TENDING THE GARDENS OF CITIZENSHIP:
Child Protection in Toronto 1880s – 1920s

By

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Sparked by several high profile child deaths, Ontario's Child Welfare Reform at the turn of the twenty-first century has resulted in a restructuring of the child protection system. This dissertation uses historical analyses to develop a critical understanding of the Reform. The analyses are influenced by the Foucaultian governmentality approach. Specifically, it explores the transformation of conceptions of human identities, citizenship, and technologies of power, from the threshold of the "social" era to our present "post-social" era.

The dissertation examines child protection ideas and practices during the period from the late 1880s to 1920s. It argues that preventing crime and immorality and building a useful and Christian citizenry were the main objectives of child protection. Gardening metaphors were used widely to construct a humanist identity for children as "future citizens" and to promote technologies of parental power which were primarily governmental in Foucault's sense. Cruelty and neglect deviated from the gardening mode of parental power. Child protection workers governed parents' cruelty or bad morals so that parents could in turn govern children properly. The study identifies a range of child protection technologies, also represented by gardening metaphors. Child protection connected the conduct of individuals with issues of societal importance. While the focus
of child protection was on individuals' conduct, the "social" mode of thinking allowed a consideration of resource issues in other related areas.

The analyses of the early history of child protection are used to understand the recent Reform. Instead of being considered as "future citizens," today children are constituted as the ideal citizens. The child-citizen discourse accentuates children's rights to personal safety and portrays parents as (potential) criminals. In contrast to the earlier period, the primary objective of current child protection is "keeping kids safe." This understanding severely limits the kinds of collective actions to be considered. New technologies of risk management and criminal punishment subsume child protection to criminality. These changes reflect the "privatization of citizenship." The dissertation challenges the tendency of reducing complex structural issues to a matter of children's personal safety.
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When you think of the ill-treatment, the friendlessness, the homelessness of children remember that the CHILDREN'S AID SOCIETY was organized for their protection and relief.
4. An early seal on a circular "Notice to Parents or Guardians," c.1899. Issued by the Children's Aid Society of Toronto. Kelso Papers, NAC.
NEGLECTED!
One of the Products of a Selfish Social System.

In the person of this neglected child a true picture of 19th century civilization is presented to you for contemplation.

WHAT WILL HIS FATE BE?

"I looked on my right hand and beheld, but there was no man that would know me: refuge failed me; no man cared for my soul."—Psalm cxlii, 4.

The mind of a child is the tenderest and holiest thing on earth, for it is begotten of heaven, not earth. To misrule and misguide this heaven-born mind, is to rob it of its promise and purpose, is to cripple its powers of being and doing, is to extinguish its latent virtues and graces, and is an injury and a sin that may never be forgotten nor forgiven.

"It is wiser and less expensive to save children than to punish Criminals."—Child and State.

7. Illustration of a neglected boy who would become "a danger and curse" to the society if not rescued. Untitled pamphlet, c.early 1890s. Vol. 4, Kelso Papers, NAC.
Children's Aid Society
:: OF TORONTO ::

INCORPORATED 1891

NINETEENTH ANNUAL REPORT
NINETEEN HUNDRED AND TEN

MOTTO:
"It is wiser and less expensive to save children than to punish criminals."

OFFICE OF THE SOCIETY
229 SIMCOE STREET
TORONTO
TELEPHONE MAIN 1357
WM. DUNCAN, Secretary

10. Children's Aid Society of Toronto Annual Report
1910. Children's Aid Society of Toronto Fonds, CTA.
12. Illustrations of children in Children's Aid Society of Toronto Annual Reports 1910, 1909, and 1896 (clockwise from left top). Children's Aid Society of Toronto Fonds, CTA.
VICTIMS: Six-month-old Sara Podnieuwicz, left, was murdered by her parents in 1994 and Johnny Jam died in 1993 when he was 16 months old, probably from a severe blow to the lower abdomen.

INTRODUCTION

"But experience has taught me that the history of various forms of rationality is sometimes more effective in unsettling our certitudes and dogmatism than is abstract criticism."¹

"[The history of the present] is geared toward the critical use of history to make intelligible the possibilities in the present and so can yield to neither universalist concepts of rationality and subjectivity nor metanarratives of progress, reason, or emancipation."²

On September 18, 1996, the headline pictures of two murdered babies hit readers of the Toronto Star. Two absolutely innocent and defenseless children: one’s eyes were not even open and the other was shown sucking on his thumb. The caption provided their names and explained that Sara Podniewicz was six months old when she was murdered by her parents and Johnny James died from a severe blow to the lower abdomen when he was sixteen months old. This introduced readers to a full-page exclusive report of a Toronto Star investigation of some child deaths in the previous five years (1991-1995), particularly cases in which there were signs of abuse and neglect by parents prior to children’s deaths and in which “the [child protection] system failed these kids.”³

I reacted just as many others did to these stories of children who had come to the attention of Children’s Aid Societies but were later murdered by their parents: How could they? How could she beat her step-daughter to a point of brain-damage and finally death? How could doctors misread X-rays that should have told them an 8-month-old boy had two skull fractures? How could a Children’s Aid Society accept a mother’s story and not

¹ Foucault, “Politics and Reason,” p.83.
² Dean, Critical and Effective Histories, p.21.
³ “How the system failed these kids,” Toronto Star, September 18, 1996.
to take action after workers and doctors had seen the boy who was bleeding from his ears, had a burn on one foot, a broken right leg and a fracture to his left elbow?

These reactions, however, should be seen for what they are, i.e. responses to the sensational nature of public and media concern when the few extreme cases are segregated from the broader context. For one thing, there are many more deaths in the general population of children who have never shown any sign of abuse and neglect and as a result who are never involved with the child protection system. During the two years of 1994 and 1995, there were 3199 child deaths across Ontario, among which 100 were children known to Children’s Aid Societies; additionally, the death rate of children receiving services from Children’s Aid Societies was lower than that of the general population. Given these facts, if the objective is to prevent child deaths, how, then, was it credible to scrutinize only the child protection system when it has nothing to do with most deaths of children? Furthermore, the vast majority of cases that child protection workers deal with everyday do not have dramatic endings. According to the Child Mortality Task Force’s data, in 1995 Ontario Children’s Aid Societies provided service to 87,000 families, 150,000 children and youth and provided substitute care to 20,800 children. Among these children, only 57 died while receiving services from a Children’s Aid Society. How did it become imaginable to focus criticisms of the child protection system on its failure to prevent tragic but proportionately a very small number of child deaths at the turn of the twenty-first century? What are the effects of the focus on deaths?

The focus on death is a recent phenomenon. In Ontario, the year of 1995 clearly marked the shift of attention to the issue of child deaths and its linkage to child

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5 Ibid., p.6.
protection. This was attested to by professional organizations’ unforeseen need in 1995 for information about deaths of children who received child protection services (no such data were collected prior to 1995,)\textsuperscript{6} as well as a flurry of reports on child deaths in the media beginning in 1996.\textsuperscript{7} The new focus on deaths in Ontario followed a general trend both at home and abroad. In Canada, the Province of British Columbia’s well-publicized Gove Inquiry on Child Protection (1995) was the first example of initiating policy and service restructuring through a massive inquiry into the dreadful death of a child involved with the child protection system.\textsuperscript{8} Since the mid-1980s all across Britain, North America, Europe and Australia, child deaths have emerged as the entry point for public scrutiny of and political deliberation on the child protection system.\textsuperscript{9}

In Ontario, child deaths sparked the so-called “Child Welfare Reform” from 1996 to 1999. The 1996 \textit{Toronto Star} article on murdered children mentioned before announced the launch of “a sweeping probe into child deaths ... with a view to saving lives in the future.”\textsuperscript{10} This “probe” took the form of a Child Mortality Task Force and a series of coroner’s inquests. The coroner’s inquests speak to a common characteristic of the discourse of child deaths across different geographical locations, i.e. its highly personalized format. This characteristic of individuation is reflected in, and at the same time sustained by knowledge-producing devices such as coroner’s inquests or judicial

\textsuperscript{6} \textit{Ibid.}, p.2.
\textsuperscript{7} The media did not react to child deaths as anything extraordinary or scandals of the child protection system until 1995. Take the \textit{Toronto Star} for example: in the decade before 1995, the vast majority of reports on child protection were about sex abuses of children by individuals and later by staff of institutions. Surely some children died in earlier years, including those involved with Children’s Aid Societies. But I have yet to unearth any report linking child deaths to the failure of the child protection system in the years before 1995.
inquiries into deaths of individual children, as well as by the media’s narratives of specific deaths. Certainly, it is not new for categories of deaths to be recognized as social problems, which then demand intervention at the public policy level. The infant mortality discourse in the public health movement around the turn of the last century provide one example. However, the 1990s perspective of death is distinct from the earlier mortality perspective in that the problem of deaths is not defined by impersonal and aggregated statistics. Instead, the 1990s problem of deaths is often presented in personal story format, reflecting a neo-liberal emphasis on individuals.

Ontario’s Child Mortality Task Force does not seem to be consistent with the norm of the 1990s individualized discourse of deaths since it considers statistics. However, its blatantly problematic assembling and interpretation of data serves as an example of a policy-making trend which is more attuned to certain qualitative nature of reality (such as the tragic nature of child deaths) rather than issues of quantitative magnitude (such as the high rate of child poverty in Canada). The Child Mortality Task Force’s puzzling approach to the computing of death rates is a case in point. Statistics indicate that for the two years of 1994 and 1995 the death rate for children receiving services from a Children’s Aid Society was actually lower than that of the general population. However, without apparent rationale, the Task Force chose to cluster together four out of seven categories of causes of deaths – accident, suicide, homicide

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10 *Toronto Star*, September 18, 1996.
11 The relation between the emergence of child welfare and the public health movement in Britain, the United States, and Canada at the end of nineteenth century and the beginning of the twentieth century have been examined by many, for example Davin, “Imperialism and Motherhood;” Sutherland, Part II “‘To Create a Strong and Healthy Race:’ Children in the Public Health Movement, 1880 – 1920,” *Children in English-Canadian Society; Comacchio, Nations Are Built of Babies.*
12 According to the Ontario Child Mortality Task Force’s analysis, there were 3.8 deaths per 10,000 children for those known to a Children’s Aid Society, versus 5.5 deaths per 10,000 children in general. *Ontario Child Mortality Task Force Final Report,* p.6.
and undetermined.\textsuperscript{13} It compared the death rate of this sub-group to a corresponding subgroup in the general population and concluded that the former was higher than the latter.\textsuperscript{14} Arguably, it is problematic to lump together these four categories. My analysis of the data provided in the report of the Child Mortality Task Force shows that among the four categories, accidental deaths stood out as not occurring disproportionately among children known to a Children’s Aid Society. However, deaths by suicide and homicide did occur in disproportionately greater numbers. Aggregation inevitably and mistakenly led to an impression of a higher probability of the occurrence of accidental death, which was then deployed as a major premise for subsequent restructuring decisions, specifically the legislative emphasis on neglect. Additionally, these four causes of deaths are so different that if the objective is “saving lives in the future” as claimed,\textsuperscript{15} they have to be tackled differently. For example, most accidental deaths occurred in car accidents (9 out of 21) and house fires (12 out of 21). In contrast, most suicides by children occurred in substitute care provided by Children’s Aid Societies (5 out of 6), i.e. in foster care, group care or an institution. In any case, the difference between the death rate for children known to Children’s Aid Societies who died from the four causes of accident, suicide, homicide and undetermined cause and that of the general population of children was not even statistically significant. However, the Child Mortality Task Force concluded that a difference \textit{should be expected}. It claimed

\textsuperscript{13} The seven categories of deaths are Natural Causes, Sudden Infant Death Syndrome (SIDS), Sudden Unexplained Death (SUD), Accidents, Suicide, Homicide, and Undetermined Causes. Ontario Child Mortality Task Force, \textit{Ontario Child Mortality Task Force Final Report}.

\textsuperscript{14} According to the Ontario Child Mortality Task Force, for deaths caused by accident, suicide, homicide and undetermined causes, there were 1.7 deaths per 10,000 children for those known to a Children’s Aid Society, versus 1.2 deaths per 10,000 children in general. \textit{Ontario Child Mortality Task Force Final Report}, p.6.

[a]lthough the difference in the death rates is not statistically significant, a difference should be expected considering the special characteristics of the families and vulnerability of the children known to Children's Aid Societies [emphasis added]:

- many families live below the poverty line
- many parents were victims of child abuse and neglect themselves
- many families are single parent families relying on social assistance
- women are subject to spousal violence
- there is frequent substance and alcohol dependency in this population
- all families had been referred to CASs because of difficulties in caring for their children and carrying out their parental responsibilities.  

In other words, what the Task Force asserted was that children from families with the characteristics listed above have a higher probability of dying from abuse and neglect, despite the lack of supporting statistical evidence. The issue of death and safety was thus transformed into the regulation of people living in poverty, those who had been abused and neglected in their childhood, single mothers and "welfare dependents."

Another example of the problematic handling of statistics on the part of the Child Mortality Task Force concerns the transformation of a panic about an epidemic of child homicide to a problem of accidental deaths "by neglect." It was clear that when the Child Mortality Task Force and six coroner's inquests were launched in 1996, deaths of children by homicides, or "fatal child abuse," was the most gripping issue and thus the focus for investigation. However, in the report delivered by the Child Mortality Task Force the focus shifted away from child deaths by homicide. To its credit, the Child Mortality Task Force noted the rarity of homicide cases and the difficulty of predicting child homicide because "factors associated with child maltreatment are not necessarily the same correlates associated with child fatality by homicide."  

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the Child Mortality Task Force’s report essentially stated that the child protection system did not fail in preventing child homicides, nor can it be expected to do any better.

However, the death of children by accidents was then portrayed as a major problem confronting society and the child protection system, and was linked to neglect. An examination of the section on “Accidents” in the Task Force Report reveals some of the problematic linkages made between accidental deaths and neglect. The section on “Accidents” was not only the longest in the Task Force Report, but also the one immediately followed by an analysis, which is titled “Relationship between neglect and child deaths.” The Task Force cited a couple of studies on three forms of accidental deaths of children – motor vehicle fatalities, drowning, and fire deaths – and how such deaths could be prevented through: 1. the use of safety measures such as seatbelts and safe storage of matches and lighters; 2. proper conduct of parents and caregivers, particularly around the use of alcohol and drugs; and 3. supervision. Arguably, the availability of safety devices and the application of safety measures are the most effective prevention measures since most accidental deaths occurred in motor vehicle accidents and house fires. However, in summarizing its review of these two studies, the Task force chose to focus only on the factor of supervision. It stated that “[m]any ‘accidental’ deaths could be prevented if greater attention was paid to supervision of young children.” It thus manufactured the linkage between accidental deaths and child neglect, since lack of supervision is traditionally among the most common of neglect issues.

An examination of the rest of the section on the “Relationship Between Neglect and Child Deaths” shows even further slippage from accidental death to “neglect

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19 Swift, *Manufacturing "Bad Mothers."*
fatality.” The Task Force, quoting a separate study rather than using its own data, claimed that forty-four percent of “neglect fatalities” occurred in single-parent families.

Identifying single-parenthood as the marker of so-called “neglect fatality” in a section entitled “Relationship Between Neglect and Child Deaths,” is extremely misleading. First, there is a discrepancy between “neglect fatality” and accidental deaths, which is left unexplained in this section of the report. In the earlier section on “Accidents,” accidental deaths encompassed: motor vehicle accidents, drowning, and house fires. However, by “neglect fatality” the Task Force actually referred to death as a result of neglect, usually involving drowning in the bathtub, house fires, substandard housing and parents failing to follow medical instructions or delaying seeking medical attention. The omission of deaths by motor vehicle accidents was glaring, given that 9 out of 21 accidental deaths of the children known to Children’s Aid Societies occurred in motor vehicle accidents.

Second, the emphasis on accidental deaths and then “neglect fatality” is even more troubling if one considers the fact that accidental deaths to children known to a Children’s Aid Society were in fact proportionately smaller in number than those to children in general. Nevertheless, on the basis of this problematic presentation and interpretation of statistics, the Task Force rationalized its recommendations for a “stronger focus on child neglect” and the targeting of single mothers, alcohol users, and drug users for more intrusive and intensive regulation. These recommendations bear little relevance to the initial concern with child homicide, or even child deaths in general.

Concurrently, juries of six coroner’s inquests into deaths of children who died while receiving services from a Children’s Aid Society also generated a large number of

21 Ibid., p.14.
recommendations. Three broad themes pervade recommendations put forward by the Child Mortality Task Force and coroner's inquests: first, the courts, professionals other than social workers (e.g. medical doctors, school teachers, and lawyers), and the general public need to be more alerted to the harmful effects of child abuse and neglect; second, principles of "family preservation" and the "least restrictive intervention," which underlined the law since the 1980s, should come secondary to the protection of children; and third, the child welfare system needs more and stronger legal tools and system supports. Specifically, the recommended tools include adding neglect as a ground for child protection, standardized risk assessment tools, inter-linked data systems, increased funds and staff for Children's Aid Societies in the province of Ontario, and even creation of new child-specific criminal offences in the Criminal Code at the federal level.22

In its reform of the child protection system, Ontario Ministry of Community and Social Services adopted an impressive number of the recommendations put forward by the Child Mortality Task Force and six coroner's inquests. From 1997 to 1999, the Ministry of Community and Social Service took these following actions:

- it put in place a standardized risk assessment system, mandated for all Children's Aid Societies across Ontario;23
- it started setting up a new information database for tracking high risk families and linking all organizations involved in the child protection system;
- it appointed a Panel of Experts to review the Child and Family Services Act with particular attention to Part III on child protection;24

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24 Other parts of Ontario's Child and Family Services Act deal with issues such as young offenders, adoption, and Indian and Native child and family services for example.
it twice invested additional funding for hiring nearly 1000 new front-line workers, training, and supporting the new database;

- it introduced a new funding formula, in which the province assumes 100 percent funding of the Children’s Aid Societies and which linked funding to actual caseloads, types of cases, and status of case in the work flow process;
- in collaboration with the Ministry of Health, it also established and expanded the Healthy Babies/ Healthy Children programme, a prevention and early intervention programme for high risk children under age six.

On top of these, in October 1998 Ontario’s Community and Social Services Minister Janet Ecker introduced the Child and Family Services Amendment Act (Child Welfare Reform), 1998. Due to unrelated legislative process delays, the Act had to be re-introduced in April 1999. It passed the Ontario Legislature in May 1999 and was proclaimed in March 2000. The major changes brought about by the Act include the shifting of emphasis from considering the interests of families as a whole to privileging “children’s best interest,” recognizing “patterns of neglect” as a ground for mandatory protection services, stricter regulation of professionals’ duty to report suspicions of child abuse and neglect, a shorter timeframe for planning permanent arrangements, and more difficult access of family relatives or friends to children who have been made Crown wards.

Together these changes will likely result in more reports of child abuse and neglect, more interventions, more children in care, and earlier permanency planning for the long term care of children who will not return to their families. These trends are indicated in the Children’s Aid Society of Toronto’s service statistics since the beginning of the reform. As some commentators pointed out, child protection services are focusing more and more on investigation, assessment, analysis, and documenting of parental inadequacies, than on meeting the needs of family in providing up-to-standard
care for children through direct support or helping them to access supplementary resources.\textsuperscript{27}

The rethinking and retooling of child protection in the late 1990s should not be seen as something that is necessary, natural, or neutral. The refashioning of the child protection system from the perspective of child deaths and its practical consequences is a contingent product of both the tradition of child protection and certain conditions specific to Ontario in the late 1990s. The sudden discovery of child deaths “scandal,” the maneuvered shift from “fatal child abuse” to “death by neglect,” and the directions of Ontario’s Child Welfare Reform all invite questions. How can we critically understand what has happened in the field of child protection in Ontario in the late 1990s? Shall we investigate why the reform took such a course, what motivations or interests of key players shaped the outcome, what ideologies were hidden beneath the surface? These are important questions and valuable questions. However, I will take another route for developing critical analysis, namely I will follow Michel Foucault’s use of history to critique the present. Foucault argues that history is “sometimes more effective in unsettling our certitudes and dogmatism than is abstract criticism.”\textsuperscript{28} Hence Mitchel Dean characterizes Foucaultian historical-sociological studies as critical, strategic, and effective histories.\textsuperscript{29} This dissertation is an example of the Foucaultian “history of the present,” in that it examines the emergence of child protection in Toronto\textsuperscript{30} for the purpose of exploring a critical understanding of our current state of child protection. In

\textsuperscript{25} In the past the funding was shared between the provincial government and municipalities.
\textsuperscript{28} Foucault, “Politics and Reason,” p.83.
\textsuperscript{29} Dean, \textit{Critical and Effective Histories}. 
the following pages, I will discuss some Foucaultian historical-sociological tools that have been influential to this study, and also introduce the main arguments that have been developed from using these tools.

GENEALOGY OF CHILD PROTECTION

The Foucaultian “history of the present” not only has “an unequivocal and unabashed contemporary orientation,”31 it also adheres to a particular mode of historical analysis, which is developed and termed “genealogy” by Foucault. Genealogy is radically different from traditional historical studies. In his essay “Nietzsche, Genealogy, History,”32 Foucault discusses at length the concerns of genealogy—“emergence” and “descent,” which oppose and correspond to “origin” and “evolution” of traditional history.

“Origin” versus “emergence.” Following Friedrich Nietzsche’s intellectual rebellion, Foucault challenges the pursuit of the origin. For him, to believe that there is a lofty origin of things, e.g. the crystallization of child protection aspiration in the 1880s, is to presume that there is a moment of birth when things are purest, most precious, and essential. To chase after the origin so presumed is to buy into and participate in the careful fabrication and protection of identities of conceptions, practices, and institutions. The depiction of the origin produces the impression, either intentionally or not, that historical beginnings are the inevitable result of a long and deliberate preparation; hence the entrenchment of the inevitability of the present. By “emergence,” Foucault makes the point that historical beginnings are lowly, contingent, and heterogeneous: “[emergence] is

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30 Historically, Toronto was where organized child saving activities in Ontario and Canada first emerged in the late nineteenth century.
31 Dreyfus and Rabinow, Michel Foucault: Beyond Structuralism and Hermeneutics, p. 119.
32 Foucault, “Nietzsche, Genealogy, History.”
not the unavoidable conclusion of a long preparation, but a scene where forces are risked in the change of confrontations, where they emerge triumphant, where they can also be confiscated. Thus, a genealogy study would seek to describe “the strength these forces wage against each other or against adverse circumstances,” as well as the “attempt to avoid degeneration and regain strength by dividing these forces against themselves.”

The implication to this project is that one should not assume there is an essential, pure, but often hidden origin of child protection, be it humanitarianism or interests of the ruling class, in the late nineteenth century to be discovered by a historian, for example. Instead, it would be more useful to document the heterogeneous forces that were at play when child abuse and neglect emerged as social problems in the late nineteenth century.

“Evolution” versus “descent.” Traditional history represents the evolution of things and attempt to map out the destiny of a people, institutions, morality, knowledge, and so on. It seeks to identify the exclusive and universal characteristics by “dissolving the singular event into an ideal continuity – as a teleological movement or a natural process.” Genealogy, on the contrary, concerns an analysis of descent. The course of descent can be understood as a profusion of lost events. It suggests a complex, unpredictable, and incoherent course of things, with moments of strength and weakness. In contrast to traditional history, genealogy seeks to identify accidents, minute deviations, errors, logical inaccuracies, and miscalculations that produced things that still exist today or had been “corrected.” It does not reduce events for the sake of analytical synthesis, rather it maintains them in their proper dispersion. A case in point is the history of the Shelter at the Toronto Children’s Aid’s Society. The Shelter was designed to be a

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33 Ibid., p.159.
34 Ibid., p.149.
handmaiden facility for the overall child protection system. However in the first decade or two of the Society’s existence, much to some child savers’ dismay, it became a central function of the Society, and worse, it was “abused” by parents as a child care facility. These “deviations” had been gradually corrected since the 1920s when the Shelter was deliberately marginalized in the Society’s operation. Today it no longer exists in its original form. Although a more conventional historical study of child protection very likely would not discuss the history of the Shelter in much detail (because it did not reflect the main themes of child protection), a genealogical study would privilege the story of the Shelter precisely because it was inconsistent with the main ethos of child protection.

A Foucaultian historical sociology of child protection can contribute in several ways to a critical analysis of the present. One is to document the genealogy of child protection so as to historicize certain ideas and practices that we tend to think of as given. For example, an examination of the history of the term “child abuse” reveals that it is not a self-evident category. In the late nineteenth century, child abuse was primarily understood as cruelty and thus a moral problem on the part of parents. It is only recently that child abuse has been comprehended as a danger to a child’s personal safety. In sum, conceptions of child abuse speak more to the cultural, political, and economic conditions in a society than to the experience of the individuals to whom the term is applied; the current way of understanding child abuse is not necessary, thus can and should be contested.

In a similar vein, a genealogy of the present documents historical contingencies and shows how things might have gone other ways. This is useful for illuminating the

35 Ibid.
differences between the present and the past, so as to make intelligible the possibilities of the present. For example, in the Toronto Children’s Aid Society’s first twenty years or so, two practices were inconsistent with the Society’s emphasis on family-based caring for children: the Society had quite close co-operative working relations with baby farms in the late nineteenth century and the Society’s Shelter was used quite frequently by parents as a resource to provide temporary care for their children without any stigmatizing result. These suggest that in the late nineteenth century there were possibilities of developing child care services for parents who were unable to care for their children for reasons of sickness or work. But in the end, the option of providing organized child care services was repressed; baby farms became condemned and the Shelter’s function was deliberately and strictly restrained. While these issues are not generally regarded as key elements of the history of child protection, the genealogy approach seeks to document the marginalized elements of the past so as to show that the model of doing child protection work today does not have to be the only model. History has presented alternatives (e.g. a supportive system centred on providing child care services) and knowing this can be an important way to invite history to inform today’s decisions.

UNDERSTANDING CHILD PROTECTION AS GOVERNANCE

This dissertation is not a history of child protection in Toronto, nor a history of the organization of the Toronto Children’s Aid Society, in that it does not commit itself to the task of providing a comprehensive overview. Rather, the dissertation is focused on an analytical concern. It poses the question: in what ways were certain experiences,

36 Baby farming referred to the practice of boarding of infants in exchange for a fee. Baby-farming was controversial because many people suspected that the boarding of infants was a disguise for the murdering of unwanted infants. However, recently scholars such as Sherri Broder have developed more complicated
knowledge, and power connected to one another in the field of child protection in
Toronto in the late nineteenth and early twentieth century, and how was the system of
divisions in the society reflected and reinforced in the relations between experiences,
knowledge, and power? In other words, the general problem that I am working on deals
with the nexus of experience, knowledge, and power. This research direction is suggested
by Foucault in the *Tanner Lectures on Human Values.*

Thus, by "experience" I am referring to the events and feelings that make up parent-child relations. "Knowledge" refers to intellectual machinery such as questions, concepts, categories, theories, and information, which are formulated, invented, and accumulated in the field of child protection. "Power" refers to the authority of parents over children, the authority of child protection workers over parents and children as was established in the legislation, and the leverage of a family relative or a neighbour against another as was established by such mechanisms as the reporting of child abuse and neglect.

In order to translate this overarching research concern into smaller and operational questions, I have used some research strategies, or tools, drawn from Foucaultian studies of "governance" or "governmentality." These analytical tools, in Foucault's language, include political rationalities, technologies of power, modes of power, and the system of differentiations. Each of these is briefly explained below.

