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**ABANDONMENT AND INFANTICIDE.** Throughout history, parents have been known to abandon their children, whether by means of infanticide (deliberately causing the death of an infant child), exposure (leaving a child where she may or may not be found by others), or donation to apprenticeship or to convents and monasteries. Both Western and non-Western societies have accepted such practices as solutions to poverty, illegitimacy, or family crises. Contemporary historians and social scientists studying abandonment include in their definitions not only children who are parentless but also those who are homeless and stateless. The image of the abandoned or orphaned child powerfully influences public sentiment, public policy debates, and the work of charities. Rarely, however, does public discourse about abandonment engage in comparative or contextualized analyses, differentiate cultural meanings, or document the lives of the children themselves.

Philippe Ariès's groundbreaking treatment of childhood as "socially constructed" in his 1962 book *Centuries of Childhood* as well as subsequent historical studies of many non-Western societies have persuaded contemporary social scientists and many policy makers that ideas about childhood have no universal definition. Ariès suggested that there are many historically and culturally specific childhoods. For example, in some places and times, a child of ten is expected to begin an apprenticeship and to work outside the home, whereas other cultures presume a child of that age should be in school. It follows, then, that the idea of child abandonment should be understood in context and over time. How societies assess the obligations of parenthood and the needs of the child determines the relationship of the child to the state and public policies toward both children and their parents.

## EARLY WESTERN PRACTICES

In ancient Greece and Rome, and later in medieval Western Europe, abandonment was a method commonly used by families with too many children to transfer those children to others who needed them, whether as family members or as slaves. This "redistribution of resources" thesis has been criticized by scholars who envisioned less than wholesome outcomes for abandoned children. Instead, despite statistics showing that 20% to 40% of all urban children in ancient Rome were abandoned (usually sold or left exposed to

the elements), most of those children appear to have been taken in and nurtured, resulting in a low mortality rate. In Greek antiquity, some have suggested that the burden of a dowry might have led parents to infanticide of female children. But while historians have documented a high infant mortality rate in this society, there is little evidence of abandonment or infanticide based on gender; reasons, rather, more often revolved around illegitimacy, deformity, and poverty.

Studies of Western Europe from the Middle Ages to the 19th century reveal a substantial history of infanticide and of abandonment to foundling homes, charitable institutions that arose to take in these children. Infanticide, infant abandonment, and exposure also occurred in colonial America. English Poor Laws, transported to the American colonies, made local parishes responsible for the care of abandoned children within their precincts, thereby burdening the entire community. Those supporting the creation of foundling homes on both sides of the Atlantic argued that they would be a relatively inexpensive option and would reduce the need for infanticide. Those opposing them believed that their existence would encourage sexual license and illegitimacy. All agreed (erroneously) that the only person who would kill or abandon a child was an unwed woman hiding her shame. Recent studies show that poverty played an equally compelling part in abandonment and that, for example, 20% to 30% of abandoned children in 18th-century Paris were legitimate. Similarly, in early 19th-century America, reports of abandonment increased in periods of economic depression.

For most of the 19th century, a Western, middle-class, domestic view of childhood was widely articulated in the United States and throughout Europe, as children were drawn out of work, off the streets, and into school. This public-policy shift marked a change in attitude toward the "best interests of the child," subsequently expanding the responsibilities of parents to nurture not only the physical but also the psychological needs of the child.

## ABANDONMENT IN SOME HISTORICAL SOCIETIES

One society in which child abandonment has been carefully examined is 19th-century France. In her book *Abandoned Children* (1983), historian Rachel Fuchs found that thou-

sands of infants were abandoned every year; in 1833, for example, 4,803 children in Paris and 164,319 nationally. The process of abandonment was simple: A mother could take her child to the foundling home, open a door in the wall outside, deposit the baby in a “turning cradle,” and ring a bell, all unseen. Similarly designed throughout Europe, the cradle allowed an infant to be placed from the outside wall, then swiveled inside. The mortality rate for babies left in these homes was a staggering 65% until the 1870s, when a more protective attitude about the needs and the value of the child resulted in improved policies regarding the care of abandoned children. In France, most women who abandoned their babies were single, and boys and girls were abandoned in roughly equal numbers. In Fuchs’s assessment, the act of abandonment was one not of indifference or shame, but rather a survival strategy—for the mother and her child—during an economic or personal crisis.

Around 1830, abandonment peaked at about 5% of all births in France. During the 1850s, turning cradles were removed to discourage abandonment, and fostering increased. After 1871, the government encouraged mothers, wed and unwed, to keep their babies. As the image of the mother softened from sinner to victim, the state began to offer more maternal aid. At the same time, definitions of child abuse expanded, and by 1889 the state began to take over the care of children judged to be “morally” abandoned.

In mid-19th-century Italy, meanwhile, most children left in the revolving doors of foundling homes were legitimate, had been baptized, and had some identification provided by their parents. According to historical anthropologist David Kertzer in his book *Sacrificed for Honor* (1993), these characteristics signaled that abandoning children was not a sign of indifference but (as with the French single mothers) similarly a survival strategy during economic stress or personal crisis. But unlike the French mothers, who tended to give up their children forever, the Milanese parents typically reclaimed their children within a few years.

