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Historical child sexual abuse in England and Wales: the role of historians

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ABSTRACT

This article reflects on methodological and ethical issues that have shaped a collaborative project which aims to chart social, legal and political responses to child sexual abuse in England and Wales across the twentieth century. The etymological problem of searching for child sexual abuse in the historical archive is discussed, given that the term itself is a relatively recent one. Acknowledging that research tools will always be partial, it then focuses on the gaps and silences in the archive, most problematically in relation to the voices and experiences of victims and survivors themselves. Finally it discusses ethical issues relating to the naming or anonymising of those accused and convicted (as well as victims and survivors) in the writing up of research findings. The discussion focuses on two key periods – the 1920s and 1950s – and on education policy, including regulatory procedures for teachers in state and fee-paying schools.

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In the UK (as in other countries) allegations relating to past child sexual abuse in institutional and other settings have led to the appointment of a series of public inquiries. In Northern Ireland the Inquiry and Investigation into Historical Institutional Abuse – chaired by Sir Anthony Hart – was announced in 2012 to examine whether there were systemic failings by institutions or the state in their duties towards those children in their care 1922–1995; it aims to report in January 2017.¹ Similar in remit, the Public Inquiry into Historic Child Abuse in Scotland was launched in 2015, chaired by Susan O'Brien QC, to consider all types of abuse relating specifically to children in care that have occurred within living memory.² In England and Wales the scope has been broadened to encompass all institutions (including education) although with a specific focus on sexual abuse. In July 2014 Home Secretary Theresa May first announced the setting up of a statutory inquiry and, following the high-profile resignation of two previously appointed chairs, Hon. Lowell Goddard DNZM was confirmed in the role in February 2015. The Independent Inquiry into Child Sexual Abuse (Goddard Inquiry) is due to publish its interim report in 2018 as

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¹Historical Institutional Abuse Inquiry, <http://www.hia inquiry.org/index.htm> (accessed February 17, 2016).

²The Scottish Government, Public Inquiry into Child Abuse in Scotland, <http://www.gov.scot/Topics/People/Young-People/protecting/child-protection/historical-child-abuse> (accessed February 17, 2016).

to 'whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse'.³ These enquiries follow a similar methodology in combining a private 'truth' or 'acknowledgement' forum – in which those who have suffered abuse can describe their experiences in confidence – with semi-legal public hearings in which witnesses give evidence on oath with the aim of making findings (rather than securing convictions). Unlike the Republic of Ireland, Australia, the Netherlands and the Nordic countries, historians have not (to date) been commissioned to undertake research by the panels or appointed as members.⁴

What might historians contribute to the public agenda? In this article we reflect on work completed for a collaborative project – funded by the Economic and Social Research Council (ESRC) – which aims to map and analyse social, legal and political responses to what we now call child sexual abuse since the 1920s in England and Wales. As a piece of separate and independent research it aims nevertheless to contextualise and complement the Goddard inquiry.⁵ Given that the testimony of victims and survivors is the primary focal point of the inquiry itself and may lead to subsequent legal action, our research does not make use of interviewing.⁶ Whilst this limits the scope of our conclusions in some crucial respects (most obviously the experiential), we suggest that an assessment of the extent and significance of the documentary archive enables us to understand the broader shifting contours of the cultural landscape. An examination of these textual traces allows us to construct an archaeology of the past, and to uncover, identify and analyse those moments when knowledge of what we now term child sexual abuse broke the surface and entered into the public sphere: because it was prosecuted by the courts, reported by relatives or professionals, or became the subject of lobbies and campaigns to change the law. These moments of visibility were always partial and often greeted by institutional inertia or a refusal to acknowledge the extent of the harm caused. Research on the documentary archive enables us, therefore, to trace also the repeated submerging or repositioning of child sexual abuse in ways that rendered it unknowable or not of public concern.

Our search for textual traces (or lack of them) has adopted three related points of focus. First, we have examined criminal justice statistics and the 'official' modes of measuring and defining abuse. Second, the project has involved a qualitative longitudinal survey of the ways in which the newspaper press reported cases of what is now termed child sexual abuse, given that it was a crucial arena through which public opinion was shaped and

³The chairs appointed before Goddard were Elizabeth Butler-Sloss and Fiona Woolf. Independent Inquiry into Child Sexual Abuse, <https://www.iicsa.org.uk/> (accessed February 17, 2016). The 'Opening Statement', July 15, 2015, <https://www.iicsa.org.uk/sites/default/files/inquiry-opening-statement.pdf> (accessed February 17, 2016), indicated there would be 'no cut off date' and that inquiries might be made into 'events occurring many years or even decades ago' although it might be inferred that the focus is within living memory.

⁴See the essays in Johanna Sköld and Shurlee Swain, eds., *Apologies and the Legacy of Abuse of Children in 'Care'* (Basingstoke: Palgrave Macmillan, 2015).

⁵ESRC Urgency Grant, 'Historicizing "Historical Child Sexual Abuse" Cases: Social, Political and Criminal Justice Contexts', ES/M009750/1.

⁶We use the expression 'victims and survivors' throughout wherever appropriate to follow the terminology of the Goddard Inquiry and its recognition that 'some people are more comfortable with one term rather than the other, according to their own perception and experience' (see 'Opening Statement'). For further discussion of the significance of these terms, see Carol Brennan, 'Trials and Contestations: Ireland's Ryan Commission', in Sköld and Swain, *Apologies and the Legacy of Abuse*, 55–69, esp. 59. The term 'victim' is widely used within legal and human rights discourse to denote a person who has suffered harm, but it can also suggest passivity and lack of agency; the term 'survivor' may imply a process of self-affirmation and self-identification across a period of time and cannot necessarily be applied retrospectively to historical subjects.

shifting moralities were debated.⁷ Third, we have undertaken searches of the catalogues of public archives – and viewed many of the documents that this has revealed – to develop an initial mapping of the work of communities of practice (including social work, policing and education) across the twentieth century.⁸ This strand of the research will continue to look at the cultures, networks, paradigms and procedures within or between occupations as well as the uses, effects and limitations of the disciplinary codes that were used to regulate staff.

This article focuses on the methodological and ethical issues that our approach raises. We begin by discussing the etymological problem of searching for child sexual abuse in the historical archive given that the term itself is a relatively recent one; we discuss, therefore the relationship between present-day categories and those that were used in the historical past. Acknowledging that our research tools will always be partial, we then focus on the gaps and silences in the archive, most problematically in relation to the voices and experiences of victims and survivors themselves. Finally we discuss the ethical issues of naming or anonymising those accused and convicted, as well as victims and survivors, both in relation to the writing up of our research findings and in terms of the shifting legal and ethical guidelines regarding press and media reporting across historical time. Indeed, ethical issues relating to the naming of perpetrators have also formed a highly political issue in relation to current and recently finalised inquiries.⁹ Our discussion focuses on two key periods – the 1920s and 1950s – as lesser known eras in which child sexual abuse was highly visible on the public agenda. The 1920s was significant as the first decade in which women took up seats as Members of Parliament (MPs). In doing so, they brought issues relating to child welfare, gender, the sexual double standard and criminal justice to public attention, and made very prescient arguments concerning the need for significant changes in personnel, procedures and cultures. The 1950s are significant because of the prominence of public debate regarding homosexual law reform, culminating in the recommendation of the Wolfenden Committee (in 1957) that homosexuality should be partially decriminalised. As we show here, press coverage of the sexual abuse of boys by male professionals was one of the frames through which arguments against decriminalisation were publicised. Whilst dealing broadly with the history of child sexual abuse across settings, we reflect in particular on education policy, including regulatory procedures for teachers in state and fee-paying schools. Given its centrality to current UK inquiries, our charting of previous debates and discussions relating to safeguarding in educational institutions has much to contribute to understanding of mistakes and blind-spots in the past.