**Governmentality**

The concept of governmentality was first introduced by Foucault in his essay "On Governmentality" and has stimulated a rich body of writing on alternative thinking analysis of baby farming, particularly in relation to its function as an urban neighbourhood-based system of group child care catered to working mothers. See Broder, "Child Care or Child Neglect?"

37 Foucault, "Politics and Reason."
38 Foucault, "On Governmentality."
about power in Western liberal societies. Foucault defines “government” in general as “the conduct of conduct.” Mitchell Dean expands this definition:

Government is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through our desires, aspirations, interests and beliefs, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes.39

While this definition appears to refer to an extremely broad range of activities, not all action is governmental. One of the most important dimensions that distinguishes governmental activity for other kinds of action is that it uses and generates knowledge. Child protection is one example of such governmental activity. As I will show in the following chapters, the objective of child protection was to shape parenting conduct so that parents in turn would guide and regulate their children’s conducts in proper ways. The primary objective of this particular governmental activity was to ensure that children grow up to become adults who are capable of regulating themselves. It rested on a theory which emerged in Europe in the context of sixteenth century humanism: that the way in which children were treated would affect how they will be as adults. Similarly, categories or concepts such as “habit,” “feeble-mindedness,” “role reversal,”40 “cycle of abuse,”41 “maternal bonding and attachment,”42 “triggering context,”43 scientific tools such as the intelligence test in the 1930s and today’s risk assessment tools, are all employed in child

39 Dean, Governmentality, p.11.
40 See for example, Kempe and Kempe, Child Abuse; Justice and Justice, The Abusing Family; Steele and Pollack, “A Psychiatric Study of Parents Who Abuse Infants and Small Children.” For critical analysis of these and some of the following concepts, see Breines and Gordon, “The New Scholarship on Family Violence,” and Swift, The Manufacturing of “Bad Mothers.”
42 See for example, Klaus and Kennell, “Mothers Separated from Their Newborn Infants;” Money and Needleman, “Impaired Mother-Infant Pair Bonding in the Syndrome of Abuse Dwarfism;” Schwarzbeck, “Identification of Infants at Risk for Child Abuse;” Bowlby, Attachment and Loss.
protection and they in turn structure practices in particular ways. Child protection also generates knowledge in that a lot of its practices are directed at collecting information on family history, parents' occupations, patterns of behaviour, habits, mental conditions of parents and children, etc.

Political Rationalities

There are two integrated areas of investigation in studies of governmental activities: "political rationalities" and "governmental technologies." Dean explains that rationalities of governance refer to relatively systematic thinking about reality, calculations, defining of purposes, and the employment of knowledge. They are the ways in which programmes of government are conceptualized, formulated and articulated within broad discourses of rule. The interest in analyzing rationalities follows from Foucault’s thesis that governing action always involve some degree of thought. For example, historically, child protection was premised on the thought that something could and ought to be done so that children would be rescued from becoming criminals, beggars, and prostitutes. In contrast, in the late 1990s, one strong theme of thought is that child protection services ought to be restructured so as to prevent child deaths.

Foucault’s notion of rationality differs from Max Weber’s rationalism, in that Foucault refuses to accept that a particular form of rationalization applies to a society or a culture as a whole. Thus, he suggests that analysis of rationality be directed to specific fields, each of which is grounded in a fundamental experience (such as madness, or in the

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43 See for example Gil, “Unraveling Child Abuse.”
44 Rose and Miller, “Political Power Beyond the State,” p.175; O’Malley et al., “Governmentality, Criticism, Politics,” p.501.
45 Dean, Governmentality, p.11.
47 Dean, Critical and Effective Histories, p.182.
case of this dissertation, parent-child relations). Another feature of the Foucaultian analysis of rationality is related to the use of history as discussed earlier. Dean explains that in Foucault’s view political rationality does not simply arise from the rulers’ interests or “a historical common sense,” instead it arises from “historically developed and modified forms of rationality.” Hence Foucault’s argument that in order to understand political action it is necessary to understand the historically given forms of political rationality.

Child protection work emerged in the late nineteenth century, at the threshold of an era in Western liberal democracies which was characterized by an unabashed philosophy of interventionism and accompanying expansion of governmental and societal intervention into the private sphere of family and life in general. Jacques Donzelot has called this the formation of “the social” sector. Mariana Valverde argues that, more importantly, “the social” is a new way of conceptualizing any and all problems of the collectivity. It defines problems, which may have been seen as private or economic issues before, as social problems.

The era of “the social” manifested a distinctive mentality of rule which was invented during the eighteenth century, namely bio-politics. Gordon defines bio-politics as “a politics concerned with subjects as members of a population, in which issues of individual sexual and reproductive conduct interconnect with issues of national policy and power [original emphasis].” I would broaden the definition to include individual

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48 See Dean’s discussion of Foucault’s genealogy of governmentality in Critical and Effective Histories, p. 182.
49 Foucault, “Politics and Reason.”
50 Donzelot, The Policing of Families.
social reproductive conduct, mostly parenting conduct, as issues which are interconnected to the collective interests of the nation. As I will show in the following chapters, specifically in the field of child protection, bio-politics was manifested in a principal rationality that children should be protected from abuse and neglect so that they would grow up to be good citizens, rather than criminals, beggars, prostitutes, etc.

This observation has important implications for a critical understanding of child protection. First, analyses of rationality shows that we ought to look at the very roots, the very logic of power relations such as those in child protection. If we are to resist, rebel against, or transform power, it is not enough to denounce an institution’s intrusiveness or biases; nor is it enough to cast the blame on ideology in general. What has to be questioned is the particular form of rationality at stake. As Foucault indicates, that is the only way to avoid having in place a new legislation, a new organization, a new structure with the same objectives and the same effects as the old ones. Second, the primacy of the crime prevention rationality when child protection emerged illuminates that the current rationality of preventing child deaths is peculiar. It considers children as innocent victims and only parents, especially if poor and single, as potential criminals. This is in contrast to earlier thinking which assumed both children and parents to be guilty of criminality and immorality, albeit in various degrees. Its peculiarity suggests that it is relative and specific to time and place and thus should not be taken for granted.

Governmental Technologies

Technologies of governance are the means to translate rationalities, categories and abstract programmes into actual governing practices. In other words, they are the means

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53 For a feminist discussion of social reproduction, see Pascall, *Social Policy.*
54 O’Malley et al. “Governmentality, Criticism, Politics.”
to bring power relations into being. Specifically, they refer to “the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions.”

Reporting, case records in ledger books, family visits, warnings, temporary custody of children from parents at the Shelter, and foster care are examples of child saving technologies to be examined.

To study technologies of government is to learn how diverse forces — legal, religious, professional, administrative, financial, moral — operate, in concert or in conflict, to achieve a state in which “aspects of the decisions and actions of individuals, groups, organizations and population come to be understood and regulated in relation to authoritative criteria.” Analyzing the technology of case files illustrates this point. The Toronto Children’s Aid Society kept most of its case records in ledger books during the period under examination. Typically one half of a page was numbered and designated for each case, in which four of five handwritten notes were entered when the case was first opened and re-opened later. Information was collected on occupation of father, places of parents’ origin, birthplace of child if not in Canada, family history (e.g. marriage, divorce or desertion), family members’ general behaviour (e.g. mother in adultery relationship with a man; father committed to jail, etc.) “nativity” (i.e. Canadian, American, or immigrants), actions taken by agencies, child’s conduct after intervention. An analysis of this kind illustrates the effects that the technology of keeping case records brought about. It directed attention to individual inadequacies or defects as causes of child abuse and neglect; it enabled the surveillance of the child’s and parents’ conduct; it documented

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55 Rose and Miller, “Political Power Beyond the State,” p. 175.
actions to induce normalization and the result of such actions; it also enabled the monitoring of the conduct of frontline workers by regulatory authorities such as the Board of the Children’s Aid Society and the Provincial Office of the Superintendent for Neglected and Dependent Children.

Modes of Power

These technologies were to bring into being various kinds of power relations. In this regard, I would like to explain Foucault’s notion of different modes of power, specifically sovereign power, discipline, and pastoral power. Before Foucault, sovereign power, that is the political power exercised by the ruler of a state or by its government, was treated as the single most important power in the society in both the conventional study of politics and power and in critical theory. To many theorists, this power is created by the implicit consent of its subjects, who are in turn conceptualized as autonomous individuals. Sovereign power works primarily by means of decisions which its subjects normally accept as binding.

Foucault’s contribution to contemporary Western understanding of society and politics lies with his insight that if we are to understand how we are ruled we have to go beyond questions of sovereign power, since modern forms of (governmental) power cannot be adequately understood if we treat them basically the same as sovereign power in the classical age. Thus, rather than exploring questions of sovereign power in terms of legitimacy, right, and the autonomy of subjects, Foucault is concerned with, first, governmental power in particular, in contrast to classical sovereign power; and second, the means through which the effects of governmental power are produced.

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57 This part of the discussion largely draws on Hindess, *Discourses of Power.*
One of the best-known contributions of Foucault is probably his analysis of discipline as a specific form of governmental power. Discipline emerged in seventeenth century Europe and continued throughout the history of the modern West. In Foucault’s view, discipline is not essentially repressive or negative; instead, it is a productive power. It aims at normalizing human individuals. It is a mode of power which is central to government. As Hindess explains,

[discipline] is a power exercised over one or more individuals in order to provide them with particular skills and attributes, to develop their capacity for self-control, to promote their ability to act in concert, or render them amenable to instruction, or to mould their characters in other ways.  

A crucial component of Foucault’s discussion of discipline is his analysis of the humanist subject. He argues that the emergence of discipline goes hand-in-hand with the invention of the humanist subject. The humanist subject is first of all a malleable creature of social conditions as set out in Locke’s Essay; secondly, s/he is seen as “endowed with a soul, consciousness, guilt, remorse, and other features of an interiority” which are in turn instruments for molding efforts. The exercise of discipline is based on knowledge of the human subject, which has developed into what is known as social and behavioural sciences. When child protection emerged in the late nineteenth century, it conceptualized both parents and children as humanist subjects who could be shaped into proper parents and proper adults respectively. In the widely used gardening metaphors, they were often compared to plants to be straightened, trained, fertilized, and placed in proper soil. Key techniques associated with discipline are observation, examination, surveillance, regimentation and classification, which were utilized greatly in child protection.

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58 Ibid., p.113
59 Ibid., p.115.
Pastoral power is another mode of governmental power that Foucault has discussed. Foucault suggests that the mode of pastoral power was first developed in the early church. It was later adopted by government in the seventeenth-century European states and still remains an influential aspect of government in the societies of the modern West. He suggests that the pastoral image of the state has played an important role in the emergence of the paternalistic welfare state in the twentieth century. Foucault used the “shepherd-flock” metaphor to explain aspects of pastoral power: the aim of pastoral power is to promote the well being of subjects by means of detailed and comprehensive regulation of their behaviour; the relationship between the ruler and ruled is as intimate and continuous as that between the shepherd and his flock. In contrast to discipline, pastoral power is exercised on “individuals who can normally be relied upon to impose an appropriate rule on their own behaviour.”\footnote{Ibid., p.123.} Confession, self-examination, and guidance are key techniques of pastoral power. As it will become clear later, guidance and education was also an aspect that was emphasized in child protection work.

The System of Differentiations

The system of differentiations encompasses “differentiations determined by the law or by traditions of status and privilege; economic differences in the appropriation of riches and goods, shifts in the process of production, linguistic or cultural differences; differences in know-how and competence, and so forth.”\footnote{Foucault, “The Subject and Power,” p.223.} In Foucault’s view, differentiations are conditions for every power relationship; and at the same time every relationship of power puts into operation differentiations.
In my research, this strategy is useful for mapping power relations in child protection in relation to differentiations between adults and children, the moral and the immoral, the professionals and the clients, which in turn reflect differentiations between the well-off and the poor, the civilized and the “dangerous class,” men and women, and Protestants and others.

The class basis of child protection was clear in the social and economic credentials of leaders of the child saving movement and the board members of Children’s Aid Society, who were mostly from the upper and middle classes, that is, capitalists, politicians, philanthropists, as well as professionals and managers. Class differences in beliefs and practices of parenting were central in the construction of cruelty and neglect as forms of deviance. Often the contradictions between the ideal form of parenting and the economic realities became the defining characteristic of what child savers referred to as child abuse and neglect. For instance, domesticity for both mothers and children in the working class was virtually a choice that did not exist. Often they were forced by economic necessity to work for pay; their earnings were essential to supplement the wages of men, or were the only source of income in the case of single-mother families. However, their participation in the work force was criticized because it was seen as disrupting the moral training of children. When child savers established and exercised their authority in investigating, documenting and assessing working-class people’s parenting conduct, and their authority in taking further actions, it again gave concrete expressions of their superior economic, social and moral status in the society.

While child protection was clearly a matter of middle-class reformers imposing their values on working-class communities, this did not mean that child savers intended
to transform working-class children into upper-class Canadians. They did want these children to embrace middle-class culture and values that they would like to see in future citizens, but most of them never doubted that these children should be trained for typical working-class employment, e.g. domestic servants in the case of girls, farmers or factory workers in the case of boys.

The class organization of child protection had another dimension. That is, child protection was at the same time a process of creating and reaffirming the bourgeois identity, as a civilized class and one which fulfilled its citizenship duties. This aspect also applied to others who took parts in the project, such as foster parents and even complainants.

The child saving movement in Toronto was male-dominated, as reflected in its leadership, management, and ideological hostility towards traditional residential institutions for children run by women. However, within the movement some women were also given the possibility of acquiring a public and relatively powerful identity as board members, matrons, “lady superintendents,” and “lady visitors.” In her study of the social purity movement, Valverde has noted the paradox that certain middle-class women made a career out of studying ordinary women.62 The same applied to the gender organization of child saving as lady visitors of the Children’s Aid Society, Big sisters, and deaconesses travelled around the city, inspected homes of working-class women, reported on their house-keeping and conduct, and gave warning or advice.

Religious division was clearly an important dimension to child saving, but it was organized differently in Toronto than in American cities like Boston. In Toronto, a separate St. Vincent de Paul Children’s Aid Society was established for the Catholic
community, in addition to the Toronto Children's Aid Society. This, however, did not happen without opposition. For example, when the provincial government received an application by the Roman Catholic church to operate a Children's Aid Society under the 1893 child protection legislation, John Joseph Kelso, the Provincial Superintendent for Dependent and Neglected Children, firmly recommended that the Provincial Secretary not to approve the application.\textsuperscript{63} When St. Vincent de Paul was established, conflicts broke out from time to time between it and the non-denominational Toronto Children's Aid Society over guardianship of children of parents with different religious faiths. Nevertheless, because of the separate system, in Toronto religious division and discrimination was not reflected in case numbers, unlike the situation in Boston where Catholics, who were mostly Irish and Italian immigrants, were disproportionately over-represented in caseloads, as Linda Gordon has documented.\textsuperscript{64}

Racial organization of child saving work took forms that were different from today's. The vast majority of cases dealt with by the Toronto Children's Aid Society were of working-class Anglo-Celtic background. Beginning in the end of the 1910s, there was a slight increase in the number of families from Eastern and Southern European countries. Cases involving mixed-race, native, Chinese, or "black" children appeared but quite rarely. Similarly, "race" seldom appeared in texts on child saving or records of the Toronto Children's Aid Society. However, these did not mean that race was an irrelevant concept since it underlay notions such as "nation-building" or "national strength" - codes which denoted the Anglo-Celtic race. Essentially, child protection work at the time

\textsuperscript{62} Valverde, \textit{The Age of Light, Soap, and Water}, p.30.
\textsuperscript{63} Kelso Diary, March - April, 1894. Vol. 3, File "Daily Journals 1894," Kelso Papers, NAC.
\textsuperscript{64} Gordon, \textit{Heroes of Their Own Lives}. 
reflected the anxiety about the size and quality of the predominant Anglo-Celtic population.

CHILDREN, CITIZENSHIP, AND CHILD PROTECTION

Building a useful, strong and Christian citizenry was the main objective of child protection when it emerged in the late nineteenth century. The linkage between children and citizenship took two forms, corresponding to the two targets of the child protection movement, namely cruelty and neglect. First, brutal acts, to which children often fell victims, constituted bad citizenship. This was because the use of force on the harmless, weak, and lowly, such as animals and innocent children, was now conceived as immoral. Cruel acts of individuals, mostly working-class men, were thought of as warranting organized intervention because individual immorality was seen as corrupting the general moral tone of society at large. The second linkage of children to citizenship was that children were thought of as future citizens. This linkage would not have been possible without the humanist conception of human beings which assumed that individuals were products of conditions. This conception of human being was best captured in widely used gardening metaphors. Childhood was conceived as a stage when the character was most responsive to external influences. Thus, how children were parented would largely determine what kind of citizens they would become. Neglectful parenting, most often mothering, was considered a problem because it failed in building children’s character, and thus caused social and moral problems such as crime, dependency, and immorality in general.

These were the two primary political rationalities for child protection when it emerged in the late nineteenth century. Although problems of cruelty and neglect
concerned different aspects of citizenship, they shared some commonalities. Both, in contrasting directions, deviated from emerging middle-class and English norm of parent-child relations which featured an intimate, gentle, intelligent, and incessant parental power over children. Cruelty erred on the side of using too much force; neglect erred on the side of too little parenting. Additionally, both cruelty and neglect were defined as problems from the stance of society, rather than from the stance of children and/or families. Finally, both connected the conduct of individual parents and children in the private sphere with issues of society and national importance.

At the practical level, the work undertaken by the Toronto Children’s Aid Societies had two components. One was the protection of children from cruel treatment by parents. The ideas and administration of this line of work were connected to other anti-cruelty work, specifically that with animals. A much larger part of the Toronto Children’s Aid Society’s work concerned neglect. Thus, during the period studied the operation of the Toronto Society was heavily shaped by its complex relationship with the governing of juvenile delinquency. From the governmentality perspective, one can see that child protection and juvenile correction served as fields of observation for each other; supplied each other with rationalities for existence; and shared strategies, personnel, and even facilities. The extent and forms of interweaving between child protection and juvenile correction were manifested particularly in the operation of the Detention Room at the Toronto Children’s Aid Society and the Society’s involvement in the work of the Toronto Juvenile Court.

Child protection was a regime of power that regulated how parents exercise power over their children. On the one hand, child protection sought to foster ideal forms of
parental power which were essentially governmental, i.e. power which was exercised on the basis of rational calculation by working through individuals’ desire, aspiration, interests, and beliefs. Parenting technologies that child protection workers attempted to foster among parents were often likened to gardening. Technologies of tending to the “gardens” of children’s character were based on intimate knowledge of children and took forms of ruling by kindness, constant oversight, guidance, and inculcation. On the other hand, child protection condemned forms of parental power that were deviant from the ideal forms of parental power, namely rule by simplistic brute force or lack of rule. What were considered as proper forms of power of parents over children reflected what were considered as proper forms of power over the humanist subjects at large. Indeed, child savers’ power over parents and children was envisioned as such that it mirrored ideal forms of parenting conduct in many ways. Child protection strategies were designed to be principally positive, individualized, knowledge-based, and local. The most representative strategies included guidance, supervision, investigation, classification, separation and dispersion. These were embodied in child protection activities of reporting, record-keeping, foster care, the operation of the Shelter, the Detention Room, and also the Society’s activities relating to the Juvenile Court.

In contrast to the historical rationalities and technologies of child protection during the period from the 1890s to 1920s, child protection in Ontario at the turn of the twenty-first century has a very different objective and takes a very different shape. If many ideas and technologies of child protection in the early period were representative of the “social” era, current child protection regime signifies profound transformations of
citizenship, the conception of human identity and modes of power for governing individuals at large in the "post-social" era.

First, instead of being considered as "future citizens," today children are constituted as the ideal citizen, with the most legitimate ethical and political claims. In particular, the child-citizen discourse as it operates in the site of child protection accentuates children's rights to personal safety. If a century ago parents were condemned because they were uncivilized or because they corrupted children and made them potentially dangerous elements in society, today they are condemned as perpetrators of personal crimes against innocent citizen-children.

Secondly, in contrast to the historical objective of preventing crime and immorality in society, the primary objective of current child protection is "keeping kids safe."\(^{65}\) This objective assumes that child abuse and neglect is a matter of personal danger and harm to children. Child protection is envisioned as a project to guarantee the fulfillment of the rights of children to personal safety. This is an extremely narrow understanding of children's well-being and it severely limits the kinds of collective actions to be considered.

Thirdly, new child protection technologies feature risk management on the one hand and criminal punishment on the other. In contrast to the humanist subjects and corresponding gardening strategies, new technologies at the turn of the twenty-first century assumes a new conception of human identity. Individuals are divided into dichotomous groups of victims and (potential) perpetrators. Furthermore, as Nikolas Rose points out, (potential) perpetrators are defined through risk factors but are at the same

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time held morally responsible for their conduct. On the basis of this understanding of human subjects, child protection practices, which are at the provincial level, are transformed primarily into information management for providing safety to children; at the same time, criminal punishment of parents at the federal level is being considered seriously.

The transformations in the area of child protection fit with changes in the broader context. Ontario’s Child Welfare Reform exemplifies a process of what Lauren Berlant calls the privatization of citizenship, wherein public discussions about rights, power, ethics, and collective actions are organized by questions of personal significance. In child protection and some other sites, certain groups’ personal safety has dominated as the major criterion of considering rights and obligations of citizenship. The monopoly of concerns with personal safety excludes structural questions of capitalism, poverty, racism, and gender inequality. The preoccupation with personal safety also confines actions to managing risks of harm and punishing criminals and excludes other actions oriented to providing supports to marginalized groups of society.

ORGANIZATION OF THE DISSERTATION

This study is comprised of three Parts, in six Chapters. Part One includes Chapter 1 and Chapter 2. Chapter 1 traces how child protection was thought of and deliberated at the political level when it emerged in the late nineteenth century. It argues that public concern with moral progress was the ideological framework of the English Canadian conceptualization of child protection in the period from the 1880s to the 1920s. It discusses how cruelty was mainly understood as a moral offence and a problem with the

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66 Rose, “The Biology of Culpability.”
heart and how neglect was conceived of as a problem leading to crime, immorality and pauperism. Chapter 2 focuses on the gardening metaphors widely used in child saving writings. It explores the model of the human subject as a malleable individual from the point of view of child savers and the forms of power as represented in the allegory of the gardener and plants/weeds. It also analyzes a range of child saving strategies targeting children’s habitat, habits, and the heart. Part Two, which includes three chapters, analyzes child protection technologies so as to understand how power relations were established and their effects on people’s experiences. At the beginning of Part Two, several technologies of child protection – reporting, recording, and foster care – are discussed relatively briefly. Then, Chapters 3, 4, and 5 provides detailed examination of, respectively, Shelter, Detention Room, and Juvenile Court. Part Three consists of the last chapter, Chapter 6. It returns to recent Ontario’s Child Welfare Reform and explores how historical analyses can be used to understand the present. A note on sources of data and literary methods is provided in Appendix 1.
PART ONE

CONSTRUCTING THE TWIN PROBLEMS OF CRUELTY AND NEGLECT
Introduction

For most of the nineteenth century some public and voluntary measures for certain groups of children existed in Ontario. Like Britain and the United States, Ontario was concerned mainly with orphans, children who lost their fathers in the wars, children of unmarried mothers, deaf and blind children, and mentally ill children. The measures took the form of institutional care, apprenticeship, war pensions, regulation of guardianship, and stipulations on the support for illegitimate children. Evidently, formal care and support was primarily restricted to the general category of children who did not have a “normal” family with two parents. Most of these provisions fell under the doctrine of parens patriae, which can be literally translated as “parent of the nation.” This doctrine was used to provide the state and its representatives authority respecting children, which was seen as normally belonging to parents. The jurisdiction of such authority gradually expanded. Towards the end of the 1880s, the state’s authority was extended to children with both parents. The late-1880s wave of legislative actions respecting children mainly targeted parents’ cruelty towards children and neglectful treatment of them. For the first time, parents’ cruelty and neglect were considered as major societal issues to be addressed in legislation and through organized intervention.

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1 For a discussion of legislation and institutions concerning the welfare of children in the 19th century, see for example, Splane, Social Welfare in Ontario: 1791-1893, Chapter 6. For an overview of provisions for children in England and the United States, see respectively Pinchbeck and Hewitt, Children in English Society; and Thomas, “Child Abuse and Neglect, Part I: Historical Overview, Legal Matrix, and Social Perspectives.”

2 Reitsma-Street provides a useful discussion of the history of the doctrine. Reitma-Street, “More Control Than Care.” See also Labaree, “Parens Patriae: The Private Roots of Public Policy toward Children.”

3 Parallel to measures to protect children from their parents, during the 1880s the province also began to take actions to protect children in industrial plants that were increasing rapidly in number and size. Splane, Social Welfare in Ontario: 1791-1893, p.255.
Cruelty and neglect, however, were not new problems. They had historical precedents. Children's experiences with brute force and inflicted pain have always existed and were regulated in various ways. In Europe in early modern times, while moderate corporal punishment was a regular and encouraged part of discipline at home, school, and trade masters', excessive violence against children was discouraged and even condemned. The use of excessive force on children by parents, usually fathers, and that by non-family-members such as masters' and school teachers were dealt with differently. Comparatively, masters' or teachers' brutality towards apprentices or pupils was perceived as a far greater problem. Ralph Houlrooke notes that masters were warned not to "curse, and lame [apprenticed children.] cast dishes and pots at their heads, beat them, [and] put them in danger of their life." They were also taken to court by parents. In these situations masters' and teachers' excessive and arbitrary violence against children was problematized mainly as damage to fathers' property.

In contrast, fathers' brutality was problematized as one form of improper parenting. Another form of improper parenting, which was opposite to the problem of too much force, was uninformed and negligent parenting. These concerns with parenting were underpinned by a particular understanding of childhood, which emerged in Europe in the early modern time (and persists to the twentieth century) and was radically

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4 Regarding the history of neglect, my argument that neglect had a historical precedent, i.e. "willful negligence and indulgence," contradicts the observation in many studies of neglect which states that child neglect was a new problem which was given rise by the social and economic conditions in the beginning years of the twentieth century.

5 At the time it was common practice for parents to indenture children with skilled craftsmen or tradesmen, i.e. masters, on a one-to-one basis so that they could receive vocational training as apprentices and provide services in return. Neff includes a discussion of such trade apprenticeship in her "Pauper Apprenticeship in Early Nineteenth Century Ontario."

6 Houlbrooke, The English Family, 1450-1700.

7 Phillippe Ariès's L'enfant et al vie familiale sous l'ancien régime, which was translated to Centuries of Childhood in 1962, was one of the best-known volumes on childhood. It has influenced many works on
different from earlier understanding. James Schultz, a scholar studying ideas of childhood in the Middle Ages, shows that people at that time believed that what the future adult would be was predetermined. The discerning eye could see such predisposition by picking out telling-tale childish traits. Thus, childhood was important not in itself but for what it might tell about the adult to be. Modern concepts of childhood, in contrast, assumed that how a child was reared would have direct and enormous effect on his or her adult future. This notion gave rise to the question of how children should be reared. What emerged was an emphasis on instructing and disciplining children.