Foundling homes had emerged in Italy in the 13th century and lasted until the 1860s. The institution spread to the rest of Catholic Europe after the Reformation. By the first half of the 19th century, there were 1,200 foundling homes in Italy, and as many as 40% of newborns were consigned to turning cradles. Of these, about two-thirds perished of disease and malnutrition. The Catholic Church’s ban on sexual relations outside of marriage forced mothers to abandon or sacrifice those children in the name of personal and family honor, a factor that Kertzer considers more central to child abandonment than economic necessity, demographics (marital status, age, and location), or maternal sentiment (whether mothers were seeking permanent protection for their children or would come to claim them later). Protestants, he believes, did not take up the practice because of their commitment to individual responsibility and its consequences.

During the second half of the 19th century, the foundling home in Moscow (opened in 1764) was receiving 17,000 children a year and managing the fostering of 40,000 children in the countryside around the city. At St. Petersburg, the figures were 9,000 and 30,000, respectively. The size of the operation, according to historian David Ransel, was astounding. A policy of open admissions protected the identity of mothers who abandoned their babies. While many were fostered to families in the countryside, records from the 1840s and 1850s show that the overwhelming majority died in infancy while still in the foundling home.

Like Kertzer, Ransel claims in his book *Mothers of Misery* (1988) that the European Protestant model enforced a bond between mother and child under the supervision of the state, limiting foundling homes in favor of individual responsibility, whereas the Catholic system favored the anonymity of the turning cradles, which averted scandal and preserved the family. Nevertheless, the practice of fostering abandoned infants to the Russian countryside led to inadequate care, leaving the level of infant mortality uniquely higher than in the rest of Europe. By the 1890s, with abortion and contraception more commonly practiced, illegitimacy and abandonment fell. Moreover, after the Bolshevik revolution, no child was considered illegitimate, but rather all children were legitimate and entitled to equal treatment.

From the Renaissance to the mid-19th century, then, abandonment increased and gradually replaced infanticide as the fate of unwanted children in Europe. This period also marked a rise in the abandonment of legitimate children, a rise in foundling homes, and a high mortality rate for foundlings.

Meanwhile, in Asian countries with strong Confucian traditions—where boys are often more valued than girls in family systems that are patrilineal, and sons inherit the family name, wealth, and ancestral responsibilities—preference for a male child has prevailed over time and has affected patterns of child abandonment. In China, abandonment may not have been historically more widespread than elsewhere, but all evidence indicates that infanticide and abandonment disproportionately affected females. Son preference has been noted from the early Qing dynasty (1640–1911). In the province of Hunan, for example, foundling homes are known to have appeared in the early 17th century, and they spread to a network of more than 60 by the 19th century. China’s increased enforcement of the one-boy or two-child policy in the 1980s gave rise to more orphanages receiving more female infants in the 1980s and 1990s.

In Japan, throughout the Edo period (1603–1867), infanticide, abortion, and child abandonment were opposed by the government but were widely tolerated and did not arouse sustained comment by religious institutions. Meiji-era laws (1868–1912) opposed abortion and infanticide and attempted to control such practices through the regula-

tion of midwives. In Japan, however, girls could inherit the household, removing some of the motivations for female abandonment or infanticide that exist in China. Here economic pressure led to abandonment more frequently than gender preference.

#### THE AMERICAN CASE

Many thousands of children were brought to the American colonies as indentured servants, and the death rate in the Chesapeake Bay area was high for children as well as adults. Consequently, the indenture system tried to maintain household governance and the family system by placing dependent children in homes, while training them for future employment. The status of the solo child was virtually identical, whether the child was poor, abandoned, illegitimate, or orphaned, and, regardless of cause, children alone were regularly indentured or apprenticed. Indenture afforded a reasonable solution while reducing public responsibility for colonial dependents, whether orphaned or abandoned. As already noted, ideas regarding children were inherited from the English Poor Laws under the principle of *parens patriae*, whereby the state is the ultimate parent of all children. In the colonial era, this resulted in two forms of living situations for dependent children: indoor relief (serving as assistants to parents in the home) and outdoor relief (living in alternate homes, such as orphanages and poor houses).

The first private orphan asylum in North America opened in 1738 in Georgia, and the first public orphanage did not open until a half century later (1790) in South Carolina, with 115 orphans. Others followed in New York City, Philadelphia, and Baltimore. Moreover, the practices of abandonment and infanticide changed after the American Revolution. As women were increasingly seen as the nurturers and primary educators of a new democratized citizenry, women's political significance rose, and the ideal for American womanhood came to include education and patriotism. Simultaneously, a complexity of changes in the practices of religion, law, and punishment softened the consequences to mothers whose infants were born out of wedlock. As women were less compelled to hide such pregnancies, the result was a reduction in infanticide and an increase in the number of children left to foundling homes.

By the end of the Civil War in 1865, the deaths of more than 600,000 men had increased the number of dependent children, tripling in New York City alone the number of children in almshouses and asylums. The New England Home for Little Wanderers, established in 1865 for children of Civil War veterans, began a trend of sending such children westward for the purposes of adoption. By the end of the 1800s, as the number of deserted babies became a monumental and growing problem, both general hospitals and the Foundling Hospital in New York were under such strain that they sent trainloads of children to families in the West. But the realities of this practice—sending agents

who bungled the adoptions and lost contact with the children, unfortunate experiences with families in the West who were receiving the children—fueled a growing resistance to the “orphan trains” by parents and children's aid workers in the East. As opposition mounted, poor parents did not want their abandoned children so far away; some tried to reclaim them. Communities and families in western states complained of being a dumping ground for the little criminals in their midst. Despite the criticisms, New York Children's Aid Society and other agencies continued sending children west until the 1930s.