Categorising and searching

As Smart and Hacking have stressed, child sexual abuse is a concept that has been discursively constructed across time in relation to shifting ideas about age, sexuality and gender.¹⁰

⁷Adrian Bingham, *Family Newspapers? Sex, Private Life & the British Popular Press, 1918–1978* (Oxford: Oxford University Press, 2009).

⁸For social work see Lucy Delap, 'Child Welfare, Child Protection and Sexual Abuse, 1918-1990', *History & Policy*, <http://www.historyandpolicy.org/policy-papers/papers/child-welfare-child-protection-and-sexual-abuse-1918-1990> (accessed February 17, 2016).

⁹The Irish Commission to Inquire into Child Abuse banned the naming and shaming of perpetrators during the process of inquiry: Committee to Inquire into Child Abuse, <http://childabusecommission.ie/index.html> (accessed February 17, 2016).

¹⁰Carol Smart, 'A History of Ambivalence and Conflict in the Discursive Construction of "the Child Victim" of Sexual Abuse', *Social & Legal Studies* 8, no. 3 (1998): 391-409; see also Carol Smart, 'Reconsidering the Recent History of Child Sexual Abuse 1910-1960', *Journal of Social Policy* 29, no. 1 (2000): 55-71; Ian Hacking, 'The Making and Moulding of Child Abuse', *Critical Inquiry* 17 (1991): 253-88.

It is an umbrella terms that is now used to associate a range of acts and behaviours that are deemed to be harmful to children. Although research on the nineteenth century has shown that the term 'sexual abuse' was used as far back as the 1860s, the term was not mainstreamed until the 1980s.¹¹ Tracing child sexual abuse in the textual archive, therefore, requires us to identify and work with a range of older terminologies that were used to talk about 'abusers', 'children' and sexual 'harm' across the century, and which were shaped by legal, medical, psychiatric, religious, moral and ethical frameworks. Concerns about offences against children were often confused with other moral anxieties and prohibitions, most obviously, as we discuss here, those relating to homosexuality (although at other points they have been elided with prostitution and also concerns about migration through the trope of the 'white slave trade').

In her analysis of the medical and legal discourse of the 1920s, Smart focused on debates surrounding girl children because 'boys hardly figured'.¹² The Report of the Departmental Committee on Sexual Offences Against Young Persons, published in 1925, commented that 'less protective work' had been done for boys and that there had been 'great difficulty in getting definitive evidence on the best method of assisting the boy victims of an offence'.¹³ From the late nineteenth century onwards feminist campaigners had spoken out about the sexual exploitation of girls and young women.¹⁴ This lobbying was continued into the 1920s by women's campaign groups (including the National Council of Women and cross-party deputations to the Home Secretary involving all new female MPs), culminating in the setting up of the Departmental Committee in 1924. Offences against (mainly female) children were kept on the agenda in the interwar period because they were a focal point for women's politics and the development of the branch of social work (again associated with women and girls) that was labelled 'moral welfare'. Yet this influence began to slip. During the Second World War, concerns about sexual offences against girls were replaced with a moral panic about sexually promiscuous young women ('the good time girl') amidst anxiety about resilience in wartime.¹⁵ Then, as we demonstrate here, concerns about juvenile boys became prominent in the early 1950s as a result of the broader consideration of homosexual law reform. In 1957 the Wolfenden Committee finally published its recommendations that homosexuality should be decriminalised between consenting adults over the age of 21; this was finally enacted in 1967 in England and Wales. Across the 1950s and beyond, the 'homosexual' and the 'pederast' were elided by opponents of reform, whilst reformers (backed up by medical opinion) stressed they were wholly distinct. As Smart has observed, it was precisely because 'it was many things with different meanings and consequences, [that] it was almost impossible to frame a coherent policy towards' what we now term child sexual abuse.¹⁶

The law provided the most obvious framework for defining and labelling, through its categorisation of sexual offences. Until 1960 child sexual abuse was subsumed within a complex set of offences inherited from the Victorian period, including statutory rape, buggery and its attempt, gross indecency (between males), indecent assault, and indecent exposure. From

¹¹Louise A. Jackson, *Child Sexual Abuse in Victorian England* (London: Routledge, 2000), 3.

¹²Smart, 'History of Ambivalence', 394.

¹³Report of the Departmental Committee on Sexual Offences Against Young Persons, Cmd. 2561 (1925), 67.

¹⁴Lucy Delap, *The Feminist Avant-Garde* (Cambridge: Cambridge University Press, 2007); Lucy Bland, *Banishing the Beast* (Harmondsworth: Penguin, 1985).

¹⁵Sonya O. Rose, *Which People's War?* (Oxford: Oxford University Press, 2003).

¹⁶Smart, 'History of Ambivalence', 393.

1908 the charge of incest was used in a very small number of actual prosecutions to deal with abuse by relatives. Child sexual abuse was largely prosecuted through laws developed to deal with acts committed by adult men on females, or on the prohibition of all sexual acts between males. Age was a secondary consideration that was superimposed on existing gender-specific prohibitions – which were mainly concerned with whether parties were male or female – as the law was adapted across time. The prosecution of rape was rare and it was mainly used for offences against adult women (although rape within marriage was not criminalised until 1991).

The idea of ‘age of consent’ created the offence of ‘statutory rape’ (‘unlawful sex’) by fixing an age of protection for girls, which had been raised from 13 to 16 in 1885. Yet the law distinguished between sex with girls under 13 (a felony) and with those over 13 and under 16 (a misdemeanour) as less serious. Men accused of sex with those in this intermediate age category were entitled to plead that they were unaware of a girl’s age; after 1922 this defence of having ‘reasonable cause to believe’ that a girl was 16 or over was restricted to men under the age of 24. For both male and female children, sexual acts involving touching might be prosecuted as ‘indecent assault’ (which, after 1908, could be tried in magistrates’ courts to speed up proceedings if they involved offences against juveniles). The charge of ‘indecent exposure’ in a public place with ‘intent to insult any female’ was used to prosecute some offences directed at girl children (no similar charge existed to protect boys). The 1960 Indecency against Children Act was the first piece of legislation to refer to children as a gender-neutral category (although this had in fact been recommended by the 1925 Committee). Designed to deal with the extensive loopholes in the law that previous gender-specific legislation had generated, the 1960 statute made it an offence to commit ‘gross indecency’ with or towards any child under the age of 14, or to incite a child to such an act.¹⁷ In 2003 legal approaches were further transformed with the introduction of the category of ‘abuse of trust’.

