

CHILDREN AND CITIZENSHIP: THE HISTORICAL CONSTRUCTION OF CHILDREN'S RIGHTS, CHILDREN'S AGENCY, AND THE CHALLENGES OF SOCIAL PARTICIPATION

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Abstract

This study analyzes childhood as a social category through four strands of the theoretical framework. The first discusses the historical construction of childhood, demonstrating the transition from social invisibility and the welfare-based model to the conception of the child as a rights-bearing subject. The second strand examines the relationship among education, the State, and citizenship, investigating how public policies and schools contribute to the formation of children as social subjects and to the promotion of a democratic education oriented toward autonomy. The discussion then addresses children's agency and contemporary citizenship, highlighting the importance of active listening and the structural challenges involved in overcoming adult-centric frameworks in order to ensure minors' effective social participation. Finally, the fourth strand addresses the legal protection of children in Brazil by analyzing the Child and Adolescent Statute under the principle of comprehensive protection and tracing the path from the Child and Adolescent Statute to citizenship. The study concludes that this legislation reconfigures the relationship between the State and childhood. The theoretical discussion shows that children's social emancipation depends on overcoming cultural barriers and strengthening community spaces that validate their voices. Children's agency thereby ceases to be a theoretical concession and becomes a means of consolidating the rights established in the Child and Adolescent Statute.

Keywords: Child and Adolescent Statute, Children's Agency, Democratic Education, Human Rights, Social Participation.

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INTRODUCTION

Understanding childhood as a social category endowed with its own rights represents one of the greatest transformations in modern legal, philosophical, and sociological thought. For much of history, children were not recognized as autonomous rights-bearing subjects but were instead regarded as individuals preparing for adulthood and subject to decisions and values defined by adults. This conception produced the historical invisibility of childhood, excluding children from spaces of social and political participation. Beginning with the transformations that occurred primarily between the eighteenth and twentieth centuries, however, childhood came to be understood as a distinct stage of human life, characterized by its own needs, rights, and forms of participation.

Philippe Ariès (1981) made a particularly important contribution to this historical process, especially in his work *Social History of the Child and the Family*, in which he analyzes the historical construction of the modern notion of childhood. According to Ariès (1981), childhood as it is understood today did not exist as a fixed category in all societies but resulted from cultural and social changes. His analysis indicates that, during the Middle Ages, children were often integrated into the adult world as soon as they had acquired a certain degree of physical capability, with no clear separation between the worlds of children and adults. The recognition of childhood as a unique stage of human development therefore constitutes a historical achievement.

This transformation was also grounded in modern philosophical thought. In *Emile, or On Education*, originally published in 1762, Jean-Jacques Rousseau (1995) made a significant break with traditional conceptions by arguing that children possess characteristics of their own and should not be treated as incomplete adults. According to Rousseau (1995), childhood has intrinsic value and must be respected throughout its different stages of development. This perspective contributed to the construction of a view in which protecting childhood means recognizing children's inherent dignity and ensuring appropriate conditions for their development.

In dialogue with this perspective, John Locke (1999) also made a significant contribution to the debate on child development by advancing the idea of the mind as a *blank slate*. In *An Essay Concerning Human Understanding*, Locke (1999) argues that human knowledge is constructed through lived experience. When applied to childhood, this conception underscores the importance of family, educational, and social environments in the development of individual capacities. Children's citizenship thus depends not only on the formal existence of rights but also on the conditions provided for children to develop autonomy and participate in society.

Recognizing childhood as a protected stage of life does not, however, mean separating children from society; rather, it entails understanding their position as developing subjects. In this regard, the contemporary concept of citizenship has broadened beyond the political rights traditionally associated with adults to encompass social, educational, and protective dimensions. Children, once viewed as objects of guardianship, have come to be understood as rights-bearing subjects, as internationally established by the United Nations Convention on the Rights of the Child (UN, 1989) and, in Brazil, by the Federal Constitution of Brazil (Brazil, 1988) and the Child and Adolescent Statute (Estatuto da Criança e do Adolescente—ECA, Brazil, Law No. 8,069/1990).

The central problem addressed by this essay concerns the following question: How can the relationship between democratic education and the Child and Adolescent Statute give effect to children's agency and social participation as fundamental human rights? This reflection is based on the understanding that children's citizenship should not be limited to legal protection but must also involve the creation of spaces in which children can express their opinions, participate in decisions, and be recognized as active members of society.