The era's notorious “baby farms,” ostensibly places that boarded infants for the state or for individual parents for profit alone, developed a reputation among Society for the Prevention of Cruelty to Children reformers as slaughterhouses for abandoned babies. There was nothing new, certainly, about infanticide, directly or indirectly accomplished, as a method for getting rid of unwanted babies. Abortion was expensive in the late 1800s and increasingly illegal. For individuals with illegitimate babies, or for whom additional children presented crushing economic liabilities, the choices were typically stark and agonizing. Without insurance or relief programs, a number of parents chose to abandon their infants. Each year in large cities, authorities found hundreds of tiny bodies in culverts, cesspools, trash bins, and rivers. In some instances, mothers left babies in public places so people could find them. Foundling asylums tried to save deserted infants, but typically the mortality rates were frightening, sometimes ranging more than 90%. Baby farmers claimed to do better, but some of them simply killed and disposed of unwanted babies, either because customers did not pay the boarding fees or as a preferred business practice. By the late 1800s, sensational accounts about infanticide for profit and underground traffic in children and child abuse attracted widespread attention. While baby farms were both an out and a job for poor or working-class women, they were an affront to middle-class sentimentalized images of motherhood.

#### CONCLUSION

In the early 21st century, concerns over child abandonment include the urban homeless and children made stateless by war and other political dislocations. They may be the children of long-term exiles, the displaced, and refugees. At the same time, more attention is being paid to the appropriateness of assuming the Western model of the nuclear family to be normative. Globally, normative childhoods vary along lines of class, caste, location, and tradition. In many countries, for example, responsibility for the upbringing of the child resides as much with extended family or unrelated adults as with the biological parents. In some developing nations, fostering out children may have the intention of apprenticeship rather than abandonment.

Over the past century in the West, ideas about children

as objects of welfare evolved into a conceptualization of children as the subjects of human rights, culminating in 1989 with the United Nations Convention on the Rights of the Child, which made humanitarian concerns for the child a matter of international responsibility. UNICEF estimated in 2003 that 6 million children were homeless as a consequence of war, with millions more orphaned by the AIDS pandemic. Where abandonment and infanticide were historically defined as consequences of parental distress and individual actions, today the causes are equally global, political, and epidemic.

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**SEE ALSO:** Abuse and Neglect; Baby and Child Selling; Child: Historical and Cultural Perspectives; Foster and Kinship Care; Orphanages

**FURTHER READING:** Nancy Schrom Dye and Daniel B. Smith, "Mother Love and Infant Death, 1750–1920," *Journal of American History* 73, no. 2 (September 1986), pp. 329–53. • John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance*, 1988. • Viviana Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children*, 1994. • Colin Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times*, 2002. • Stephen O'Connor, *Orphan Trains: The Story of Charles Loring Brace and the Children He Saved and Failed*, 2004.

**ABILITY GROUPING.** Tracking, or the sorting of students by perceived ability, is a widespread practice in American schools. Tracking has changed from the early 20th century, when students were sorted into overarching sets of classes that were all college-preparatory or all vocational. Contemporary tracking takes the form of different levels of classes by subject area.

While tracking is intended to allow for the tailoring of instruction to particular ability levels, it is not without serious concerns. Research consistently demonstrates that tracking offers inadequate instructional opportunities to students in the lower tracks, thereby hurting their academic attainment. Students in lower-tracked classes have less experienced teachers, encounter lower expectations, and do not engage with curricula emphasizing critical thinking skills.

Researchers also argue that tracking plays a central role in perpetuating race- and class-based inequality in American society, as students of color from low socioeconomic backgrounds are disproportionately assigned to the lower academic tracks, irrespective of academic achievement. They have documented ways in which privileged parents use their power to place their children in higher tracks even when they did not qualify, undermining the pedagogical rationale of tracking.

Moreover, critics of tracking question traditional notions of ability and intelligence that underlie tracking assignments. Some have raised questions about how educators can assign students to tracks when ability is not fixed

or easily assessed. When should the assignment practice start, and should "late bloomers" be relegated to inadequate educational opportunities in the low track? In addition, research indicates that it is extremely rare for students to move up in tracks once they are assigned to the lower tracks. These and other concerns led many politicians and state education agencies to publicly condemn tracking in the late 1980s and 1990s.

Advocates of mixed-ability grouping (sometimes called "detracking") attempt to address the problems associated with tracking. Proponents of mixed-ability classrooms and schools advocate grouping students heterogeneously so that all students have access to a high-level, college-bound curriculum with more equitable resources. Detracking has met with strong resistance, often from concerned parents of students who were previously in the higher tracks, who fear that mixed-ability groups will hurt their child's education. At the heart of the skepticism are the following questions: What is the effect of mixed grouping on student achievement? Are either low- or high-achieving students hurt when they learn in mixed settings? A considerable body of research addresses these questions.

Research consistently demonstrates that low- and middle-achieving students gain more in mixed-ability environments than in homogeneous, tracked classrooms. For example, Maureen T. Hallinan and Warren N. Kubitschek found that students who were assigned to higher ability groups gained more on standardized tests, on average, in comparison to students of comparable ability assigned to lower-ability groups. Researchers explain such results as effects of more enriching classroom environments, higher expectations, more resources, and more challenging curricula.