These legal complexities raise significant methodological problems for historians wishing to measure, count or trace the extent of child sexual abuse prosecutions. Careful use of the annual criminal justice statistics can identify the minimum number of prosecutions assumed to have involved offences against children and young people (by counting statutory rape cases alongside indecent assault cases that were heard in magistrates’ courts). For England and Wales in excess of 500 people were dealt with by the courts each year during the 1920s, rising incrementally to over 5000 by the 1960s.¹⁸ Yet the total number remains obscure. The increase in court proceedings was, in all likelihood, as much a function of increased willingness and ability to report such cases as an indicator of increased levels of abuse within society. For cases that were prosecuted using laws relating to homosexuality, it is only possible to reveal whether the victim was a child by turning to newspaper reportage or detailed court records on a case-by-case basis (and these may no longer be extant, or may be closed for data protection reasons). In 1925 the Departmental Committee had recommended that annual Criminal Statistics should contain ‘a complete return of all sexual offences against young persons reported to the police’ to ensure that full information was available to the

¹⁷Louise A. Jackson, ‘Child Sexual Abuse in England and Wales: Prosecution and Prevalence’, *History & Policy*, <http://www.historyandpolicy.org/policy-papers/papers/child-sexual-abuse-in-england-and-wales-prosecution-and-prevalence-1918-197> (accessed February 17, 2016).

¹⁸*ibid.*

public.¹⁹ Nearly a century later in 2015 the National Society for the Prevention of Cruelty to Children (NSPCC) found that precise data on the number of recorded and prosecuted sexual offences against children could only be gleaned by submitting freedom of information requests to individual police forces.²⁰ This significant problem means that the number of prosecutions (let alone the amount of reported or actual offences) remains unknowable.

Given the problems with legal sources, newspaper surveys are an extremely important tool, facilitated by the digitisation of increasing numbers of newspaper archives; we used the digital newspaper collections made available through the British Newspaper Archive, UK Press Online, the *Guardian/Observer*, *The Times* and *Daily Mail*. Any search strategy using keywords, however, requires flexibility and reflexivity. 'Child sexual abuse' did not begin to appear in the newspaper press until the 1980s, usage peaking in 1987 with the coverage of the controversies surrounding the high-profile Cleveland cases.²¹ Searches using the sexual offences discussed above ('indecent assault' and 'indecenty') require other keyword combinations including 'child', 'girl', 'boy', 'under 16', 'youth' or 'young' within the same article. Generated text then needs to be checked for relevance (although a range of macro search tools are now becoming available). Search terms are rendered more complex because newspapers did not always include the technical charge, but used the wider vocabulary in popular circulation, such as 'outrage' (1920s), and 'molest' or 'interfere' (1930s). Interwar press reports sometimes referred euphemistically to a 'grave' or 'serious offence', or to 'immorality', whereby precise meaning was gleaned from context. Retaining moral categories originating in the Victorian period, the press increasingly added medical categories such as 'perversion' by the 1930s as sexual offences were pathologised. In the 1970s, as Mathew Thomson has demonstrated, the label of the 'paedophile' became prevalent and the threat of the 'sex ring' was used to shape perceptions of public spaces as presenting very real dangers to children.²² Thus the coded phrases used by journalists shifted across time, reflecting assumptions about causes and solutions, and any search strategy needs to reflect this mutability by adopting a 'snowballing' approach towards the collection of keywords (which includes incorporating keywords derived from archival sources). Clearly it is impossible to capture all cases of child sexual abuse reported in newspapers (even assuming the digitisation of all newspaper titles) given the lack of a singular or constant reference point. Nevertheless, keyword searches of the press provide strong indicators of the types of cases covered in reportage (including those that were most likely to attract media interest), the tropes and discourses through which cases were represented, and changes in broader cultural attitudes towards what we now call child sexual abuse.²³ For campaigning groups but also civil servants and even police officers, the press constituted a central pool of knowledge: well into the 1950s these diverse groups monitored cases in the courts by collecting and collating newspaper clippings.

¹⁹Cmd. 2561, 6.

²⁰NSPCC, *How Safe are our Children?*, <https://www.nspcc.org.uk/services-and-resources/research-and-resources/2015/how-safe-are-our-children-2015/> (accessed February 17, 2016).

²¹Beatrix Campbell, *Unofficial Secrets: Child Sexual Abuse – the Cleveland Case* (London: Virago, 1988).

²²Mathew Thomson, *Lost Freedom: The Landscape of the Child and the British Post-war Settlement* (Oxford: Oxford University Press, 2013).

²³Adrian Bingham and Louise Settle, 'Scandals and Silences: The British Press and Child Sexual Abuse', *History & Policy*, <http://www.historyandpolicy.org/policy-papers/papers/scandals-and-silences-the-british-press-and-child-sexual-abuse> (accessed February 17, 2016).

Morality, 'misconduct' and the law in teaching

In considering problems of naming, categorising and identifying, it is also relevant to consider the disciplinary and regulatory processes that were in place within professional practice. We focus here on the example of teaching. With the introduction of compulsory free education in the late nineteenth century, the Board of Education (later Ministry of Education) became responsible for the training and approval of qualified teachers: initially in state elementary schools and subsequently at secondary level with the increase in the school leaving age (to 14 in 1918, and to 15 in 1947). In the years before the First World War a system of 'blacklisting' had been created, whereby teachers who were 'guilty of sexual misconduct' were required to hand back their teaching certificate and were prohibited from further employment. In 1909 the Board of Education referred to the preservation of a 'strict standard of morality among teachers' and of the need to 'think much more of the welfare of the children than of the teacher'. Local Education Authorities (LEAs) – which were the employers of the teachers – were required to report serious allegations to the Education Board. A teacher would be suspended until he had 'cleared his character' or was struck off altogether if a *prima facie* case was established upon internal enquiry by the Board.²⁴

The concept of 'sexual misconduct' in teaching reveals the ways in which 'immorality' was thought about in the early twentieth century, a period in which many LEAs operated a marriage bar for female teachers (finally lifted in 1944). Of the 110 names on a list of teachers considered for blacklisting for sexual misconduct during the four-year period July 1925–May 1929, 61 were female teachers who had become pregnant outside of marriage or were cohabiting with a man whilst not married. Only one woman had been found guilty of a sexual offence in a court: an indecent exposure charge for having sex with a man in a public place. In a small number of cases, female teachers were able to make a convincing argument that the pregnancy was a result of 'forcible seduction' (rape) and they were permitted to retain their certificates. In all other cases, recognition as a teacher was withdrawn and certificates were cancelled. Twelve male teachers (of a total of 49) were barred for indecent assaults on female minors (including pupils), and 15 male teachers for 'indecent conduct with boys' (including pupils). Cases involving girls were more likely to result in court cases (nine teachers out of twelve) than those involving boys (seven out of fifteen), with teachers being dismissed or required to resign although there was no prosecution. In a further 21 cases, male teachers were blacklisted for other forms of misconduct that were similar to their female colleagues – 'living immorally with a woman', fathering an 'illegitimate child', and 'indecent exposure' – as well as for divorces in which adultery or cruelty were cited as grounds.²⁵ Extramarital sex with a consenting heterosexual adult – whilst not punishable within the realms of criminal justice – was assumed to bring the same disrepute on the profession as the abuse of school pupils of either sex. This blurring of boundaries between 'immorality' and 'criminality', and between harm to others and reputational damage, can make it difficult for historians to easily chart and map responses to what we now term child sexual abuse in the historical archive.