Moderate corporal punishment was encouraged as a regular part of disciplining of children, particularly during the formative years between six and twelve. However, fathers’ use of force was criticized when it was considered as arbitrary and excessive. Although fathers were advised not to be harsh and arbitrary in disciplining children (and wives and servants), mainly because it was considered ineffective, fathers’ brutality was not so much a public problem, due partly to the primary emphasis on the importance of childhood since the 1960s. In his review article on recent works on the history of childhood, Hugh Cunningham commented that it was an achievement for Ariès to convince nearly all readers that childhood had a history. One of the most famous and controversial arguments in the English version of Ariès’s book is that “in medieval society the idea of childhood did not exist.” According to Cunningham, this was a misunderstanding due to problematic translation of the French word “sentiment” into the English word “idea.” The concept of childhood certainly existed in the Middle Ages, as several writers have shown when rebutting the translated statement by Ariès. The recent breakthrough in scholarship on the history of childhood, however, as Cunningham indicated, was a break away from the “obsession with defending the Middle Ages against an imagined slur by Ariès.” This breakthrough is represented by James Schultz’s The Knowledge of Childhood in the German Middle Ages, 1100-1350. In his work, Schultz documented the existence of the concept of childhood and also its fundamental difference from the modern concept of childhood. Cunningham, “Histories of Childhood.”

8 Schultz, The Knowledge of Childhood in the German Middle Ages, 1100-1350.
9 In The Knowledge of Childhood in the German Middle Ages, 1100-1350, Schultz identified the eighteenth-century Enlightenment as the turning point for modern concepts of childhood. Steven Ozment, however, suggested that changes in concepts of childhood took place even earlier, probably in the context of the sixteenth-century humanism. Ozment, When Fathers Ruled.
10 This emphasis is illustrated in Ozment’s examination of two widely-circulated tracts: the Strasbourg humanist and physician Otto Brunfel’s On Disciplining and Instructing Children and the Dutch scholar and leading humanist Desiderius Erasmus’s Behaviour Befitting Well-Bred Youth. Ozment, When Fathers Ruled, p.136.
parents’ disciplining of children and partly to the perception of children as private property of father's. Writing in the American context, Linda Gordon notes that “cruel treatment” had been dealt with by the application of community sanctions against parents. These community reactions, however, were restricted to limited and informal intervention by relatives or neighbours.¹¹

In fact, what was considered as a more serious problem and thus warranting more action, was negligence and indulgence on the part of parents in dealing with their children. As Ozment observes,

Although condemnable, the harsh parent was thought to err less than one who was too lenient, for an indulgent and permissive parent who neglected the discipline of his children spurned the most basic responsibility of parenthood: to instill in a child the inner virtue and qualities that will enable him to serve and survive in the world and before God. The overly zealous disciplinarian, on the other hand, at least appeared to care deeply for his children and to take seriously — all too seriously — his responsibility for shaping their lives.¹²

Thus, neglecting children was a worse sin than being brutal towards them. The history of neglect can be traced back to “willful negligence and indulgence” in early modern Europe. The older category “willful negligence and indulgence” was formulated to denote deviance from what were considered as parenting responsibilities, as described in the quote above. According to moralists in early modern Europe, willful negligence and indulgence of children was not only the cardinal sin of parenting, it was also an all too common one.¹³

Parents from all parts of society were criticized for their negligence and indulgence of children; however, the content of criticisms and advice were class-specific.

¹² Ozment, When Fathers Ruled, p.147.
¹³ Ibid.
The upper classes were usually criticized for indulgence in corrupting their children with material goods. They were often accused of negligence in ensuring children’s acquisition of the “skills, wisdom, and cunning by which a land and people must be ruled.” In contrast, parents from “common” backgrounds were more likely to be accused of indulgence and negligence in allowing undesirable conducts, such as “[letting children] creep out idly, eating and drinking whenever they please, and casually dressed in ragged pants and jackets” which resulted in general indiscipline and self-indulgence.14 Furthermore, such parents were criticized for not correcting children when they learnt from bad example to curse, swear, lie and steal; for not disciplining them when they stayed out dancing till midnight, and not waking them up on Sunday morning and taking them to church, etc. For these children, the fear was that they might turn out “mercenary, murderers, and criminals” due to their parent’s indulgence and negligence.15

In colonial North America similar fears were reflected in the thought that “willful negligence and indulgence” would cause children to become “trouble and charge,” i.e. criminals or paupers dependent on charity. For example, there was a record of proceedings at Watertown, Massachusetts in 1726 regarding complaints about the “very Neady and Suffering Circumstances” of some families in town:

...Some families in Said Town ... are under very Neady & Suffering Circumstances. In which families there are Children of both Sex’s that are able to work in order to their Maintenance, and also of being Sent to School and brought to the Publick worship of God; But through the willfullness Negllgence and Indulgence of their parents they are brought up in Idleness Ignorance & Ereligion,

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14 Ibid., p.134.
15 Ibid., p.133.
and are more Likely to prove a Trouble and Charge, then blessings in their Day and Generation if not timely prevented [sic].

To sum up, parents’ brutality and negligence had always been twin problems in parenting. Each deviated from the ideal form of parenting, albeit in opposite directions. Parents in the West have been accused of either using too much force or not disciplining children sufficiently since the sixteenth century. Brutality was clearly a fathers’ problem. While the discourse on negligence and indulgence almost always used the gender-neutral term “parents,” in reality the guilt was most often placed on mothers since they were supposed to assume a major role in providing instruction, guidance, and gentle discipline to children. Comparatively speaking, brutality was considered as a much less serious problem than negligence and indulgence, partly because of the emphasis that was put on parents’ actions in shaping children’s character, and partly because of the lack of challenge to the conception of children as fathers’ private property. As we shall see, the gender-specificity and the relative weightiness of the problem of negligence and indulgence were maintained in the child saving movement which emerged in the late nineteenth century.

In earlier times, fathers’ brutality was regarded as a very private matter and only informal forms of power such as advising by relatives or people with status in the community were thought of as appropriate for addressing the problem. Negligence and indulgence seemed to be problems that were more connected to the well-being of society at large and was thus subjected to more community intervention. Still, regulation was sporadic and contained within closely-knitted communities. The child saving movement

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in the late nineteenth century transformed the early modern thinking and actions concerning improper parenting in several aspects. The use of excessive force was now problematized as cruelty, testifying to the influence of Christian concern of morality; the problem of willful negligence and indulgence became child neglect and was mostly a working-class problem; and both cruelty and neglect were perceived as widespread social problems to be regulated by formal and bureaucratic intervention, which still relied on the community for its operation (e.g. the reliance on the community to report cases of cruelty and neglect) but was mainly undertaken by strangers.

This transformation was part and parcel of urban reform in English Canada at the turn of the twentieth century. It reflected that aspect of moral reform which sought to purify and reshape the ethical subjectivities of individuals so as to “raise the moral tone” of Canadian society in general, and working-class communities in particular. Canadian scholars have noted the various effects of industrialization and urbanization in their attempts to understand the emergence of child saving in the late nineteenth century. Industrialization came relatively late in Canada, although in the 1870s and 1880s the pace of industrialization in urban centres such as Toronto began to accelerate. In the process of becoming a rapidly industrialized nation, Canada saw its urban population grow, mainly as a result of both domestic and international migration, at a speed that could hardly be sustained by the infrastructure. Rapid and largely unplanned growth resulted in

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17 For a history of moral reform in English Canada, see Valverde, *The Age of Light, Soap, and Water*. For a discussion of theological and intellectual ideas which shaped the urban reform in general, see Cook, *The Regenerators*. A major work on the “social gospel” aspect of the urban reform is Allen, *The Social Passion*. Morrison explores women’s roles in the reform in “‘Their Proper Sphere’ Feminism, the Family, and Child-centred Social Reform in Ontario, 1875-1900.”

18 The following works contain influential discussions of the history of child protection in English Canada: Ramsay, “The Development of Child Welfare Legislation in Ontario;” Jones and Rutman, *In the Children’s Aid;* Sutherland, *Children in English-Canadian;* Splane, *Social Welfare in Ontario, 1791-1893;* Roose and
deteriorating living standards, particularly in the poor areas of the cities. These were manifested in poor housing, overcrowding, lack of proper sanitary conditions, and waste disposal problems. Sutherland has documented the growing fears of contamination (in both physical and moral terms) and social disorder which were felt by the emerging middle class. Swift identifies a set of conditions which in her opinion conspired to produce organizational and legislative action to protect children: homelessness and exploitation for many Canadian children of the working class; the creation of a new middle class whose standard of living rapidly increased, as did their standards of child rearing; and increased leisure for middle-class women which provided time and energy for social change. Although these were certainly important aspects that formed the background to the child saving movement, here I would highlight two important but less-discussed sources of influence on child saving in Canada.

The Christian mission and the prison reform movements were two earlier but long-lasting movements that particularly pertained to the surge of interests in the child-saving aspect of urban reform. The modern Christian mission movement was largely dominated by Anglo-Celtic Protestants. It began in England in the 1790s and continued well into the twentieth century. In England, the movement was mainly oriented to foreign missionary work in “heathen nations” in Africa and Asia. In North America, the first missionary activities had been chiefly concerned with carrying the gospel to “Indians” and to settlers on the frontier. By the 1870s Canadian churches were formally committed

19 Jones and Rutman, In the Children’s Aid, p.16 and p.120.
20 Sutherland, Children in English-Canadian Society.
22 The following discussion of Christian mission largely draws on Hutchinson, Errand to the World; Neill, A History of Christian Missions; and Brouwer, New Women for God.
to overseas missionary activities.\textsuperscript{23} While the ultimate goal of missionary work was conversion, evangelizing was always accompanied by the concern for civilizing. Sometimes civilizing was even believed to be a prerequisite for converting; more often the two were so intertwined that it is futile to try to separate one from another.\textsuperscript{24} Among targets of civilizing work such as clothing and marriage customs, the humane sentiment was a major aspect of character that missionaries attempted to foster, so as to make heathens “men” before making them Christians. The Englishness of the humane sentiment and the sense of superiority that it constituted was evident in stories of anti-cruelty work in other lands which were published at home. For example, a report in an America humane association journal told the story of the spreading of anti-cruelty work in China with foot-binding and ill-treatment of slave girls, largely due to “the philanthropic efforts of foreign ladies.” The report attributed the spreading of philanthropy to “education along modern lines,” and purported that the anti-cruelty work undertaken by “China’s sons” would bring about “real progress” and “[a] place among the enlightened and civilized nations of the earth.”\textsuperscript{25}

Christian missionary work was an important influence on child saving work. For one thing, parents who used excessive force on children became interpreted as morally defective and needed to be civilized. Child savers, and even foster parents, were thought of being “inspired and directed by the Christian missionary spirit.”\textsuperscript{26} Children were also seen as objects to be civilized through, for example the education-oriented Band of

\textsuperscript{23} Brouwer, New Women for God, Chapter 1.
\textsuperscript{24} For a discussion of the historical relationship between evangelizing and civilizing, see Hutchison, Errand to the World.
\textsuperscript{25} Kaison, “The Anti-cruelty work in China,” The National Humane Review, January 1913. This journal regularly carried reports on “anti-cruelty work in other lands.”
\textsuperscript{26} Kelso, “Boarding or Free Homes for Children,” manuscript, n.d., File “Boarding Homes, n.d.” Vol. 4, Kelso Papers, NAC.
Mercy activities, so that they would be humane towards “dumb animals” and would grow up to be a moral individual. As well, the consciousness of both missionaries and child savers was characterized by a mentality of a God’s special messengers and much needed saviours for the poor souls (See Illustration 1). Similarly, the “come-and-help-us” theme in missionaries’ projection of their objects to be civilized was replicated in child savers’ representation of abused and neglected children, who raised their arms to hold on to their saver and looked at him/her [?] in an adoring and thankful way (See Illustrations 2, 3 and 4).

Christian mission work, particularly its direct evangelical/civilizing work also influenced the techniques of practical child saving work. In her study of Canadian Presbyterian women’s missions in India at the turn of the last century, Brouwer examines many methods used by these women in their evangelizing/civilizing work: public preaching, zenana visiting (visiting privileged Indian women in their private family quarters), itinerating (camp work, village visiting or district work), teaching by example, Bhajans (hymns) and magic-lantern slides. The influence of these practice techniques on child saving work is evident in child savers’ use of public speeches, family visits, neighbourhood inspection, Band of Mercy hymns in child saving work, and not least the famous magic-lantern slides used by John Joseph Kelso – the chief architect of the Canadian child protection system - when he traveled across Ontario and other provinces spreading his views on child welfare.

[27] Brouwer, New Women for God, Chapter 4.
[28] Jones and Rutman, In the Children’s Aid.
The other movement that shaped child saving thinking was prison reform in general, and juvenile delinquency reform in particular. Penal reform in the nineteenth century primarily aimed at producing new mechanisms that were more effective in reducing crime than the old ones. Up to that point, children who committed criminal offences were usually subjected to the same justice as adults. Exceptions were made, such as reduced sentences, out of mercy or reason (e.g. children under the age of seven could not be punished because of their mental incapacity). However, in general, children went through essentially the same criminal trial processes as adults; they were given harsh punishments and kept in detention with adults if incarcerated.29

Prison reformers, however, started to see young criminals in a new light – they were perceived as objects to be governed separately and differently. This view was developed on the basis of the belief that childhood was the most plastic stage in the life course; and it could be manipulated in either “good” or “bad” directions. In relation to prison reform, two implications were drawn: 1. Young criminals could be influenced to become worse if they were locked up together with adult criminals. This had made the prison-based penal system a self-defeating project: instead of turning children away from crime, it became a finishing school for criminals. 2. The criminal conduct of children was produced and moulded by external factors such as the home environment and inappropriate parenting. Thus it would be both unfair and futile to punish children for results that they were not responsible for. Instead, energy and resources should be invested in ensuring that children grew up in a good environment and that parents governed them properly.

29 Carrigan, Juvenile Delinquency in Canada.
These reflections and insights were translated into practices in the reform of the traditional judicial model applied to young criminals. It was a slow, uneven, resisted, but nonetheless persistent process, spanning the second half of the nineteenth century and the early twentieth century. We can roughly divide the process into two phases. The first phase was from about the 1860s to the 1880s, during which time several reformatories and industrial schools were established for the young. The second phase of penal reform involving youth -- from the late 1880s to 1920s -- was intertwined with the child saving movement. This period witnessed the emergence of several other strategies designed for governing juvenile delinquents: separate detention rooms, the Juvenile Court (initially known as Children's Court), probation and indeterminate sentence, and a de-institutionalization trend (which resulted in the downsizing and even dismantling of some reformatories and industrial schools established only a few decades earlier.)

The initial impact of the penal reform respecting the young came from its production of knowledge beginning as early as in the 1860s. Specifically, as young criminals increasingly became a separate type of criminals, information was gathered on their family circumstances and background, which in turn became material for analysis linking neglect to crime. From the late 1880s to 1920s, juvenile delinquency reform was a major driving force behind mobilization in the voluntary sector to protect children from neglectful parents. This was evident in the significant overlap in personnel, ideas, and even facilities between juvenile delinquency reform and the child saving movement, which I will elaborate in following chapters.

The economic, cultural, and legal developments that formed the background to the child saving movement discussed here were not unique to Canada. Similar
developments in the northeastern United States and in urban Britain led to the emergence of child saving movements first in the United States in the 1870s\textsuperscript{31} and then in Britain in the early 1880s.\textsuperscript{32} In English Canada, the child saving movement started in Toronto in the late 1880s, resembling those in the United States and England in several aspects; for example, its urban location, the initial connection to the prevention of cruelty to animals, and its association with other social and moral reform projects. In 1886, John Kidson Macdonald, a successful Toronto businessman and a prominent figure in local charity work, wrote to the local newspaper the \textit{World} deploring the absence in the city of a society to prevent cruelty to animals.\textsuperscript{33} His letter was handled by John Joseph Kelso, who at the time was a police reporter for the World and who later contributed to the establishment of the Canadian child protection system probably more than any of his contemporaries.\textsuperscript{34} When Kelso proposed actions to establish such a society in reply to Macdonald, he expanded Macdonald’s concern with animals to include prevention of cruelty against children as well as what would be later categorized as neglect (e.g. “vicious influences”). Kelso’s vision was accepted when the Toronto Humane Society for

\textsuperscript{30} \textit{Ibid.}, p.40.
\textsuperscript{33} In the 1870s an Ontario Association for the Prevention of Cruelty to Animals was established, modeling after the societies for the prevention of cruelty to animals (SPCAs) in England and the United States. The Association however was only active for a brief period. It did not continue owing to lack of public support. See Jones and Rutman, \textit{In the Children’s Aid}, p.22.
the Prevention of Cruelty was established at a meeting organized by Kelso himself and Macdonald in February 1887.

As Richard Splane observes, the Toronto Humane Society directly and indirectly influenced three highly important developments of the late 1880s and early 1890s, which in turn structured child protection work for most of the twentieth century. The first was the child protection legislation in 1888, under the title “An Act for the Protection and Reformation of Neglected Children.” Essentially the act confirmed the authority of the courts to commit neglected children to a variety of institutions. It established public responsibility for the maintenance of neglected children in all types of children’s institutions recognized by the province. However, to child savers, one major flaw of the Act was that it did not deal with the question of the Humane Society’s power to remove children from their families, and in a related way the lack of recognition of non-institutional care which leading male child savers particularly believed in. These, however, were remedied by later child protection legislation, specifically the “Act for the Prevention of Cruelty to, and Better Protection of Children” in 1893 and amendments in ensuing decades.35

The second major development was the appointment of the Royal Commission on the Prison and Reformatory System in 1890, which in Splane’s assessment was perhaps the most important single event at the time in advancing public knowledge and official action respecting child welfare. In fact, the conceptual foundation for child saving work

34 See Jones and Rutman’s biography of Kelso. Jones and Rutman, In the Children’s Aid.
These acts were first of their kind in English Canada. Later on other provinces with the exception of Quebec, the Northwest Territories, and the Yukon developed similar legislation. Ontario’s child protection act of 1893 was amended many times in the twentieth century, and was eventually replaced altogether with the Child and Family Services Act in 1984. Swift, Manufacturing “Bad Mothers,” Chapter 3.
was solidified through the Royal Commission. The Royal Commission considered, among others, two major issues: the principal causes of crime and the rescue of child from criminal careers. The Commission consulted writers of high authority on the subject of crime, judges, wardens of prisons, and reformers. The process of the Commission assembled and gave authority to quasi-scientific knowledge which connected neglect of children and social and moral problems, most notably crime, drinking, prostitution and pauperism. The Commission reached a conclusion on the chief causes of crime in the community, which was claimed to be the almost universal opinion of all who gave testimony:

The want of proper parental control; the lack of good home training and the baneful influence of bad homes, largely due to the culpable neglect and indifference of parents and the evil effects of drunkenness.\(^{36}\)

One of the recommendations of the commissioners respecting children was the establishment of an association with local boards in every important centre of the Province who shall take upon themselves the "important but delicate duty" of supervising and caring for children leaving both the industrial schools and the boys' reformatory and the girls' refuge. Splane speculated that if the commissioners had been asked to suggest a descriptive name for their proposed association, they might well have suggested a term such as "children's aid association."\(^{37}\) Thus, it is probably sound to argue that the association that the Royal Commission recommended and that the Toronto Children's Aid Society was largely modeled on was an association patterned after the already existing Prisoners' Aid Association. Instead of supervising and helping adult prisoners, the new parallel association was envisioned to deal with child criminals/prisoners.

The third major development during the period was the establishment of the Toronto Children's Aid Society in 1891. The Toronto Children’s Aid Society embodied two strands of work. One was the anti-cruelty-to-children work which used to be under the auspice of the Humane Society but was split out because of the conflicts created by the competition between child protection work and animal protection work. The other was the supervision and caring work for neglected children who were thought of as being on their way to become delinquents as well as consummated juvenile delinquents, i.e. those who were charged by the police and brought to the justice system. Although sensational cruelty cases were often widely publicized and thus tended to be better-known, during the period under examination the bulk of cases were neglect cases. Thus, while anti-cruelty work in the humane tradition was always part of child protection work, the Toronto Children’s Aid Society’s operation during the period with which this dissertation is concerned was overwhelmingly shaped by its strong, complex and circular connection with the governance of juvenile delinquency. This was because, as I mentioned before, child neglect was construed as a problem causing juvenile delinquency, which in turn could develop into crime, prostitution, pauperism, drunkenness and so on.

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38 According to Jones and Rutman, there was persisting conflict with the Humane Society between those who wished to focus on cruelty to animals and those who believed that children should be the priority. This, together with the lack of legislation backing concerning child protection, resulted in very limited child saving work when it was undertaken under the auspice of the Humane Society. Jones and Rutman, In the Children’s Aid, pp.48-53.
39 In fact, throughout the history of the Toronto Children’s Aid Society in the twentieth century, the largest category of child maltreat has been neglect. See Swift, Manufacturing “Bad Mothers,” p. 4, citing Trocmé and Tam, 1994. “Correlates of Substantiation of Maltreatment in Child Welfare Investigations.” Paper presented at the National Research and Policy Symposium on Child Welfare, Kananaskis, Alberta. It should be noted, however, neglect cases during the period that I examine differ from today’s neglect cases in that most children were older (roughly between the age of 7 and 12) and they were seen more as potential dangers to the society than as innocent victims, as in today.
From the governmentality perspective, the child protection system (e.g. the Children's Aid Society) and the judicial system (e.g. the Juvenile Court) served for each other as fields of observation for the invention of knowledge; supplied each other with reasons for existence; and shared strategies (e.g. investigation and supervision), personnel, and even facilities (e.g. the detention room which was operated by the Toronto Children's Aid Society for the Toronto Juvenile Court). These will be elaborated on in the following chapters.
CHAPTER 1
CRUELTY AND NEGLECT 1880s-1920s:
SEEDS OF MORAL AND SOCIAL PROBLEMS

"The object is not so much to rescue the victims of poverty, vice and crime but rather to reach the children before they have become altogether corrupt, remove them from dwarifying, degrading influences, and train them to a useful, intelligent maturity." 40

This chapter discusses how child protection was thought of and deliberated at the political level when it emerged in the late nineteenth century. The main argument is that the theme of moral progress largely framed the English Canadian discussion of child protection in the period from the 1880s to the 1920s. Child protection initiatives were undertaken to ensure "the making of future citizens" who would be "useful and Christian." Experiences of violence, deprivation, and freedom were made intelligible in a different conceptual framework, which by and large corresponded to the dominating concern of moral progress. However, then, as now, the perspectives of the subjects of these experiences, who were mostly at the margins of society, were ignored or suppressed. The aspirations and imaginations of dominating groups largely influenced how experiences were understood and acted upon.

To the first generation of child protection workers, child abuse was mainly known as "cruelty;" and neglect was mainly understood as either omission of moral training, contamination, or active corruption of children. Cruelty and neglect were different in that the former was a straightforward moral offence in itself. It was concerned with adults'...

40 Newspaper clipping of a report on Kelso’s speech in Sarnia on the Children’s Aid Society’s work, c. June 1906, n.s., File “General Scrapbook 1905...”, Vol.11, Kelso Papers, NAC.
civility more than with children’s suffering. In contrast, neglect was considered a major cause of crime, immorality, and pauperism. The objective of regulating neglectful parents was to steer them to administer proper moral training and disciplining to children so that they could grow up to be useful and Christian citizens. The difference between these two categories was in turn reflected in the kinds of knowledge involved and the forms of power developed for addressing cruelty and neglect.

Briefly, performance of civility and moral judgement characterized knowledge of cruelty. Civility and knowledge of cruelty operated as conditions for and consequences of each another. In other words, if a person were enlightened and civilized, s/he would recognize cruelty; and if a person was able to identify cruelty, s/he must be an enlightened and civilized person. As a rule, experience or education did not distinguish anyone as an expert on cruelty. Knowledge of neglect, however, was to a significant extent accumulated through work experience of quasi-professionals in the broad area of charity and correction. Thus, at the time “experts” on child neglect were wardens of prisons, magistrates, and charity workers. They claimed their authority on the basis of their administrative and quasi-professional knowledge of neglected children, criminals, prostitutes and beggars, as well as their observation of correlations and rudimentary statistical information. For these reasons I will discuss cruelty and neglect separately in this chapter.

CRUELTY AS IMMORALITY

The anti-cruelty movement which first emerged in England considered cruelty a moral wrong. Despite concerns with fathers’ brutality towards children in earlier times,

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41 This observation is prompted by Mariana Valverde’s work on administrative knowledge, contrasted with social scientific knowledge. See Levi and Valverde, “Knowledge on Tap.”
children were not the initial concern of the modern organized anti-cruelty movement. In fact, the movement started with protection of animals from whatever was considered as inhumane treatment. Canadian reformers, like their American and English counterparts, were first mobilized for protection of animals and only extended their attention to children later. The establishment of the Toronto Humane Society encompassed animal protection and child protection under one organizational roof, with the overall objective of improving the moral tone of the society. Animals and children (and to some extent women) were regarded as fellow victims of cruelty, who shared characteristics of being weak, lowly, and harmless. For example, when the Humane Society was organized in February 1887, the following was laid out as the kinds of work that it would do:

To stop cruelty to children; to rescue them from vicious influences and remedy their condition; [to prevent] the beating of animals, overloading, street cars, overloading wagons, working old horses, driving galled and disabled animals; to introduce drinking fountains, better laws, better methods of horseshoeing, humane literature into schools and homes; to induce children to be humane; everybody to practice and teach kindness to animals and others.

This dual foci of the Humane Society was also represented vividly in the Society’s emblem. For a number of years before the split of animal and children work, the Toronto Humane Society’s emblem featured two overlapping pictures: one depicted a horse being beaten by the driver with a club and a guardian angel who appeared from the clouds, one arm raised and the other holding a sword; the other picture depicted three or four small children being beaten by a man with a club and goddess-looking figure who intervened to protect the children with a shield (See Illustration 5).

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42 For a useful discussion of the movement against cruelty to animals and its class and religious biases in the English context, see Harrison, “Animals and the State in Nineteenth-century England.”
43 Untitled printed material on the organization of the Toronto Humane Society, probably proceedings of the Canadian Institute, 1887. Vol.1, Kelso Papers, NAC.
In the documents produced by the Toronto Humane Society, the similarity between animals and children was built through emphasizing their “sameness” as victims of cruelty. Specifically, their “sameness” was characterized in aspects of weakness, lowliness, and innocence. In humane discourse “the weak” was a generic category for animals, children, and women, who were perceived as defenceless by patronizing moral reformers. In a letter to the Editor of the World, Kelso, in the capacity of the Secretary of the Humane Society, expressed his appreciation to the public for suggesting the kind of protection work for the Humane Society. He also described the Humane Society’s work plan, ranging from looking after cattle in transit, to improving laws respecting cruelty to children, and erecting a shelter for separating arrested women and children from hardened criminals during trial. He pleaded for financial contributions and explained that “[a]ll who believe in the principle of helping and protecting the weak are eligible as members.”44 Similarly, animals to be protected from cruelty were often referred to as “the lower creatures” or “dumb animals.” Although children were usually not described in these terms directly, they were nevertheless in a low status and at the receiving end of governing.

The educational literature produced by the Humane Society instructed people to be kind, not to just any creature, but to “harmless creatures,” in other words innocent and non-threatening beings. The characteristic of innocence was evident in the kinds of animals that were commonly featured in protection work: working beasts such as horses and cattle, pets such as dogs and cats, and wild birds. Animals which were customarily regarded as dangerous and evil, for example the wolf, were not listed as worthy of anti-cruelty sentiment. As for children, their worthiness of protection was defined in moral

44 Kelso’s letter to Editor of the World, c. March 1887. Vol.2, Kelso Papers, NAC.
terms and in relation to the interest of the society. Honest and obedient children were to be protected. However, for wayward children the use of physical force was justified and was categorized as corporal punishment, not cruelty. The notion of innocence therefore reveals that the limits of anti-cruelty work and the fact that even though it involved humane sentiment, those who participated in it did not indiscriminately shower everyone with humane love. In the end, it was a rational project and its members were conscious of the boundary and objectives of their work.