What about high-achieving students? The research results here are less conclusive. Some researchers, such as Robert Slavin, report no significant difference in achievement between high achievers learning in homogeneous or heterogeneous classes. Slavin bases his conclusion on a meta-analysis (a statistical analysis of statistical effects found in other studies) that compared the achievement gains made by students in each ability group (low, average, and high) in both ability-grouped and mixed-ability settings. On the other hand, some researchers, such as James A. Kulik, report that the highest-achieving students enrolled in accelerated programs with a great deal of curricular enrichment lose out when they learn in mixed-ability settings. Kulik concluded that these students outperformed students of similar age and IQ enrolled in nonaccelerated programs by four to five months on a grade-equivalent scale of a standardized achievement test. However, in the most widely cited book on tracking, *Keeping Track* (2005), Jeanie Oakes has argued that such effects are due to challenging curriculum, not the homogeneous makeup of classes. She asserts that students assigned to the low track would similarly benefit from enriched classes.



Other research suggests that high-achieving students do not lose out, and in fact also gain, from learning in a heterogeneous classroom. In one six-year longitudinal study of students in the Rockville Centre School District in New York (2006), Carol Burris, Jay Heubert, and Henry Levin compared the math achievement of three sixth-grade cohorts who learned math in a tracked setting with three sixth-grade cohorts who learned in a mixed-ability setting. Students who learned math in mixed-ability settings enrolled in math courses beyond Algebra 2 in high school at higher percentages compared to students who learned math in tracked classes. This result was statistically significant for every subgroup: students from low socioeconomic backgrounds (67% vs. 32%), black and Latino students (67% vs. 46%), initial low achievers (53% vs. 38%), average achievers (91% vs. 81%), and high achievers (99% vs. 89%). The mean standardized test scores of high-achieving students who learned in the mixed-ability setting were statistically indistinguishable from comparable students learning in the tracked environment. In addition, more high-achieving students who learned in the mixed-ability environment took the AP calculus exam and scored higher than their counterparts in the tracked environment. These results led the researchers to conclude not only that high-achieving students are performing better in mathematics in mixed-ability classrooms, but that more students also have become high achievers in heterogeneous settings. In addition, other researchers reported that previously high-tracked students described the benefit of learning with peers who were demographically different from themselves in the mixed-ability setting. The opportunities to debate different perspectives had been much more limited in their tracked and segregated classes.

While the weight of the research literature, considered as a whole, suggests that detracking does not hurt the academic achievement of high-achieving students, several factors contribute to the divergent empirical findings on the effect of heterogeneous grouping on academic achievement. Schools practice detracking differently, making it difficult to assess the effects on student achievement across schools without specific attention to how detracking is defined across contexts. Some schools mix abilities only in certain subject areas or grade levels. Some allow students to choose the levels they want to take, some move low-achieving students with potential into higher-ability tracks with support classes, and other schools eliminate different levels entirely. Meta-analyses can fail to uncover the actual classroom practices that lead to success or failure, while case studies of individual schools are not generalizable to other settings by themselves.

However, all researchers well versed in the tracking literature would acknowledge that there are serious problems with the current practice of tracking. While skeptics of tracking insist that educators need to implement fair

placement practices and improve the quality of instruction across tracks, efforts to improve academics within tracked programs typically fail. A review of research by Jay Heubert and Robert Hauser reported no examples of typical public schools where students received high-quality curriculum and instruction in lower-tracked classes.

Detracking, however, does not automatically disrupt institutional patterns of inequality, and successful detracking requires much more than just reducing ability grouping. It involves a belief that all students can learn, the provision of multiple entry points to college-bound curricula, teaching to the full spectrum of students in a class, as well as district- and school-level supports such as backup classes and class-size reduction. Despite its challenges, mixed-ability grouping, when practiced well in a supportive context, appears a worthy reform to strive toward, holding the most promise to help all students, including formerly high-tracked students, achieve.

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**SEE ALSO:** Class Size; Giftedness; Grades and Grading; Intelligence Testing; Special Education; Testing and Evaluation, Educational

**FURTHER READING:** Anne Wheelock, *Crossing the Tracks*, 1992. • Amy Stuart Wells and Irene Serna, "The Politics of Culture," *Harvard Educational Review* 66 (Spring 1996), pp. 93–118. • Jeannie Oakes, Amy Stuart Wells, Makeba Jones, and Amanda Datnow, "Detracking: The Social Construction of Ability, Cultural Politics, and Resistance to Reform," *Teachers College Record* 98, no. 3 (Spring 1997), pp. 482–510. • Beth C. Rubin, ed., "Tracking and Detracking: Debates, Evidence, and Best Practices for a Heterogeneous World," *Theory into Practice* 45, no. 1 (February 2006), pp. 4–14. • Jo Boaler and Megan Staples, "Creating Mathematical Futures through an Equitable Teaching Approach: The Case of Railside School," *Teachers College Record* 110, no. 3 (March 2008), pp. 8–9.

## ABORTION

Psychological Perspectives

Legal and Public-Policy Perspectives

**PSYCHOLOGICAL PERSPECTIVES.** Adolescent abortions constitute 19% of the abortions in the United States every year. Abortion rates among U.S. teenagers declined from 24 to 15 abortions per 1,000 women between 1994 and 2000—a decline of 39%. Nevertheless, abortion is the most common surgical procedure performed in the United States today and one of the most controversial and contentious. Policy and programmatic decisions are influenced by abortion research, yet even where abortion is legal, research has been limited and often influenced by social, political, and religious opinions. In reference to adolescents, abortion is even more controversial. A common assumption that influences policies is that younger age impedes postabortion psychological adjustment. The most common restriction to abortion access is the requirement in some states for parental involvement or consent for adolescents seeking abortion. The question of whether minors are at increased

risk for negative psychological outcomes related to abortion thus has legislative implications and implications for whether minors have a greater need for pre- and postabortion supportive services than older women. Although the limited research evidence on the question is complex and mixed, strong claims about psychological harm cannot be sustained.