²⁴The National Archives, London (TNA), includes a series of documents relating to teachers' misconduct in ED104; here ED104//7.

²⁵TNA, ED104/7.

The issue of blacklisting of teachers also demonstrates the shifting contours of ideas about ‘morality’ – and what was deemed to be misconduct necessitating dismissal – across the twentieth century. By the early 1950s the interwar policy of dismissing teachers for extra-marital pregnancies was thought to be ‘harsh’ and ‘not in keeping with modern standards.’ It had been lifted during the Second World War, seen as a watershed in public attitudes, and the decision was taken subsequently that, whilst all cases (of both serving teachers and students in teacher training colleges) should still be reported, no action would be taken.²⁶ By the late 1950s it was assumed that teachers should only be ‘struck off’ if they had been convicted of a serious criminal offence, reflecting the ethos of the Wolfenden Report, which was keen to separate ‘morality’ from ‘criminality’ as something with which the state should not concern itself. In the wake of the Wolfenden recommendations, civil servants, too, considered how many ‘blacklisted’ teachers might be reinstated should the law be reformed. They decided there were very few: most teachers who had been excluded between 1954 and 1957 had been struck off because of convictions for sexual offences with children (and the majority for those with boy pupils rather than girls). By the 1950s some LEAs were of the view, with the Wolfenden Committee, that ‘homosexuality’ was a medical condition requiring treatment not punishment, and psychiatric assessments were sometimes accepted in a teacher’s defence against his blacklisting.²⁷

How effective was the practice of blacklisting in state-funded school? What does it further reveal about the multiple ‘meanings and consequences’ of taxonomies related to child sexual abuse? That a high proportion of the newspaper reportage that we have collected relates to court cases involving sexual assaults committed by teachers strongly suggests widely shared assumptions of a need for public naming, in part to prevent future employment. There were clearly teachers who escaped blacklisting (and prosecution), given there was little awareness within education of the need to enable children to make disclosures. There were also examples of teachers who managed to enter teacher training and to gain employment in state-funded schools but who carried convictions for sexual offences with minors relating to earlier periods of their lives.²⁸ If these came to light, they were then blacklisted, but there was no system of national cross-checking of all convictions, although there were significant attempts to move towards this in the 1950s. The Ministry of Education drew short of instructing LEAs that all allegations against teachers should be reported to the police; rather, referral to the police was ‘advised.’²⁹ This contrasted with the approach of the Home Office, which, in 1952, instituted a more rigid procedure in its approved schools, stipulating that managers should not deal with the matter at all but report it immediately to the Home Office and the police.³⁰

From the early 1950s onwards public attention focused most closely on independent schools, which were not subject to the same levels of state regulation and scrutiny. The press had widely covered a case heard at the Hampshire Assizes in December 1953 in which ‘Christopher Peter Moore’ was found guilty of indecent assault and gross indecency with male pupils in the private school where he was headmaster. It emerged that he had been

²⁶TNA, ED 104/17 and ED/104/22.

²⁷TNA, ED 104/20 and ED 104/21.

²⁸TNA, ED 104/7.

²⁹House of Commons Debates, April 15, 1954.

³⁰Home Office Circular 200/1952, paragraph 7, discussed in TNA, ED 104/19.

jailed for similar offences on previous occasions in other parts of the country, and had subsequently moved, setting up his own private schools or gaining employment elsewhere.³¹ The matter was politically charged, too, because the 1944 Education Act had included a section (Part III) that enabled the regulation, through a national system of registration, of independent schools (which would in future need to be registered). This section had not been implemented when the new act became law, but had been delayed until 1957. In July 1954 a group of Labour MPs asked a series of questions (in the House of Commons) as to ‘what measures would be taken’ to prevent men previously convicted of sexual offences against children from setting up or teaching in private schools given the delay in implementing Part III.³² The Secretary of State for Education, Florence Horsbrugh (Conservative), admitted it was ‘a difficult problem’ in which the government depended on the cooperation of independent-school heads. She encouraged schools to submit staffing lists to the Ministry for checking against blacklisted names in the autumn of 1954 and most did so, but cases that exposed the inadequacy of the system continued to come up in the courts. Civil servants readily admitted that they mainly heard about the convictions of independent school teachers through the newspapers, which they carefully monitored. In 1954 they secured agreement that Chief Constables would supply them with information regarding all convictions of teachers, but it was deemed ‘impractical’ to back-date the search. It was very apparent that independent schools dealt with allegations behind closed doors: teachers were simply dismissed without further action being taken. According to civil servants, LEAs almost always notified the police of teachers dismissed for sexual offences with children; in only one case had this not been done in the years 1954–1956. When it came to independent schools, however, the advice to report to the police had been ignored in ‘two dozen’ cases over the same period.³³

Newspapers began to draw attention, next, to a small number of court cases involving teachers who had changed their names and had, thus, managed to avoid identification through Ministry of Education checks.³⁴ For some sections of the press the highlighting of these cases was linked to broader animosity towards the private school sector. The *Sunday Pictorial* saw itself as engaged in ‘a long campaign ... to rid Britain of scandal schools’, crediting itself with mobilising public pressure on the government to introduce state registration and regulation. The newspaper connected this to its ‘fight’ in the early 1950s ‘to secure the conviction of a headmaster ... for abominable crimes against his pupils.’³⁵ This was ‘Father Ingram’, the head of a choir school in Bexley, Kent. In consecutive front-page headlines in July 1951, ‘Father Ingram’ was accused of being an imposter and an abuser. Ingram issued a writ to close down the story, but this was dismissed two years later; he was eventually convicted of five serious offences against three ex-pupils, and sentenced to 10 years’ imprisonment. Yet the problem of independent schools’ reluctance to bring cases into the public domain continued after the introduction of national registration in 1957. In December 1959 civil servants only found out ‘by accident’ of a case at a Cambridge choir school in which a male teacher had been required to resign for ‘misconduct’ involving engaging male

³¹For example, ‘Headmaster sent to Prison’, *Manchester Guardian*, December 2, 1953, 7.

³²House of Commons Debates, July 1, 1954.

³³TNA, ED104/19, March 7, 1957, note made by Roger Carter, Ministry of Education.

³⁴*News of the World*, April 19, 1957, press clipping in TNA, ED 104/21.

