget as the achievement of 'formal operational thinking—the ability to think hypothetically and abstractly'.⁵¹

The many problems and conflicts in child psychology are discussed elsewhere in this book.⁵² To the historian they appear as further links in the long chain of

adult justification of the subordination of the child to adult control. Yet like their intellectual predecessors in the consideration of childhood they both reflect and reinforce contemporary cultural preoccupations. Early twentieth-century preoccupation with the need to rear children to be mentally as well as physically fit-adults, led to the gradual withdrawal of orphaned and other children from large institutions first into smaller 'scattered home' institutions, and then in the 1920s and 1930s to preference for foster care over any form of institutional care.⁵³

Children from the 1880s were protected from the cruelty and neglect of adults. The definition of 'neglect' gradually widened until Bowlby in the 1950s achieved wide currency for the belief that the definition covered almost everything other than full-time maternal care during at least the first five years of life.⁵⁴ The beliefs of doctors and psychiatrists have influenced the treatment of children by the law, by parents and by social services, as the beliefs of clerics influenced such treatment in the seventeenth century.

It is extremely doubtful whether such changes in ideas can be seen simply as a growth of understanding of the nature of childhood. The confusions and contradictions among psychologists, the clear correspondence between their beliefs and parallel economic and political imperatives renders this implausible. Rather they appear to be one more stage in an age-old wrestling by adults with the real and immensely difficult situation that for many years individuals are highly vulnerable and it is highly uncertain at what age anyone can act as a 'free' agent, or at least as an agent no less unfree than most adults; problems that have grown greater in the increasingly complex law-bound modern world.

This is not to say that children cannot or should not participate far more fully than at present in decisions closely affecting their own lives; rather that history offers no grounds for optimism that rapid change is easily attainable. History, however, is still taking place. In certain aspects childhood and adulthood are still changing. The age of majority has recently fallen. Children again dress like adults. Education is spreading further into what is, by any definition, adult life. Micro-processors may so transform the economy as to make the lives of many adults as well as of children once more dependent upon the work of others. But, as we have seen, continuity in history is sometimes more striking than change and certain institutions and relationships are remarkably resistant to change.

Notes

- 1 P. Ariès, 1973.
- 2 *Ibid* p. 8.
- 3 *Ibid* p. 125.
- 4 *Ibid* p. 396.
- 5 K. Thomas, 1976.
- 6 J. H. Plumb, 1975.
- 7 *Ibid* and J. H. Plumb, 1973.
- 8 Ariès, *op cit.*, p. 323.
- 9 L. Stone, 1977.
- 10 J. M. Tanner, 1965.
- 11 Martin Hoyles (ed.), 1979.

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- 12 W. Holdsworth, 4th edn. 1936, p. 98.
- 13 *Ibid.*
- 14 F. Pollock and F. W. Maitland, Vol. 2., 1968, p. 436.
- 15 *Ibid.* Vol. 1. p. 318.
- 16 *Ibid.* Vol. 1. pp. 318–26. Holdsworth, *op. cit.*, Vol. 3, 4th edn. pp. 61–4.
- 17 Holdsworth, *op. cit.*, Vol 3, p. 63.
- 18 Pollock and Maitland, *op. cit.*, Vol. 2. pp. 436–9.
- 19 *Ibid* p. 439.
- 20 Holdsworth, *op. cit.*, Vol. 3, pp. 510–11.
- 21 1259 Provisions of Westminster; 1267 Statutes of Maslborough.
Pollock and Maitland, *op. cit.*, Vol. 1. p. 322.
- 22 Pollock and Maitland, *op. cit.*, Vol. 2. pp. 439–42.
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- 23 R. H. Graveson and F. R. Crane, 1857, pp. 63.
- 24 Holdsworth, *op. cit.*, Vol. VI. 1st edn., p. 648.
- 25 Pollock and Maitland, *op. cit.*, Vol. 2. pp. 444–45
A. K. R. Kiralfy, 1962, p. 640.
- 26 Marriage Act 1823 (4 Geo 4 c 76).
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- 27 Graveson and Crane, *op. cit.*, pp. 68–9.
1873 Judicature Act (36 and 37 Vict. c. 66).
1886 Guardianship of Infants Act (49 and 50 Vict. c 27).
- 28 See page 00.
- 29 Holdsworth, *op. cit.*, Vol. 3. p. 372.
- 30 *Ibid.*, Vol. IX (1st edn.). p. 188.
- 31 L. A. Tilly and J. W. Scott, 1978.
- 32 P. Laslett, 1975.
- 33 M. Anderson, 1971.
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Tilly and Scott, *op. cit.*
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- 37 Q. R. Quaife, 1979, Ch. 1.
- 38 Prevention of Cruelty to and Protection of Children Act, 1889 (52 and 53 Vict. 44).
J. Heywood, 1959, pp. 101, 104.
- 39 Marrimonial Causes Act, 1857 (20 and 21 Vict. c 85).
Matrimonial Causes Act, 1859 (22 and 23 Vict. c 61).
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- 42 Pinchbeck and Hewitt, *op. cit.*
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J. Heywood, *op. cit.*, Ch. 6–8, 12.

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- 1887 Probation of First Offenders Act (50 and 51 Vict. c 25).
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- 1907 Probation of Offenders Act (7 Edw VII. c 17).
- 1908 Childrens Act (8 Edw VII. c 67).
- 1933 Children and Young Persons Act (23 and 24 Geo V. c 12).
- 1948 Children Act (11 and 12 Geo 6 43).
- 1958 Children Act (6 and 7 Eliz. 2. 65).
- 1969 Children and Young Persons Act.
- 1975 Children Act.
- 44 Heywood, *op. cit.*, Ch. 12.
- 45 1839 Custody of Infant Act (2 and 3 Vict. c 54).
- Graveson and Crane, *op. cit.*, pp. 58–9
- 46 1873 Custody of *Infants* Act (36 and 37 Vict. c 12).
- Graveson and Crane, *op. cit.*, pp. 69–70.
- 47 Pinchbeck and Hewitt, *op. cit.*
- 48 Heywood, *op. cit.*, Ch. 2–9.
- B. B. Gilbert, 1966, Ch. 2–3. A. Davin, 1978.
- 49 P. Ariès, *op. cit.* Lawrence Stone, *op. cit.* Lawrence Stone, *op. cit.*
- 50 J. H. Plumb, *op. cit.* 1975. A. Skolnick, *op. cit.*, p. 51
- 52 See Index entries: psychology and psychiatry,
- 53 Heywood, *op. cit.*, Ch. 5–9.
- 54 J. Bowlby, 1953.