Indeed, when performed by trained clinicians under sterile conditions, abortion carries fewer medical risks than childbirth. Although controversy exists about the role of confounding variables (i.e., nutrition, social support), it appears that pregnancy poses greater medical risks for adolescents younger than 15 years of age than for women who are 18 years or older. Younger age, however, does not increase the medical risks of abortion, except in that minors are more likely to delay abortion, thereby subjecting themselves to risks associated with abortion at later gestational age. Furthermore, claims of increased risks of breast cancer or infertility due to abortion have not been proved. In addition, research on adolescents' psychological responses to abortion does not suggest increased risk of maladjustment to induced abortion.

#### HISTORY AND CONTROVERSIES

Research on the psychological impact of induced abortion is wrought with methodological problems, including failure to account for preexisting mental health conditions associated with both unintended pregnancy and subsequent negative outcomes; poorly defined measures of mental health; atheoretical research; small sample sizes; limited follow-up periods (as short as a few hours); information bias related to underreporting of abortion; selection bias related to, among other factors, differential access to abortion within and between countries; the choice of inappropriate comparison groups to address the research question; and failure to control for confounding factors.

Some of these factors may be particularly relevant among adolescents. For example, with regard to preexisting mental health conditions, rates of major depression among women are highest for those between the ages of 15 and 19, and adolescents use avoidant coping strategies to a greater degree than do young adults and have a lower sense of self-efficacy to resolve stressful situations. In addition, minors experience greater personal conflict when it comes to abortion than adult women. This parental and/or partner conflict as it relates to abortion decision making can influence psychological adjustment to the procedure.

#### STATE OF THE EVIDENCE

Previous systematic critiques of the evidence on postabortion mental health have suggested that the evidence is confusing and inconclusive and that long-term negative sequelae from abortions are rare. The body of peer-reviewed literature on psychological outcomes related to abortion

is small, and even fewer studies address the relationship between age and psychological responses to abortion. Available studies on adolescent psychological response to abortion show heterogeneous findings. The more rigorous studies that address many of these limitations mentioned found little indication of long-term negative impact following abortion, and some studies suggested that some adolescents may have benefited from the termination. Other evidence suggests that adolescents may have negative reactions to abortion. For example, in comparisons of responses of adult and adolescent women to abortion, adolescents reported greater psychological distress following abortion as compared with the adults. Adolescents reported they felt uninformed and pressured to have an abortion. These findings should be assessed with the knowledge that the study groups for the studies were both drawn from support groups for women experiencing negative reaction to abortion. Thus, women in this group were already experiencing poor postabortion adjustment, making it difficult to generalize to the entire population of adolescents undergoing abortion.

Legal restrictions on abortion do not affect its incidence; however, legal restrictions often most impact those least able to consent or advocate on behalf of their own health, including adolescents. Studies outside of the United States on abortion and adolescents have found that even in contexts where abortion is legally restricted, abortion may have both positive and negative impact on outcomes for younger women. One study in Brazil (where abortion is highly legally restricted, yet the abortion rate is nearly twice that of the United States) found that adolescents who aborted had greater increases in self-esteem and educational outcomes than adolescents who carried a pregnancy to term. Another set of studies from New Zealand (where abortion is legal, but restricted) found that compared with young women who did not seek an abortion, young women who terminated had significantly better education outcomes but higher rates of psychological problems.

Results from some studies reveal that postabortion adjustment may vary by race. Evidence suggests that there is an independent role of culture in decision making around unintended pregnancy. However, how that manifests itself may differ by race. In a study of 360 urban African American girls, the subsample who terminated a pregnancy were no more likely to experience stress, anxiety, or psychological problems than their counterparts who delivered. In a study of 56 Latino (Puerto Rican, Dominican, and Central and South American) adolescents, those who terminated had lower self-esteem than those who delivered. These findings indicate that universal statements about adolescent psychological adjustment to abortion may mask important racial differences.

There is some evidence to suggest that an assessment of partner support, parental conflict, coping strategies, and a

self-efficacy appraisal for coping with abortion may play an important predictive role in postabortion adjustment in minors. In spite of the heterogeneity in study quality and findings, there is little evidence to support that adolescents are at a significantly increased risk of postabortion psychological maladjustment, such as depression or anxiety, as compared with older women.

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**SEE ALSO:** Childbearing, Adolescent; Contraception

**FURTHER READING:** N. E. Adler, H. P. David, B. N. Major, S. H. Roth, N. F. Russo, and G. E. Wyatt, "Psychological Responses after Abortion," *Science* 248 (1990), pp. 41–44 • L. M. Pope, N. E. Adler, and J. M. Tschann, "Postabortion Psychological Adjustment: Are Minors at Increased Risk?" *Journal of Adolescent Health* 29 (2001), pp. 2–11. • W. Quinton, B. Major, and C. Richards, "Adolescents and Adjustment to Abortion: Are Minors at Greater Risk?" *Psychology, Public Policy, and Law* 7 (2001), pp. 491–514. • Alan Guttmacher Institute, "U.S. Abortion Rate Continues to Decline, Especially among Teens," 2002. • D. M. Fergusson, J. M. Boden, and J. L. Horwood, "Abortion among Young Women and Subsequent Life Outcomes," *Perspectives on Sexual and Reproductive Health* 39, no. 1 (2007), pp. 6–12.