³⁵*Sunday Pictorial*, September 15, 1957, in TNA, ED 104/21.

pupils in mutual masturbation.³⁶ It was not until 1961–1962 that the Ministry of Education was able to secure an agreement with the Association of Preparatory Schools and then the Independent Schools Association that letters should be sent to all their members recommending that all cases should be reported either to the police (if ‘well substantiated’) or to the Ministry of Education (where less so), bringing them into line with the state sector.³⁷

To avoid reputational damage, it was incumbent on LEAs and the Ministry of Education to ensure they had robust systems that prioritised the safeguarding of children. For independent and private schools, the avoidance of individual scandal was the reputational priority. It was not simply a matter of sectoral politics (hostility toward private schools) but also sexual politics. The problem of how to deal with sex offences by male teachers in independent schools in the 1950s was overshadowed by the polarised debates relating to homosexual law reform, which coloured responses and reactions. Many of Britain’s independent schools educated the male elite, amongst whom homosexual practices within these schools had long been a closely guarded secret. It seems highly likely that there was a further stigma or shame for boys reporting cases of abuse by older youths or by men, given the criminalisation of homosexuality. At the same time, and in stark contrast, there was a belief in the ‘resilience’ of young men in these circumstances, and that any emotional or physical trauma would not be of long duration (and would probably be less than the trauma or shame caused by exposure and publicity).

Independent schools voiced very understandable concerns about lack of control over ‘the gentlemen of the press’ when cases did come to court. In its coverage of a 1954 court case in which a teacher was convicted of abusing male pupils, the *Andover Advertiser* had printed the name of the school concerned, to the ‘great personal suffering’ of boys and their parents.³⁸ The highly emotive subject of teachers committing sexual offences with pupils was elided with arguments that homosexuality was itself harmful. Asking questions in Parliament about blacklisting policy in 1954, Horace King MP referred interchangeably to the need to prevent ‘men previously convicted of sexual offences against children ... from teaching’ and ‘children from being in danger of being taught in schools by convicted homosexuals.’³⁹ The *Sunday Pictorial* blasted in 1957: ‘If any school where homosexual teachers corrupt the kids succeeds in getting a place on the national register the Minister can expect no mercy from parents.’⁴⁰ The paper had used very similar rhetoric when crusading against Ingram in the early 1950s. Genuine concerns about the lack of appropriate mechanisms to safeguard children from abusers in schools were used, at the same time, to demonise the figure of the homosexual, at a key hiatus point in the debates over homosexual law reform.

Dealing with gaps and silences

The search for child sexual abuse in the archive exposes a very significant methodological problem: textual traces rarely reveal the experiences of the children and young people who suffered abuse. The official record is heavy with the viewpoints and perspectives of

³⁶TNA, ED 104/19, December 2, 1959, Roger Carter to Mr Odgers.

³⁷TNA, ED 104/19.

³⁸TNA, ED 104/17.

³⁹House of Commons Debates, July 1, 1954, col. 1522.

⁴⁰*Sunday Pictorial*, September 15, 1957, in TNA, ED 104/21.

professionals, experts, politicians, policy-makers and lobbyists. Twenty-first-century public inquiries are not without precedent but there were nevertheless important differences. The most obvious parallel was the Departmental Committee of 1924–1925, in which women (unusually for an official enquiry of this period) were extremely well represented and highly vocal. The Committee heard from a range of witnesses, whose testimony can now be read in the National Archives, London. The first women police officers, doctors, moral welfare workers and magistrates gave evidence alongside (male) police surgeons, detectives, judges and other legal professionals.⁴¹ Indeed 38% of the witnesses were female, and the committee itself included three of the country's first women magistrates, Miss E.H. Kelly, Miss Clara Martineau and Mrs Clara Rackham.⁴² At no point, however, were victims and survivors invited to give testimony. It was assumed that experts would speak on their behalf at a time in which the voices of experts were privileged on all committees. The sister enquiry appointed in Scotland (in December 1924) proceeded in a similar fashion, although it is noteworthy that three Edinburgh mothers whose children had been abused were invited to testify, and that they voiced criticism of the police and the criminal justice system, which they felt had let their families down.⁴³ The acknowledgement and recognition of victims' and survivors' testimony and its placing at the centre of enquiry procedures is thus a very significant recent phenomenon which further highlights the problem of gaps, silences and distortions within the historical archive and, indeed, within the narratives that are based on them.

The testimony of children and young people was relayed to police officers and in court-rooms as part of the process of reporting, investigating and prosecuting. Yet, as Stephen Robertson, who has worked on child abuse cases in twentieth-century New York has highlighted, children's recorded statements are mediated documents, framed by the exigencies of the legal process and the necessity to capture a structured and chronological account of events in time and space (who touched whom, when and where).⁴⁴ Statements were guided by a series of questions that attempted to elicit the 'facts': to prove or disprove a legal case according to the letter of the law. Offences were defined by the law as physical acts; feelings and emotions were excluded. Whilst, as early as the 1920s, women doctors were recognising the traumatic effects of abuse, there was no place for this in the court of law. For girls aged 13–15, questioning about consent also structured their statements in order to establish whether to prosecute for the most serious charge (rape) or the lesser charge (unlawful sex). In the majority of cases, the lesser charge was the one that was proceeded with simply because it was easier to prove (although the majority of cases of this nature never went to court).⁴⁵ Nevertheless, historians who have worked with young people's statements have shown that they can be read 'against the grain' – in other ways than their interlocutors originally intended – to reveal the difficult and abusive situations in which they found themselves, the scope for agency and resistance (albeit extremely limited) in order to cope and survive, and relationships with other peers, siblings or adults to whom they were either able or unable to make disclosures.⁴⁶

⁴¹TNA, HO 45/25434, evidence submitted to the 1925 Committee.

⁴²Cmd. 2561.

⁴³National Archives of Scotland, E878/69, Child Assault Committee 1925.

⁴⁴Stephen Robertson, *Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880–1960* (Chapel Hill: University of North Carolina Press, 2005); Stephen Robertson, 'What's Law got to do with it? Legal Records and Sexual Histories', *Journal of the History of Sexuality* 14, no. 1 (2005): 161–85.

⁴⁵Jackson, 'Child Sexual Abuse in England and Wales'; Louise A. Jackson (with Angela Bartie), *Policing Youth: Britain 1945–70* (Manchester: Manchester University Press, 2014), 118–27.

⁴⁶Robertson, 'What's Law got to do with it?', 162.

Yet the task is a hard one for much of the twentieth century for a variety of reasons. First, official court documents containing testimony were only generated and retained in the higher courts (unlike the United States, for which Robertson has found extremely rich material across all levels of criminal justice). The 1908 Children Act pushed most cases that come under the umbrella category of child sexual abuse into the magistrates' courts to be dealt with through summary proceedings (indecent assaults on those under 16). Whilst work on earlier centuries has been able to make extensive use of courtroom depositions to discuss the construction of narratives of abuse in the criminal justice setting, this is rarely possible for the twentieth century.⁴⁷ Although some case materials relating to the higher courts are available for the 1920s–'30s, UK Data Protection legislation is used to restrict access to later files through a 70-year closure period (which is rarely lifted for academic researchers) in order to provide important protections for the identity of complainants. For court cases, therefore, it is often newspaper coverage, with all its problems of selective reporting, that comes closest to providing details of a case and the factors affecting the courtroom judgment. Indeed, Chief Constables routinely sent the Ministry of Education newspaper clippings of court cases when they were asked for information relating to teachers under investigation for blacklisting.⁴⁸

