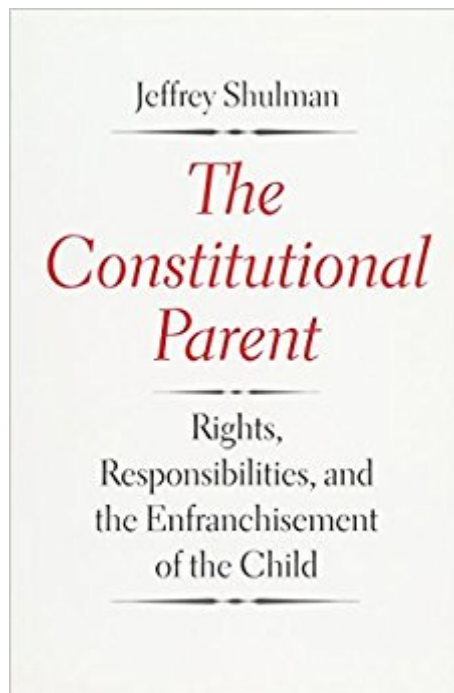




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The Constitutional Parent: Rights, Responsibilities, And The Enfranchisement Of The Child



Synopsis

In this bold and timely work, law professor Jeffrey Shulman argues that the United States Constitution does not protect a fundamental right to parent. Based on a rigorous reconsideration of the historical record, Shulman challenges the notion, held by academics and the general public alike, that parental rights have a long-standing legal pedigree. What is deeply rooted in our legal tradition and social conscience, Shulman demonstrates, is the idea that the state entrusts parents with custody of the child, and it does so only as long as parents meet their fiduciary duty to serve the developmental needs of the child. Shulman's illuminating account of American legal history is of more than academic interest. If once again we treat parenting as a delegated responsibility; as a sacred trust, not a sacred right; we will not all reach the same legal prescriptions, but we might be more willing to consider how time-honored principles of family law can effectively accommodate the evolving interests of parent, child, and state.

Book Information

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Customer Reviews

"This beautifully written history is enormously important to the current debate about the state's ability to protect children. Shulman's compelling story of the constitutional parent brings new light to the issues, and new support for child rights." —Elizabeth Bartholet, author of *Family Bonds and Nobody's Children* (Elizabeth Bartholet) "This deeply learned, beautifully written, and courageous book should be read by anyone who cares about the fraught relationship between children, parents, and the state." —Louis Michael Seidman, author of *On Constitutional Disobedience* (Louis Michael Seidman) "This book is a watershed moment in the trajectory of

scholarship on parents' rights, and the state's obligations, over and toward the education and well-being of children. It is a brilliant book in several respects: it is at once rigorous and intellectual, but also passionate, intense, and central to the well-being of our polity." Robin West, author of Normative Jurisprudence (Robin West) "The Constitutional Parent combines rich historical and normative analysis in novel ways to mount a compelling critique of prevailing assumptions about parental entitlement to control children's lives. It is a fascinating read." James Dwyer, author of The Relationship Rights of Children (James Dwyer) Winner of the thirty-seventh annual Alpha Sigma Nu book Awards in the Professional Studies category, in the discipline of law. (National Book Awards Alpha Sigma Nu 2016-10-12)

Jeffrey Shulman teaches constitutional family law and legal writing at Georgetown Law. He lives in Frederick, MD.

What best serves a child's welfare is a paramount legal consideration in issues concerning parent-child relations. If parents fail to fulfill the best interest of the child standard such as in cases of abuse, bizarre religious beliefs, or failure to educate their child, the state may intercede. Despite this long held tradition, it is a common presumption that parents have a fundamental right to raise their child as they wish without state interference. In this wonderful book, Shulman argues against the notion that parents have a sacred right to control their child's upbringing. Parents, he emphasizes, are entrusted with their child's upbringing. It is best to think in terms of duties, rather than rights. This notion, contrary to the beliefs of the parents' rights movement is the predominant tradition in American law. Shulman reviews the history of important legal decisions, brilliantly integrating psychological, social and jurisprudential perspectives. The book is written clearly and passionately. It is what we have been waiting for. Everyone interested in the well-being of our children will benefit from reading it.

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