**LEGAL AND PUBLIC-POLICY PERSPECTIVES.** In the 1973 landmark case of *Roe v. Wade*, the U.S. Supreme Court held that decisional authority over the outcome of a pregnancy resides with the pregnant woman. Relying on a line of cases recognizing a fundamental right of privacy under the due process clause of the Fourteenth Amendment, the Court characterized the decision to terminate a pregnancy as one that is of fundamental importance to women and therefore protected by the Constitution.

The Court, however, also made clear that the abortion right is not absolute because states have an interest in protecting the health of the pregnant woman and the potentiality of life. Seeking to balance a woman's right of choice with these interests, the Court developed its now famous trimester formula. As set out by the Court, during the first trimester neither state interest is considered of sufficient weight to justify limitations on a woman's right of choice; during the second trimester, the state's interest in the woman's health becomes compelling and justifies bona fide health-related regulations; and at the third trimester—the point of fetal viability—the state's interest in the potentiality of life becomes compelling and justifies prohibiting abortion, unless necessary to save the life or health of the pregnant woman.

In securing the right of choice, the *Roe* Court spoke in terms of all women; it did not draw distinctions based on age or capacity. However, shortly after the decision, a number of states sought to limit the rights of women younger than the age of 18 by enacting laws requiring them to either obtain the consent of or give notice to their parents before

having an abortion. The Court was soon faced with challenges to these laws, which raised the question of whether teens were included within *Roe's* promise of reproductive decisional autonomy. In addressing this issue, the Court sought to reconcile a traditional understanding of minors as dependent persons in need of protection with a more contemporary understanding of them as autonomous individuals with adultlike claims to constitutional recognition. Building upon these twin themes of dependence and autonomy, the Court opted for a compromise position that both recognizes and limits the reproductive rights of young women.

In the 1976 case of *Planned Parenthood v. Danforth*, the Court struck down Missouri's parental-consent law on the ground that minors, like adult women, have a constitutionally protected right of choice. In the Court's view, Missouri's parental-consent requirement was an impermissible intrusion into a minor's right of privacy because it provided parents with an absolute and potentially arbitrary veto power over their daughter's decision. The Court emphasized that empowering parents to overrule their daughter's decision would not improve the quality of their relationship or the functioning of the family unit.

Although it invalidated Missouri's parental-consent requirement, the Court made clear it was not suggesting that all minors can give effective consent to an abortion, thus signaling that it might accept a less-intrusive law that did not vest ultimate decisional authority in parents. Three years later, in the landmark case of *Bellotti v. Baird*, involving a challenge to the Massachusetts parental-consent law, the Court confirmed that this was the case. Like the invalidated Missouri law, the Massachusetts law required young women to seek parental consent before having an abortion; however, if a minor's parents refused to authorize the abortion, she could then seek judicial authorization for the procedure. Thus, at first glance, this law appears to have avoided the constitutionally fatal parental veto.

In evaluating the constitutionality of the Massachusetts law, the Court began from a rights perspective, reiterating that minority status does not place a young woman outside the reach of the Constitution. The Court recognized that the abortion decision is different from other decisions a young woman might be called upon to make during her teen years due to the combined weight of its fleeting and life-altering nature. Contrasting it to marriage, the Court emphasized that the abortion decision cannot wait until a young woman reaches her 18th birthday. However, the justices also expressed concern that a young woman might not be capable of making the abortion decision on her own and might fail to appreciate that an abortion was not necessarily the "best choice" for her. The Court accordingly concluded that because of the "peculiar vulnerability of children; their inability to make critical decisions in an informed, mature manner; and the importance of the parental role in chil-

drearing,” the abortion rights of a minor cannot be equated with those of an adult woman.

Seeking to balance the countervailing pulls toward autonomy and dependence, the Court constructed the “judicial bypass” compromise. Recognizing the “guiding role” of parents and their “claim to authority” over their children, the Court held that states may enact parental involvement; however, acknowledging that many parents are opposed to abortion and, if consulted, might prevent their daughter from going to court or having an abortion, the Court held that any such law must contain an alternative consent procedure, such as a court hearing, that allows a young woman to seek authorization for an abortion without parental knowledge or involvement. When measured against this standard, the Court easily concluded that by requiring a young woman to seek parental consent *before* having the right to go to court, the Massachusetts consent law impermissibly vested parents with indirect veto power over the abortion decision.

At first glance, the bypass compromise appears to strike a balanced compromise between the reproductive rights of teens and the states’ interest in protecting a historically vulnerable population. Reflecting the transitional nature of the teenage years, young women are regarded both as autonomous, rights-bearing individuals with unmediated claims to legal self-hood and as dependent members of a parent-centered family unit. However, critics have argued that the Court’s view of female adolescence ignores a body of social science literature on the decision-making capacity of teens. These critics note that the *Bellotti* Court presumed incapacity without considering any of the research that indicates that by around age 14, most teens have the cognitive capacity to reason about abortion in a complex and mature manner. Critics further note that the Court has not wavered from its fixed and narrow view of adolescent decisional capacity in subsequent cases involving challenges to parental-involvement laws despite the growing body of research on their decision-making abilities.

Additionally, the Court has been criticized for failing to take into account the fact that minors possess significant medical self-consent rights, particularly when it comes to pregnancy and other sensitive medical decisions. In *Danforth* and *Bellotti*, for example, the Court overlooked the fact that in Missouri and Massachusetts, respectively, young women who chose to carry to term, rather than abort, were vested with full decisional capacity. Advocates of minors’ rights criticize the Court for failing to consider how it was that a state could entrust a young woman to make the decision to become a mother while denying her the right to make an autonomous choice to avoid maternity.