As Cox has demonstrated, too, in many cases of child sexual abuse, teenage girls were dealt with as 'in moral danger' and 'in need of care or protection', for which some of them were placed in residential approved schools (in place of formal proceedings being taken against an assailant). Occasional glimpses of their testimony surface, long buried in other 'official documents', revealing often complex life stories that include unhappy relationships with parents, running away, and encounters with men that were clearly unwanted or shaped by limited choices.⁴⁹ The dilemmas surrounding historians' acts of interpretation are at the same time both ethical and methodological. Robertson has argued that care must be taken not to impose coherent narratives onto the testimony of historical actors in a search for one 'truth', but to understand that court and police records contain multiple (and sometimes competing) narratives. For him, historians must draw short of judging past witnesses and seeking to 'solve' a case or assign guilt or innocence to complex historical actors. Given that the historical archive is always partial, traces are fragmentary and investigation is limited, we have to acknowledge that we are dealing only with a series of heavily mediated narratives.⁵⁰ Given the heavy weight of legacies of historical child abuse within contemporary societies, historians do have a responsibility to move beyond a position of relativism that sees the past as always unknowable and thus purely a series of narratives. Robertson's point is a very valid one: that we need to understand the way in which legal sources are constructed (including witness testimony) and thus to be legally minded in our evaluation of these traces. Nevertheless, historians can identify the biases in the criminal justice system by comparing outcomes (and lines of questioning) across sets of cases.⁵¹ Moreover, it is

⁴⁷Jackson, *Child Sexual Abuse*; Julie D. Gammon, *Narratives of Sexual Violence in England, 1640–1820* (Manchester: Manchester University Press, forthcoming 2016); Sarah Toulalan, 'Child Sexual Abuse in Late Seventeenth and Eighteenth Century London', in *Children and Childhood in Industrial England*, ed. Nigel Goose and Katrina Honeyman (Aldershot: Ashgate, 2013).

⁴⁸TNA, HO 45/24446, Teachers found guilty of sexual misconduct and similar offences, 1924–1950.

⁴⁹Pamela Cox, *Gender, Justice and Welfare* (Basingstoke: Palgrave, 2003); Jackson, *Policing Youth*, 122–3.

⁵⁰For further discussion of these issues see Kaisa Vehkalahti's essay in this special issue of *History of Education*, as well as Nell Musgrove, 'The Role and Importance of History', in Sköld and Swain, *Apologies and the Legacy of Abuse*, 147–58.

⁵¹Robertson, 'What's Law got to do with it'.

important to highlight examples in which young people were clearly let down by criminal justice and to understand how and why this happened.

Problems of naming

Our project has been oriented towards documents already in the public domain relating to press coverage, policy-making and legal decision-making. This enables us to foreground the strengths and weakness of the documentary archive itself, by examining it as a statement of public record and charting these traces across time. Nevertheless, there have been significant ethical issues to unravel, the resolutions to which have been by no means straightforward. These have arisen because, whilst most of our material has long been a matter of public record (although not widely accessed or used), the ethical (as well as legal) frameworks that shaped its production have changed across time. As historians we have sought to chart these changes in response. Even more significantly, debates over the legal and ethical rights of those accused of sexual offences, in addition to those of victims and survivors, have recently re-entered the public domain in the UK and have not fully been resolved to date.

The anonymisation of victims and survivors, now an obvious ethical imperative, took some time to emerge as a consistent practice historically. In 1925 the report of the Departmental Committee noted that there had been a few disturbing instances in which newspapers had published the names and photographs of ‘young witnesses involved in cases of indecency’.⁵² The 1933 Children and Young Persons Act drew attention to the power of judges to direct the press not to report the ‘name, address or school’ of any child or young person or to include any particulars likely to lead to identification.⁵³ Yet, as in the case of the *Aldershot Advertiser*, the press did not always adhere to this injunction. It was not until 1989 that the default position shifted – from one in which the onus was placed on judges to request anonymity to an automatic requirement that the press must protect the anonymity of young witnesses.⁵⁴ Across the twentieth century, therefore, the press sporadically published the names of young people in a manner that would not be considered ethically responsible in the twenty-first century. Although some journalists sought to expose ‘homosexual teachers’ in the 1950s, this did not mean that working-class boys who may have been targets of abuse were treated sympathetically. In a 1953 case before the Manchester Assizes, six schoolboys were found to have been ‘soliciting men to pick them up’. The judge, trying the man charged with offences against them, described them as ‘repulsive little pests’, agreeing that they should be named ‘to protect’ other adults.⁵⁵

For historians working with these public documents, retrospective anonymising of the names of victims and survivors – by not republishing this material – is obvious. Yet questions have emerged for which there are no easy answers. Should the names of schools (and other institutions) be republished or suppressed? Given that current inquiries are seeking to identify institutional failings, and that during the course of 2014–2015 the media published the names of independent schools associated with reports of historic sexual abuse allegations, it can be argued that failure to republish historical information reinforces the

⁵²Cmd 2561, p. 68.

⁵³Children and Young Persons Act 1933 (23 Geo 5 c. 12), s. 39. The penalty was a fine of up to £50.

⁵⁴Children and Young Persons Act 1989 (c. 41), s.97.

⁵⁵*Manchester Evening News*, November 17, 1953, 3.

mantle of secrecy that has for too long protected those in positions of power and influence.⁵⁶ Naming schools can encourage other victims and survivors to come forward. Yet, this has to be balanced against the desire to protect all those who were pupils in those schools from assumptions that might be made about their pasts on the basis of association. Recently some victims and survivors of child sexual abuse and sexual violence have asserted their right to waive anonymity; in one key case, an author has turned to the high court to assert his right to be named.⁵⁷ In relation to historical testimony, it might be argued that the 'right to be named' should be accorded to those who have very consciously and deliberately published their autobiographies and memoirs and have chosen to discuss abuse in this public forum. Where individuals have been interviewed for oral history projects whose primary aim was not to explore experiences of child sexual abuse, but where it is referred to (explicitly or obliquely) within other discussions of a life trajectory, it may be appropriate to reference an archival collection but not to republish personal names. Finally, in the most appalling cases, it is unfortunately the case that children have died as a result of abuse that may have been sexually motivated and their names are already a matter of public record (the most obvious being the names of the victims of 'Moors Murderers' Ian Brady and Myra Hindley). Whilst, therefore, our default position is not to republish names of children, young people and adult victims and survivors, there may be exceptional circumstances where this is not possible.

The position is more complex in relation to those described as 'offenders' in a highly politicised UK context. Consistently across time the names of adults tried or convicted in courts have been a matter of public record. During 2014–2015, however, the UK media also reported the names of individuals under initial investigation by police (in cases where no prosecution has been forthcoming to date) and there is now a concerted lobby group campaigning for a right to anonymity for those accused of sexual offences until point of conviction.⁵⁸ The broader context to this claim is recent controversy surrounding rights to privacy from intrusive journalism for celebrities, politicians and those in the public eye and suggestions that inappropriate 'tip-offs' have been given by police officers to the media.⁵⁹ At the same time, the press has been quick to name, seeing this as in the public interest following the very high-profile posthumous investigations into the activities of celebrity and broadcaster Jimmy Savile, alleged to have carried out abuse on hospital, BBC and other institutional premises since the 1960s.⁶⁰ In this already highly politicised atmosphere, the press and opposition politicians raised concerns in 2014 about a 'cover up' by former government ministers, which had involved the suppression of a dossier containing the names

⁵⁶'Police Files on Child Sex Abuse at Gordonstoun School have Vanished', *Guardian*, June 28, 2015, <http://www.theguardian.com/society/2015/jun/28/gordonstoun-child-sex-abuse-search-for-victims> (accessed February 17, 2016).