Thus, instead of viewing protection of children from cruel treatment by parents as a self-explanatory step in human progress, we should understand the critique of cruelty in the larger context of urban reform in general, and moral regeneration in particular, that was occurring at that time. In this sense, the anti-cruelty sentiment and activities were part of a broad-scale reflection on how “we” ought to relate to subordinate groups in the society – i.e. animals, children, pupils, prisoners, and so on. Certainly child savers were concerned with children’s suffering of violence, but they were concerned not so much because it was an issue of personal rights to safety (as it is today) as because they believed that the society’s moral strength was at stake. That they were primarily interested in the society’s morals was further illustrated in their efforts to mould children into subjects of civility by encouraging them to be merciful towards animals.

KNOWLEDGE FROM CIVILIZED HEARTS

“Cruelty” was a historically specific category. In comparison with the earlier category of “brutality,” “cruelty” had a quite precise boundary in that it only applied to acts of one person towards a being that was subordinate, weak, non-threatening, and
usually innocent. In contrast, a person could be brutal not only towards his subordinates, but also towards his equals.

"Cruelty" also differs from the modern category of "child abuse." "Child abuse," even though it maintains a moral connotation, integrates knowledge from a variety of social scientific disciplines. For most of the twentieth century, child abuse has been explained mainly as a symptom of problems with the parent’s mind. Wini Breines and Linda Gordon have provided a critical discussion of how child abuse has been explained and diagnosed by using a variety of psychological and psychiatric concepts since the 1920s, e.g. feeble-mindedness, "confusion" with gender roles, role reversal, cycle of abuse, maternal bonding and attachment theory. Child abuse has also been explained by some as, at least partly, a symptom of the society’s structural problems, using sociological concepts such as "triggering context" and "the interaction between structural considerations (e.g. unemployment) and personal factors (e.g. stress), which Breines and Gordon have also discussed in their article.45 The most recent intellectual shift is a re-conceptualization of child abuse as a threat to children’s safety. Along with the re-conceptualization of child abuse as danger, problems with either the mind (e.g. lack of maternal bonding) or the society (e.g. poverty) are refashioned into risk factors, which tend to be accepted as pre-existing given rather than issues to be addressed.

In contrast to all these social scientific theories and concepts, the understanding of "cruelty" rested on the moral concept of "the heart." Cruelty was explained as a problem with "the heart," usually of a man. For example, parents who beat their children were

45 Breines and Gordon, "The New Scholarship on Family Violence."
often described as "heartless parents,"\textsuperscript{46} or "a cruel-hearted man."\textsuperscript{47} At the same time, cruelty was to be discerned by a civilized heart. It did not require a pair of trained eyes, or evidence such as an X-ray of a fractured leg bone, or statistical information on factors, correlations, and probabilities to determine cruelty. Instead, it required a civilized heart to know what was cruelty.

Of course, this is not to say that in reality only those with civilized hearts knew what was cruelty. Indeed, some children claimed their knowledge of what was cruelty on the basis of their personal experiences. For example, on April 6, 1892, Minnie U., age 14, took shelter at 9 p.m. and "told a story of cruelty by parents;" similarly, a few days later Teresa P., age 9, took refuge at 8 p.m. and "said she had been cruelly beaten by her father with a strap with a buckle on it." However, children's knowledge of cruelty was typically treated with suspicion. Child savers were wary about the possibility of children manipulating the authority of the CAS to their advantage by manufacturing a story of cruelty. In the case of Minnie U., her story of parents' cruelty was found to be "untrue" and she was returned to her home next day.\textsuperscript{48} As for Teresa P., she was undressed and "her body bore sorry evidence of the truth of her statement." While her parents denied that they cruelly treated her, her story was accepted as the true one.\textsuperscript{49}

It seemed that in dealing with children's allegations of cruelty, the benefit of doubt was usually given to the accused such as foster parents and industrial schools, who were associated with or identified with the child saving movement. For example, Kelso dismissed charges of cruelty laid by inmates of a reform school against the institution. He

\textsuperscript{47} #9228, \textit{Complaint Book}, 1903, Children's Aid Society Collection, CTA.
\textsuperscript{48} #2, \textit{Complaint Book}, 1892, Children's Aid Society Collection, CTA.
thought that the investigation committee made a mistake, which was “privately interviewing the inmates and accepting as true the fanciful stories that were told them.” This was because, he argued, “[i]t is well known that the average boy or girl, especially those who find their way into a reform school, will tell a story just as big as the capacity of the listener to receive and absorb it.” He defended the head of the school by saying that “[t]he head of a reform institution is always in danger from charges of cruelty to inmates, because he is dealing with unwilling people and he is likely to get the worst of it in any public discussion however good or efficient he may be.”

Other knowers of cruelty recognized a cruel act with their civilized, i.e. Christian, hearts. Presumably, they had achieved a level of civility and were thus able to tell what was the right or wrong ways to treat children. They could be grandparents, uncles and aunts, neighbours, the clergy, and the police. Their complaints of cruelty to the Toronto Children’s Aid Society were treated as rudimentary knowledge. This was to be digested, sorted, verified, and developed by child savers, who were in a position of higher authority in the chain of knowledge production. The authority of child savers mainly drew upon presumed greater civility. The reasoning was that a civilized person cared about how children were treated, and if s/he cared enough to devote him/herself to the cause of child saving, s/he must be more civilized than the average.

Cruelty was conditional on a child’s innocence. A slap on the face of an innocent child would be cruelty, but would be proper discipline if the child was judged as being wayward. In this sense, child savers determined cruelty in different ways. When a child did not do anything wrong, the simple use of force was cruelty. In situations where a

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49 #7, Complaint Book, 1892, Children’s Aid Society Collection, CTA.
child had done wrong, cruelty applied only if the use of force was excessive. Thus, the child savers’ first task was to determine whether a child did anything “bad.” If s/he did not, then the task was to verify whether acts of beating, thrashing, etc. occurred or not. However, sometimes children were found guilty of running away, stealing, or being disobedient. For example, on March 5, 1903, a Rev. P.C. Parker complained to the Toronto Children’s Aid that a young girl, Hazel G., had been cruelly thrashed by her father on Dundas Street until the blood ran down her back. The inspector of the Toronto Children’s Aid visited the family and reported on both father and the girl. He learnt that the father kept a stationery store. The girl, in company with another, ran away from her house and got herself a domestic job on Euclid Ave. She admitted to the inspector that “she deserved whipping.” In cases such as this, the Inspector typically would then gather information to determine whether the child was punished with “inhuman severity,” and whether the parent was in the habit of doing it, both of which were rather subjective judgements. The Inspector checked Hazel’s back and found that blood had not been drawn, although there were marks left there. Apparently, he felt ambivalent about the situation. In the end, he decided to warn both parents and the girl.52

The above discussion shows that knowledge of cruelty was intertwined with morality in several ways. The credible knowers were people with civilized hearts. The higher one’s moral status (e.g. child savers or the clergy), the more authority one held. Since morality was defined from the perspectives of Anglo-Celtic middle-class adults, views of the working class, immigrants, and children as to what counted as cruelty were

50 Kelso, untitled manuscript on cruelty charges against institutions, n.d. File “Reform and Reformatories n.d. 1923”, Vol.6, Kelso Papers, NAC.
52 #9357, Complaint Books, 1903, Children’s Aid Society Collection, CTA.
in effect discounted. Cruelty was also relative to the innocence/guilt of the object of violence. Thus, knowledge of cruelty was of a qualitative kind in that it was situation-specific.

NEGLIGENCE AND DELINQUENCY

The development of the understanding of neglect in the late nineteenth century had roots in the legacy of "willful negligence and indulgence," but flourished in the context of social and moral reforms, when problems of crime, immorality, and pauperism seemed to loom particularly large and solutions were sought for more eagerly than ever. Although the correlation between neglect and pauperism/dependency was discussed, the discourse on neglect seemed to be most closely tied to discussions of delinquency and crime. The neglect, delinquency and crime connection is a rich site for examining the linkage between neglect of individual children and broader problems in the society. In the following pages, I shall discuss how protection of neglected children became recognized as the best way to prevent crime by "reaching children before they have become altogether corrupt." As an alternative thinking that existed in the past, it highlights the temporal specificity of present thinking which considers protection of neglected children as a project of guarding children's rights to personal safety.

The proliferation of knowledge of child neglect and delinquency started as soon as young criminals were thought of as a separate group in the 1830s and particularly when they were physically segregated from adults from the 1860s on. This new object—"unperceived until then"—stimulated fresh questions and observations. New knowledge was developed, accumulated, tested and transformed. For example, in his

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historical study of juvenile delinquency in Canada, Carrigan noted a consistent emergence of records of family problems in youth institutions in the 1860s. His examination of records of the Penetanguishene Reformatory showed the compilation of statistics on the boys’ parents – how many boys’ fathers and/mothers were deceased or were heavy drinkers.55

The growth of knowledge on neglect and delinquency was remarkable, both in quantity and in variety. In contrast to the earlier authorities on negligence and indulgence of children, who were mostly clergymen and scholars, the late-nineteenth-century generation of experts on neglect and delinquency established their authority on the basis of their experiences in dealing with delinquents. Knowledge was disseminated, exchanged, and consolidated through various gatherings, formal conferences, writings, as well as authorized knowledge production mechanisms such as the Royal Commission on the Prison and Reformatory System in Ontario in 1890.

There were two major themes to this body of knowledge, which were often expressed in gardening metaphors. First, crime or delinquency was more than just an act in and of itself; it was the “offspring” of evil seeds, cultivated by inappropriate parenting conduct. Secondly, crime was not merely a matter of a definite time period during which the criminal act was committed. Instead, it was a development or a process that extended well back into the months or even years before the act; it was “a growth” from evil seeds to defective seedlings and finally to a poisonous plant. These concepts of evil seeds, cultivation, and growth process were essential to the imagination and rationalization of child protection. Drawing upon these concepts, child protection was seen, first of all, as a

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true solution to delinquency and crime since it addressed the roots of the problem; equally important, child protection was also seen as smart, feasible, and economical, because it was intervention at an early stage and with a target relatively small in comparison with full-fledged crime.

**THE ROOTS OF DELINQUENCY: EVIL SEEDS AND BAD CULTIVATION**

In this section, I will provide an overview of the causes of delinquency that were identified by reformers and discuss how these were linked to child protection. Social reformers of the time came up with a variety of diagnoses of sources (or causes, correlated factors) of delinquency and crime. Here I examine these diagnoses of sources of delinquency one by one; however, this does not mean that they were necessarily thought of as disparate factors or competing theories by contemporaries. Quite to the contrary, most social reformers, based on their hands-on experience or driven by pragmatic concerns, subscribed to an eclectic combination of explanations, rather than chaining themselves to any particular theory. It was not uncommon to find synthesis like this: "... police and gaol officers will agree that the majority of criminals are weak and mentally unbalanced men, who as children were neglected and abandoned and who simply drifted into professional criminality through association with others like themselves [emphasis added].”

This also shows that it would be pointless to try to figure out which factor was considered the most important by reformers, since to them all were inter-linked and slippage from one seemingly disparate factor to another was a characteristic of the discourse.

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56 Kelso, untitled manuscript on mental defects as a major cause of crime, File “Reform & Reformatories n.d.,” Vol.6, Kelso Papers, NAC.
The sources or causes of juvenile delinquency that reformers searched for were diverse. I categorize them into three groups: pre-disposing causes, or evil seeds – age, heredity, and feeble-mindedness; environmental factors which were often compared to poisonous soil, air, or darkness – jails, urban slums, and home conditions; and factors that pointed to problematic parenting – child labour and bad companions.

*Pre-disposing causes.* One essentialist explanation of why children, particularly boys, went wrong assumed that some innate features made them do so. However, discussions of pre-disposing factors through the metaphor of evil seeds were typically tempered with admission that they could not fully explain why children went wrong. Colonel Farewell, crown attorney and county clerk of Whitby, gave an address at the seventh Annual Canadian Conference of Charities and Correction in 1904, in which he explained that bad boys were like a certain class of lobsters – they must swim backward! As it was an argument that could potentially threaten the *raison d'être* of any effort in doing anything with juvenile delinquents, it could not be pushed too far. Thus, notwithstanding the deterministic explanation, immediately after the lobster comment Farewell also argued that something should be done to prevent boys from swimming backward.57 Similarly, Kelso argued that a boy would naturally do wrong things such as lying. However, at this stage the “nature” was still malleable and adults should be forgiving and patient in helping him overcome his fault.58

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Heredity was considered as causing juvenile delinquency. However, there was evidence that at the beginning reformers were cautious in not putting too much emphasis on heredity. For example, in 1909 along with other leading child savers such as W. L. Scott, Kelso argued that “[crime] is generally the result of bad surroundings, poor education, defective physique, false ideals, lack of employment arising from lack of training; it is rarely due wholly to heredity.” The reason for such caution was the same as in the case of arguing that some boys were naturally deviant: a strict adherence to an essentialist explanation could negate any possible roles for social reformers in preventing or curing juvenile delinquency.

Feeble-mindedness was not identified as an explanation for juvenile delinquency until the 1910s and the 1920s. It was curious that in 1922 Kelso claimed that he had been “constantly writing and speaking about the feeble minded from 1894 on.” In fact, the term “feeble-mindedness” was not in social reformers’ language in the late nineteenth century. In any event, since the 1910s, feeble-mindedness seemed to have become accepted as the root cause of almost all major social problems: alcoholism, pauperism, as well as crime. In 1912, Dr. Henry H. Goddard, director of research in the Vineland Institution for the Feeble-minded at New Jersey addressed the Canadian Conference of Charities and Corrections. He explained that that “[p]eople of this sort either became pauper or criminal, according to the temperament – if nervous and irritable [sic], the latter;

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59 See for example, Sutherland, Children in English-Canadian Society, Chapter 5 “‘Invariably the Race Levels Down:’ Mental Hygiene and Canadian Children.” The concept of heredity in the late nineteenth century should not be equated with the panic of “feeblemindedness.” “Feeblemindedness” was a notion specific to the first few decades of the twentieth century.


if phlegmatic, the former."\textsuperscript{62} In 1922, Kelso wrote a letter to the editor of The Mail and Empire to defend the attention to the subject of feeble-mindedness. He wrote: "... those who are in daily contact with social problems... understand how large the feeble-minded person looms up in juvenile courts, police court, jails, reformatories and penitentiaries."\textsuperscript{63} Social reformers' embrace of feeble-mindedness as an explanation for social problems, including juvenile delinquency, was in contrast to previous ambivalence towards heredity.

Rather than attempting to explain why this happened, it would perhaps be more useful to point out how the discourse of feeble-mindedness was deployed - in other words, in what kinds of narratives reformers found feeble-mindedness useful as an explanation of the problem at hand. In Kelso's writings in this period of time, two kinds of narratives seemed to reappear in tandem with the theme of feeble-mindedness. One kind of narrative was about admitting and explaining failed attempts in reforming juvenile delinquents, as was evident in recidivism. The other kind concerned the proposal for segregated institutionalization of this class and the imagining of how satisfactory this strategy would be to everyone, even the feeble-minded.\textsuperscript{64}

*Environmental factors.* The environmentalist approach emphasized problems such as the mixing of the young and adults in jail, crowded urban slums, poor housing, and improper home life. The jail as a "crime-breeder" was probably the first problem that was raised with the surroundings of the young. Although jail was still mentioned by some


\textsuperscript{63} Newspaper clipping of Kelso's letter to the Editor of *The Mail and Empire* titled "A Great Social Problem," April 26, 1922, Vol.12, Kelso Papers, NAC.

\textsuperscript{64} For example, Kelso, manuscript titled "Boys Who Fail" c.1920s-1930s, File "Reform and Reformatory," Vol.6, Kelso Papers, NAC.
as a problem as late as in the 1920s\textsuperscript{65}, its relative importance seemed to have been surpassed by other factors in reformers’ discussions of juvenile delinquency. This is partly due to the gradual implementation of remedial measures such as separate detention facilities for youth. Housing problems were thought of as resulting in juvenile delinquency. Kelso, when attending an annual meeting of the Working Boys’ Home, joined the discussion on the subject of juvenile crime and claimed that there would never be much improvement in the conduct or morals of the boys until the “Home” was moved to a cleaner healthier neighborhood uptown – good surroundings would have a marked effect in refining the boys\textsuperscript{66}. Home life was critiqued in three aspects: omission - lack of parents’ moral training, lack of discipline and control; contamination - unfit impressions left on children’s minds by parents or teaching by examples; and commission – i.e. parents actively and explicitly taught, encouraged, or coerced children to do wrongful things.

In the 1910s and the 1920s, there was evidence that some rethinking took place, in that home conditions seemed to have become “the great outstanding cause of juvenile delinquency,”\textsuperscript{67} even though other factors were by no means eliminated from the discourse. This conceptual shift is perhaps best captured by a cartoon that originally appeared in the Chicago Daily Tribune in the 1920s and used by Kelso (See Illustration 6). The cartoon portrayed a man holding the rifle of Juvenile Reform, who was determined to “track down the real cause of my children’s ill conduct.” After much

\textsuperscript{65} In 1924, Judge Emerson Coatsworth still identified lack of segregation in goals as a factor co-related to juvenile delinquency. Proceedings of the Canadian Association of Child Protection Officers at the Fourth Annual Meeting, Toronto, 1924, Vol.24, Kelso Papers, NAC.

\textsuperscript{66} Kelso, manuscript titled “Working Boys’ Home,” n.d., Vol.4, Kelso Papers, NAC.

tracking and poking at suspicious-looking bushes which represented various takes on what led to juvenile delinquency, the man ended up facing his own house. He realized with shock that the real cause of his children’s problem lay inside his house. The inscription on the roof of the house read “NEGLECTED HOME TRAINING.”

We find another expression of this conceptual shift in the writings of Charlotte Whitton, who at the time examined in this study, had just started articulating her conservative understanding of social problems, an analysis that was to become very influential the field of social services in later decades. In the year of 1919 or 1920, Whitton mentioned in her lectures a variety of contributors to juvenile delinquency, some of which were aggravated by the war: “youth’s tempestuous blood and wayward instincts,” relaxing of discipline and restraint, the atmosphere of romance and adventure, child labour, and the spare time of children. Nevertheless, she claimed that “[a]fter a careful digest of all available information it is safe to say, that the great outstanding cause of juvenile delinquency is wrong conditions in the home.” A close reading of her analysis makes clear that “home conditions” was a highly comprehensive concept that summarized an eclectic mixture of things: bad heredity, especially mental; incompetent and/or immoral parents; partial disruption of the home due to desertion, divorce, or the death of either parent; bad housing; and poverty.

Factors related to bad parenting. Parents were held responsible for their children’s bad companions. They were criticized for failing to watch them and ensure that

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68 Cartoon titled “The Flaming Youth Problem,” File #4, Vol.13, Kelso Papers, NAC.
69 Rooke and Schnell, No Bleeding Heart: Charlotte Whitton A Feminist on the Right. See also Moffott, “A Study as Limitless as Life Itself:” Canadian Social Work and Social Welfare, 1921-1939, Chapter 6, for a detailed examination of Whitton’s philosophy.
they were not contaminated and led astray. Similarly, child labour was blamed on parents as well. Child labour was one of the first identified source of juvenile delinquency. In the late nineteenth century criticisms of child labour was more about where children worked than about child labour itself. Kelso argued in the late 1880s that certain forms of child labour, such as selling newspapers, pencils and shoelaces on the street, were occupations that produced the criminal class. Working on the street brought children in direct contact with all kinds of evil lurking in urban areas, particularly when “they lived where they pleased.” Children could not learn a trade on the street that they could be employed in later. Worse, many boys were trained to be thieves and girls were lured to become prostitutes.71 However, in the beginning decades of the twentieth century children’s working itself became problematized and thus child labour in almost all situations was condemned. This shift is best demonstrated in how the links between child labour and juvenile delinquency were constructed differently in later time. Soon after the World War I broke out, Canada reported a significant increase in young offenders. Charlotte Whitton listed increasing child labour as a contributor to the problem. To Whitton, child labour led to juvenile delinquency in two ways. First, “the child had been exploited by the overtaxing of his nervous system and physique, the inevitable reaction results in a lowered tone.” Secondly, “the child may have free use of his wages, may be taking the place of an older man or woman and may develop a false independence and ‘swagger,’ as the result of the sudden change in his circumstances. This sudden acquisition of importance may have disastrous results as the boy attempts to play the man.”72

The above discussion shows that among the causes of juvenile delinquency identified by reformers, many were directly related to parents and their conduct. This was true even with environmentalist explanations since there was little doubt in reformers’ minds that it was primarily parents’ responsibility to provide proper housing in a good district; and it was also their responsibility to maintain home conditions in such a way that children were not exposed to drinking, swearing, and general immorality. For example, Judge Emerson Coatsworth asserted that the “pure, clean, earnest, honest, cheerful, and attractive” atmosphere of the home “must be created and maintained by parents.” Child labour was also blamed on problematic parenting. Although children were subjects of agency in at least some situations and to a certain extent, they were almost always presented by reformers as involuntary and passive. The typical image of a child labourer was an exhausted, frightened, vulnerable and miserable child who was encouraged or coerced by adults, mostly parents, to work on the street or in factories. The point is not whether they were coerced and exploited or not; rather the point is that instances where working children exercised their agency when they ridiculed and rebelled against attempt to regulate their working on the street never made their way to the dominating discourse. The gender neutral term parenting, however, was misleading, since most criticisms were targeted at mothers or other women. Kelso believed that “[i]n 99 cases out of 100 it is either the want of a good woman’s influence or the influence of a bad woman that has brought the child within the meshes of the law.” In short, the knowledge on child neglect examined above effectively individualized the causes of

societal problems and put most of the burden of guilt on parents. The protection of children from neglect by parents was thus thought of as a remedy to bad housing, immoral home conditions, child labour, and bad companions, and in the end as a solution to juvenile delinquency.

**NIPPING THE CRIMINAL BUD IN NEGLECTED CHILDREN**

The view that child protection was a smart, practicable, and economical way of addressing delinquency was based on the concept of delinquency/crime as a process. As I argued earlier, the conviction that crime was not a single fact but a process, which started with delinquency, was another theme underlying current knowledge of juvenile delinquency and child neglect. Again, metaphors of gardening - seeds, plants, soil - came in handy to social reformers in explaining this truth and at the same time lending support to it, as we can see from Judge Emerson Coatsworth’s speech:

> Crime does not come into the life of a person fully developed at once. It is a growth, the seed of evil thoughts is planted and if in fertile soil gradually develops until finally it is a full grown poisonous plant which can be eradicated from the character and person only with great difficulty and perseverance.\(^75\)

In addition to the theme of gardening, several other metaphors or expressions were often used to denote the process from juvenile delinquents to criminals: the rotting of apples,\(^76\) rivers flowing into the ocean,\(^77\) “finally become criminals,”\(^78\) and “going wrong,”\(^79\) etc. On the one hand, the concept of process differentiated juvenile


\(^{76}\) ibid.

\(^{77}\) Kelso notes, c. 1893, File “230 Diary 1893,” Vol. 34, Kelso Papers, NAC.

\(^{78}\) For example, J.K. Macdonald’s report on the work of the Toronto CAS, “City Must Care for Delinquents,” newspaper clipping, Nov. 1918, n.s., Vol.12, Kelso Papers, NAC.

\(^{79}\) Whitton, lecture notes titled “III. Juvenile Delinquency,” in which she posed the question “What contributes to ‘going wrong’ at this age?” File “MS-Juvenile Delinquency- 1919-20,” Vol.19, Whitton Papers, NAC.
delinquency from crime. When offences committed by children, such as stealing, shop breaking, disorderly conduct, trespassing, malicious injury to property, vagrancy, were compared to a defect in a young seedling, a small decay, a drop of polluted water, what was accentuated was their small scale, lack of threat, and helplessness – characteristics that inspired empathy and called for forgiveness.

On the other hand, the concept of process linked juvenile delinquency to crime, for if no action were taken, a tender defected seedling would finally grow into an evil plant, a small decay on an apple would finally result in the rotting of not just one apple but the whole barrel, and small drops of delinquency would finally create the ocean of crime. The evil was in motion and cumulative. Reformers hoped to do something with juvenile delinquency, since to rehabilitate a juvenile delinquent would be an undertaking as manageable as to straighten a tender stem, to cut off a decaying spot from an apple, and to purify a drop of water. This in turn strengthened the legitimacy of rescuing juvenile delinquents who were going off in the wrong direction and setting them on the correct path, because it would be much easier, much less costly and more effective in controlling crime.

It should be noted though that the late nineteenth century analysis of delinquency as a process starting with neglect was applied to boys and girls in different ways, reflecting and reinforcing constructions of masculinity and femininity. Generally, the concept of a process implied great optimism in rehabilitating boys. Kelso even went so far as to say that “[a] bad boy turned into the right course, often makes the best kind of man. His badness or willfulness frequently arises from the vigorous animalism that is also
essential to true manliness: physical perfection is a grand incentive to moral courage.”80

To girls, the concept of delinquency as a process, however, did not necessarily imply hope. To reformers like Kelso, once fallen, a girl’s “degeneration” was but “an awful descent” beyond full redemption.81

“NEGLIGENCE CHILDREN” AS POTENTIAL CRIMINALS

Thinking about child neglect in the framework of crime prevention was to constitute parents and children in a particular way. In this section, I will discuss the constitution of “neglected children” as potential criminals. Although the new ways of understanding criminal offences committed by children characteristically put the blame on parents, it did not mean that children were always seen as innocent and free from culpability. Children’s freedom from culpability was seen as in inverse proportion to their age. Age indicated levels of command of will, moral knowledge, and sense of personal responsibility. The conception of a scale of responsibility became apparent and more specific towards the end of the period that I examine. Whitton laid out a scale in this way: up to eight years of age, the child could not be held responsible for his acts — his parents were really to be blamed for his delinquency; from nine to thirteen years of age, parents were still largely responsible for his behaviour; from the age of twelve or thirteen to seventeen years of age, “[t]he delinquencies...gradually shift from the parent to the child, and the parents’ responsibility will gradually merge into the consideration of what preparation was given the child in the preceding years.”82

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81 Kelso, notes, n.d., File “229 Diary 1889-93,” Vol. 34, Kelso Papers, NAC.
The conceptualized continuum of responsibility implied the identity continuum from neglected children, to juvenile delinquents, and to criminals:

$$\begin{array}{ccc}
\text{neglected} & \text{juvenile delinquents} & \text{thieves} \\
\text{children} & \text{child beggars} & \text{prostitutes} \\
\text{} & \text{paupers} & \\
\end{array}$$

In this sense, the identity of juvenile delinquent was not an independent and disparate identity. It existed in between the identity of neglected child and the identity of the criminal, but at the same time tried to be distinct from them. A juvenile delinquent was one who was neither totally a neglected child nor totally a criminal. Similarly, a neglected child was not simply a neglected child; s/he was, at the minimum, a potential juvenile delinquent (See Illustration 7). This ambivalent and fluid conceptual situation may explain blurs and even confusions in practices, for example when the two terms of neglected children and juvenile delinquents were used interchangeably in child protection legislation\textsuperscript{83} and when juvenile delinquents detained in CAS shelter were routinely called prisoners.\textsuperscript{84}

To sum up, during the period from the 1880s to 1920s, child saving thinking linked cruelty and neglect to societal and national issues. Specifically, the objective of child protection was articulated with the civilizing imperative. Children assumed the

\textsuperscript{83} For example, the two terms and categories seemed interchangeable in An Act for the Protection and Reformation of Neglected Children, 1888, File “Kelso, John Joseph 1864 – 1935 Early Work n.d.,” Vol.1, Kelso Papers, NAC. In the 1921 amendments to the Child Protection Act of Ontario, the definition of a neglected child included “a habitual delinquent or incorrigible,” newspaper clipping, “Will penalize parents found abusing child,” Globe March 1921, File “Child Welfare 1920-1927,” Vol.12, Kelso Papers, NAC.
identity of “future citizens” and the overarching concern of child protection was to ensure that they were parented properly so that they became useful adult citizens with Christian virtues. The use of force on children was criticized because it was considered as the uncivilized way to treat children, and equally importantly, an ineffective way to cure children’s weaknesses. Child neglect was identified as a major problem because, instead of making children good citizens, neglectful parents turned them into criminals, prostitutes, and beggars through failure to provide a proper home, to watch over children, and to keep them away from the morally dangerous street. The very emergence of a child protection system testified to the fact that the overarching rationality of the interests of society was a forceful argument for collective actions.

\[\text{84 For example, see Shelter Committee Minutes Oct. 11, 1906, File 3, Vol.87, Children’s Aid Society Collection, CTA.}\]
CHAPTER 2

"CULTIVATING CHILDREN AS YOU WOULD VALUABLE PLANTS:"
GARDENING STRATEGIES

As I demonstrated in the preceding chapter, cruelty and neglect in the late
nineteenth century were problematizations from the standpoint of producing good adult
citizens. Reformers at the time believed that both the use of excessive force on children
(cruelty) and the lack of discipline (neglect) would hamper and damage the development
of children’s character, which would then lead to persistent social and moral problems in
the society. How, then, should a parent raise a child so that s/he “develop into an honest,
useful and industrious citizen?”¹ And more importantly to child savers, what should be
done when parents failed in doing so?

