2017

Introduction: The Child at Risk in Modern Britain

Grey, Daniel J. R.

http://hdl.handle.net/10026.1/14274

All content in PEARL is protected by copyright law. Author manuscripts are made available in accordance with publisher policies. Please cite only the published version using the details provided on the item record or document. In the absence of an open licence (e.g. Creative Commons), permissions for further reuse of content should be sought from the publisher or author.
INTRODUCTION: THE CHILD AT RISK IN MODERN BRITAIN

Daniel J.R. Grey

Guest Editor

On 20 April 2017, the British tabloid newspaper The Sun published an article regarding a video that had been secretly recorded of the disgraced 29-year-old former footballer Adam Johnson, who is currently serving a six-year prison sentence for the sexual abuse of a 15-year-old female fan. Having originally pleaded guilty to one count of sexual activity with a child under section 9 Sexual Offences Act 2003 and one count of grooming contrary to section 15 of the Act on 10 February 2016, Johnson was convicted of a third offence of sexual activity with a child in March the same year by a jury at Bradford Crown Court. Filmed using a mobile phone illegally smuggled into HMP Moorland, the footage shows Johnson laughing with other inmates, mocking his victim, and complaining bitterly about how unfair he perceives his treatment by the criminal justice system to have been. Contrasting starkly with the remorse that he had claimed to feel at his trial, Johnson’s remarks in the video explicitly blame his victim for her own abuse and he further alleged that criminal charges would never have been brought were it not for the fact he had been a Premier-League footballer. He also claimed that the recent failure of both his attempts to appeal against his conviction, and an additional attempt to reduce the length of his sentence, were likewise the result of an unfair focus on his position, wealth, and fame, arguing that other men in a similar position would have been successful in either securing the quashing of the conviction or having their sentence substantially reduced. Perhaps most shockingly, when asked by one of the other men about whether or not he had raped the girl, he replied that

1 Daniel J.R. Grey is Lecturer in World History since 1800, University of Plymouth daniel.grey@plymouth.ac.uk. My thanks go to the contributors for this special issue, the anonymous reviewers, and colleagues at Law, Crime and History for all their help and support.
4 Sims, Wells and Perrie, ‘‘I WISH I’D RAPED HER’’.
given the length of his sentence, ‘No I wish I f***ing did for six year’.\textsuperscript{7} He also complained in regard to rape cases more generally that British men were now unfairly treated by the courts: ‘You can't do nothing now, birds can say anything’.\textsuperscript{8} Unsurprisingly, the leaked video received a good deal of public and social media attention and the story was promptly followed up by other newspapers.\textsuperscript{9} Shortly after the story broke, Johnson’s younger sister Faye, who has campaigned vociferously since his conviction for his brother's release on the grounds of its supposed injustice, made an Instagram post that was interpreted by the \textit{Daily Mail} as a show of continued support despite these comments.\textsuperscript{10}

That despite any earlier claims to feel remorse for his crimes, Johnson and his supporters continue to blame others – and in particular, to blame his victim – for what they perceive as the unfairness of his conviction and harshness of his prison sentence is deeply unpleasant, but hardly a surprise. There remains a widespread perception with deep historical roots that false allegations of sexual violence (whether against adults or children, men or women) and supposedly made out of malice, regret at a consensual sexual encounter, or a warped desire for attention, are relatively common. In fact such false reports are agreed by researchers to be minimal: the question of witness credibility therefore remains a significant and distressing challenge for all complainants to face.\textsuperscript{11} As his victim recounted in a public statement following Johnson’s conviction, ‘It’s been the hardest year of my life and I’ve had to face so