⁵⁷'Pianist James Rhodes Wins Right to Publish Autobiography Telling of Abuse', *Guardian*, May 20, 2015, <http://www.theguardian.com/music/2015/may/20/concert-pianist-james-rhodes-wins-right-to-publish-autobiography> (accessed February 17, 2016); *Rhodes v OPO* [2015] UKSC 32.

⁵⁸'Paul Gambacini Calls for Tougher Action over False Claims of Abuse', *Guardian*, September 15, 2015, <http://www.theguardian.com/law/2015/sep/15/paul-gambacini-tougher-action-false-claims-sexual-abuse> (accessed February 17, 2016).

⁵⁹This was the subject of the Leveson Inquiry into the culture of the British press amidst concerns about phone-hacking, which reported initially in November 2012; the final report has been delayed until the outcome of criminal justice proceedings are fully known.

⁶⁰Kate Lampard and Ed Marsden, 'Themes and Lessons Learnt from NHS Investigations into Matters Relating to Jimmy Savile (Independent Report for the Secretary of State for Health)', https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407209/KL_lessons_learned_report_FINAL.pdf (accessed February 17, 2016); Dame Janet Smith DBE, 'The Jimmy Savile Investigation Report', http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/dame_janet_smith_review/savile/jimmy_savile_investigation.pdf (accessed February 25, 2016).

of MPs against whom child sexual abuse allegations had been made in the 1980s.⁶¹ Our research has been conducted at a point where competing claims circulate regarding the right to privacy (until point of conviction) and the duty to name (to prevent further cover-up and to enable witnesses to come forward).

For the historical past, the distinction between those investigated or accused (but not found guilty) and those convicted is equally problematic, given the difficulties of, on the one hand, judging fragmentary historical evidence and, on the other, the biases of the criminal justice system, which meant that cases that might now be convicted were in fact acquitted. It is clear, too, that across time the inadequacies of institutional responses have served to silence those against whom abuse has been perpetrated. It is a compelling and persuasive argument that any decision not to republish the names of those convicted of offences prioritises the rights of offenders over those of victims and survivors. Moreover, the standard form of referencing for case law involves citing the surname of a defendant. Clearly, too, it is impossible *not* to name recent individuals exposed posthumously and very publicly such as Savile and former MP Cyril Smith. It becomes difficult (and, indeed, anomalous) to make the case that others who were extensively discussed within the historical record should be anonymised.

A further significant context that shapes our discussion of those convicted of sexual offences in the historical past has been the transformation of social and legal attitudes towards homosexuality. In the wake of the release of the highly successful film *The Imitation Game* in 2014, concerning the life of pioneering computer scientist Alan Turing who died in 1954 following a conviction for gross indecency and treatment through ‘chemical castration’, gay rights organisations such as the Peter Tatchell Foundation launched a high-profile campaign calling for pardons for ‘all men convicted of consenting adult same-sex relations’.⁶² These gay rights campaigners have been clear to emphasise that the convictions that should be lifted are for those that are no longer criminal and that relate to adults. This has been a staged process towards equality. The ‘gay’ age of consent has changed across time: set at 21 in 1967 in England and Wales, it was lowered to 18 in 1994 and finally to 16 (as for hetero-sex) in 2001. Whilst it is clearly unnecessary to republish the names of those convicted of offences that are no longer classified as such (with or without pardons), a number of individuals (including Turing) have become widely known points of cultural and legal reference. Even where convictions are for offences with minors, gay men who have been interviewed for oral history projects have suggested that in some cases they were the targets of police harassment and intimidation and that some of these convictions may not have been sound.⁶³ Thus the legal distinction between ‘offender’ and ‘victim’ is not always helpful in resolving issues of naming. Our default position is towards the naming of convicted offenders, whilst reviewing this on a case-by-case basis that is sensitive to the interests of surviving relatives and others who may have been minors at the time.

⁶¹What is the Leon Brittan Dossier and why are there fears of a cover-up, *Guardian*, July 6, 2014, <http://www.theguardian.com/global/2014/jul/06/leon-brittan-dossier-cover-up-fears> (accessed February 17, 2016).

⁶²Peter Tatchell, ‘Pardon all convicted gay men’, Peter Tatchell Foundation, <http://www.petertatchellfoundation.org/lgbt-community/pardon-all-convicted-gay-men-not-just-alan-turing> (accessed February 17, 2016).

⁶³Turing got a pardon. I want one too, *Guardian* (Weekend), March 28, 2015, 33–41.

In the UK, the National Archives has long operated a 30-year closure rule for all documents generated by public departments (extended to 70 years if material contains personal information). The 2000 Freedom of Information (FOI) Act enables release of archival material or factual information owned by public authorities if it is deemed to be in the public interest. Material can be kept closed, however, if its release ‘would be unfair or at odds with the reason why it was collected, or where the subject had officially served notice that releasing it would cause them damage or distress.’ During the course of our research we have submitted a small number of FOI enquiries, leading to the opening of files in around two-thirds of requests. Material that has been made available is always done so in redacted form, so as to remove names of any individuals who were minors and/or who were complainants of sexual assault. In some cases files have remained closed because they contain ‘details of personal family life, criminal record and medical information.’⁶⁴ It is worthy of note that FOI requests (made by other parties) for the opening of documents relating to allegations of sexual abuse involving public figures, and which did not lead to prosecutions, have been duly opened and the names of adults disclosed, although redacted to protect the anonymity of minors.⁶⁵ This reinforces the argument that names of minors, complainants and victims and survivors should always be protected, whilst the names of those against whom allegations are made may be a matter of public record.

Thus current discussions of competing rights regarding anonymity (and naming) have been advanced by both victims/survivors’ groups and those accused (in their belief wrongly) of sexual offences in a highly politicised atmosphere, and this affects the ways in which we write histories. Ultimately, however, the aim of this project is not about the uncovering of individuals (which is a matter for criminal justice and the formal inquiry process) but the charting of institutional, legal or social responses and the robustness of their effects across time.

Our conclusions

The question at the heart of the Goddard inquiry – ‘whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse’ – is a complex one to unravel. As we have demonstrated, one of the methodological difficulties is that ‘sexual abuse’ is a fairly recent concept that previous categories of ‘sexual offence’ did not entirely encompass. Moreover ideas about what constitutes a duty of care and who is responsible in differing settings have also been subject to change. Silences, gaps and empty spaces abound in our attempt to map the textual traces of child sexual abuse in the historical archive. Nevertheless, our research enables us to answer three key questions that have the potential to contribute significantly to current understanding and debate: Why, against all the odds, were there some successful prosecutions in the past and what were the mechanisms that enabled them? How were practitioners able to make a difference at some points in time? What were the missed opportunities and how might we avoid them in the future?