Accordingly, this essay aims to investigate how the Child and Adolescent Statute safeguards human rights during childhood by promoting children's agency and social participation through democratic education. To this end, it develops a bibliographic and reflective analysis that brings together contributions from philosophy, sociology, childhood studies, and Brazilian legislation. The discussion

seeks to demonstrate that guaranteeing citizenship to children requires overcoming a historically paternalistic view and recognizing childhood as a fundamental social dimension in the construction of a democratic society.

THEORETICAL FRAMEWORK

THE HISTORICAL CONSTRUCTION OF CHILDHOOD: FROM INVISIBILITY TO THE RIGHTS-BEARING SUBJECT

The understanding of children as rights-bearing subjects is the result of a long historical process marked by cultural, philosophical, social, and legal transformations. Although childhood is a condition present in every human society, it has not always been understood as a distinct stage of life with its own needs. For centuries, children were incorporated into social structures dominated by an adult-centric perspective, regarded as dependent on family authority, and denied recognition as participants in the public sphere. Children's citizenship, therefore, did not emerge immediately but resulted from profound changes in how society came to understand children, their education, and their social role.

Philippe Ariès's contribution (1981) became fundamental to childhood studies within this historical trajectory. In *Social History of the Child and the Family*, Ariès (1981) argues that the modern notion of childhood was not universally present in societies prior to modernity. According to the author, medieval children were gradually incorporated into the adult world, particularly after their earliest years, and there was no clearly defined separation between children's and adults' experiences. This analysis demonstrates that childhood should not be understood solely as a biological stage but also as a social construction shaped by the values and structures of each historical period.

Ariès's perspective (1981) makes it possible to understand the recognition of childhood as a specific social category as a historical achievement. The creation of institutions dedicated to children, such as schools, protection systems, and specific public policies, demonstrates that modern society began

to attribute new meanings to child development. Children ceased to be regarded solely as part of the family structure and began to occupy a prominent position within social and political concerns.

Changing perceptions of childhood were also influenced by Enlightenment ideas, particularly the thought of Jean-Jacques Rousseau (1995). In *Emile, or On Education*, Rousseau (1995) argues that children possess a nature of their own and that their development should respect their particular stages. For the philosopher, education should not simply shape children according to external interests but should instead accompany their natural development and recognize their specific needs. This conception breaks with the idea that children are merely incomplete adults and attributes intrinsic value to childhood.

This recognition of the value of childhood had significant implications for the concept of citizenship. If children possess a social existence of their own, their protection and development cease to be merely the private responsibilities of the family and become collective concerns. In this sense, children's citizenship begins with recognition of the right to be a child—that is, the right to development, education, care, and participation.

From another perspective, John Locke (1999) contributed to this discussion by presenting a view based on the influence of experience on human development. In *An Essay Concerning Human Understanding*, Locke (1999) develops the idea of the mind as a *blank slate*, indicating that knowledge and values are constructed through lived experiences. In the field of childhood, this theory reinforces the importance of education and the social environment in shaping individuals.

The relationship between education and citizenship therefore becomes a central element. Children are not born prepared to participate in society; rather, they develop their capacities through relationships established with their families, schools, and communities. Accordingly, guaranteeing a democratic education means enabling children to develop autonomy, critical thinking, and the ability to interact with the social world.

The recognition of childhood nevertheless faces contemporary challenges. In *The Disappearance of Childhood*, Neil Postman (1999) argues that the historically constructed boundaries between the worlds

of children and adults have been weakened, particularly by the influence of the media and new technologies. According to Postman (1999), children's early exposure to content and responsibilities traditionally associated with the adult world threatens the distinctiveness of childhood.

This reflection is relevant because children's citizenship does not mean merely inserting children into social spaces; it also means ensuring that their participation respects their characteristics and needs. Children's participation must be accompanied by protection, care, and recognition of their particular condition as developing persons.

In this sense, the historical evolution of childhood demonstrates a fundamental transition: children ceased to be understood as objects of adult intervention and came to be recognized as rights-bearing subjects. This transformation provides the foundation for current comprehensive protection models, under which childhood occupies a position of priority within public policies and legal guarantees. Children's citizenship therefore represents not only the expansion of human rights but also a change in how children's place in society is understood.

EDUCATION, THE STATE, AND CITIZENSHIP: THE FORMATION OF THE CHILD AS A SOCIAL SUBJECT

The construction of children's citizenship is directly related to the role played by the social institutions responsible for children's development and integration into society. While recognizing childhood as a social category represented a break with historical models of invisibility, it also became necessary to understand how children are introduced into the collective world and prepared to participate in society. In this respect, education, the State, and modern institutions play a fundamental role in constructing childhood as a sphere of rights, development, and participation.