\begin{footnotesize}
\begin{enumerate}
\item[7] Sims, Wells and Perrie, “I WISH I’D RAPED HER”.
\item[8] Jones, ‘What Adam Johnson REALLY thought’.
\item[10] Alex Matthews and Richard Spillett, ‘Jailed paedophile Adam Johnson’s sister posts defiant photo of youngster in number 11 shirt as prison service investigates video of him bragging that he “should have raped” schoolgirl’, \textit{Daily Mail}, 21 April 2017.
\end{enumerate}
\end{footnotesize}
much abuse after he claimed his innocence'. 12 Initially, Johnson had denied all charges, and only entered a guilty plea on the charge of grooming and one count of sexual activity with a child at the last minute. 13 Despite his guilty pleas, Faye Johnson rapidly launched a controversial social media campaign for her brother’s release following his conviction. 14 Although all victims of sexual offences in the United Kingdom have the right to lifelong anonymity under section one of the Sexual Offences (Amendment) Act 1992, Adam Johnson’s victim received sustained and vitriolic abuse before and after the trial, including both rape threats and death threats after her identity was revealed online by those who felt that he had been maliciously accused and unfairly treated. 15 It is also worth noting that sections of the British media’s understanding of this statutory guarantee of anonymity was sufficiently poor that the former editor of The Sun, David Dinsmore, was himself later convicted for breach of the 1992 Act through having published a pixelated photo of the victim. 16 In November 2016, Faye Johnson's ex-partner Steven Knox was jailed for 16 weeks after posting photos of the girl Adam Johnson had abused on Facebook, accusing her of being a liar and a gold-digger, claiming her behaviour did not fit with that of a ‘real’ sexual abuse victim, and encouraging his friends to share and then immediately delete the pictures as a way of spreading the message. 17 Persistent and damaging myths about sexual violence, perpetrators, and how ‘real’ victims should or do act in the wake of their abuse therefore formed a key element in shaping public responses to the Adam Johnson case, just as they almost invariably do in many others. 18

15 Abi Wilkinson, ‘Adam Johnson's prison comments were predictably abhorrent – but so was the media's reporting of them’ The Independent, 22 April 2017.
17 Jenny Awford, “I don't care if I get locked up”: Ex-boyfriend of Adam Johnson’s sister is jailed for 16 weeks after he posted pictures of the footballer’s schoolgirl sex abuse victim on Facebook’, Daily Mail, 8 November 2016.
In a number of ways, then, the trial of Adam Johnson and its aftermath throws into stark relief a number of issues in relation to the prosecution of child sexual assaults and their ongoing consequences. In particular, how contemporary British society understands – or conversely fails to understand – the interlinked and interdependent issues of child abuse and child protection, despite the fact that this subject has been a regular feature of public concern since the 1980s and the revelations that led to the establishment in 2014 of The Independent Inquiry into Child Sexual Abuse. Peter Wanless, CEO of the National Society for the Prevention of Cruelty to Children (NSPCC) wrote an open letter to the Football Association in March 2016 arguing that the case and how it was initially handled by Johnson’s club suggested there was a worrying blind spot in contemporary football culture regarding child protection issues and the potential wider vulnerability of children and young people who engage in a range of sports. This now seems disturbingly prescient as a warning of what dangers such a blind spot may have previously concealed.


In November 2016, Andy Woodward, who had been a player for the Cheshire club Crewe Alexandra during the 1980s, waived his right to anonymity to disclose that he had been sexually abused by his coach. Other former players also came forward to disclose that they too had been victims of sexual abuse during the 1970s, 1980s and 1990s, sparking a formal investigation by the Football Association into crimes against children and young people committed before 2005 together with a major ongoing police inquiry: Operation Hydrant. Police investigations into these offences are still continuing, but as of March 2017, 560 victims had been identified, mainly but not exclusively relating to the abuse of young football players. As the journalist Daniel Taylor has recently noted in an article for The Guardian, the most recent evidence compiled by these inquiries suggests that there is also a pressing need to …dismantle the theory everything goes back to the era – the 1970s and 1980s, predominantly – relating to the majority of the victims, now in their 40s and 50s, who have felt emboldened enough to talk publicly about their ordeals. Instead, it turns out there have been 187 reported incidents of sexual assaults on junior footballers from the 20-year period beginning in 1996. Twenty-three relate to the years from 2011 onwards and, as if that is not alarming enough, it is also worth keeping in mind the true figure will be considerably higher.

Crimes against children are not, of course, an invention of late modernity. The phenomenon is not something that would have been unrecognisable to people in the medieval or early modern periods, even if the vocabulary and ideas used to describe such cases may

---


24 Taylor, ‘The football child abuse scandal just keeps on growing’.

---
sometimes have been very different.\textsuperscript{25} As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety’.\textsuperscript{26} Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent.\textsuperscript{27} They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models.\textsuperscript{28} Efforts to provide for abandoned


\textsuperscript{26} Michael Salter, \textit{Organised Child Sexual Abuse} (Routledge, 2013) p.9.

\textsuperscript{27} On the particular cultural and legal status of illegitimate children in the period covered by this special issue, see Ginger S. Frost, \textit{Illegitimacy in English Law and Society, 1860-1930} (Manchester University Press, 2016).