This chapter focuses on some influential thoughts around these questions, largely
drawing upon the writing of J. J. Kelso, who was probably the most prolific and
compelling writer and speaker on child saving in Toronto and in Canada during the
period examined.² In the first section I will discuss gardening metaphors widely used in
child saving writings. The purpose of analyzing gardening allegories is two-fold: to gain
an understanding of the principal model of the individual from the point of view of child
savers, and to detect forms of power in child rearing and child saving as represented by
the relation between the gardener and plants/weeds. The second section focuses on ideas
of children’s habitat, habits, and the heart and analyzes how they were identified as key
objects of regulation in parenting and also in child saving. The final section maps out a
range of child saving strategies which were designed to regulate parenting and to provide

supplementary or substitute governing over children when parents failed. The most representative strategies included guidance, supervision, investigation, classification, separation and dispersion. Reformers promoted and sought to implement these strategies through legislation and the establishment of new types of institutions such as Children’s Aid Societies, Detention Rooms for children, and Juvenile Courts.

The main argument of this chapter is that from the perspective of reformers, proper parenting and child saving strategies were effective means to prevent children from becoming criminals, beggars, prostitutes, and more generally immoral. The feasibility of the reform cause rested on a particular model of the individual – the humanist subject -- who could be formed and reformed. This model did not exclude natural determinism completely; however it did emphasize that the individual was, by and large, a creature of an eclectic combination of factors: his or her immediate surroundings, acquired habits, and even the will to some extent. The objective of the rule was thus to form children and to reform delinquent children into self-regulating individuals through ensuring proper surroundings, encouraging the formation of good habits, and fostering desires for the good. The ideal forms of strategies outlined in this chapter sought to achieve this objective and were principally positive (as opposed to repressive), individualized, knowledge-based, and local in the sense of being at the neighbourhood level. The identity of humanist subject and corresponding mode of power for governing the humanist subject, as captured by gardening metaphors, were characteristic of the social era. They will serve as points of reference for later discussion of current practices of child protection.

2 As some of his contemporaries observed, Kelso had a journalist’s knack of telling stories which would immediately touched the emotions of his readers or listeners. See Saywell, ed., Journal of Lady Aberdeen,
ENGLISH GARDENING IMAGERY

One prominent feature of the late-nineteenth-century English Canadian writings on social and moral reform, and child saving in particular, was the frequent use of gardening metaphors. An analysis of these metaphors can help us gain some understanding of the intricacies in the model of the formable and reformable individual as well as the rationalities behind the range of strategies for governing the individual. I shall start with outlining the garden’s class, gender, cultural and racial meanings in modern English societies.

In Western social history, gardening was more than just a hobby. Leonore Davidoff and Catherine Hall provided a useful account of the importance of gardening in the making of the middle class family in England at the end of the eighteenth century and the beginning of the nineteenth century. First, as a practice requiring money, land, and leisure, it was a rather notable symbol in the making of the middle class. Secondly, gardening expressed middle-class sensibilities. It was anti-urban, romantic but also rational. It provided "strong visual confirmation of the middle-class ideal" – particularly order, intelligence, taste, and appreciation of nature in a controlled environment. Thirdly, gardening was perceived as a practice with civilizing effects and was thus often related to child rearing. In many middle class families gardening was used as a tool for cultivating character of children; for example, children were given small plots to inculcate diligence, patience, care, tenderness, and reverence along with practical science lessons. Similar practices were later introduced to the public education system. As well, children as

p.40, cited in Sutherland, Children in English-Canadian Society, p.112.
Davidoff and Hall, “The Meaning of the Garden,” in Family Fortunes, Chapter 8 “My Own Fireside: The Creation of the Middle-class Home.”
gardens to be cultivated was a favourite metaphor for writers on middle-class domesticity.4

Certainly gardening metaphors would make sense to middle-class families to whom the garden was a real part of life and an important component in the formation of their identity. The use of the gardening imagery in child saving literature in the late nineteenth century Toronto, however, pointed to the class and cultural bias of the project. Indeed, the opposite metaphor of the “jungle” was used in abundance to describe urban slums, as Valverde noted in her analysis of the connection between imperial travel writing and social reform writing.5 The African rainforest was described as exotic, female, primitive, and above all untampered. It was a ruthless “dark” power, threatening “to silently engulf and destroy patriachs of both nature and civilisation.”6 This vision of the jungle was then imported into the discourse on urban problems as an already established knowledge, with the effect of making the urban poor at home a different and inferior breed to be civilized.7 The civilizing mission, including child saving, was thus analogous to turning jungles (both foreign and home) into gardens.

In addition to revealing the class, racial, cultural, and gender biases of the civilizing mission, gardening imagery bore important clues to some popular ideas among child savers about how children should be governed. The following analysis is organized to address three fundamental aspects of power mechanism in child saving: 1. the truth of people as living beings; 2. the humanist approach of exercising power in a friendly and individualized way; and 3. the multiplicity of rulers and the ruled.

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4 Ibid., pp.370-375.
5 Valverde, “The Dialectic of the Familiar and the Unfamiliar: ‘The Jungle’ in Early Slum Travel Writing.”
6 Ibid., p.504.
7 Ibid.
1. The truth that people were living beings and were thus capable of responding to external forces was fundamental to reformers’ deliberations on how children should be governed. The gardening imagery worked well to concretize the thought that human beings, particularly children, could be induced to behave in certain ways, just like plants could be trained to stand straight, to trail, or to blossom profusely through nurturing when they were young (See Illustration 8).

This was a conceptual shift from the model in which the individual’s character was thought to be innate. The late nineteenth century social and moral reformers of course were not the first ones to see the relevance of nurturing. Scholars, such as Steven Ozment, have demonstrated that in Reformation Europe in the sixteenth century, influenced by the rise of humanism, many writings and sermons on family life underlay the notion that how a child was reared would have direct and enormous effect on his or her adult life. As well, in England, in his Essay Concerning Human Understanding published at the end of the seventeenth century, John Locke argued that moral understandings of good and evil were not “innate,” instead they were products of conditioning. What distinguished the social and moral reformers in the late nineteenth century from earlier moralists and philosophers was their preoccupation with translating thought into organized interventions.

It would be mistaken to assume that to reformers the emphasis on the importance of nurture meant the banishment of natural determinism, for even the most enthusiastic advocates of reform like Kelso seemed to think that vice was hereditary on some occasions. For example, he confided in his journal after a visit to the Infants’ Home that

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8 Ozment, When Fathers Ruled.
9 Locke, Essay, Book I, Chapter III; Hindess, Discourses of Power, p.80.
he “... saw all the [baby] inmates, very low type.” As well, he had no difficulty spotting the “inherited seeds of vice” on the faces of some Barnardo girls. Thus, it would be more accurate to understand the late nineteenth century reformers’ model of the individual as a conceptual adjustment between nature (pre-existing conditions, most notably heredity) and human agency. If the reformers rejected anything it was the dichotomy of heredity and environment. Indeed, the gardening imagery was a very useful conceptual tool for deconstructing this dichotomy: while seeds were important, careful watering, weeding, pruning, bending were also indispensable in the making of straight trees or blooming plants.

It was not uncommon to hear reformers acknowledge both heredity and environment as relevant factors in determining a child’s future character:

Is the thing called EVIL an inheritance or a development? The disposition to do evil, the carnal principle, is both inherited by and inherent in man; but the outward expression of the inherited principle, the practice of evil-doing, is due to example and custom and, therefore, a development.

The following poem is another example of a similar conception of heredity and environment but with more direct reference to parenting and child saving, drawing upon the gardening imagery:

As plants while tender
Bend which way you please’
And are though crooked first
Made straight with ease;
But if neglected till they grow in years,
And each ... [illegible] parent – Their dear darling spares,
Error becomes habitual and we find
‘Tis they hard labour to reform the wind.

10 Kelso diary, Sep. 26, 1894, Vol.3, Kelso Papers, NAC.
11 Kelso diary, November 28, 1894, Vol. 3, Kelso Papers, NAC.
12 Unknown author, circular titled “Heredity or Example, Which?” n.d. Vol. 4, Kelso Papers, NAC.
13 Kelso, notes, c. February 1901, File 229 “Diary 1889-93”, Vol.34, Kelso Papers, NAC.
It was evident that the relevance of nature was understood following the Christian doctrine of original sin. However, since human, as living beings responded to surrounding conditions and also as living beings they had peculiar traits such as habits and will, how the seed of evil would develop was uncertain. The uncertainty was precisely the hope of reform. In other words, the effect of the conception of the individual was a rationale for human intervention, given that people, in particular children, were susceptible to influences, even if they were inherently evil.

It should be pointed out that in child saving writing the balance between heredity and environment was actually fluid and the shifting of balance was often situated in strategic maneuvers. For example, when reformers were instigating a child saving movement intended to intervene and to improve, they typically favoured environmentalist arguments. It made sense strategically to stress children’s plasticity, the limits of heredity, and thus the valuable potential openings for human intervention. However, from the 1910s many social reformers seemed to start putting more emphasis on natural determinism. While this shift was attributable to the influence of the rising science of eugenics and the related panic about feeble-mindedness, it should be noted that these essentialist theories also came in handy to reformers for explaining the failures of reform experiments. Kelso’s writing in this period of time embraced natural determinism to explain away failed attempts in reforming some juvenile delinquents and to rationalize institutionalized segregation of this defected and hopeless class.14

Certain practical implications flowed from the understanding of humans as living beings who were susceptible to external forces. One such implication was that the early

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14 Kelso, untitled manuscript on mental defects as a major cause of crime, File ‘Reform & Reformatories n.d.’, Vol.6, Kelso Papers, NAC.
stage of life became more important than ever, since living beings tended to be more yielding to external forces at the beginning of life. Thus, childhood was pronounced "the strategic time in life," a period during which a person could be easily and permanently influenced more than any other time. In contrast, adults were like rigid tree trunks or branches that were formed long ago and thus bore little hope of reform.

We can identify two types of arguments for reformers to take childhood seriously: one concerned effectiveness, the other economics. The effectiveness argument drew upon the common sense belief that direct effort with the beginning of things was almost certain of reward. Often this had to do with the formation of habits: "[t]he impression received, the habits formed by children in their first ten years, mould them through life for better or worse." Later, psychologists would lend their authority to the view that childhood should be taken seriously. For example, a psychologist H. Addington Bruce stated that "as any modern psychologists will tell you, habits are formed early, and the impressions made on the mind in childhood are the most lasting of all impressions and the most difficult to blot out."

The economics of focusing reform efforts on the early stage of life was established through a comparison between the cost of the perceived, relatively easy work of reforming children and the cost of dealing with hardened criminals, beggars, and prostitutes. Kelso expressed his observation this way: "... if the government would pay more attention to this [child saving work], and check the evil in the bud which springs

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15 Unknown author, "Childhood in the Strategic Period," Kelso Papers, NAC.
17 Kelso, "Items of Interest on Social Work," The Humane Pleader, 1923, Vol. 7, Kelso Papers, NAC.
from this low class of people, there would be no need of building so many prisons, reformatories, or the like.\textsuperscript{19} Thus, it would be a good investment "to withdraw every effort for adults and bend over the cradles of the world."\textsuperscript{20}

In practice, these thoughts were embodied in the early intervention approach. Child saving in itself was an enactment of this approach and to many reformers the merit and even superiority of child saving lay precisely with the fact that it tackled the beginning years. Thus, Kelso characterized child saving as a work that was full of hopefulness,

for it has to do with the beginning of things where well directed effort is almost certain of reward. It offers an unlimited field of pleasant and profitable employment to the volunteer workers [sic] who realize the possibilities of good in the saving and reclamation of unfortunate children, and it means to the community relief from the burden of pauperism and criminality that is the sure outcome of indifference toward neglected childhood.\textsuperscript{21}

The early intervention approach was also reflected in preemptive or prevention measures, even before actual acts of abuse or neglect. Kelso explained this way:

Suppose in the county of X the father of a certain family is simply no good, as a result of poor training in his youth, and his wife is equally incapable. They have three children. Judging by their record it is a foregone conclusion that their children will eventually be neglected and are probably showing effects of improper care. Why not start right here with preventive measures.\textsuperscript{22}

2. Gardening metaphors were not only helpful for establishing the truth of the individual as a living being, who was capable of responding to external forces, they also confirmed certain forms of power exercised over such an individual, particularly when

\textsuperscript{19} Newspaper clipping, "Children's [sic] Aid Work," \textit{The Daily British Whig}, November 10, 1913, Vol. 12, Kelso Papers, NAC.
\textsuperscript{20} Kelso diary, n.d. File 229 "Diary 1889-93," Vol.34, Kelso Papers, NAC.
\textsuperscript{22} Kelso, untitled manuscript on neglect and delinquency, n.d. Vol. 4, Kelso Papers, NAC.
s/he was at an early stage of life. This brings us to another aspect of the power mechanism in child saving. The gardening imagery nicely captured the ethos of ideal Western modern child-rearing practices -- the calculated and continuous caring, watching over, the craft of combining gentle coaching with occasional firm action, and even the cherishing and rewarding sentiments which were internal to the relation. What was involved in these practices was a hybrid of discipline power and what Foucault termed “pastoral power.”

Gardening provided a vivid contrast to, and thus critique of, cruelty and neglect: just like no garden could flourish if the gardener was either irrational, rough, or indifferent, no child could be turned into a good citizen by either force or neglect. For example, neglected and indulged children were often compared to a jungle, as in the following poem:

As plants raised with tenderness are seldom strong
Man’s coltish disposition asks the thong;
And without discipline, the favorite child
Like a neglected forest, runs wild

3. In addition to suggesting the ideal mode of power, gardening metaphors were also used to signify a system of multiple rulers and the ruled. Specifically, the system or the web of ruling consisted of several sets of interlocking power relations: child savers as gardeners ruled parents and children, parents as gardeners ruled children, and children as gardeners ruled themselves. The first set of relations was evident when a child deemed in need of protection was compared to the young part of a crooked or sick tree. In this imagery, child savers were portrayed as gardeners of human beings. What they were supposed to do was to carefully bend straight a young branch or to engraft “the delicate

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23 Cowper, cited by Kelso in Diary 1896, Vol.34, Kelso Papers, NAC.
slip of humanity” to a desirable tree.\textsuperscript{24} The metaphor of parent-child as “tree-slip” visualized and naturalized the conviction that parents were to be blamed for being the source of children’s moral problems. However, this particular version of gardening imagery was less helpful for reformers who intended to make parents take up the responsibility of shaping their children. The comparison of parents and children to tree and tree slip rendered them both passive objects of gardeners’ power and thus tended to exclude them as internal players in the web of ruling.

Other versions of gardening metaphors, however, portrayed parents and children themselves as simultaneously the ruled and agents of the enterprise of making good citizens. For example, some gardening metaphors presented parents as gardeners and compared children to plants in the garden of family. A minister with the name Luther Burbank was quoted as saying: “Grow your children as you grow your flowers, and you will push evil out of the world, and make a generation which will make this world a wonderful, beautiful place.”\textsuperscript{25} On still some other occasions, children were depicted as gardens, and their thoughts and behaviours as either flowers or weeds. In these instances, parents and even children themselves were assigned the responsibility and power of gardeners. The story “The Weeds that Bothered Dora,” originating in Chicago’s Juvenile Court but used by Kelso, was a good example in this regard. The story compared dishonesty, bad temper, “kickin’ the door,” “screamin’ and slappin’ back” as weeds that would not only chock out “the dear little lovable flowers” of good

\textsuperscript{25} Kelso notes, n.d. File no.3, Vol.14, Kelso Papers, NAC.
character, but also prick everybody else.\textsuperscript{26} It started with a casual conversation about the weeds between a girl Dora and her neighbour in a garden. Dora asked how the weeds came about and the neighbour said “[v]ery much like the bad thoughts and ways that come into our hearts – just spring right up and grow and grow and grow – if we don’t pull them out, until all the dear little lovable flowers are quite choken out.” Hence the transition from real gardening activity to moral education. The subsequent dialogue began with the neighbour claiming that “truth is a beautiful little flower,” then she or he posed a question “[W]hat would a falsehood be?” to Dora to establish the dichotomy between truth (good) and falsehood (bad), just like flower and weeds. Dora was thus guided to think of her bad behaviours as weeds, which naturally needed to be eradicated, as the commonsense about gardening would suggest. In this case, Dora the little girl was made aware of her responsibility to be a gardener of her own mind.

The prevalence of the gardening imagery in child saving writing should not be dismissed as mere rhetoric. As I have demonstrated above, the gardening imagery was very useful for illustrating and naturalizing the governing mode within child saving. Its value for reformers lay precisely with the fact that gardening was a common and taken-for-granted practice that at least the middle-class could very easily relate to. The ascendance of what Irving describes as “the scientific imperative”\textsuperscript{27} since the early decades of the twentieth century had made it unfashionable to use the everyday language of gardening. Thus, the term horticulture, which signified more scientific, specialized, and professional qualities, appeared to be favoured. Another descendent of the gardening

\textsuperscript{26} "The Weeds That Bothered Dora," \textit{Juvenile Court Record}, Chicago, December, 1907. Vol.1, File 1, Kelso Papers, NAC.

imagery, which has still much vigour in today’s social work literature, is human ecology.²⁸

The use of gardening imagery (as well as its scientific descendents) was a deployment of what Valverde has named “the dialectic of the familiar and the unfamiliar,” a common and effective cultural device for rendering something or somebody, such as children, governable in a novel way.²⁹ The dynamic began from an established everyday knowledge of growing flowers and removing weeds and then proceeded to use that in order to construct a particular form of knowledge of and practical engagement with the question of how to develop children’s character. Its effect was making real reformers’ convictions that the individual was primarily a creature of conditioning, and that parents and child savers should watch carefully to cultivate the good and eradicate the evil in children.

HABITAT, HABIT, AND HEART: KEY OBJECTS OF GOVERNMENT

Much discussion of how to cultivate children focused on the habitat of the “delicate plant of humanity.”³⁰ Habit, which was considered partially the product of surrounding influences, was also a popular subject in child saving writing. While habitat and habit exemplified the parallel between plants and children, the other equally notable object of knowledge and power involved in child saving -- the heart of the child -- did not draw upon the common sense authority of gardening concepts. To reformers, the heart or

²⁸ The term “human ecology” was coined by sociologists Robert Park and Ernest Burgess at the University of Chicago in the 1930s, borrowing concepts from plant and animal ecology. It refers to the study of the relationships between individuals, social groups, and their social environments. Ecologists focuses on the adjustment of kinds or categories of human organisms to their environment and how that adjustment in turn affect their communities. Marlene Shore discusses human ecology in her The Science of Social Redemption.

²⁹ Valverde, “The Dialectic of the Familiar and the Unfamiliar: ‘The Jungle’ in Early Slum Travel Writing.”
the soul was in fact one thing that distinguished human beings from other life forms. As Kelso remarked, “…but with human beings there is a soul to be reckoned with and an ever-present tendency to higher and nobler living.” These aspects of a child -- habitat, habits, and heart -- were identified as key objects with which parenting and child saving work should be concerned. Although they derived from seemingly varied conceptual sources, the habitat, habit, and heart shared some significant commonality: they all appeared as alternatives to heredity; and they were consistent in that they underlined the truth of the live individual, who was capable of responding to conditions of the habitat and forming habits through everyday living, and who was capable of feelings and desires which could be manipulated to certain ends. The following is a sketch of how these three aspects of the individual’s existence were thought of by those interested in practical action as worthy objects to be known and to be ruled, what reformers hoped to achieve by focusing resources, intellectual processes, and action on them, and how reformers intended to know and regulate them.

To most reformers the habitat of children referred to specific spaces where children lived, rather than broader social, economic and political structures as socialists would interpret it. Kelso thought that “[t]he impressions and surroundings of childhood mould the character for better or worse and the evil example of parents, idleness, dissipation are the factors responsible for criminal conduct.”\(^{31}\) Since the unfortunate, the immoral, and the criminal were creatures of their environment, reformers reasoned that as


\(^{31}\) Kelso, manuscript titled “No Moral Training,” File “Reform Boys n.d. 1903,” Vol. 6, Kelso Papers, NAC.
environment improved so would the standard of social morality.\textsuperscript{32} Jails, courts, and poor houses where children were mixed indiscriminately with adult criminals, beggars, prostitutes, and the mad were among the first problematic spaces identified; the street was seen as inappropriate space for "newsies" as well as other children since it brought them in direct contact with all kinds of evil; and above all, undesirable homes were regarded as most detrimental to the development of children's character, since parents' bad characters and slum conditions constituted "the poisoned atmosphere ... where obscenity, vulgarity and profanity blight [a child's] life."\textsuperscript{33} Good homes, in contrast, were seen as fundamental to the making of citizens. For example, Kelso commented that "[i]f one lives on a nice street it is impossible to resist the refining influence of association."\textsuperscript{34} Thus, one piece of advice he gave to those dealing with wayward boys was that "[i]f necessary for the child's good, insist on possible changes, such as moving into a better neighbourhood."\textsuperscript{35} It did not seem to occur to Kelso that even if some parents would like to do so they might not be able to afford it!

One common characteristic of these spaces -- jail, court, street, home -- was that they had fairly definitive physical and administrative boundaries, just like gardens had unambiguous boundaries. Therefore, reforms targeting such spaces could be easily contained without much threat to the overall system. In addition, specificity also made it possible for tailoring different strategies for dealing with different types of space. For example, segregation of children from adults was applied to detention facilities and

\textsuperscript{32} Kelso, "Some Thoughts on Social Problems," Canadian Municipal Journal, August 1917, Vol. 4., Kelso Papers, NAC.
\textsuperscript{34} Kelso, "Can Slums be Abolished, or Must We Continue to Pay the Penalty?" pamphlet, 1910, p.8. File "Kelso, John Joseph 1864-1935 Autobiographical Files Reform Causes, n.d." Vol. 1, Kelso Papers, NAC.
\textsuperscript{35} Kelso, printed notes titled "Suggestions for Dealing with Wayward Boys," n.d. File #242 "Miscellaneous Personal Notes 1922-1931," Vol.6, Kelso Papers, NAC.
courts; administrative measures such as licensing were utilized to make the street a regulated zone for boys above the age of eight (while girls of all age were prohibited from the street by city by-law); surveillance and guidance were the most used methods to regulate home space, although occasionally, a particular home would be outlawed when the court ordered the removal of a child from it.

The featuring of habits in child saving writing, and social reform writing in general, reveals the influence of pragmatist philosophical thinking. In her book Diseases of the Will: Alcohol and the Dilemmas of Freedom, Valverde provides an analysis of the concept of habits as key techniques in lay and expert technologies of ethical reform. As she explains, to pragmatist philosophers such as William James, good and bad habits are equivalent to virtue and vice itself, since virtue and vice are not made up of individual “sins” (willed acts, as sins are understood in Christianity) but are the product of everyday little habits. Kelso certainly agreed with such thinking when he wrote: “It is a well-known fact that decency of life and conduct is a matter of enforced habit – a tribute of respect to those around us.”

Habits made reforms imaginable since habits are neither totally automatic nor unchangeable. In child saving literature, habits often appeared as the “other” of heredity. Anything that is hereditary is something we have little or no control over; in contrast, since habits are the product of surrounding influences and daily routines, they can be reversed or modified by changing the habit-forming factors.

Reforming a child’s habits had to start with knowing his or her habits. Thus, Kelso instructed those engaged in saving delinquent boys: “Make a study of his habits, likes and dislikes.” Another example of the preoccupation with knowing habits can be found in many inspectors’ notes of their annual visits to foster homes.

As to how to encourage good habits in children and prevent bad ones from forming, Kelso and many other reformers shared the view that

The moral sentiments in children [should] be cultivated until they pass into habits. The habits of doing right actions will be formed by the constant repetition of single acts. Hence the importance of one truthful assertion, the one profane word, the one wrong act. – Let these be repeated and the bad habit is formed. So also the one act of self-denial, the one act of justice or...[illegible]; let these be repeated and the good habit is formed.41

Thus, every single word uttered and every single act taken by the child was now considered as an organic part of the child’s character, it could grow or it could perish. What was implied in practice was that parents and reformers had to be vigilant about every detail of the child’s life all the time. The expectation was that once good habits were formed through the diligent work of those responsible for a child, he or she would grow up to be an individual who could regulate himself or herself more or less automatically; doing so would be second nature.

A good amount of child saving writing was also devoted to explaining why child saving work should focus on the heart of a child. In contrast to the concept of habits and its embedded pragmatism, discussion of the heart or the soul typically involved spiritual arguments. For example, Kelso once invoked divinity in an attempt to convince his

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39 In some other situations, habits can appear as the other of the will, as Valverde points out in *Diseases of the Will*.
41 Unknown author, quoted in Kelso’s diary, c. 1884, Kelso v34-p.50.
contemporaries of the superiority of being aware of and working with the heart: "Men judge by outward acts. God reads the heart and considers the motive, as well as the degree of temptation." Narratives on the superiority and even nobleness of heart-focused governing were anchored on the inner being vs. acts, and the related heart vs. body oppositions. Many reformers argued that first, it was inadequate to only be concerned with acts (e.g. stealing, drinking, and lying), since acts were only symptoms of the inner being. Thus, instead of punishing acts, the subjects of such acts should be the primary object of ruling. Second, the classical approach to punishment and deterrence of undesirable acts through inflicting physical pain, or depriving bodily comfort, was brutal and senseless so far as children were concerned. Kelso compared punishing, scolding, and threatening a child to trying to force a baby to go to sleep by beating it. He argued that instead of using hand one should use head and heart in shaping up a child. This was because "[g]enuine reformation is brought about by moral suasion – by kindly influences subduing a rebellious and stubborn will." He went on explaining that "This is the principle on which the Children’s Aid work is founded and success will come in proportion to the patience and personality that is exerted." To Kelso, success would come at least partially when "the bolts and bars are placed in the child’s heart, the restraints are made part of his own conscience."