Education occupies a central position in this process because it is one of the primary instruments of human and social development. According to Émile Durkheim (2011), in *Education and Sociology*, education constitutes a process of socialization through which society transmits values, norms, and

knowledge to new generations. According to the author, every society establishes certain expectations for the individuals who belong to it, and education serves as the mechanism responsible for forming subjects capable of participating in collective life.

From this perspective, schools cease to be understood merely as spaces for transmitting academic content and come to be recognized as environments in which citizenship is constructed. Within these spaces, children develop social relationships, learn to live with differences, exercise responsibility, and build forms of collective participation. A democratic education should therefore not be limited to formal instruction but must create conditions in which students have a voice and are recognized as active participants in the educational process.

This conception is consistent with Hannah Arendt's reflections (2005) on education and adults' responsibility toward new generations. In the essay *The Crisis in Education*, Arendt (2005) argues that the arrival of a child in the world represents the emergence of something new and that adults are responsible for introducing that child to the existing reality. For the author, education means presenting the world to new generations while preserving the potential for renewal that children bring.

This idea makes it possible to understand that protecting childhood should not entail exclusion or a lack of participation but should instead involve creating appropriate conditions for children to develop their autonomy progressively. The challenge lies precisely in balancing protection and participation while avoiding both neglect and the imposition of responsibilities incompatible with child development.

In addition to education, the modern State plays an essential role in guaranteeing children's rights. Drawing on the contributions of Max Weber (2004), particularly his analysis of rationalization and bureaucracy, it is possible to understand how modern societies came to organize institutions responsible for administering social rights. According to Weber (2004), the modern State is characterized by the creation of rationally organized structures based on rules, laws, and institutional procedures.

In the field of childhood, this rationalization is manifested in the creation of specific legislation, protection agencies, and public policies for children. The existence of Guardianship Councils, educational

systems, social assistance services, and legal mechanisms demonstrates that child protection ceased to be merely a private family matter and became a public responsibility.

Guaranteeing children's citizenship, however, also requires understanding citizenship in a broader sense. In this regard, the contribution of Thomas Humphrey Marshall (1967), in *Citizenship, Social Class, and Status*, is fundamental. Marshall (1967) explains that modern citizenship developed historically through the expansion of civil, political, and social rights.

Initially associated primarily with the adult world, these rights were gradually extended to include groups previously excluded from full social participation. Childhood became incorporated into this process primarily through social rights, such as education, health, protection, and development.

In this sense, children do not exercise citizenship in the same way as adults, particularly because certain political rights are subject to age-related limitations. This does not, however, signify the absence of citizenship. Children's citizenship is manifested through recognition of the child as a human person who holds fundamental rights and participates in society according to the child's own condition.

The Federal Constitution of Brazil (Brazil, 1988) and the Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) consolidate this understanding by establishing the principle of comprehensive protection. Children are recognized not as objects of assistance but as rights-bearing subjects whose dignity must be protected as an absolute priority.

Education, the State, and citizenship therefore form an inseparable relationship in the development of children as social subjects. Education facilitates the development of autonomy; the State guarantees legal and institutional instruments of protection; and citizenship recognizes children as legitimate members of society. Giving effect to these elements represents the path toward overcoming historical models of exclusion and constructing a genuinely participatory and democratic childhood.

CHILDREN'S AGENCY AND CONTEMPORARY CITIZENSHIP

The contemporary understanding of childhood has undergone a significant transformation by moving beyond the traditional view of children as passive individuals dependent exclusively on adults' decisions. Social studies of childhood have helped consolidate a new perspective in which children are recognized as subjects capable of producing meaning, participating in social relationships, and influencing the spaces in which they live. In this sense, children's agency emerges as a fundamental dimension of citizenship because it broadens the understanding that social participation should not be restricted solely to adults.

Among the authors who contributed to this shift in perspective is Jens Qvortrup (2011), a major figure in the Sociology of Childhood. According to the author, childhood should be understood as a permanent social category within the structure of society rather than merely as a transitional stage intended to prepare individuals for adulthood. Qvortrup (2011) maintains that children participate in constructing social reality in the present, even though their forms of participation differ from those of adults.

This understanding breaks with a traditional developmental view that frequently regards a child merely as a future citizen. On the contrary, recognizing childhood as a social category means understanding that children already belong to society and possess their own experiences, opinions, and ways of interpreting the world. Guaranteeing children's citizenship therefore means recognizing rights in the present rather than merely preparing children for future participation.