The Court’s selective construction of adolescent reality suggests an underlying ambivalence about abortion. In fact, the Court gives expression to this ambivalence when, in discussing the desirability of parental consultation, it

explains that a state may reasonably determine that “as a general proposition, . . . such consultation is *particularly desirable* with respect to the abortion decision—one that for some people raises profound *moral and religious concerns*” (p. 640, emphasis added). The Court’s observation here suggests that abortion has acquired a deep symbolic meaning; in the final analysis, this weighted symbolism may, in the Court’s view, be what justifies treating the abortion decision differently from the decision to carry to term.

*J. Shoshanna Ehrlich*

**SEE ALSO:** Adolescent Decision Making, Legal Perspectives on; Conduct, Legal Regulation of Children’s; Medical Care and Procedures, Consent to; Procreate, Right to; Rights, Children’s

**FURTHER READING:** Donald N. Bersoff and David J. Glass, “The Not-So Weisman: The Supreme Court’s Continuing Misuse of Social Science Research,” *University of Chicago Law School Roundtable* 2, no. 1 (1995), pp. 279–302. • J. Shoshanna Ehrlich, “Grounded in the Reality of Their Lives: Listening to Teens Who Made the Abortion Decision without Parental Involvement,” *Berkeley Women’s Law Journal* 18 (2003), p. 61.

## ABUSE AND NEGLECT

Historical and Cultural Perspectives  
Effects on the Child  
Legal and Public-Policy Perspectives

**HISTORICAL AND CULTURAL PERSPECTIVES.** The concept of child abuse and neglect and the public response to it reflect historical and cultural influences. In the United States, the definition has evolved to provide a justification for local authorities to intervene into families to protect children. While the federal government sets mandatory requirements that each state establish a system to protect children from abuse and neglect, the definition of abuse and neglect is left to the states and over time has expanded to include emotional abuse, medical neglect, educational neglect, and sexual abuse as states have recognized these harms. Internationally, the United Nations (UN) has sought to set minimum guidelines through the Convention on the Rights of the Child and its reporting requirements that attempt to balance both the privacy of the family and cultural diversity with the health and safety of children.

The prevalence of historic or current abuse and neglect is hard to measure. A generation ago, the U.S. Congress had no accurate estimate of the numbers but worried about “thousands of children” being abused. Since a comprehensive reporting system was mandated in all states, approximately 3 million reports of abuse and neglect have been received annually. No similar comprehensive identification or reporting system exists on the international level.

## COLONIAL AMERICA

There was no generally recognized definition of abuse and neglect in colonial America. Fathers were charged with the



proper upbringing of their children and were thus responsible for educating and training them to be productive citizens of the community. Corporal punishment was widely accepted and even expected; children could be considered “neglected” if they were not being raised as upstanding citizens. As early as the 1640s, colonial laws gave community members authority to supervise child rearing. In 1642, Massachusetts Bay enacted a law, to be enforced through the courts, that children could be removed from their parents’ home involuntarily, based upon the manner in which parents were raising them. This law did not distinguish biological children from apprentices, another category of dependent persons who lived under the rule of male household heads.

#### THE 19TH CENTURY

In the middle of the 19th century, the first reported cases of criminal prosecutions against parents for beating their children changed the notion of child abuse and neglect from negligent upbringing to harm by parents. These prosecutions introduced an era when the legal system began to intervene into family life to protect children from physical assaults at the hands of their parents.

The early cases that prosecuted parents for physical assaults illustrate the historical hesitancy of the court to infringe on parental authority on the basis of allegations of physical beatings by fathers. Courts debated whether it was the state of mind of the parent when perpetrating the beating, the instrument used in the beating, the excessiveness of the beating, or the injury caused by the beating that should constitute evidence of abuse sufficient to sustain a prosecution. In *Johnson v. State*, the court reasoned: “The right of parents to chastise their refractory and disobedient children, is so necessary to the government of families, to the good order of society, that no moralist or law-giver has ever thought of interfering with its existence. . . . But at the same time, . . . in chastising a child, the parent must be careful that he does not exceed the bounds of moderation, and inflict cruel and merciless punishment.” Courts searched for objective measures of actionable abuse to avoid overintrusion into “family government.” One 1886 North Carolina case stated, “the test . . . of criminal responsibility is the infliction of *permanent injury* by means of the administered punishment, or that it *proceeded from malice*, and was not in the exercise of a corrective authority” (emphasis added).

These criminal prosecutions are contemporaneous with the 1874 case of “Mary Ellen.” The case was championed in the front pages of *The New York Times*. It was brought by leaders of the New York Society for the Protection of Cruelty to Animals, heralding an era of private philanthropic agencies acting on behalf of abused children. By 1880, 33 such societies existed in the United States, most of them in the business of rescuing both animals and children. No statewide definitions of abuse were enforced at this time in

history, but the understanding that children could be physically mistreated by their parents and that a legal response to such mistreatment was possible was emerging in criminal and civil law.

#### THE 20TH CENTURY

A seminal event in the history of the definition of child abuse and neglect was the 1962 publication of an article titled “The Battered Child Syndrome” by Dr. C. Henry Kempe. With new knowledge about injuries that could be caused only by abusive behavior, states moved to codify their response. Between 1963 and 1967, every state passed a statute requiring some form of reporting of child abuse. Each state established its own definition of the term *abuse* or *abuse and neglect* to trigger the reporting system. State definitions varied in terms of the definition of abuse, neglect, perpetrator, and mandated reporter. The narrowest definition covered only serious physical abuse. More comprehensive state laws explicitly included various forms of sexual abuse and medical or educational neglect.