First, as other commentators have stressed, it is clear that what we call child sexual abuse was known about across the twentieth century, although it was described and categorised

⁶⁴Quotations taken from email correspondence with the National Archives regarding FOI requests.

⁶⁵For example, TNA, DPP 2/5178 and MEPO 26/348.

in a proliferation of ways with a range of effects that were not simply (and indeed rarely) about safeguarding children. Statistical evidence can be provided of the gradually increasing number of prosecutions, which was probably the result of a set of complex factors, both direct, such as the closure of loopholes in the law, and those that were indirect. The latter included the expansion of moral welfare work as a specialism (which assisted the reporting of offences and provided assistance to victims and survivors) and improvement in procedures for taking statements when a matter was reported to the police (as women were increasingly used in this role and trained as specialists), which at least brought cases to attention although it did not guarantee prosecution. Second, it is very apparent that there were earlier calls to action across the twentieth century. The most successful of these were a result of feminist activism (or campaigns by women's organisations focused on issues relating to gender inequality). In addition to the campaigns of the 1920s, the Women's Liberation Movement of the 1970s played a crucial role in finally naming child sexual abuse and placing it on the agenda, from a position that was grounded in the experiential. In her work on Boston, USA, Linda Gordon suggested that 'victims' of sexual abuse were most likely to be treated with sympathy during periods in which feminism was an active influence on social work policy and practice.⁶⁶ This argument seems broadly applicable to the UK context, but it is a perspective that focuses on gender-based violence committed by males on females. Our research across the twentieth century reinforces other studies that show how difficult it has been to give voice to male victims and survivors of abuse, given the criminalisation of homosexuality and polarised debates about law reform.⁶⁷

Third, our research enables us to demonstrate how and in what ways delay and procrastination has been a constant feature of the policy-making system. The 1925 committee made a series of very significant recommendations, which would have transformed how reported cases of abuse were handled: that annual statistics should be published showing cases involving those under 16; that the defence of 'reasonable cause to believe' should be abolished; that child 'victims' should be given more protection from naming by the press; that child 'victims' should be examined by a female surgeon given that most offenders were male; and that children's evidence should be admissible without them necessarily appearing in the courtroom.⁶⁸ Very few of the recommendations were implemented, since they were opposed by the Director of Public Prosecutions and the judiciary.⁶⁹ As documents opened by the National Archives in 2015 reveal, Home Office civil servants viewed the 1925 committee as 'a great source of embarrassment'. Behind closed doors they reflected that 'sooner or later it may be necessary to say outright that many of the Committee's recommendations are not acceptable but this would blow into flame the smouldering agitation of a few very energetic and well-meaning people'.⁷⁰ As Smart has shown, various 'discursive tricks' were used to deny the salience of feminist arguments whilst agreeing that sexual abuse was a heinous crime that should be dealt with seriously: denying that children were traumatised by either abuse itself or cross-examination in court; arguing that that many 'false' complaints were

⁶⁶Linda Gordon, *Heroes of Their Own Lives* (London: Virago, 1989).

⁶⁷Richie J. McMullen, *Male Rape: Breaking the Silence on the Last Taboo* (London: Gay Men's Press, 1990).

⁶⁸Cmd. 2561.

⁶⁹From 1908 onwards children's evidence could be heard *in camera* but they were still required to appear and to be cross-examined, even by the defendant. From 1963 a child's statement in writing could be viewed as admissible. From 1989 video evidence and hearsay evidence (inadmissible in other cases) could be used.

⁷⁰TNA, HO 144/20112, Sexual offences against young persons, 1929–32.

made and that defendants needed to be protected from lying, deceitful or deluded children; and asserting that girls were often 'to blame' for their abuse.⁷¹ These counter-perspectives, which were entrenched within sections of the judiciary, were exposed in newspaper coverage of cases that referred to girls under 16 who were 'as guilty as the male' or as 'immoral as any grown-up woman can possibly be.'⁷² Whilst feminist campaigners worked hard to keep sexual offences against (girl) children on the agenda into the 1930s, at no point did the newspaper press actively participate, as it had done in 1885 when editor of the *Pall Mall Gazette* W.T. Stead had campaigned for the raising of the age of consent to 16.

Inertia in the policy machine was apparent in the slow speed at which the Ministry of Education forged a workable compromise with the independent schools as to how allegations of teachers should be dealt with and to whom they should be reported for investigation. This was, in part, to do with the political reluctance of those enmeshed within the British state apparatus (civil servants and ministers) to impose processes on civil society institutions in the immediate post-war period, and civil servants in the Education Department themselves contrasted the British liberal tradition with totalitarian Nazi and Stalinist regimes.⁷³ The deal that was struck with the private sector (doctors and schools) in the creation of the National Health Service and the expansion of state education in the late 1940s involved the continuation and recognition of independent institutions. There were clearly policy opportunities across the twentieth century for governments to radically improve both criminal justice responses to child sexual abuse and processes of safeguarding. Yet the influence of vested interests (most obviously the legal establishment in the 1920s) as well as other political concerns (homosexual law reform) served to confuse, obfuscate and divert attention away from the perspective of children and young people. Moreover, there was no one unified lobby group that continued to push for change on behalf of male and female victims and survivors of abuse.

Finally, historical research challenges teleological assumptions (about linear trajectories of either improvement or decline) that are prevalent within the media and other public narratives: that we know now about abuse but were ignorant in the past, or that abuse is widespread now but was less of a problem in a more benign previous age. The examples we have discussed suggest that the history of public awareness of child sexual abuse is possibly better thought of as episodic or cyclical, with moments of breakthrough but also amnesia. It would be a historical to speak of the recommendations of the 1925 Committee as 'ahead of their time'. Yet they seem remarkably lucid now, given their continued relevance in relation to current debates, although they were dismissed by legal experts in their own time as an 'embarrassment'. We can identify currents and viewpoints that have waxed and waned, coexisted in points of tension or, indeed, that speak across time. In considering notions of 'a duty of care to protect children', historical research enables us to trace and analyse the origins of its articulation (and indeed of the components of 'duty', 'care', and to whom). A similar language was adopted by the Board of Education in the early twentieth century, as officials used it to frame a policy and a set of practices that was at least partially successful. The concept of 'duty of care' would also have been recognisable to the members of the 1925

⁷¹Smart, 'History of Ambivalence'.

⁷²'Five Years' Servitude', *Devon and Exeter Gazette*, November 3, 1925, 5; 'Outspoken', *Devon and Exeter Gazette*, October 26, 1934, 14.

⁷³TNA, ED 104/19, note of May 27, 1954.

committee (and many of the female practitioners who gave evidence) as a need or aspiration (given the deficiencies that were identified within the system). Yet there were other competing agendas. In the 1920s the legal establishment thought more in terms of duty to protect the traditions of the English criminal justice system that were grounded in the rights of the defendant within an adversarial model. For private schools as for other private and voluntary institutions, any duty was more likely to be framed in terms of the school's reputation rather than the protection of individual children. It is apparent throughout that the viewpoints of the children and young people who suffered abuse were persistently occluded from the public record, highlighting further the significance of very recent inquiries in prioritising the testimonies of victims and survivors.

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