This perspective is also present in the so-called *New Childhood Studies* developed by authors such as Allison James and Alan Prout (1997). In *Constructing and Reconstructing Childhood*, James and Prout (1997) argue that children should be understood as social actors capable of constructing and transforming their own experiences. According to the authors, childhood should not be analyzed solely from adult perspectives; the experiences and interpretations produced by children themselves must also be considered.

The concept of children's agency is fundamental to understanding their active role. Children are not merely recipients of the social norms transmitted by the family, school, and State; they also participate actively in constructing social relationships. Their play, opinions, interactions, and forms of expression constitute legitimate modes of cultural and social participation.

Democratic education plays an indispensable role in this context. A school committed to children's citizenship must create spaces for listening and participation, enabling children to develop autonomy and critical capacity. Participation in school decisions, collective projects, and community activities helps children understand from an early age that their voices have value within society.

Recognizing children's agency does not, however, mean transferring responsibilities of the adult world to children. As Hannah Arendt (2005) emphasizes, adults are responsible for protecting new generations and introducing them to the world. Children's participation must therefore occur under appropriate conditions of protection and with due respect for children's development and the particular characteristics of childhood.

Another important element in understanding contemporary children's citizenship is the transformation of family relationships. François de Singly (2007) discusses how changes in the modern family have led to greater recognition of children's individuality. Children cease to be viewed merely as members of a hierarchical family structure and come to be understood as individuals with their own characteristics, desires, and needs.

This change contributes to a new relationship between adults and children based not only on authority but also on dialogue and listening. Children's participation begins in everyday family life, when children are regarded as capable of expressing their perceptions and participating in decisions appropriate to their age and maturity.

Despite these theoretical and social advances, challenges to realizing children's citizenship remain. Many children continue to experience exclusion, poverty, violence, and a lack of opportunities for

participation. Moreover, adult-centric cultural practices continue to hinder the recognition of children as active subjects.

In this respect, children's citizenship requires a paradigm shift: protecting children is not enough; it is also necessary to listen to them. The comprehensive protection established by the Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) must be interpreted together with the right to participation, ensuring that children are recognized as legitimate members of society.

Children's agency therefore represents an expansion of the traditional concept of citizenship. Children should not be viewed merely as individuals who will receive rights in the future but as present subjects who participate in and are capable of contributing to social construction. A democratic society can be strengthened only when it recognizes and values all its voices, including those of children.

THE LEGAL PROTECTION OF CHILDREN IN BRAZIL: FROM THE ECA TO CHILDREN'S CITIZENSHIP

The consolidation of children as rights-bearing subjects in Brazil represents one of the most significant changes to have occurred in the legal and social spheres in recent decades. For much of Brazilian history, childhood was shaped by welfare-based practices and a paternalistic approach under which children considered vulnerable were treated primarily as objects of State intervention. This reality began to change with the Federal Constitution of Brazil (Brazil, 1988), which established a new paradigm founded on comprehensive protection and recognition of children as developing persons who hold fundamental rights.

The principal milestone in this transformation is Article 227 of the Federal Constitution of Brazil (Brazil, 1988), which establishes that it is the duty of the family, society, and the State to ensure children and adolescents, with absolute priority, such rights as life, health, food, education, leisure, dignity, respect, and family and community life. This constitutional provision broke with earlier models by

establishing that childhood must occupy a position of priority within public policies and social protection measures.

On the basis of this constitutional framework, the Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) was enacted. The ECA (Brazil, Law No. 8,069/1990) represents a watershed in the history of children's rights in Brazil because it replaced the former doctrine of irregular situations with the doctrine of comprehensive protection. Whereas the previous model viewed certain children primarily as social problems to be controlled, the new paradigm recognizes all children as universal rights-bearing subjects.

The Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) establishes that children and adolescents have the right to physical, mental, moral, spiritual, and social development under conditions of freedom and dignity. Accordingly, the ECA (Brazil, Law No. 8,069/1990) does not limit child protection to preventing violations but also guarantees the conditions necessary for the full development of personality and citizenship.

This change is directly aligned with the conception of citizenship presented by Thomas Humphrey Marshall (1967), as it demonstrates the expansion of social rights to groups historically excluded from full participation. Although children do not exercise certain political rights specific to adulthood, they become part of society as legally recognized subjects whose fundamental rights are guaranteed, thereby enabling their social participation.