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46 Ibid.
Punishment with physical force was also criticized for not being capable of positively building up the child’s character. The constructive work was important because as Kelso observed, “[w]hen our hearts are set upon what is high and noble we become active agents in bringing about the steady diminution of crime, with all its baneful consequences.” However, at its best, the use of force achieved only repression of bad thoughts and conduct, but nothing more. Kelso reasoned that

[f]ear may be readily implanted through severity and harshness but refraining from doing something through fear of punishment is not productive of the fine character that we admire and desire in children. Greater than corporal, or any other kind of punishment, is the awakening of a sense of honor in the mind of a child – that moral sensitiveness which will instinctively cause a turning away from a questionable thing even when no one is looking.

Thus, to reformers the heart was another site to produce the self-regulating individual. The purpose of governing the heart was to “[induce change] in the inner man so that the desire to do wrong will be taken away” and to instill the desire for the good. The ruling would be successful when there was no need for external rulers, when subjects had internalized restraints and yearnings for the good to rule themselves.

In order to work on a child’s heart, workers first had to have a intimate knowledge of the child’s heart. Kelso compared knowing the heart to opening a lock. He offered the advice that “… a master key is required to unlock the heart. The keys most likely to turn the lock are faith and perseverance.” The heart could only be known and worked upon

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when there was “mutual understanding and appreciation”\textsuperscript{51} between the child and the parent or the child protection worker.

Those who were entrusted with working the child’s heart were advised that “moral virtues never flourish when forced.”\textsuperscript{52} Human nature was such that “they [children] resent being driven but are glad to be led.”\textsuperscript{53} Thus, it was not force but love that would govern the heart.\textsuperscript{54} It should be noted, however, that “love” here was not used in the romantic and more general sense. Here it is worthwhile to consider how Kelso distinguished reformers’ love from cruelty on the one hand and sentimentalism on the other. To Kelso, reformers’ love to people to be reformed was compassion; it was different from cruelty in that compassion was a sign of civility. As for the difference between reformers’ love and sentimentalism, he remarked there was as great a difference as there was “between night and day,” because the former was an intelligent and practical sentiment.\textsuperscript{55} It was intelligent because it was sentiment based on an understanding of human nature; it was practical because it had very rational, specific, and worldly aims.

The ability to reform parents and children through this kind of calculated compassion was precisely the “special ability” that was called for in child savers.

Equipped with the “special ability” of exercising calculated compassion, a child saver was expected to use his or her heart to win over a child’s heart, to exert the

\textsuperscript{52} Kelso notes, titled “Moral Virtues Never Flourish When Forced,” 1893, File 230 “Diary 1893,” Vol.34, Kelso Papers, NAC.
\textsuperscript{53} Kelso, “Education of the Heart,” Humane Review, November 1930, Vol.13; the same article was also published in The Canadian Child, Dec. 1930, File “Humane Society Toronto,” Vol.5, Kelso Papers, NAC. This piece of writing by Kelso suggests that the heart still featured as a major target of moral reform even in the 1930s, despite the ascendance of social scientific discourse focused on the mind. Because it was a well-written and well-circulated article and it represented the thinking originating in the earlier period, on a few occasions I draw on it despite the fact that it was published in 1930.
\textsuperscript{54} Untitled manuscript, n.d., File “Report & Reformation, n.d.” Vol.6, Kelso Papers, NAC.
"magnetic influence of one soul reacting another." One way to achieve this was to manipulate the rapport established between two hearts: "If we earnestly desire the reformation of a child, and let the child feel and know that we have such a desire, the response will in almost every instance be prompt and sincere." As well, the child’s heart can be trained to form habits, for example the "habit of being kind." Kelso suggested a way of stimulating a child to form such habits: "Why not ask children to ‘try’ to be kind, to ‘try’ to do some nice thing every day, and though they may fail sometimes they will gradually be forming a habit that will last through life."

So far I have discussed the child’s habitat, habits, and the heart separately for analytical purposes. It should be noted that these three key objects of knowledge and power were often inter-related in child savers’ analysis of specific problems. One example was the problem of children’s activities on the street. To reformers, the street, being a quintessential symbol of urbanity, was one of the most morally dangerous spaces because it was anonymous and unsupervised. These features were even more accentuated in the night. Kelso spoke for many reformers when he remarked that "[t]here can hardly be two opinions of the evil of young children being on the streets after nightfall. Moral contagion, or soul-poisoning, begins its deadly work, or rather comes more boldly out into the open, with the gathering darkness..." Habits came into play when children became "accustomed to wander at night through the tough districts and haunt the saloons,.

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58 Ibid.
brothels and theatres, sometimes but not always under the guise of selling newspapers.\footnote{Ibid., p.3.} Their hearts were contaminated as their experiences on the streets destroyed their modesty and undermined their purity of life and conduct. Thus, children who were left alone to play and wander on the street in the dark, would very likely be led by devious paths to the juvenile court, the reformatory, and the brothel. Even if they escaped these institutions, reformers such as Kelso firmly believed that the stories children would hear on the street, the scenes that they would witness with repetition would kill or blight "that aspiration for a noble, self-controlling and Christian citizenship, on which all that is best in life is founded."\footnote{Ibid., p.3.}

To sum up, the late-nineteenth century social and moral reform identified a child’s space, habits, and the heart as major objects to regulate, following the premise that character of children was largely a product of conditioning in their lives. Reformers’ analysis typically attributed social and moral problems to failures in governing children, as manifested by the evil environment, bad habits, and a corrupted heart. In a similar vein, reformers believed that the same aspects of children’s lives were key to the formation of a child’s good character or the reformation of a child’s bad character. They asserted that humanist governing focusing on a child’s habitat, habits, and the soul were more effective and more economic than the classical approach of bodily punishment and incarceration on the one hand, and permissiveness on the other. Additionally, reformers also argued that it was a nobler approach since it was civil and intelligent.
CONCEIVING STRATEGIES FOR SAVING CHILDREN

The next question was how best to govern children’s habitats, habits, and hearts. Child saving strategies that were introduced in the late nineteenth century and were continued in most of the twentieth century fell into several general categories: guidance, supervision, investigation, spatial distribution featuring classification, separation and dispersion. These typical child saving strategies derived from the humanist understanding of the individual as the product of conditioning. They were promoted as effective, economical and civil ways of rescuing a child from the path to crime, dependence and prostitution. What follows is an outline of reasoning behind each strategy and its main components.

*Guidance.* Guidance usually appeared as an alternative to the negative approach of punishment. Since the individual was seen as largely the creature of environment and habits, the idea was that it would be unfair to punish children for being immoral since they had not been taught to be moral in the first place:

> It is wrong to punish children for offences they but faintly understand, and to which they have been trained or driven by immoral parents or guardians, or lack of guardianship. What such children need is Christian home influence.\(^{62}\)

To educate a child when he went wrong was thus to give him an opportunity to redeem his ways and also to learn proper conduct in life.\(^{63}\) The principle that morality had to be constructed in an individual, just as a plant had to be trained if one wanted it to grow in a certain way, was also applied to adults. For example, in their activities aimed at preventing cruelty to animals and children, most often reformers took the approach of “reasoning with drivers and others;” prosecution and punishment was only a secondary

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\(^{62}\) Kelso, manuscript titled “Guide instead of punish,” n.d. Vol. 7, Kelso Papers, NAC.
option when it became necessary. Reformers like Kelso also believed that prosecution should not be the preferred way in dealing with parents of a family in which “the children are destitute and unable to attend school, hearing constantly oaths and blasphemy, and witnessing scenes of immoral living.” Instead, a reformer’s duty was “to bring to the attention of such people in a kindly way the wrongs under which their children suffer, and persuade them by friendly advice, and not frequently by practical help, that they can and should do better, rather than take chances on losing their most precious possessions, the boys and girls of the family.”

Guidance strategy emphasized treating the helped as individuals, and doing so with personal touches. For example, as Kelso put it, the ingredients of “friendly visiting” were the cordiality of greeting, the pressure of the hand, the sympathetic advice in a kindly but firm manner, and practical suggestions of how to repair broken fortunes. The “friendly” and “personal” elements were old inheritances from Christianity. As Kelso once commented, “… christianity [sic] whether acknowledged or not, is the inspiration of neighborly service.” Teaching by example was another important way of providing guidance. This was exemplified by the social settlement movement. In Kelso’s view, the idea of a social settlement, which first originated among university people in Britain and spread to Toronto in 1910, was based on a belief in the potency of education and culture

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65 Kelso, manuscript titled “Causes of Neglect,” n.d., Vol.4, Kelso Papers, NAC.
66 Ibid.
68 Ibid.
69 See Sara Burke’s historical study of Toronto’s University Settlement as an application of idealism to problems generated by poverty, Seeking the Highest Good: Social Service and Gender at the University of Toronto, 1888-1937.
in solving some of the intricate social problems that affected the daily life of the poor. Seeing themselves as examples of civilized and purposeful living, the "little group of educated workers of high vision and purpose" sought to influence the poor by taking up residence with them. It was hoped that their way of living would "inspire even the lowliest to an effort at self-improvement."  

_Supervision_. Supervision was seen as a plausible strategy largely because the making of an individual was now understood as a process. The character of an individual was not determined by his or her heredity, nor was it formed in a snap of the fingers. Instead, it was a product of influences over time. For example, Kelso explained that

> it is not a sudden fall after years of good living that brings men and women to the prison door. It is a neglected childhood, the absence of proper guidance and control, the repetition of numerous small acts of disobedience, theft, deceit and falsehood, the gradual hardening of character, the absence of self-control and industry, culminating ultimately in the abandonment of all restraint. It is in the child of nine and ten years of age that the seeds of crime take root, to reach fruition at fifteen or sixteen. Thus surely indicates the pressing needs for closer watchfulness and control of young children, so that they may early learn the better way.

Thus, by definition, supervision was a strategy with specific temporal dimensions: it was regular and tended to be long-term. Proper parenting must put children "under the watchful eye of parent or guardian, so that children would not hear inappropriate stories, not witness inappropriate scenes with repetition." The centrality of the strategy of supervision was evident in that the Children’s Aid Society was actually established

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71 Fostering morality through engineering settlement was, of course, not unique to the Canadian society. The "Up to the mountains, down to the countryside" movement in China during the Mao era, which relocated a massive number of urban youth to rural households, is an example that came to mind, albeit in a reverse direction. One of its purposes was for the bourgeois urban youth to learn proletariat peasants’ values such as hard work and simple living through the latter’s influence of daily examples.
72 Kelso, untitled manuscript on neglect and crime, n.d. File “Reform and Reformatories n.d., 1923,” Vol.6, Kelso Papers, NAC.
following a recommendation of the Royal Commission on the Prison and Reformatory in 1890 that an association be formed to take up “the important but delicate duty” of judiciously exercising supervision and care over discharged, paroled or apprenticed children.  

Investigation. The strategy of investigation sought to address what was seen as the earlier judicial model’s perceived failure in reducing recidivism. As Kelso criticised, “[t]he old way of dealing with juvenile criminals was to treat them with severity without inquiring very much into their surroundings or early training.” Kelso quoted a boy who expressed his unhappiness with the fact that the magistrate did not bother to ask him anything: the magistrate listened to the cop’s description of what the boy did, and “Den de guy on de high bench sends me up widout given’ me a chanct to say a woid. [sic]” This model became problematic because in the late nineteenth century, it was accepted by more and more people that first, delinquency and crime were largely caused by bad influences and defective moral training; second, the objective of governing was not to punish, but to correct through taking action on the root causes of delinquency. The belief in correction was gradually institutionalized as Judge Mott, who later presided over the Juvenile Court in Toronto, commented in 1930: “The old conception of punishment was merely vindictive. We punished one person as an example to another, in order to protect the other person. The modern conception of punishment, particularly in Children’s Court,  

is more of a corrective nature... [In order to correct a child, one] must diagnose the
condition, find the cause and remedy the same.\textsuperscript{76}

Unlike traditional punishment which did not require any intimate knowledge of
the criminal, correction had to start with the knowledge of what exactly were the bad
influences and how exactly was the child’s early childhood like, since correction could
only be effective if sanctions could be tailored to individual circumstances. The objective
of investigation, then, was to unearth and accumulate such knowledge. For example, the
agents of Children’s Aid were instructed to find out particulars of theft cases and
investigate the homes of the children accused of theft.\textsuperscript{77}

Kelso likened knowledge for social reform in the form of organized charity to
medical knowledge, and distinguished it from the policeman’s way of knowing in both
objective and methods:

Organized charity asks questions, but only in order that it may give
intelligent assistance. It is not like the policeman who approaches you in a spirit
of suspicion and asks questions that he may convict, but rather like the physician
who must thoroughly understand your ailment if he is to effect a cure.\textsuperscript{78}

Thus, to Kelso reformers were like “social doctors” in that their purpose was to
know the source of trouble and to cure.\textsuperscript{79} After the psychological turn in the 1920s and
30s, “social doctors” became even more like medical doctors, in that the individual, the
inner being, increasingly became the predominant subject of knowledge. This was
reflected in Judge Mott’s optimistic conviction in 1929 that “[b]etween the psychiatric
clinic and the detention home we are able to make very careful studies of boys... We

\textsuperscript{76} Mott, “Social Consciousness in Our Relationships Today,” \textit{The Eighteenth Annual Conference of
Association of Children’s Aid Societies of the Province of Ontario} 1930, p.9. Vol. 4, Kelso Papers, NAC.
\textsuperscript{77} TCAS, Box1, notes, p.27, p.96.
\textsuperscript{78} Kelso, “Some Thoughts on Social Problems,” Canadian Municipal Journal, August 1917, Vol. 4, Kelso
Papers, NAC.
know pretty well their natures and peculiarities. We get an insight into their characters and a knowledge of any abnormalities. Having become familiar with the type of mind in any particular case, it is much easier to deal properly with it and to foresee the possibility of these occasional aberrations.”

*Separation and dispersion.* Strategies of separation and dispersion were similar in that they were concerned with the spatial arrangement of classified groups of children. Separation was to physically segregate children from adult criminals, paupers, prostitutes, and even undesirable parents. The objective was to prevent children from being influenced by these adults. It was primarily from this standpoint that many reformers mounted their criticism of traditional practices of trying and punishing children and adults in the same judicial facilities. For example, Kelso protested that “If it is desirable to correct impure or criminal tendencies, surely the place to do so is not in the midst of corrupting influences or criminal associations, and yet this is the system in vogue at the present time!” He believed that “[n]o child should be locked up in a police station or committed to a gaol, while there is a hope of preserving in him or her the qualities of honest citizenship.” It was against this background that separate detention facilities (i.e. the shelter of the Children’s Aid), separate court system, distinct record system and personnel were promoted and gradually became established.

Dispersion, in contrast to assembly, was regarded as a desirable strategy, for several reasons. First, it was feared that when a group of bad, or potentially bad, children were put together such as in a reformatory, they were likely to contaminate each other for

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79 Kelso, manuscript titled “The Social Doctor,” Vol. 4, Kelso Papers, NAC.
80 “Child’s Body Discovered after Threat of Suicide,” newspaper clipping, Mail and Empire, June 1929, Vol. 12, Kelso Papers, NAC.
81 Kelso, “A Plea for the City Waif,” 1891, Vol.1, Kelso Papers, NAC.
the worse. This was evident in Kelso’s belief that in an ideal reform school, “[t]he influence of one pupil upon another should be carefully noted... Pupils of low morals should not be allowed to form friendships or to be together in class or dormitory.”

However, the size of the assembly of children usually made these intentions impractical. Second, it was also cautioned that when children were put together, they could band together and resist. This idea was reflected in Kelso’s diagnosis of defects of the reform school system:

One frequently hears the charge that reform schools do not reform. This is not due to any fault on the part of the institution or the officials so much as to the friendships formed among lads who encourage each other to resist moral influences and afterwards bound themselves together to continue the old life of idleness and crime.

The third reason that the dispersion of children appeared more favourable than assembly was the belief that the best approach to shape a child’s character was to treat the child as an individual and through personal touches, which would always be limited in an institution. These were the main considerations underlying many late 19th century reformers’ arguments for a de-institutionalization direction. Thus, instead of sending children to a reformatory, it was thought that a better way was to have no more than twelve or fifteen boys on a small farm, but it would be the best to place them in a good foster home to secure personalized rehabilitation. In a similar vein, the Children’s Aid Shelter, as Kelso insisted, should be a facility for channeling children to foster homes, rather than a facility to provide institutional caring.

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83 Kelso, untitled manuscript on reform schools, n.d. File “Reform and Reformatories n.d. 1923,” Vol. 6, Kelso Papers, NAC.
84 For example, Kelso, untitled manuscript on foster homes, n.d., File “Adoptions n.d. 1925,” Vol. 3, Kelso Papers, NAC.
The typical child saving strategies discussed above -- guidance, supervision, investigation, classification, separation and dispersion -- shared several common characteristics, as captured in the imagery of gardening. These strategies were positive, in that they sought to exercise power through constructive means of teaching and encouraging, rather than suppression and deterrence; they were individualized, in that they treated a child as an individual with his or her own peculiarities, and they required interpersonal exchange and mutual commitment between the authority and the ruled; they were intelligent, in that they were informed by intimate knowledge of a child, e.g. his or her life history, living surroundings, habits, likes and dislikes; they were local, in that the sources of power were dispersed at the grassroots level (as opposed to centralized within the state) and the relations of power overlapped with or were patterned after relations between pastor and parishioners, neighbours, or friends.

These characteristics certainly distinguished the new brand of strategies from the tradition of crude, direct, and simplistic sovereign power (and from current technologies of risk management and criminal punishment). In actual practice, some traditional measures were gradually replaced by child saving strategies, such as the prohibitive Curfew Law; while some others persisted and continued to exist side by side with child saving, such as corporal punishment. That the transition of one model of ruling to another was unsystematic is interesting in itself. An analysis of these incongruent elements can also throw some light on child saving strategies, particularly with respect to their primary objective of effectively governing children. For this purpose, I shall briefly look at two examples of more traditional ways of exercising power - the Curfew Law and bodily punishment - and their different relations to child saving strategies. The former's demise
justified child saving as an effective approach to governing children; while the latter co-existed with child saving strategies as a necessary supplement, despite their incompatible logic.

The debates around the Curfew Law can serve as an illuminating example of the persistent but gradually out-dated prohibition approach. In the search for a remedy to the "great and manifold evils" on the street, particularly after nightfall, initially reformers did not turn to any of the typical child saving strategies discussed above. Instead, many regarded curfew as a plausible method. Curfew would ban the presence of all children on the street in the evening, regardless of their social and economic status, religion, or gender. It promised to be the most direct, most certain, and most efficient way of protecting children from corrupting influences lurking on the street in the dark. However, soon after the Curfew Law was put in place, it became clear that it fell short of expectations. As Kelso remarked after the fact: "the Curfew Law does not fill the bill and has not anywhere ... stood the practical test for any length of time."85

Resistance against the Curfew Law developed as soon as it was passed, but to reformers the most compelling resistance came from "highly respectable and Christian parents."86 One of the problems with the Curfew Law lay with the fact that it was a totalizing strategy, in that it was indiscriminate and treated all children as the same. Those "highly respectable and Christian parents" did not wish to see their children and themselves being put in the same category with the "lowly." They found that it was unfair to conclude categorically that "all children [were] on the streets after nightfall for evil

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86 Ibid.
purposes or that they must necessarily be acquiring evil habits or thoughts." They asserted that they could see no harm in their children playing for a short time on the street near the home after night set in. Another related problem with the Curfew Law was that it was a top-down strategy. Moral regulation, however, essentially relied on public opinion and grass-root participation. Thus, the objection and resistance of the respectable masses no doubt rendered authoritarian and non-participatory laws such as the Curfew Law irrelevant in real life. From his experience with the failed Curfew Law, Kelso made the observation that "... the moral growth of the children might be protected without the passing of a stringent or unpopular law." He advised that "Do not bother with the Curfew but try to reach the evil in some other ways less open to objection and opposition." He recommended a range of alternative ways, among which were the use of probation officers to watch over children who came before the juvenile court and the enlargement of the statutory definition of a neglected children (e.g. to include children who were habitually on the streets) so that children's presence on the street could be regulated through the law of protecting neglected children.

The Curfew Law failed not just because it was prohibitive, but also because it was indiscriminate. In contrast, child saving strategies were "less open to objection and opposition" of the influential class, religious, and ethnic segment of the public largely because it was not totalizing and was only concerned with a newly invented category of humans, i.e. the abused and neglected children. Despite the differences in strategies, it was evident that child saving was not that different from the measures that it replaced, in that they shared the common objective of seeking to govern children effectively.

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87 Ibid.
88 Ibid.
The story of corporal punishment, however, is a different kind. While there was a clear paradigm shift away from focusing on the body, the body as an object of discipline was never excluded totally. Parental discipline and control was considered so fundamental to child savers that it even rationalized physical punishment of children in certain situations. Kelso recalled an incident in which a complaint was made to him about a farmer who was cruel in his treatment of an English boy. Kelso’s investigation proved that apparently there was a certain amount of truth in the charge. The man had given the boy a “thoroughly good thrashing” but he had done so with the explicit approval of the Canadian agent of the Society. Kelso also found out that this was not the first time that the farmer did it. Obviously, whenever there was a ward whom no one else could manage, the child was placed under the charge of the farmer. It was claimed that “[in] the course of two or three years he had brought under control and made good citizens of a dozen boys who had been given up in despair by others.” Instead of being condemned as a serial child abuser, this farmer was regarded as “a public benefactor” in the area of being “a stern but kindly disciplinarian.” Kelso himself felt compelled to acknowledge that he was doing a fine service for boys and for the country at large. Cruelty to children was justified by the observation that “[it] is well known that many young fellows find their way to prison through lack of guidance and control – never taught obedience or submission to the recognized discipline of life.”

Kelso once wrote an article which used the authority of medicine to rationalize corporal punishment as “unusual medicine.” He told a story of a little girl whose leg has been injured slightly and who got a fixed idea that she could not walk and for two or

90 Kelso, untitled manuscript, n.d., File “Re-form and Reformatories, n.d.” Vol.6, Kelso Papers, NAC.
three months made no attempt to do so. Her friends allowed her to remain in bed thinking that she was paralyzed or had some weakness. The injury was becoming chronic until a Dr. D. came on to the scene. Dr. D. found nothing the matter. He insisted on the girl walking across the room but she resisted. Dr. D. then gave her a spanking and threatened her with far worse punishment unless she did as she was told. Miraculously, the girl stepped bravely across the room and overcame the belief that she could never walk again.91

It is thus clear from examining ideas about corporal punishment that the primary concern of child saving was to turn children into good citizens; with some children, only bodily pain seemed to be effective, even if it ran counter to the ideal of proper technologies of child rearing, it would be condoned. In the 1930s, when the debate on merit of whipping juvenile offenders was revived, even Kelso conceded that spanking had a place in moral training since it was at least “better than the prison.”92

I started this chapter with an analysis of gardening metaphors and the embodied model of the individual as largely the product of conditioning. I discussed the shift of the focus of power to a child’s habitat, habits, and heart. I outlined several typical child saving strategies that reformers sought to implement through legislation and the establishment of a new brand of institutions like the Children’s Aid Society, the Juvenile Court, and the foster home system. These strategies were posed as desirable alternatives to the dual problems in parenting, i.e. the excessive use of force and the lack of discipline. It would be naïve to take these gentler and more constructive strategies as an enactment of transparent humanitarianism and a sign of continuous human progress

91 Kelso, manuscript “Unusual Medicine,” n.d. Vol.4, Kelso Papers, NAC.
towards a greater point, since, as I have shown, the primary objective of these strategies was to govern children properly so that they grow up to be self-regulating individuals. However, it would be unfair to say that reformers' call for compassion, knowledge, and local participation was a mere smokescreen of some more sinister and hidden agenda of oppressions, since to reformers these elements were internal to the effective operation of power. Certainly, "gardening strategies" were ways through which power were exercised on poor families, single mothers, new immigrants, and wayward children; they were ways through which these segments of the population were normalized for the sake of the interests of society, as defined by the privileged. However, in contrast to today's bureaucratic and punitive strategies in child protection, "gardening strategies" at least were more positive (as opposed to repressive) and were more amenable to considerations of resource issues.

PART TWO

TECHNOLOGIES OF CHILD PROTECTION
Introduction

To Foucault, "[t]he exercise of power is not a naked fact, an institutional right, nor is it a structure which holds out or is smashed: it is elaborated, transformed, organized; it endows itself with processes which are more or less adjusted to the situation." Using this line of thinking, in Part One I have considered arguments for child saving as an effective and civilized form of power to solve social and moral problems; I have also examined how reformers explained and justified typical child saving strategies, i.e. guidance, supervision, investigation, classification, separation and dispersion, in the terms of effectiveness, certainty of results, possible economic and political cost, and moral superiority. In Part Two, I turn to the child protection technologies which were supposed to implement these "gardening" strategies and thus connect authorities and subjects in ways that by and large resembled the relation between the gardener and plants/weeds. These mainly included the reporting mechanism, record-keeping, visits, separate housing of children from parents (the Shelter), separate housing of juvenile delinquents from adult criminals (the Detention Room), and foster care.

The purpose of developing analyses of child protection technologies is to understand how power relations were established, with particular effects on people's lives. Instead of giving equal emphasis on the range of child protection technologies mentioned above, I will examine some technologies at greater length than others due to a combination of practical difficulties and strategic considerations. For this research, a major practical difficulty in developing analyses of the history of child protection technologies is the availability of written documents, which are the primary source of information because of the time period studied. Technologies took different apparatuses -
some were informal (e.g. reporting), some were dispersed (e.g. foster care), and some were highly institutionalized (e.g. separate custody of children at the Shelter).

Consequently, they were documented unevenly, and thus could not be examined to the same extent. For example, there is a relative wealth of information on the operation of the Shelter and the Detention Room, including the meeting minutes of the Shelter Committee, the Shelter Committee’s reports to the Board of Management, rules and regulations at the Shelter, as well as the Complaint Books. The observation notes privately taken by a Big Sister (Dorothy Eddis), whose work was to help delinquent girls at the Shelter, are an unexpected but useful addition of evidence. Although the technology of reporting was partly why the child protection system worked, what one can learn about it, in comparison to the Shelter, is limited to only the brief mentions of complaints in case records. Similarly, towards the end of the period under examination foster care had gradually become an important method of child protection work; however, its very dispersed, individualized, and private nature shielded it from close examination.

Furthermore, this research is not designed to be a traditional history of either the organization of the Toronto Children’s Aid Society or even the child protection work in Toronto, in that it does not aim to be comprehensive or complete. Instead, as I argued in the Introduction, it is a Foucaultian “history of the present” project. The research is oriented to the present, in that my historical analysis privileges certain dimensions of the past which I consider most relevant and useful for “an illumination of present reality.”

Thus, for example, a whole chapter will be on the Shelter, even though convention

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1 Foucault, “The Subject and Power,” p.224.
2 Dean, Critical and Effective History, p.20.
considers it only a peripheral part of child protection work. My analysis in the Shelter chapter will emphasize historical contestation about the purpose of the Shelter – whether it was for helping parents and children or for undermining parents so as to protect children - since it can potentially strengthen criticisms of the punitive and anti-parent approaches endorsed in the recent Child Welfare Reform in Ontario. Thus, highlighting the work at the Shelter is a deliberate choice, intended to destabilize the status of better known and more widely used methods in child protection. In contrast, I will only provide a brief discussion of foster care. This is partly because foster care has always been regarded as an important method of child protection work and has thus received considerable emphasis by many scholars from different stances. However useful, these studies tend to intentionally or unintentionally confirm the centrality of foster care and thus work to reinforce the marginalization of alternative methods, such as residential care for children, which may be more useful in addressing needs defined from the perspective of parents.