\textsuperscript{25} Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent. They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models. Efforts to provide for abandoned children sometimes have been very different. As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety’. Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent. They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models. Efforts to provide for abandoned children sometimes have been very different. As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety’. Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent. They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models. Efforts to provide for abandoned children sometimes have been very different. As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety’. Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent. They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models. Efforts to provide for abandoned children sometimes have been very different. As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety’. Such risks and their representation were not simply confined to fears that children (and especially illegitimate children) were potentially in grave danger of suffering abandonment, neglect, or sexual violence and homicide from the ignorant, uncaring, or outright malevolent. They could and did also encompass a variety of concerns about what were the best approaches in healthcare, education, or appropriate parenting models. Efforts to provide for abandoned children sometimes have been very different. As the criminologist Michael Salter has observed, ‘The figure of the child at risk is a potent one in Western culture, and the sexual abuse and exploitation of children has long been a focal point of social anxiety'.
children, for example, led to the establishment of Foundling Hospitals in a number of different European countries from the thirteenth century onwards. That said, the nineteenth and twentieth centuries witnessed profound developments in Britain regarding the social and cultural construction of childhood and ideas about how children should best be ‘dealt with’ and ‘managed’. This produced a shift in perceptions that then helped to generate significant further social, cultural, and political changes and reforms in Britain and elsewhere.

Hugh Cunningham has suggested that during the years between 1830 and 1920, philanthropic reformers from across Europe and North America increasingly found that their ideas about what constituted an ‘appropriate’ experience of childhood were ‘lifted clear of their old moorings’. New directions in child welfare were correspondingly charted, including the development of restrictions on child labour, mandatory infant smallpox vaccination and other public health measures, the introduction and extension of compulsory education, and a renewed and increasingly demanding emphasis on the importance of parents from all backgrounds providing what was perceived as ‘normal’ family life. Such changes in attitudes

Hugh Cunningham, Children and Childhood, p.137.

---


could themselves then spark additional further developments, such as the creation of the NSPCC by philanthropists in 1889 in partial response to concerns that child abuse and neglect was not sufficiently recognised and punished by the existing policy and judicial framework.  

These changes also shaped – and were shaped in turn – by responses to the ebb and flow of sensationalised moral panics from the 1840s onwards relating to a perceived epidemic of crimes committed against children and young people in nineteenth-century Britain. At different historical moments these included fears of widespread infanticide, concerns that vulnerable family members (especially children) would be poisoned or starved by murderous relatives to collect life insurance premiums, the spectre of ‘baby-farming’ (a catch-all and frequently pejorative term used to cover a wide range of different subjects, but often referring to the idea that some paid childminders or foster parents would deliberately neglect or murder their charges), child cruelty, abandonment or neglect, and outrage at instances of sexual abuse. In the latter case, scandals relating to specific allegations of commercial


child sexual exploitation by strangers, such as the ‘Maiden Tribute of Modern Babylon’ reports by W.T. Stead in the *Pall Mall Gazette* that led to the Criminal Law Amendment Act 1885, or fears that a sophisticated global network of human trafficking (the so-called ‘white slave trade’) was in operation often gained significantly more traction and were much more possible to debate openly than the expression of fears that individual girls and boys might be at risk of abuse by predatory adults in their own streets, homes, and schools.34 The echoes of this ambivalent and sometimes explicitly contradictory Victorian discourse regarding child sexual abuse – which frequently held children complicit in their own victimisation – continued to resonate well into the late twentieth century, with significant consequences for the representation and treatment of both victims and offenders.35 As the authors of a recent pioneering article on the history of child sexual abuse in twentieth-century England and Wales have observed, ‘what we call child sexual abuse was known across the twentieth century, although it was described and categorised in a proliferation of ways with a range of effects that were not simply (and indeed rarely) about safeguarding children’.36

---


Despite the implicit or sometimes explicit suggestion that what could or should be understood by ‘normal family life’ and wellbeing for children in Britain and its Empire was always common-sense, value-neutral, and self-evident, this was unsurprisingly mediated in practice by contemporary constructions of gender, race, and class.  


