‘DID YOU KNOW THAT THE RSPCA WAS SET UP SIXTY YEARS EARLIER THAN THE NSPCC?’

Contemporary society is peppered with state regulation – regulation of housing, driving, communication, education to name but a few. Even without taking the mass of health and safety regulation that has increased over the 20th century, state regulation controls virtually all activity people engage in and all institutions that activity involve. We live very much in a ‘regulatory-state’ where there are rules, regulations and laws that govern everyday life (Braithwaite, 2011). But life was not always like this. Godfrey *et al* (2007) argue that it was the second half of the 19th century that Britain saw the beginning of this regulatory state, which then grew exponentially over the 20th century. They argue that private and local authority agencies, backed by central government, turned to social regulation to alleviate the poverty and deprivation caused by industrial, economic and urban changes that took place during the previous decades of the 19th century. Thus began a time of social responsibly that the problems caused by the enormous changes of the Industrial Revolution would now be addressed. It was during this period, over the 19th century, in this atmosphere, that the conditions under which children and animals were kept and how they were treated became pressing issues. It seemed that their life experiences could be improved through regulation. However, it was the welfare of animals that took precedence.

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) originated in the early 19th century (Rivito, 1987). It was the first animal charity in the world although many other European countries and America followed suit shortly afterwards. The Society for the Prevention of Cruelty to Animals was founded in a London Coffee shop in 1824 but became the RSPCA in 1840 when Queen Victoria bestowed her patronage on the Society. At a time when animals were used for food, chattels or sport rather than as pets, the RSPCA’s focus in those early days was the welfare of animals in dangerous occupations such as ‘pit ponies’ and horses and ponies used to pull traps for example. As well as bringing prosecutions for the maltreatment of animals, the RSPCA also campaigned to influence the law regarding animal welfare. It was instrumental in prohibiting cruelty to cattle, then domestic animals such as dogs, and the passing of the 1835 Pease Act which forbade bear baiting and cock-fighting - popular but cruel ‘sports’. More recent 20th century successes have been their influence on legislation on the use of animals in laboratories, fur farming, and the banning of fox hunting with dogs.

During the 19th century, child cruelty and neglect were considered tragic consequences of life among the poor. Child labour exploitation was tolerated as it was cheap, children were also able to carry out many tasks that adults could not, for example, crawling into confined spaces. Furthermore, much child cruelty was deemed necessary to discipline the child. Much of this cruelty took place within families, schools and factories. However, similar to animal protection, work to protect child welfare also started in the early 19th century. The 1834 Poor Law Amendment Act set up workhouses for destitute people in England and Wales, and for children who had been deserted or neglected by their parents the workhouse became a refuge (Hulonce, 2017). Campaigning to alleviate the horrors of 19th century child labour culminated in the 1833 Factory Act, which prohibited the employment of children younger than 9 years of age and limited the hours that children between 9 and 13 could work, and the 1842 Mines Act, which raised the starting age of colliery workers to 10 years.

However, formal means to regulate the welfare of children came 40 years later than the setting up of the RSPCA with the setting up of The London Society for the Prevention of Cruelty to Children in 1884. In 1889, it became the National Society for the Prevention of Cruelty to Children (NSPCC) and set up a number a regional Aid Committees to deal with business outside London (Behlmer, 1982). Hence, the NSPCC, in setting up a nation-wide body of professional inspectors following a set of clear policy guidelines and answerable to a central head office, established throughout England a systematic programme of welfare intervention that was based on modern notions of family surveillance: regular visits, advice and warning (Hendrick, 1994). In 1892 Asquith, as Home Secretary, said the NSPCC offered an essential and complementary role to the police primarily because its main concern was not to punish the wrongdoer but to prevent crime. In this vein, the bulk of NSPCC business increasingly took the form of neglect cases where offending parents would be advised, warned, and kept under the regular surveillance of inspectors.

The NSPCC, working with the police, paid particular attention to specific families, keeping them under surveillance for quite lengthy time periods although the NSPCC emphasised its reluctance to remove children from their parental home. Behlmer (1982, p. 175) has estimated that between 1870 and 1908 (when the Children’s Act came into force) less than 1% of all children involved in NSPCC cases were removed from the parents. During this time, both parents (or guardians) were considered to have equal but different responsibility for the children under their care - the man provided financially and the woman took responsibility for nurturing the children. These gender assumptions fundamentally affected the way the law functioned in relation to cases of alleged neglect (despite the recognition by the 1870 Married Women’s Property Act that married women were as liable as men for the support of their children). So, as long as a man could show in court that he had worked and provided financially for the family, it was women who bore the brunt of prosecutions for neglect (Turner, 2012). Cases of child sexual abuse were few, but fewer still were those where a woman appeared as defendant; this is not to say that the offence did not take place, rather that few were reported or detected. Jackson (2000: 108), in her study of the way in which sexual abuse was debated and dealt with in the Victorian and Edwardian period, found that in 99% of her sample the defendant was male.

So, why was the RSPCA set up before the NSPCC? During the 19th century, both animal mistreatment and child cruelty and neglect were considered tragic consequences of life among the poor. However, child labour exploitation was tolerated as it was cheap; children were also able to carry out many tasks that adults could not, for example, crawling into confined spaces. Furthermore, much child cruelty was deemed necessary to discipline the child. Much of this cruelty took place within families, schools and factories. The well-known principle of ‘spare the rod and spoil the child’ indicated that corporal punishment of children was considered an appropriate measure in child rearing (Taylor and Powell, 2017). There was a long-standing tradition that private or state agencies did not interfere with family affairs – men, as head of the household, were expect to keep their wives and children under control, to discipline them. They were his property. Hence, even when other areas of life were being increasingly regulated, family affairs, including the welfare of children, were deemed to be out of the reach of the state; there was a reluctance to ‘interfere’. The family was deemed to be a private and sacred enclave into which the law had no place to venture (Morley, 2017). During the 19th century, parental rights to discipline and punish their children were paramount; inch by inch, the NSPCC has developed and extended its reach to protect more and more children. However, even now, parents in England and Wales still retain the right to smack their child if it can be deemed ‘reasonable punishment’.

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