Because of the foregoing, I will only briefly discuss the child protection technologies of reporting, record-keeping, and foster care. The following three chapters, however, provide an in-depth examination of child protection work at the Shelter, the Detention Room, and the Juvenile Court.

REPORTING

The Children’s Aid Society worked partly because the neighbourhood, or the community, was given the power to report on families in which children were “not being properly cared for.” The technology of reporting was established in legislation and was

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3 See for example, Kendrick, Nobody’s Children; Meyer, “A Feminist Perspective on Foster Family Care;” Mnookin, “Foster Care – In Whose Best Interests?”
made known to the community at large mainly through deliberate efforts. One way of disseminating information about the existence of the reporting mechanism was by circular letters. For example, the Toronto Society issued circular letters to ministers, doctors, and school principals, asking their co-operation and help in reporting cases “where the service of the Society would be of use in reforming the homes of vicious or neglectful parents.” Exposure in major secular newspapers as well as denominational newsletters was also effective in introducing the reporting technology. In addition, child savers’ intervention itself would stir up publicity about the new form of power.

The technique of anonymity, though optional, was crucial in encouraging reporting, since complainants usually had relatively close relations with the complained. The Society did not require complainants to have expert knowledge as to what constituted neglect or cruelty. This worked to maximize the democratic potential at the reporting stage of child protection work, thus involving the general public. Complaints were laid in a wide range of situations: by police, missionary workers, by the clergy against parents, by neighbours against neglectful mothers, abusive fathers, or “annoying children,” by family relatives, by parents against incorrigible children, by mothers against abusive fathers, by fathers against mothers who had drinking problems or were living with other men, by people against organizations such as an industrial school or an opera house, and by children against foster parents.

The language, which termed reporting as “laying complaints,” suggested an adversarial relation between the complainants and the complained. In this adversarial relation, complainants were assumed to be on the side of the Children’s Aid Society and Board of Management Minutes, February 23, 1901. Children’s Aid Society of Toronto Fonds, CTA.

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4 Board of Management Minutes, February 23, 1901. Children’s Aid Society of Toronto Fonds, CTA.
the society at large, while the parties complained about construed as being at fault. Thus, one major effect was that the situation tended to be understood as a moral issue of right or wrong, rather than a lack of social and economic resources. This constructed nature of the situation was illuminated when parents came to the Society because they could not care for their children due to sickness or other life exigencies and when friends took poor mothers to the Society asking for help. In such cases, there were no complaints against individual parents; if there were any, it was a complaint against the society at large.

At present, reporting is no longer termed “complaints.” Instead, more neutral words -- referral and self-referral -- are used. Although the term “referral” holds out the promise of addressing needs, the legacy of moral regulation remains largely unchallenged as long as child neglect continues to be defined as a personal rather than social problems.6

RECORD-KEEPING

That record-keeping was taken seriously in child saving work was evident in Kelso’s numerous mentions of his activities related to the designing and creating of the record-keeping system in his diary as well as in the Society’s minute books.7 Kelso firmly believed that “the fullest possible records should be kept of children dealt with by the Children’s Aid Societies.”8 In the same vein, he also commented that “[t]he Juvenile Court should have a system of records, which should be “clear, complete and showing results.”9 Kelso had taken the lead in creating a variety of forms and registers for various

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5 In a case, a father laid a complaint against his mother-in-law who held his child because he didn’t pay a bill. Complaint Books, Children’s Aid Society of Toronto Fonds, CTA.
7 For example, Kelso Diary, July 30, 1893, September 13, 1893, January 17, 1894, January 27, 1894, April 9, 1894, April 12, 1894, April 23, 1894, July 23, 1894, September 8, 1894, September 1, 1894, April 9, 1894, April 12, 1894, April 23, 1894, July 23, 1894, September 8, 1894, September 1, 1894, Vol. 3, Kelso Papers NAC. Board of Management Minutes, December 15, 1892, February 16, 1893. Children’s Aid Society of Toronto Fonds, CTA.
8 Kelso notes, n.d. File “234 Diary 1922-33,” Vol. 34, Kelso Papers, NAC
9 Kelso, untitled notes on the work of various organizations concerning children, n.d. Vol 4, Kelso Papers, NAC.
aspects of child saving work. These included complaint books, a register of children suitable for foster homes, a register of people wanting foster children, forms of application for parties wanting foster children, agreement forms between the Society and foster parents, and so on. What follows is a brief analysis of how record-keeping was organized and with what effects. I take complaint books for this analytical purpose, mainly because complaint books represent the largest and best-preserved source of case records in the Society’s archival collection.

I have sampled records kept in Complaint Books in the following years: 1892, 1893, 1898, 1903, 1908 and 1913. Complaint Books were ledger books (as opposed to file folders) and they followed the same format from 1892 to 1917.

On every other page were printed these heads of columns:

No. of Case
Children’s Court No.
Date of Complaint
No. of Children Concerned
Name and Address
Age
Particulars of Case
Previous Complaints
Report of Investigation
Result

The layout of the CAS Complaint Book was designed to structure the child protection work as a mode of knowledge-based governing. Immediately after the columns of basic information, there were four columns corresponding to the steps that ought to be taken in work, namely: Particulars of Case, Previous Complaints, Report of Investigation, and Result. Particulars of Case documented background information on the child and his

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10 Valverde, “Review of On the Case.”
or her immediate surroundings, such as parents and religion; Previous Complaints column traced the history of the child and family; Report of Investigation recorded all other information that might be related to the case; and Result documented what was done with the child and effects of intervention.

It should be noted that entries were generally rather skimpy. What one can know about a particular case is indeed very limited, except for some cases in the 1910s, when the staff pasted press clippings concerning a particular child in his/her page (or section of the page), which allow a few more glimpses into the story. Information that was recorded in handwriting, no matter how scanty, changed over the years. In terms of the quantity of information, the general pattern being from basic information to increasingly more details, and then back to less details around 1913. Qualitatively, the changes in case recording over the years show certain patterns that reflect broader trends such as the interest in case history. For example, the increasing importance of case history was reflected in 1898 records when “Previous Occurrences” of child abuse and neglect started to be more systematically documented.

As a technology of power, record-keeping had various effects on the regulated population. One example of record-keeping’s effects on individual experience can be found in the case of two boys. In June 1905 it was reported that two boys of the Society aged 15 years old ran away from their foster homes. Macdonald, President of the Society, expressed his opinion that if the boys came to the custody of the Society once more they should be sent to the Victoria Industrial School.11 This action would not have been possible if the boys’ names and history were not documented in case records.

11 Board of Management Minutes, June 15, 1905. Children’s Aid Society of Toronto Fonds, CTA.
Record-keeping was crucial to knowledge-based governing of both parents and children, particularly when it came to the temporalization and spatialization of regulation. Temporally, record-keeping not only made it possible for bringing in the historical dimension of what could be known about an individual, it also enabled continuous regulation (for example, in the case of supervising foster parents and children as I will discuss in the following section.) Spatially, case records, for example entries made in Complaint Books about information gathered from the police, the school, and missionary works about a particular family, not only centralized “a number of disparate case histories into one textual site,”12 but also served as a knowledge conduit to facilitate simultaneous regulation of a single family or an individual in different locations.

However, the scant amount of recorded information, particularly in the column of Report of Investigation, suggested the discrepancy between vision and practice. This might be a case of “old habits die hard” even though one might intend to do things differently, or might be due to explicit resistance, or lack of human and financial resources. At least the last scenario seemed to be true when in 1905, the Inspector of the Toronto Children’s Aid Society, being the only staff undertaking field work, said in his report that so much of his time was taken up by the Children’s Court that he found it difficult to keep up with the investigation work.13

FOSTER CARE

In many English-speaking countries, particularly Canada, the United States, and Britain, foster care is now generally accepted as the backbone of the child protection system and the best method to care for children who for various reasons are no longer

12 Maynard, “The Emergence of the Homosexual as a Case History,” p. 66, endnote #3.
13 Board of Management Minutes. Children’s Aid Society of Toronto Fonds, CTA.
connected to their parents. Little has been said, though, about the ironic fact that foster care descended from the indenture system which was often a menace to children’s wellbeing.\textsuperscript{14} In early modern Europe and colonial North America, parents often entered agreements with masters of various trades so that their children could stay with a master’s family, learn skills and provide their services in return. By the eighteenth century, the trade apprenticeship system diminished as industry began to develop. Other than trade apprenticeships, there was also another category of indenture which Charlotte Neff calls “pauper apprenticeship.”\textsuperscript{15} Indenture was also the primary method to provide for orphans, deserted children, or fatherless children. Pauper apprenticeship originated in England as part of the English Poor Law.\textsuperscript{16} In Ontario, Canada, despite the province’s rejection of the English Poor Law, the indenture of these children, or “pauper apprentices,” was regulated successively by the Orphans Act of 1799, sections of the Guardian Act of 1827, and the Apprentices and Minors Act of 1851.\textsuperscript{17} In the late nineteenth century, institutions such as orphanages continued placing children out with families as domestic servants in girls’ case, or farm helpers in boys’ case.\textsuperscript{18}

One would think that indenture should be the target of condemnation by child savers. For one thing, it was known that children were vulnerable to exploitation and maltreatment in indenture situations. Ralph Houlbrook noted in his study of English families during the period from 1450 to 1700 that “[s]cattered through the archives of various courts are the records of suits undertaken by parents against masters who had

\textsuperscript{14} Neff, “Pauper Apprenticeship in Early Nineteenth Century Ontario.”
\textsuperscript{15} \textit{Ibid.}
\textsuperscript{16} \textit{Ibid.}
\textsuperscript{17} Splane, pp.266-267. Neff, "Pauper Apprenticeship in Early Nineteenth Century Ontario."
\textsuperscript{18} For example, the Protestant Orphans Home placed children out and as Kelso noted in 1893, a Mrs. Leigh kept a list of them. Kelso Diary, File 1 "Daily Journal 1893," Vol.3, Kelso Papers, NAC. See also Neff’s
maltreated their children, wasted their time, made them do unsuitably menial work or failed to provide them with adequate food and clothing according to their covenant.\textsuperscript{19} In North America, records show that as late as in the second half of the nineteenth century, indenture featured as a prominent setting for violence against children. The question is, then, why did leading child savers chose a technology which proved to be so hazardous to children for their child protection work and adamantly defend it as a superior method for providing care for the conventional stream of orphans and deserted children and, more importantly, a new stream of children who were protected by child savers from their own families?

To answer this question, we first need to understand that the superiority of foster care was mostly built in contrast to institutional care.\textsuperscript{20} Kelso had played a pivotal role in promoting foster care as an alternative to institutions. An examination of writings by him and some others reveals several rationales for foster care which were developed in the late nineteenth century. First of all, because of the lack of effective medicine residential facilities for children at the time were frequently afflicted with contagious diseases. As I will mention in the following chapter, the Society’s Shelter was regularly haunted by infectious diseases such as scarlet fever and diphtheria. In contrast, foster care appeared to be a convenient solution to this problem, because clinical medical knowledge prescribed that diseases could be easily contained in these individualized and closed-in spaces.

Second, foster homes were considered superior in that children’s basic needs for food, clothes, and personal hygiene and so on could be better met in a home setting. A discussion of apprenticeship by children’s homes during the nineteenth century, Neff, “Pauper Apprenticeship in Early Nineteenth Century Ontario.”
piece of Kelso’s writing titled “Not Enough to Eat” demonstrates how the preferred status of foster care was established. He started with the observation that on the one hand “[i]t is not uncommon to meet with children from public institutions who complain that they did not get enough to eat;” however, on the other hand, the management of institutions insisted that they never denied children their full supply of food. Kelso provided an analysis of why this was so without accusing either side of lying. Instead, he reasoned that children went hungry because some “had peculiar tastes and appetites” that could not be satisfied in a group; as well, some children were “particularly sensitive to the refinement of the table” and thus could “turn away in disgust and practically lose their appetite because of the oil tablecloth, the battered tin mug or the chipped crockery, together with the coarse manner in which the food is served and the vulgar habits of their companions.” Those issues, however, as Kelso argued, could be easily dealt with in foster homes since there would be a good variety of food, and a willingness to alter the manner of cooking, or an increase in the quantity of butter or sugar. The great length to which Kelso went to speculate on the reasons why children were hungry in institutions and why foster homes were better is difficult to understand when the simple reason could very well be the lack of food. Lack of food, both in quantity and quality, was a problem at the Society’s own Shelter and Detention Room as well, but it was not a problem inherent to institutional care per se. Thus, it can hardly serve as a rationale for foster homes.

Another argument for the superiority of foster care, which was stronger than food because it went directly to the fundamental objective of child protection, was concerned with the moral regulation dimension of caring. In this regard, the value of foster care

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20 Rooke and Schnell, *Discarding the Asylum*. Katz, "Child-Saving;" "Saving Children."
derived from the idea that the home setting was the most appropriate space for individually shaping children into proper adults. Many child savers believed that children in institutions tended to learn “idle, evil habits from one another.” In contrast, foster homes were considered as being far more suitable for character-building. If women, or foster mothers, could improve children’s appetite and diet, their role in properly socializing children was of even greater importance. One of Kelso’s stories was about a boy in an orphan’s home who found life there monotonous and who was convinced that the “good ladies of the institution regarded him as an utter failure who would end up in prison.” He wandered away for the institute; fortunately when he stopped at a farm and asked for something to eat he met a good woman who became his foster mother for the subsequent three years. Years later, the former foster boy had succeeded in business and was “in good circumstances.” As Kelso suggested, what rescued the boy was the woman’s confidence in him, kindness, and words of counsel. The inference was that these could not be properly practiced by the “good ladies of the institution.”

Preference for foster care was also justified by the fact that foster homes, most of which were privileged in many ways, were usually located in “good” communities. As Kelso put it, “the reason for placing children out is based on the belief that they will in this way become more rapidly and satisfactorily absorbed into the community.” The ideal outcome would be for a foster child to grow into an adult who “showed no trace of inferior origin,” as was represented in the after-rescue pictures of children (See

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24 Vol. 3, Kelso Papers, NAC.
Illustration 9). Thus, even though a foster home was not a natural home, it was a “real home.” To many child savers, not only was it more real than institutions, it was even more real than some natural homes. Kelso made this point in his usual eloquent way when he declared:

Four walls, a roof, three meals a day and some clothing do not constitute a home – otherwise a prison would be. The home wanted by boys and girls, whose parents are dissolute or incapable, or whose parents have been taken away by death, is a place where their dispositions may be studied and their capabilities gauged; where their natures, if warped, may be straightened; where the wounds and the bruises received in jostling with a cruel or thoughtless world, may be healed; where the cowardice of homelessness, and perhaps disgrace, may be supplanted with the courage born of new hopes, good prospects and worthy aims; where ambition may be quickened, pride aroused, and the honorableness of self-help be shown and made intelligible. That done, the boys and girls are ready for the world of work.²⁵

In this sense, foster homes were seen as ideal “gardens” for shaping children’s characters, where a variety of what I call “gardening strategies” - dispersion, separation, classification, diagnosis, and guidance - could be implemented.

Last, but not least in importance, there was the economic argument for foster care. Economic arguments were certainly important given the reluctance of the Provincial government and particularly the City in providing financial support. Comparatively, the cost of foster care was “a mere fraction of the cost of orphanage maintenance.”²⁶ Kelso reasoned in the following manner:

Foster-parents may be inferior to ideal natural parents in affection, interest and training qualities, and yet in results far exceed the possibilities of institutional life. Measured by their fruits in character-building the home-finding plan is far superior to the orphanage. Measured by the financial cost the advantage is equally in favor of the former.²⁷

²⁵ Circular “Child Saving,” 1890, Vol. 4, Kelso Papers, NAC.
In some ways, foster care was thought of as a way to prevent the “abuse” of institutions by parents. Thus, Kelso concluded in later years “[e]xperience shows that the substitution of the foster home for the large industrial school has had the effect of checking immensely the throwing by parents on the state the maintenance of their children.”28 The salience of economic logic also applied to other smaller rural communities. For example, as Kelso recalled, a deputation from a rural district complained to the Provincial government about the expense of having two girls placed in a public institution. Kelso then took charge of the two girls and found them “free homes.”29 “Free homes,” of course, were only possible because of foster children’s cheap labour and foster mothers’ free labour.30

The fact that these rationales were developed shows that foster care was not “naturally” the best method. Indeed, as the Local Council of Women pointed out in a paper in 1933, it was a “‘mistaken conception’ that a [foster] home was necessarily better than an institution.”31 The vulnerability of a child in a foster home was one concern. Furthermore, as the Local Council of Women argued,

[t]here was something to be said for the argument that a natural mother, instead of being forced to give up her child, might have it kept in an institution where she could have access to it and have hope of later reclaiming it.32

Nevertheless, foster care was gradually accepted as the best method in caring for children by the Children’s Aid Society and other child welfare agencies.33 Kelso’s diaries

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28 Notes, n.d. File “234 Diary 1922-33,” Vol.34, Kelso Papers, NAC.
29 Untitled manuscript of anecdotes, Vol. 1, Kelso Papers, NAC.
30 Smith and Smith, "For Love and Money: Women as Foster Mothers." Meyer, "A Feminist Perspective on Foster Family Care."
provided evidence of the techniques used in promoting foster care. For example, in May 1894 he wrote to the President of the Women’s Christian Temperance Union and tried to convince her to co-operate in “advocating family homes for orphan children.”

Foster care, of course, was not exactly the same as indenture. One difference was that in foster care more emphasis was put on caring for children, particularly in the aspect of their character. The majority of children who were sent to foster homes during the period under examination still laboured in their foster homes; however, the expectation of children’s economic contribution was de-centred, at least on the part of child savers. This transformation was reflected in the change of wording in the customary indenture document, which stated that the child should be received as a domestic servant or helper. An incident which happened to a girl Annie from the Girls’ Home, however, shows the resistance to the de-centring of economic expectations of children. In this case, the President of the Home simply declined to make any alteration in the legal indenture papers when Kelso found a foster home for Annie and requested dropping the words of domestic servant.

Foster care can be seen as a system in which regulation of children’s conduct was delegated by the state through the Society to foster parents. The system consisted of these main procedures: advertising for potential foster parents, selection of foster parents by the Society, placing-out of children, and regular inspection by Provincial officials. Foster

33 For example, Latimer’s study of the Toronto Infants’ Homes shows that by 1920 the agency abandoned institutional care as a primary method of caring and began a new era in foster home care. Latimer, “Methods of Child Care as Reflected in the Infants’ Homes of Toronto 1875-1920.”
35 Zelizer’s Pricing the Priceless Children documented the shift in emphasis from children’s economic values to their sentimental values in middle-class families. In the case of child protection which dealt with mostly working class children, a parallel and related shift in emphasis was from children’s economic values to the importance of their morality to the society.
36 Kelso Diary, August 4, 1893, Vol. 3, Kelso Papers, NAC.
parents were expected to provide for children so as to meet their needs for food, clothes, and shelter. But perhaps more importantly they were also required to send children to school, take them to churches, and see to children’s character development. The significance of foster parents’ moral regulation role was made apparent by the criteria of selecting good Christians, as well by visitors’ reports, which always made note of whether a child received religious education, whether s/he was honest, etc. The crucial importance of moral regulation was also revealed by what counted as a success story. In one such story, Kelso reported that a foster mother wrote him about her foster girl:

It is seldom one can find so dutiful and devoted a daughter as she has proven to be. Has all along been the same, sweet, loving companionable, trustworthy and truthful girl, now assuming more womanly ways and developing a beautiful Christian character.37

The foster care system constituted power relations among several main parties: foster parents, people in the neighbourhood or relatives, foster children, and child savers. First of all, children’s real or coerced dependence38 rendered them objects of foster parents’ authority. The Society’s case records contained little direct information of mistreatment of children in foster homes in general. However, notes of children being returned by foster parents for being “unsatisfactory,” children running away39 or writing to say that they were not properly treated suggest children’s susceptibility to abuse and exploitation as well as their agency for resistance in some cases.

In her research on pauper apprenticeship in Ontario, Neff argues that pauper apprentices were seen as reliable and cheap sources of labour.40 It is probably sound to

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38 Dependence can be seen as coerced in the case of older children who otherwise might have supported themselves by their own labour.
39 For example see Board of Management Minutes, June 15, 1905. Children’s Aid Society of Toronto Fonds, CTA.
40 Neff, “Pauper Apprenticeship in Early Nineteenth Century Ontario.”
say that foster parents accepted children (most of them were above 7 or 8 years of age) from the Children’s Aid Society for largely the same reason as people who applied for pauper apprentices throughout most of the nineteenth century. Evidence for this is found in documentation of children’s wages as well as discussions of concerns that children might be over-worked. Of course, this is not to say that every foster parent was intent on taking advantage of foster children; some truly believed in helping needy children, particularly the quite small proportion of young ones. Whatever their motivations, as soon as they made applications for foster children, foster parents willingly subjected themselves to various sources of power: the Society, provincial officials, as well as the community at large. The screening process gave expression to such authority when the Society, and sometimes the Provincial Office for Neglected and Dependent Children gathered information on the applicant’s “home surroundings” and reputation. Foster parents then were regulated by a hierarchical surveillance system, similar to that applied to parents in general. The surveillance system targeting foster parents was co-ordinated by the provincial government even though the guardianship of children was held by the Societies. The arrangement was shaped by two factors: one was the geographical dispersion of children and consequent expense and time involved in supervision which was almost impossible for a small Society to afford; the other was “continuity and permanency” that state supervision could provide when a local Society might not exist or cease to exist.41

All children who were placed in foster homes were reported to the Provincial Office for Neglected and Dependent Children. Their names were then recorded both in a

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central "supervision book" and on card indexes. Card indexes were divided into towns, cities and counties so as to organize visiting work according to geographic locations.

Recording was thus essential to the exercise of power. As Kelso argued:

The great importance of having all placed out children promptly reported and recorded has been demonstrated over and over again. The smaller Societies pass out of existence, there are frequent changes of secretaries or managers, and if the children were not on record they would in many cases be completely forgotten and lost sight of.42

The supervision system consisted of several components: regular visits of government officials (usually once or twice a year), correspondence with both children and sometimes foster parents, local supervision which was directed by "volunteer benevolent committees," and general oversight of the public – most likely neighbours and family relatives - as established by the technology of reporting. Furthermore, moral authorities in local communities were also encouraged to communicate regularly with government officials or Societies about the state of foster homes. For example, the Toronto Society contacted ministers of the local community where the foster children were placed and invited them to report twice a year as to the welfare of children.43

Supervision of foster parents was expected to serve three purposes: to supervise foster parents, to supervise children, and sometimes to provide encouragement to foster parents to retain children.44 Given these purposes, little supervision was felt necessary in cases where children were "adopted" in infancy.45 Cases involving older children (i.e. children above seven or eight years old), however, required "special attention" since usually there was the factor of labour. Kelso observed that "[g]reat care [was] needed to

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40 Board of Management Minutes, March 18, 1897. Children's Aid Society of Toronto Fonds, CTA.
44 Ibid.
see that they [foster children] receive a fair amount of schooling and are not over-worked." Some foster parents recognized the reason for state supervision and accepted visitors’ calls; some even welcomed visitors as an additional resource for keeping foster children under control. However, many “[were] apt to resent the call of a visitor as an intrusion” and thus “raise[d] a fuss over the visit.”

Supervision of foster parents resembled supervision of natural parents in some aspects. For example, foster parents were also subjected to regular visits for fear of abuse and neglect of children. However, there was also a clear double-standard in the regulation of foster parents and that of natural parents. Child savers’ power over foster parents was much more compromised by their very reliance on foster parents for the operation of the child protection system. This reliance could not be more clearly expressed than when Kelso described the home-finding work as “begging people to open their homes to children.” “Begging” was hardly an exaggeration given the chronic shortage of foster homes. For example, in 1910, due to a dearth of available foster homes, particularly for boys, the Toronto Society wrote to various Societies throughout Ontario, asking for homes for boys between the ages of 5 and 10. When the replies came, however, there was not a single home offered. As these Societies explained, they all had the same difficulty in placing children of that age in foster homes. For children with disability, diseases,

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45 Although the placing-out of infants may be recorded as adoption even before the passage of the Adoption Act in 1921, legally infants were placed in foster homes, not adopted.
49 Board of Management Minutes, March 17, 1910. Children’s Aid Society of Toronto Fonds, CTA.
and non-white children,\textsuperscript{50} it was nearly impossible to find homes. Even with healthy white children, one should dress them tastefully\textsuperscript{51} and plead for a foster home vigorously:

\begin{quote}
Advertize your need of homes just as a good salesman advertizes his merchandise. Present it as a privilege and duty to mother the needy child, and point out the joy and reward of such noble service.\textsuperscript{52}
\end{quote}

As a solution to the problem of shortage of foster homes, payment of boarding was started in Boston in the year of 1900. The Toronto Children’s Aid Society followed this development about a decade later. It should be noted, however, that such payment was not conceptualized as a compensation for the labour of foster mothers. Instead, it was primarily an incentive for people to open their homes and to some extent a substitute for children’s payment for board through work.\textsuperscript{53}

In Toronto, the problem of lack of foster homes continued into the 1920s (and today) even though the Children’s Aid Society tried to attract them by offering payment for boarding, much to Kelso’s criticism. The obvious question is then if child savers were in the position of beggars, could they be choosers? The power wielded by foster parents on child savers was reflected in that foster parents could return children as they pleased. For example, a little foster girl was returned because her foster mother “could not stand the worry of looking after [her].” Similarly, Annie was sent back because in her foster parents’ view “she did not suit their rough life.”\textsuperscript{54} Foster parents’ power was also reflected in the instruction to visitors that they should not be too zealous in their

\textsuperscript{51} Kelso, untitled manuscript on how to present a child to potential foster parents, n.d., File “Child Placement n.d. 1908, 1917,” Vol. 4, Kelso Papers, NAC.
\textsuperscript{52} Kelso, untitled manuscript on how to seek out foster homes, File “Children’s Aid Society. Notes, historical,” Vol.4, Kelso Papers, NAC.
\textsuperscript{54} Kelso Diary, April 19, 1894, September 12, 1894, Vol. 3, Kelso Papers, NAC.
supervision work, that “[g]reat care and judgement has to be shown in [the] work of visitation” so as not to “over-regulate” foster parents.\textsuperscript{55} Child savers’ class and race biases in assuming that many foster parents were good people was another factor in the double-standard regulation of foster parents and natural parents.

As I have explained before, the very dispersed and closed-in nature of foster care does not lend itself to a close examination of how power and control were exercised as readily as more institutionalized forms of technologies. Comparatively speaking, the Shelter and other technologies represent a more institutionalized rendering of power. These institution-based technologies will be examined in the following three chapters. Each chapter will centre on a specific locus of power, i.e. the Shelter, the Detention Room, and the Juvenile Court, and develop an in-depth analysis of the work of certain technologies (mainly separation, investigation, and guidance) and of how power relations were organized and sometimes transformed. These analyses will be used to inform the discussion of the present in the final chapter.