---
missionary thought during the nineteenth century, as Esme Cleall has demonstrated, was an underlying assumption that without conversion to Christianity and the direct adoption of Victorian kinship models, it would be impossible for Southern African and South Asian men and women to form proper and loving familial relationships with their relatives – including their children.\textsuperscript{38} Far from simply passively accepting top-down models of ‘good parenting’ and the introduction of controversial measures such as compulsory smallpox vaccination, however, when they disagreed with the ideas presented to them British women and men argued fiercely that their own perspective and judgement as parents was essential for the authorities to take on board.\textsuperscript{39} By the late nineteenth century, there was also considerably more willingness (albeit in relative terms) than there had been in previous decades by the state and by philanthropic organisations to stage interventions in cases where it was felt that children were not subject to proper care and control. As Hester Barron and Claudia Siebrecht have noted, between 1870 and 1950, ‘Interaction [between parents and the nation-state] could take different physical forms and took place in different social contexts but remained a constant factor in how states across Europe...sought legitimacy and power’.\textsuperscript{40}

Concentrating on the period from 1800 to 1960, the essays in this special issue of \textit{Law, Crime and History} focus on the different ways that ‘the child at risk’ was understood and responded to in nineteenth- and twentieth-century England. Margaret L. Arnot’s contribution, which opens the special issue, focuses on how parental homicide was represented in visual popular culture during the first half of the nineteenth century. Examining six illustrated broadsides in detail, Arnot demonstrates the complicated narratives that this often overlooked cultural source can reveal about attitudes to gender and parenting, mental health, the vulnerability of children, and criminal justice. While historical analyses of broadsides have often concentrated on the textual aspects and largely overlooked the images these could contain, Arnot argues persuasively that the visual representations were carefully designed to add weight to the complicated emotional, religious and moral messages of each broadside. Although some types of homicide – in particular the killing of newborns – seem


\textsuperscript{40} Hester Barron and Claudia Siebrecht, ‘Introduction: Raising the Nation’ in Barron and Siebrecht (eds.) \textit{Parenting and the State}, p.2.
never to have been directly represented in broadside illustrations, scenes depicting the murder of older infants and children could be shockingly graphic. Yet the horror this sort of image conveyed to the reader did not necessarily mean that elements of sympathy for a murderous mother and father would be absent from the text. As Arnot observes, the richness and complexity of these visual sources, and the competing and sometimes directly contradictory discourses that were included in such broadsides, points to the need for a much more extensive gendered analysis of child-killing, including both its cultural representation and its judicial treatment, between the late eighteenth and early twentieth century.

The second article, by Kim Stevenson, is concerned with the issues faced by child witnesses giving evidence in trials for sexual abuse during the eighteenth and nineteenth centuries. As noted at the start of this essay, for a considerable period of time children were frequently – and until very recently – assumed to be unreliable witnesses by default. Often, it was believed, children of young age simply could not fully understand the full implications of the oath that was required of all those called to testify. Combined with the (erroneous but widespread) assumption that there was a high rate of false accusations relating to sexual offences, and the gruelling process of cross-examination in the presence of the defendant in order to determine the veracity of their account, this must have inevitably made an already stressful process for child witnesses more traumatic, and impacted on both the delivery and content of their testimony. In response to these concerns, by the early nineteenth century it had become a common but still controversial practice to halt trials so that a child witness could be given a short course of religious instruction, designed to emphasise the importance of the oath and the dire consequences in the hereafter of failing to tell the truth. From 1849, however, such judgements about the suitability or honesty of child witnesses tended to rest less on religious grounds, and had shifted to nebulous but influential concepts such as the ‘respectability’ of those called to testify. Stevenson compellingly argues that judicial approaches to child witnesses in cases of sexual abuse during this period were strongly influenced by changes in the social and cultural understanding of childhood. These changing views, and their impact, had significant consequences for determining the outcome of criminal trials and on the experiences of child witnesses.

Judith Rowbotham’s article deals with judicial and popular responses to corporal punishment for children between 1850 and 1910, and the drawing of lines between what constituted ‘acceptable chastisement’ of a child in England and Wales, and what was perceived as crossing over into unacceptable violence and abuse. This was a period when not only was
corporal punishment of adults in military or judicial settings being gradually abandoned, but there were increasing suggestions made in both fiction and writings on education that this was potentially inappropriate as a means of punishing children, too. As Rowbotham shows here, Victorian and Edwardian attitudes to corporal punishment were extremely complex: even those teachers, critics and novelists who vocally opposed use of the cane or similar measures might still consider it as a necessary ‘last resort’ when they believed they were dealing with especially egregious offences by recalcitrant youths. Overall, most English and Welsh schools between the mid-nineteenth and early twentieth century considered that the right to inflict corporal punishment on their charges was an essential requirement for ensuring the smooth running of their institution and the discipline of individual pupils. But where the line fell between this acceptance of corporal punishment as a reasonable means of enforcing discipline, and the distinction of ‘assault’, was in practice contingent on the individual circumstances of each case. One crucial aspect of this was that it the courts expected that punishments would be inflicted in a ‘moderate’ fashion, by a teacher who was no longer angry about the child’s bad behaviour. Cases in which it was believed that those in loco parentis had lost their temper during such chastisement, and consequently behaved unreasonably, were held to at best undermine the effectiveness of corporal punishment as an educational and moral tool, and at worst condemned as criminal conduct.