Education plays a central role in this process. The National Education Guidelines and Framework Law (Lei de Diretrizes e Bases da Educação Nacional, Brazil, Law No. 9,394/1996) establishes that education is intended to ensure students' full development, prepare them to exercise citizenship, and qualify them for work. Schools thus cease to be merely spaces for transmitting knowledge and come to be understood as environments for democratic development.

The relationship between education and children's citizenship is consistent with the reflections of Émile Durkheim (2011), for whom education performs an essential function in integrating individuals

into collective life. In the contemporary context, this integration should not occur through the mere adaptation of children to social rules but through the development of critical, participatory, and conscious capacities.

Another important development was the enactment of the Legal Framework for Early Childhood (Marco Legal da Primeira Infância, Brazil, Law No. 13,257/2016). This legislation recognizes the fundamental importance of the first years of life to human development and establishes specific guidelines for public policies directed toward children from birth to six years of age. The statute reinforces the idea that guaranteeing children's citizenship requires action from the earliest moments of life to ensure appropriate conditions for development.

The Menino Bernardo Law (Lei Menino Bernardo, Brazil, Law No. 13,010/2014) also warrants particular attention. It amended the Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) by establishing the right of children and adolescents to be educated without the use of physical punishment or cruel treatment. This legislation strengthens the understanding that children's dignity must be preserved in every setting, including within the family itself.

Despite these normative advances, the practical implementation of these rights remains challenging. The existence of laws does not automatically guarantee that all children will have access to the same opportunities. Issues such as social inequality, poverty, violence, and exclusion continue to restrict the realization of children's citizenship in everyday Brazilian life.

In this respect, the legal protection of children must be understood as an ongoing process of democratic construction. The ECA (Brazil, Law No. 8,069/1990) and other legislation represent fundamental achievements, but their true purpose depends on implementing effective public policies and creating a social culture that recognizes children not only as individuals who need protection but also as subjects capable of participating, expressing themselves, and contributing to society.

CONCLUSION

The analysis developed throughout this essay demonstrates that the relationship between children and citizenship is the result of a historical process marked by profound transformations in how society understands childhood. For centuries, children remained excluded from spaces of social recognition and were frequently viewed as subjects dependent on adult authority, without any participation of their own in constructing collective reality. The transition from this view to the recognition of children as rights-bearing subjects represents a fundamental achievement of contemporary human rights.

The contributions of authors such as Philippe Ariès (1981), Jean-Jacques Rousseau (1995), and John Locke (1999) demonstrate that childhood came to be understood as a distinct stage of human existence, characterized by its own needs and by the right to comprehensive development. Subsequently, the sociological reflections of Émile Durkheim (2011), Max Weber (2004), and Thomas Humphrey Marshall (1997) made it possible to understand how education, the State, and citizenship interact in the formation of the social individual, revealing that participation in citizenship depends on the conditions provided by the institutions responsible for educating new generations.

Along this trajectory, contemporary childhood studies broadened this understanding even further by moving beyond the idea that children are merely recipients of protection. Authors such as Jens Qvortrup (2009), Allison James (1997), and Alan Prout (1997) demonstrate that children are social actors capable of producing meanings, participating in collective relationships, and influencing the spaces in which they live. Children's agency should therefore not be understood as a concession granted by adults but as an inherent dimension of citizenship.

In the Brazilian context, the Federal Constitution of Brazil (Brazil, 1988) and the Child and Adolescent Statute (ECA, Brazil, Law No. 8,069/1990) legally consolidated this paradigm shift by replacing a paternalistic perspective with the doctrine of comprehensive protection. The realization of children's citizenship nevertheless continues to face obstacles related to social inequalities, exclusion, and the difficulty of transforming legally established rights into concrete practices.

In this regard, the reflections of Boaventura de Sousa Santos (2000) help explain why many historically marginalized groups remain invisible within social and political processes. When applied to childhood, this perspective demonstrates that guaranteeing citizenship to children requires overcoming a framework in which their experiences are ignored or considered inferior to adult perspectives. Constructing a truly democratic society depends on the capacity to recognize different forms of participation and knowledge.

Children's citizenship must therefore be understood as a collective commitment involving protection, education, participation, and recognition. The contemporary challenge does not consist solely in guaranteeing rights to children but also in creating spaces in which they can exercise those rights meaningfully. Childhood is not merely preparation for the future but a present stage of social life that deserves respect, attentive listening, and recognition.

The consolidation of children's citizenship thus requires a profound cultural transformation: society must abandon an exclusively protective view and move toward a participatory perspective in which children are recognized as historical, social, and political subjects. Giving children a voice means strengthening democracy itself, because a society that respects its children builds a more just foundation for its own future.

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