Abuse of children is not entirely a modern phenomenon but the definition and classification of abusive practices has changed. Modern concepts of child abuse date only from the 1880s in France. Child abuse in twentieth-century terms of emotional and physical assault, neglect, abandonment, and sexual molestation was not considered a crime during most of the past century. Prior to the 1880s, only two acts, abortion and infanticide, constituted crimes against children. Child abandonment, rather than a crime, was the state supported, societally acceptable alternative to abortion and infanticide. After abandonment, malnourishment and neglect of these children, even to the point of death, likewise were not crimes. With changes in attitudes of the 1880s, parental neglect, assault, and starvation of children became defined as child abuse as did perceived immoral behavior of the parents such as habitual drunkenness and debauchery. Under these new definitions of abuse, state officials could deprive parents of their legal rights and make the children wards of the state for their own protection. The state became in loco parentis. This essay explores the changing perceptions of child abuse, and the increasing state intervention for the care of abused children after the 1880s.

INTRODUCTION

Popular rock singer Pat Benatar has recorded the hit song “Hell Is for Children” in which she details modern forms of child abuse, such as beating and incest. And stories of child abuse, in one form or another, fill the columns of today’s newspapers. In its mildest form, young children are left unattended at home all day; in its most severe forms—beating, mutilation, starvation, incest, and abandonment on public property—children are actively, horridly maltreated. Of course, such stories make good press, and perhaps there are so many of them not because the incidence of abuse is increasing but because the journalistic value of the stories sells papers by shocking us and

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arousing our pity for the poor, helpless children who are victimized by the adult world. But the rhetoric of commentators, reformers, and journalists deplors the increasing incidence of abuse. Such rhetoric is not new; indeed, it echoes—with remarkable similarity—that of a century ago in France.

Although child abuse in all its forms plays upon our sensitivities about how children should be nurtured, parental abuse of children is far from a modern phenomenon. It goes back at least to the practice of some Greek and Roman parents two thousand years ago who left deformed or female babies on roadsides to die. In nineteenth-century France, child abuse was rampant enough to inspire concerted agitation to curtail it. The national government both defined the crime of child abuse and instituted provisions for the abused child. Ironically, child abuse in twentieth-century terms of emotional and physical assault, willful neglect, and sexual molestation was not even considered a crime by nineteenth-century moralists and authorities during most of the century. Prior to the 1880s, only two acts, abortion and infanticide, constituted crimes against children. And the law held women, not men, responsible for both “crimes.” Child abandonment was not a crime, however much authorities deplored it and considered mothers who abandoned their children as immoral. The state, in fact, condoned the practice to prevent even greater evils, abortion and infanticide.

The 1880s saw a major shift in attitudes. Men for the first time bore some of the responsibility for forms of child abuse. In cases in which either or both parents in the 1980s sense abused—neglected, beat, or starved—their children or by their own “immoral” behavior—drunkenness, debauchery—set a bad example, state officials could deprive the parents of their legal rights of parental authority: remove children from the home and make them wards of the state. Since fathers exercised parental authority under the law, this deprivation was really that of paternal authority. This essay explores the changing perceptions of child abuse in nineteenth-century France, the increasing state intervention for the care of “abused” children, and the lack of state penalties for “abusive” parents.

ACKNOWLEDGED CRIMES AGAINST CHILDREN

In the 1980s, members of the Moral Majority and the Right to Life movement see abortion as a crime—murder—against a child. Although early nineteenth-century clerical and secular authorities did not see abortion as murder, Article 317 of the Napoleonic Code of 1801 outlawed abortion and made it a criminal act. As Angus McLaren has shown (McLaren, 1978) this article was unenforceable. Throughout the nineteenth century, particularly after the 1880s, abortion was the ultimate form of birth control, employed when other methods failed and women wanted to limit their family size. While technically a crime, the number of people prosecuted was small and even fewer were convicted. Abortion was hard to prove. How could authorities decide if a miscarriage was spontaneous or the result of abortifacients? Despite few prosecutions, the literature, especially the reports of doctors, reveals that many women resorted to abortion, either self-induced or performed by midwives. Women sought medical help from doctors without reluctance, if needed, and readily described the abortion. Although the practice was a crime against the child under the law, both the state and the