In the fourth article, Victoria Bates critically examines the late nineteenth-century concern with the ‘precocious girl’, and the impact of this idea on debates about the age of consent during the 1880s. Focusing on the landmark Criminal Law Amendment Act 1885, Bates demonstrates how the idea of ‘precocity’ as both a psychological and a physiological category was not only written into medical and legal debates, but used to camouflage value judgements about the ‘right kind of girl’. Those adolescents who were instead labelled by the press, or the courts, as the wrong sort of girl all too often found that the law offered little protection, and less sympathy. Victims of child sexual abuse who were defined as ‘precocious’ stood a much lower chance securing justice through the judicial system. Far from being depicted as a child at risk, a well-known trope for organisations such as the NSPCC which could command a great deal of support and mobilise action for legislative or social change, such girls instead were described as being a risk. As Bates argues here, precocity was a nebulous category with permeable borders – it was possible to refit it in a number of different ways and with different markers in order to suit particular commentators. Thus, social purity campaigners, politicians, doctors and lawyers might reach conclusions about the dangers of the ‘precocious girl’, both to individual men and to British society at large, from a wide range of evidence and benchmarks against which they could measure this.
In addition to demonstrating the malleability of this pernicious concept, Bates notes that there is a pressing need for historians to pay more attention to how ‘precocity’ was articulated, not only because of its broader influence during this period, but because of its ongoing importance in shaping responses to child sexual abuse and the age of consent during the course of the twentieth century.

The final contribution to this special issue, by Kate Bradley, examines the career of Lady Cynthia Colville (1884-1968), an aristocratic voluntary social worker who exerted a profound influence on developments in infant welfare and the juvenile justice system during the early and mid-twentieth century. For Colville, who combined marriage and motherhood in the British upper classes with volunteer social work in East London, first in maternal and infant welfare and later as one of the early women magistrates, the idea that children at risk could be effectively helped was a key motivating force. While her original entry to this field was certainly influenced by the prevailing understanding of this as a ‘suitable role’ for a young upper-class married woman, rather any desire to embark on a professional career, Colville remained actively involved in working with children from deprived backgrounds until the 1960s. Her appointment as lady-in-waiting to Queen Mary from 1923 also gave her unique opportunities to drum up extra support in the highest circles of society for her charitable work in Shoreditch. In this sense, as Bradley notes, Colville was a fascinating marker of the continuities and changes in attitudes to poverty, philanthropy and the professionalization of social work and related fields during the first half of the twentieth century. Despite her conformity in several respects to tradition and the conservative values of the British establishment, as Bradley points out, to see Colville merely as continuing a Victorian practice of ‘good works’ does a disservice to both the genuinely innovative elements of her perspectives on child welfare, and her lasting commitment to the community in Shoreditch.

The individual subjects covered by these authors span a wide temporal and topical range, including the question of ‘appropriate’ punishments (whether of guilty adults for the killing or sexual abuse of child victims, or that meted out to disobedient children), the role of elites in social work, and how the passage of legislation and outcome of individual criminal trials might be influenced by ideas such as ‘reliability’, ‘respectability’ or ‘precocity’. But they are united by their focus on the idea of ‘the child at risk’ as a cultural and social construct that generated – and still generates – a considerable amount of anxiety, energy and comment in modern Britain. As these essays demonstrate, such repeated bouts of cultural anxiety and the subsequent actions this provoked did not necessarily lead to better or more ‘just’ experiences for children at risk during the nineteenth and twentieth century. Indeed, in some
instances, it is clear that vulnerable British children have been as or more likely to be perceived by both the authorities and the general public as a danger rather than as having been in danger, and treated with a corresponding and damaging lack of sympathy and care. In 2017, the impact of the Adam Johnson case, and the ongoing investigations of Operation Hydrant and The Independent Inquiry into Child Sexual Abuse demonstrate that these sadly remain valid and pressing concerns.