Kempe played an integral role in the 1973 U.S. Senate hearings and in the design of the first federal legislation addressing child abuse and neglect, the Child Abuse Prevention and Treatment Act (CAPTA). Under the tight stewardship of Senator (later Vice President) Walter Mondale, the hearings that preceded passage of this act were limited to examining child abuse as instances of deviant, severe physical abuse within families by parents. These could be contained and addressed with a limited governmental response, which was, in Mondale’s view, all that was politically feasible at the time. Despite the limits on the hearings, the definition of child abuse and neglect in CAPTA was “physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child’s welfare.”

CAPTA initiated a federal response to child abuse. The key state response to child abuse became the mandatory reporting, investigating, and record-keeping system that is commonly known as the child protective services system. While all states had some form of reporting law in place before CAPTA, all had to be reexamined to comply with CAPTA mandates, including the broad definition of abuse and neglect in the federal statute in order to receive the federal funding available under the statute.

#### THE CURRENT CHILD PROTECTION SYSTEM IN THE UNITED STATES

Since the 1960s, the child protective services system has been triggered by a report of abuse or neglect as defined in state law under the requirements of CAPTA. Increasingly, witnesses to domestic violence are the source of such reports, which are made to the hotlines that federal law requires every state to operate. If a reporter provides information to the hotline operator that meets the definition of

abuse or neglect, the report triggers investigation by the local child protection agency.

Mandated reporting of abuse reflects the *parens patriae* power of the state. Reporters generally are persons who work in professions or roles that bring them into contact with children, but the definition of mandated reporters and the list of professions mandated to report varies from state to state. If these professionals or lay community members suspect or believe that children with whom they come into contact are suffering from abuse or neglect, confidentiality and privilege are forfeited and the professionals are mandated to report the abuse or neglect to the state-operated child protection system.

#### CURRENT DEFINITIONS IN INTERNATIONAL LAW

After a generation of mandatory reporting in the United States and compilation of comprehensive data on domestic abuse and neglect reporting, President George H. W. Bush and advocates from around the world called for focused meetings and sessions on children's issues that ultimately led to the drafting of the UN Convention on the Rights of the Child (1989). Article 1 of this document defines *child* as "[e]very human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier." Article 19 defines violence against children as "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse."

The Convention sets up a system of reporting from each signatory country. These reports have led to additional inquiries and specialized reports. The World Health Organization's (2002) *World Report on Violence and Health* defines abuse as "the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development or dignity." More complete definitions of abuse are emerging in international documents, and these influence the scope of data collected and the range of practices that are criticized. According to the UN's (2006) *Report of the Independent Expert for the United Nations' Study on Violence against Children*, at least 106 countries do not prohibit the use of corporal punishment in schools, 147 countries do not prohibit it within alternative-care settings, and as yet only 16 countries have prohibited its use in the home. Discussions of corporal punishment within a larger discussion of violence against children illustrate how once-accepted cultural practices can be documented and called into question. Whether there will be the political will to limit the authority to use corporal punishment is still unclear.

The UN report also cites studies on the causes and distribution of violence against children. Young children, these

studies find, face the greatest risk of physical (nonsexual) violence, while those who have reached puberty or adolescence are the primary victims of sexual violence. Boys are at greater risk of physical violence than girls, while girls face greater risk of sexual violence, neglect, and forced prostitution. Other vulnerable groups include children with disabilities, those from minorities and other marginalized groups, "street children" and those in conflict with the law, and refugee and other displaced children. The report lists economic development, status, age, and gender among the many factors associated with the risk of violence. A final consideration is domestic violence against adults in the home. Citing risk rates equal to those in most U.S. estimates, a recent study in India found that domestic violence doubled the risk of child abuse. *Susan Vivian Mangold*

**SEE ALSO:** Corporal Punishment; Discipline and Punishment; Helfer, Ray(mond) E(ugene); Kempe, C(harles) Henry; Property, Children as; Sexual Abuse

**FURTHER READING:** Susan Vivian Mangold, "Challenging the Parent-Child-State Triangle in Public Family Law: The Importance of Private Providers in the Dependency System," *Buffalo Law Review* 47 (1999), pp. 1397-456.

**EFFECTS ON THE CHILD.** Children who are abused or neglected present a challenge to understanding the consequences of early adverse experiences. While all children who experience abuse and neglect are at risk for a range of adverse outcomes, research has found that not all exhibit negative consequences. This variability in outcome suggests that multiple levels of risk and protective factors must be considered in understanding the consequences of child maltreatment.

Forty-five years of research examining the consequences of child abuse and neglect has made great strides in identifying biological, psychological, and social outcomes. Short-term consequences are those generally thought of as experienced either immediately or during childhood, while long-term outcomes are those that persist into adult years. This distinction reflects a concern with children's current circumstances as an indicator of child "well-being," versus indicators of what will impact their later development, or "well-becoming."

The complexity of child maltreatment, and its identification, limits understanding of its consequences. First, child maltreatment is thought to be underreported, meaning that research on outcomes relies on a biased population that is usually limited to those children who are reported to child protection agencies. Second, child protection agencies determine whether reported cases are valid, introducing further bias because standards are often inconsistent, both within and between agencies. Third, child maltreatment is heterogeneous, encompassing a range of experiences, from emotional deprivation to physical assault, and children usu-