\footnotesize\textsuperscript{55} Kelso, “Desirability of State Supervision of Children Placed in Foster Homes,” \textit{Juvenile Court Record}, Dec. 1907, Chicago. File “Speeches,” Vol.1, Kelso Papers, NAC.
CHAPTER 3
THE SHELTER:
A CONTESTATION ABOUT PURPOSE

According to Kelso’s well-publicized and generally accepted story, the idea of a children’s shelter started one cold night in 1887, when he found two youngsters standing in a doorway on Yonge Street at about eleven o’clock. Kelso learnt from the two children that they had been sent out to beg and as they had been unsuccessful they were afraid of a beating if they went home. As if to justify his subsequent action, Kelso added that the parents were known to the police as “habitual drunkards” who used their children to collect money from charitable people to keep up their “vicious mode of living.” In retrospect, Kelso could have taken the children to their home and try to persuade the parents not to beat them and not to send them out begging again; he could have also taken the children to a relative or a neighbour of the family; he could have even taken the children to his own home for the night. Had Kelso followed any of the above routes, perhaps the idea of a shelter would not have occurred to him. We cannot know for certain how he considered the situation, but in the end he decided to take the children to some of the city’s orphanages. However, much to his dismay, none of the orphanages would take the children without preliminary application, examination, etc., which of course would require parents’ consent. Failing that, he went to a lodging house for men and finally was able to secure admission for the children on his own. He wrote up the story and
advocated a children's refuge or temporary shelter where any needy child could be at once admitted and cared for.\(^1\)

There was, however, another source of the idea of the shelter, which was also accounted for by Kelso. In March 1887, Kelso wrote to the Editor of the *World* describing the work that the Toronto Humane Society intended to undertake. Among the list of tasks such as investigating cases of cruelty to horses, cattle, and children, erecting drinking fountains “suitable for man or beast,” regulating the overcrowding of street cars (since the cars were moved by horses), he mentioned the necessity for “the erection of a temporary home in connection with the Police Department for the reception of women and children whom it may not be desirable to confine with hardened criminals during trial.”\(^2\) Similarly, in December 1889, Kelso was reported to have urged that “there should be a Children’s Shelter for the temporary confinement of children [apart from adults].”\(^3\) Such evidence points to the fact that another vision of the shelter was to provide segregated judicial custody to children who were caught by the justice system.

This double vision certainly attested to the fundamental linkage between child protection and crime prevention in the late nineteenth century child saving thinking. In practice, this was translated into the Shelter for the neglected, abused and other categories of children, and the Detention Room for juvenile delinquents who came to the court and were either in remand for court appearances or waiting to be sent to reformatories or industrial schools. The Shelter was opened in 1892 soon after the Children’s Aid Society was incorporated; the Detention Room was opened in the basement of the Shelter in

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1894. For most of the period that this dissertation is concerned with, there were routinely more children in the Detention Room than in the Shelter. The two facilities had a quite ambiguous relation during the period from the late 1890s to the early 1920s. The Shelter and the Detention Room were connected, in that they were housed in the same building, they shared the same staff, and records of children in both places were kept in the same ledger in a mixed way. And yet they were separate, in that juvenile delinquent boys were not allowed to be in contact with boys at the Shelter (girls were not segregated into two groups for lack of space), because juvenile delinquents were thought to be more damaged and evil and thus would morally contaminate the Shelter children. Furthermore, to many Board members as well as staff of the Children’s Aid Society, the Detention Room was simply not as dear to their heart as the Shelter, as was reflected in the much poorer conditions in the former. These inconsistent and even contradictory practices mirrored the ambiguous identity continuum from neglected and abused children to juvenile delinquents that I discussed in Chapter 2. At one level, the two groups of children were considered essentially the same subjects, as far as crime prevention was concerned, since they were all on the path leading to eventual crime. This idea was made real by actually housing neglected and abused children together with juvenile delinquents in one building, and by mixing their records in ledger books. At the same time, intellectual instruments employed by reformers, such as the concept of crime as a gradual growth process and the idea that delinquency was learnt also worked to suggest stages or degrees of corruption, and thus to distinguish juvenile delinquents from neglected and abused children.

While keeping abreast of the connections between the Shelter and the Detention Room, I will discuss them in separate chapters, mainly because my analytical emphases
differ. The focus of this chapter is on how various power relations were organized and sometimes transformed on the locus of the Shelter. The first section examines how as a technology the Shelter undercut, produced, or reinforced power relations among parents, children, and the Society in both intended and unintended ways. The second section starts with a descriptive analysis of the hierarchical structure that positioned the staff, the Shelter Committee, and the Board of Directors of the Society at different points of power at the Shelter, with an emphasis on the uneven division of authorities along gender lines. It then discusses how women were marginalized into the caring work at the Shelter, but also how they in turn took control of the Shelter and used it as a springboard for increasing their influence in the Society. The third section analyzes the relations between the Society and external authorities, mainly the City of Toronto Board of Control, which oversaw the sizeable annual grant to the Society, the City’s Medical Health Officer, and the Provincial Superintendent’s Office, which were brought into being largely through the operation of the Shelter.

The main theme of this chapter is the organization and transformation of power. The argument is that a technology like the Shelter constituted and shaped not only a web of relations between the Society, parents and children, but also relations within the Society itself, and relations between the Society and external authorities. It should be emphasized that how a technology would work could never be fully foreseen. The history of the Shelter shows that it was possible to challenge the originally defined purpose of the Shelter. The history also shows that the Society, as an authority to parents and children, was neither monolithic nor autonomous.
CONTESTING THE OBJECTIVE OF THE SHELTER: TO UNDERMINE PARENTS, TO CARE FOR CHILDREN, AND TO DISCIPLINE CHILDREN

The Shelter, as Kelso envisioned in his story of the two children he helped on one cold night in the late 1880s, was different from charity institutions for children which emerged in Ontario in the 1830s and dominated as the major way to provide for dependent children for most of the nineteenth century. The Shelter was distinct in two aspects. First, the ideal Shelter was a facility that was hostile towards parents (it was not for parents as orphanages and other child residential institutions were, for example). This was evident in the administrative and philosophical distinction between the shelter and charity institutions for children: the Shelter did not require parents’ consent. The absence of this requirement can be seen as a bypass technology which side-stepped parents’ authority and made it possible for the Society to take coercive actions against parents’ wishes. Second, the ideal Shelter was a subordinate facility which supported the primary objective of ensuring that children were properly governed by adults in a home setting. In other words, its temporary custody function was to support regulative actions (e.g. investigation, education, and discipline) which were aimed at reforming parents, or to support activities of finding a proper substitute home to rear a child. In either situation, the Shelter was designed to be, again, different from classical institutions for children, in that it was to enforce proper parenting, not relieve parents from any parenting work.

4 As several historians of Canadian social services observe, these institutions for children, which had childcare characteristics, first emerged in the 1830s and flourished during the late nineteenth and the early twentieth centuries. They provided a significant resource for poor families. However, by the 1920s the domination of ideas about the superiority of home-based childcare led to the closure of some children’s institutions and the transformation of some others to residences for children with special needs. See Rooke and Schnell, Discarding the Asylum and Strong-Boag, “Intruders in the Nursery.” See also Baines, “The Children of Earlscourt, 1915-1948,” for a discussion of the history of the Earlscourt Children’s Home as an exceptional institution which adhered to its original mission.
Technologically, this vision was put in practice by deliberately limiting the length of time that a child could stay at the Shelter.

These ideas about the objectives and technologies of the Shelter made their way to the Toronto Children’s Aid Society. When the Society opened its Shelter in 1892, apparently many Board members, including those of the Shelter Committee, were unclear about what the Shelter was supposed to do. Thus, the Shelter Committee asked the Society to retroactively define “just what work the Shelter was intended to do.” The minutes showed that “there seemed to be the general sense of the [Board] meeting that the Shelter was intended to give temporary Shelter to children until they could be otherwise provided for.” Apparently, this opinion was too vague to be of use to differentiate the Shelter from other residential institutions and to guide practical work. A Special Committee with Kelso as a leading member was thus formed to deliberate on the exact objective of the Shelter. Two months later, the Special Committee reported its carefully detailed opinion on the work of the Shelter, which was almost identical to Kelso’s original vision. Specifically, the view was that

the greatest care should be taken to prevent the idea getting abroad that the Children’s Shelter is in any sense a permanent home for Children. It was established as a temporary shelter for abused, neglected and deserted children, to be open to this class night and day, without fee of any kind, but only affording shelter and protection until the children can be suitably disposed, either by compelling parents to do their duty towards their offspring or securing for homeless children, or those whom the courts decide should be removed from parental control — admittance to one of the public institutions provided for such cases.

It is therefore not desirable … that any child should be kept in the shelter longer than one month, - except for very special reasons, and, as result, ten days should suffice to provide for a proper disposal of any child.”

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5 Board of Management Minutes, March 30, 1892, Children’s Aid Society of Toronto Fonds, CTA.
6 Ibid.
7 Board of Management Minutes, May 25, 1892, Children’s Aid Society of Toronto Fonds, CTA.
As I have argued in earlier chapters, child savers sought to bring into practice a system of interlocking power relations among the Society, parents, and children, which can be summarized as a system in which the Society had authority to oversee that parents properly exercised their authority over children. The technology of the Shelter brought the system into operation in several ways. First of all, by coercively taking children to the Shelter or by accepting children who sought shelter on their own, the Society upset certain ways that parents related to their children. The problematic relationships between parents and child that the Society was most intent on undermining were those in which parents failed in exercising their authority over children (neglect) and, to a lesser extent, those in which parents used excessive force (cruelty or abuse). The technique that made this possible was the separation of children from parents.

Another pivotal way in which the Shelter brought power relations into play has rarely been recognized and discussed in social work literature. The Shelter’s existence made it possible for the Society to be calculating and to attempt to shape aspects of parents’ behaviour according to particular norms so that they could in turn “properly” execute their power in parenting. This was because through the Shelter and the practice of separating (or even just the threat of separating) parents and their children, emotional pains, fears, and desires could be produced and manipulated by the Society for specific ends. How Mrs. L. was regulated by the Society through the fear of losing her children is a case in point. On January 22, 1913, a visitor of the Society called upon Mrs. L. at her home and found her “slightly under influence of drink.” Even though her house and children were found “neat & clean,” Mrs. L. was threatened that her children might be put in the Shelter if she continued to neglect them, in her case, through drinking.
According to the Society’s records, “She was terrified that Visitor would take children away, begged that some place in country where she could not get drink might be found for her to go. Promised not to drink again.” The next day, the visitor called again and was satisfied that Mrs. L “was perfectly sober & house nice and clean.” It was ironic that an agency that was often claimed to be rooted in humanitarianism actually got part of its work done by causing agony for not just parents but also children. It was also ironic that although some of their gardening metaphors had the effect of downplaying if not erasing parents’ and children’s feelings, the emotional bonds between parents and their children were often at the centre of child savers’ calculations. Of course, governing through desire and fear did not always produce anticipated results. For example, when the Society’s visitor called again at Mrs. L.’s a week later, she found that Mrs. L had locked herself and children in the house and that she “had been drinking again.” Such reaction often led child savers to conclude that the mother was so “bad” that she was not governable, which in turn justified the use of family law capital punishment, i.e. the removal of a child.

Although the Shelter was designed by child savers as a means to the end of ensuring proper parenting at home, records show that in reality this definition of the Shelter’s purpose and status was quite contested. Especially in the earlier years of the history of the Society, a significant number of parents attempted to use the Shelter as a resource for meeting their needs for childcare. Although it was doubtful that they deliberately picked a fight with the Society, their actions amounted to a serious challenge. An examination of records shows that in many early cases children were admitted to the Shelter upon requests of one or both parents for a variety of reasons. In 1893, Mr. and

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8 Complaint Books, 1913, #18713. Children’s Aid Society of Toronto Fonds, CTA.
9 Ibid.
Mrs. G. were both ill and thus could not care for their five children aged from two to eight. All five children were then admitted to the Shelter till almost three months later when their parents recovered. Records show that the eldest daughter was taken home by mother first; then the youngest son; and finally the rest of three children.\(^\text{10}\) In another case, Carrie and Violet S. were taken to the Shelter by their mother one evening. They all sought shelter from a father and husband “enraged with drink.” A few days later, their mother took them away.\(^\text{11}\) In still another case, a mother brought her children to the Shelter because of “father’s immoral conduct towards herself and children.”\(^\text{12}\) About a third of all the cases in the first year of the Shelter’s opening were those in which parents voluntarily came to the Society for assistance because circumstances such as sickness, destitution, desertion, or the breaking-up of homes made it very difficult, if not impossible, to take care of their children. Thus, it is apparent that the Shelter was perceived and utilized by these parents as a facility providing emergency and short-term childcare, which resembled the use of orphanages or children’s residential institutions. It can be said that, similar to institutional care facilities, but contrary to the original vision of the Society, the Shelter was sporadically transformed by these parents to a resource for coping with life exigencies, without stigma or unwelcome intervention. By willingly sending their children to the Shelter and requesting custody, these parents reversed the power relation between them and the Society, in that they made the Society provide caring services to meet their needs. Most interestingly, they rationalized their actions in no other terms but those of the crucial importance of proper parenting.

\(^{10}\) Complaint Books, 1893, #62. Children’s Aid Society of Toronto Fonds, CTA.  
\(^{11}\) Complaint Books, 1892, #23. Children’s Aid Society of Toronto Fonds, CTA.  
\(^{12}\) Complaint Books, 1893, #77. Children’s Aid Society of Toronto Fonds, CTA.
These cases occurred on a fairly frequent basis for a few more years, so much so that people like Kelso felt it necessary to write a story about such cases with the purpose of showing that the Shelter was unfairly taken advantage of by parents who regarded the Shelter as a resource and used it willingly. In the story of Emily, Kelso portrayed her as an immature and irresponsible wife who wanted to use the Shelter for her children so that she could break up her family. The story started with Emily being unhappy with the fact that her husband came home late. “She burst out with a torrent of abuse” when he got inside the door. The shouting match quickly escalated into physical violence. Then Emily pondered leaving her husband and going to her mother’s place. The only problem, however, was what to do with the two babies, since Emily “could hardly impose the two babies on her mother.” Suddenly, a “happy thought” occurred to her – “She would put them in the care of the Children’s Society”! She was very sure of getting sympathetic help from “Mr. Kelso;” however, much to her surprise, instead of referring to the Children’s Aid’s Shelter, “Mr. Kelso” gave her a lecture on how to properly conduct herself as a wife. Contrary to trying to make the Shelter take care of her children so that she could go to her mother’s, she should “always be a peace-maker, always patient, forgiving and hopeful;” she should meet her husband on the doorstep “with a smile and an embrace and a little speech;” she should “beg for his forgiveness” and “resolve in future to keep peace at all costs.” Kelso’s narrative in effect brushed aside women’s suffering of family violence, blamed them for not being good wives, and also insinuated that if the Shelter was made available upon parents’ request, it would assist the breaking-up of families. It seemed that since the beginning of the twentieth century, proportionately less and less children were admitted to the Shelter simply because their

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13 Kelso, untitled manuscript on Emily’s fight with her husband, n.d., Vol.4, Kelso Papers, NAC.
parents needed child care help for this or that reason. The definition of needs was increasingly systemized in such a way that parents’ expressions of need were often dismissed. For example, Ernest F.’s mother deserted the family and left him with his step-father, who did not want to keep Ernest for long since he did not think of Ernest as his child. The Society declined his request of sending the boy to the Shelter, saying that he was “not deserving.”

Contestation over the purpose of the Shelter was also evident in parents’ using the Shelter to discipline their children. William C. was one of the children sent to the Shelter because his father and step-mother said that he was “incorrigible” and they could do nothing with him. Edith K. was brought to the Shelter for the same reason. Edith, who was an illegitimate child as the Society noted in her records, had been working at Mrs. Sullivans. In August 1902, Miss Roger of the Y.M.C.A. requested that she be taken in Shelter for discipline. Although her mother felt that she did not have any major problems and that “with proper training [she would] turn out all right,” the Society staff noted that her actions at the Shelter proved she was stubborn and hard to manage. Apparently, she was kept at the Shelter for several months for discipline and was not released until February of the next year. Sometimes children were not taken to the Shelter but were warned that they would be brought to the Shelter for a while unless they did better. In these situations, the Shelter became a resource for parents to assist them in the governance of their children. This way of using the Shelter was accepted as appropriate

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14 Complaint Books, 1913, #19767. Children’s Aid Society of Toronto Fonds, CTA.
15 Complaint Books, 1903, #9328. Children’s Aid Society of Toronto Fonds, CTA. A month later the Society apparently persuaded William’s father to sign up papers to give him up to the Society, because as the Society thought it was in the best interest of William to take charge of him. Later he was placed with a foster home. The last entry in his case record showed that he joined the army.
16 Complaint Books, 1903, #9289. Children’s Aid Society of Toronto Fonds, CTA.
17 See for example, Complaint Books, 1903, #9614. Children’s Aid Society of Toronto Fonds, CTA.
and was allowed to continue during the period studied because it was compatible with the fundamental objective of child protection, i.e. ensuring that children were governed by their parents (or employers) properly.

THE SHELTER AS A RESOURCE FOR CHALLENGING GENDERED HIERARCHY

In addition to various effects of the existence of the Shelter on relations among the Society, parents, and children, the technology of the Shelter also had a bearing on relations within the Society. In this section I will first discuss the uneven division of authority between males and females at the Shelter and the Society at large; then I will demonstrate how the Shelter was used as a resource by women, particularly the “ladies” of the Board, to challenge the gendered hierarchy in the Society.

The Shelter was operated by a staff who reported to the Shelter Committee under the Board of Directors. In the first few years after its opening, a Matron was in charge of the Shelter. The Matron, who was usually either a young single woman or a widow (at least one Matron had a daughter with her), was offered boarding in the same building as the Shelter. According to the Children’s Shelter Rules and Regulations in 1892, the Matron conducted religious services morning and evening. She ascertained that “the utmost cleanliness” was observed not only for the house and its furnishings, but also for children and their clothing. She was responsible for keeping a written record of children, including their names, ages, parents, causes of neglect or destitution, and any other remarks that might be of interest. When the position of the Superintendent was created several years later, the Matron’s authority was significantly reduced. Her duties were confined to female children and the supervision of domestic work in the Shelter, i.e. cooking, laundry, and pressing.
Shelter Superintendent was a position reserved for men only. The Superintendent was the Executive Officer in the Shelter. He resided in separate quarters of the Shelter building, sometimes with his family. He assumed "full charge and control" of the Shelter under the Board and the Shelter Committee. His main duties included removing children to and from the court, passing through every part of the Shelter and seeing every child daily (accompanied by the Matron when visiting female children), carefully inspecting locks on doors, windows, gratings, chimneys and any other openings regularly so as to prevent escapes, and keeping a variety of records on children, daily occurrences, donations, visitors, requisitions, and accounts.\(^\text{18}\)

There is little information on relationship between the Matron and the Superintendent. Evidence on other similar situations, such as at the Toronto Newsboys' Home, suggest that there could have been struggles over the division of authority. For example, in his diary, Kelso made note of a discussion regarding friction between the Superintendent of the Newsboys' Home and the Matron at the meeting of directors. On that occasion, Kelso "[a]dvocated strongly the placing of all authority in the hands of the [Superintendent and the] reducing the position of matron to that of working housekeeping. [sic]" His view was then adopted by the board of directors of the Newsboy's Home.\(^\text{19}\)

In addition to the Superintendent and the Matron, the Shelter staff also included a visiting physician, who was usually a member of the board, a nurse or nurse assistant, a teacher assigned to the Shelter by the School Board, a porter, and a cook. A major reorganization of the staff came in 1906, which resulted in the hiring of couples as

\(^{18}\) Constitution, Children's Aid Society of Toronto, File "Printed Material 1891-1970," Box. 87, Children's Aid Society of Toronto, CTA.

\(^{19}\)
Superintendent and Lady Superintendent of the Shelter whose presence made the Shelter resemble heterosexual nuclear family. The reorganization seemed to be triggered by the resignation of the Secretary of the Society. In July 1906, initiated by two female members of the board, a decision was made to ask the long-serving Secretary, Mr. Coleman, to tender his resignation. After his resignation, the office of Secretary was discontinued. A new position of “Inspector and Superintendent of the Shelter” was created with full charge of the working staff of the Society. The Lady Superintendent, who was the wife of Inspector and Superintendent, had authority over general caring work in the Shelter. Additionally, a male clerk would assist the Inspector and Superintendent with clerical work of the office; a housekeeper and a cook would do the actual housekeeping activities under the oversight of the Lady Superintendent.

Mr. and Mrs. Lee Williams were hired in July 1906 as Superintendent and Lady Superintendent. However, they would not consent to entering into a yearly contract, probably because they were unsatisfied with the offered salary. When they left four months later, Mr. William Duncan was hired as Shelter Superintendent and his wife Lady Superintendent. They stayed in these positions throughout the rest of the period studied. The transformation of the position of the Shelter Matron to the Lady Superintendent had mixed implications to women. It was obvious that when she was hired as the Lady Superintendent, Mrs. Duncan enjoyed many professional development opportunities, unlike previous Matrons. For example, in the summer of 1909 she was sent

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20 Board of Management Minutes, July 3, 1906. Children’s Aid Society of Toronto Fonds, CTA.
21 According the minutes of Management Board, Mr. Williams was offered a yearly salary of $800.00, and his wife $400.00. Mr. Williams did not approve of these terms. After some negotiation, the agreement reached was that the Board would pay them a joint salary at the rate of $1400.00 per annum and that they would agree to stay until the 1st day of October, 1906.
to visit the National Society for the Prevention of Cruelty to Children and the Ragged School in London, England. Again in 1915, she and her husband attended the National Conference of Charities and Corrections at Baltimore and visited various institutions in Philadelphia and New York. On both occasions, she was asked to address the Board on her return. Her capacities for learning about similar lines of work in other places and making connection to the Society’s own work, rather than her maternal qualities alone, were appreciated by the board. However, if the position of Lady Superintendent provided women like Mrs. Duncan an opportunity to turn themselves into professionals with more power and prestige, it also restrictively attached their career development to marriage. Unlike the Matron who was hired as an individual, the Lady Superintendent at least partly depended on her husband for her employment.

The Superintendent reported to the Shelter Committee, which in turn brought to the Board of Management matters that were relevant to the operation of the Shelter. The Matron and later the Lady Superintendent reported on their work through the female members of the Shelter Committee. Like the Shelter staff, the Shelter Committee was also concerned with the operation in both the Shelter and the Detention Room. At the beginning, the Shelter Committee consisted of about 12 members, which increased to around 20 over the years. The Shelter Committee was one of only two committees that included female members. Others such as the Legislation Committee and the Finance Committee consisted of male members only, as did ad hoc committees such as the Shelter Property Committee which was set up to look into possible purchases of a property for a

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22 Board of Management Minutes, June 17, 1902, May 27, 1915. Children’s Aid Society of Toronto Fonds, CTA.
23 The other committee with female members was the Fresh Air Committee.
Shelter,\textsuperscript{24} and the ad hoc committee to consider a complaint of the Secretary regarding the Agent's inefficiency.\textsuperscript{25} The Shelter Committee was chaired by a male member for most of the period concerned. Given the connection between child protection and criminal justice, it is probably worth noting that one of earliest chairmen of the Shelter Committee was James Massie, who was Warden of the Central Prison.\textsuperscript{26} The "ladies" of the Board were by default members of the Shelter Committee.\textsuperscript{27} Usually the number of women was equal to or slightly higher than the number of male members. Many women were wives of board members or other prominent, powerful, and wealthy men who were not on the board. Usually only five or six people would attend the monthly meetings; other than the chairman, most of those who attended meetings were women. During each meeting, the Superintendent gave a report on the operation of the Shelter in the previous month, such as the number of admissions, discharges, the number of children in the Shelter on the last day of the month, total number of days in the Shelter, itemized expenses and also per capita expenses. The Superintendent might raise emerging issues to the Shelter Committee. For example, in the meeting on May 14, 1903, the Superintendent asked for the Shelter Committee's opinion as to the visiting of children by their parents and friends. The Committee instructed that the arrangement for visiting should remain the same, namely each Wednesday from 3 to 5 in the afternoon, but also grant the Superintendent discretion in some special cases. In the same meeting, the Superintendent

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\textsuperscript{24} See Board of Management Minutes, March 23, 1893. Children's Aid Society of Toronto Fonds, CTA. \\
\textsuperscript{25} Board of Management Minutes, June 6, 1898. Children's Aid Society of Toronto Fonds, CTA. \\
\textsuperscript{26} Board of Management Minutes, May 19, 1904. Children's Aid Society of Toronto Fonds, CTA. \\
\textsuperscript{27} See Board of Management Minutes, November 1, 1894. Children's Aid Society of Toronto Fonds, CTA.
\end{flushright}
also called attention to the necessity of sodding the yard and the need for sheets, towels, and cupboards for storing the clothes worn by children when they entered the Shelter.\textsuperscript{28}

Like many other women involved in various aspects of social and moral reform in urban Canada around the turn of the twentieth century, women on the Board of the Children's Aid Society generally identified with "maternal feminism," in that they believed in the right of women to an increased public role because of their special nurturing talents in the redemption of "mankind."\textsuperscript{29} Operating in a male-dominated organization, the activism of women in the Toronto Children's Aid Society took the form of expanding their share of authority in agenda-setting and decision-making, advocacy for better compensation and working conditions for female staff, and advocacy for what they believed were in the interests of girls in the Shelter and the Detention Room. The minutes of Board meetings and Shelter Committee meetings provide ample evidence of such activism. At board meetings, female members of the Shelter Committee regularly put forward motions for considering an increase in the salary of the Matron and other female staff of the Society such as "lady visitors" to families that came to the attention of the Society.\textsuperscript{30} Their concern with the interests of female staff was again evident when in 1912 Mrs. Rutter and Mrs. Van Norman proposed that a stationery telephone be installed on the second floor of the Shelter building for the convenience of the Lady Superintendent.\textsuperscript{31}

\textsuperscript{28} Shelter Committee Minutes, May 14, 1903. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{30} See, for example Board of Management Minutes, March 17, 1904, October 19, 1900. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{31} Board of Management Minutes, April 18, 1912. Children's Aid Society of Toronto Fonds, CTA.
Other than playing advocates for female employees of the Society on some occasions, there was a lot of evidence of female board members’ attempts to maneuver their way into the mainstream business of the Society. For example, in 1907 the Board decided to form a deputation to persuade the Board of Control of the City to visit the Shelter and to judge for themselves of the work done by the Children’s Aid Society, in view of getting additional financial support from the city. Mrs. C. B. Sheppard supported the motion but also suggested that ladies be part of the deputation.  

The Shelter proved to be a very useful and convenient arena for these women to make themselves part of the decision-making process. The assertion on the part of women often took the form of advocacy for children in the Shelter and Detention Room, mirroring the general pattern of Victorian women getting involved in social and moral reform in the name of children.  

For example, in April 1905 Mrs. Rutter and Mrs. Sheppard put forward a motion that the Superintendent of the Shelter be instructed by the Board to provide milk for the children at tea.  

Another case in point concerned female members’ visits to the Shelter. Female members of the board of management, in their function as members of the Shelter Committee, started regularly visiting the Shelter very early on. For decades, these visits seemed more like a formality and did not have any impact on how the Shelter was operated. In 1917 however, soon after a well-publicized row with Kelso over the latter’s allegation of scandalous conditions at the Shelter and the Detention Room, Mrs. Rutter proposed that the “ladies” of the Board who made their business visits to the Shelter

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32 Board of Management Minutes, March 21, 1907. Children’s Aid Society of Toronto Fonds, CTA.
33 Kealey, A Not Unreasonable Claim; Morrison, “‘There Proper Sphere’ Feminism, Family, and Child-Centered Social Reform in Ontario, 1875-1900.”
34 Board of Management Minutes, April 27, 1905. Children’s Aid Society of Toronto Fonds, CTA.
35 Board of Management minutes, October 31, 1895. Children’s Aid Society of Toronto Fonds, CTA.
should make a report to the Board. This provided a formal and effective channel for
women's opinion to be heard at the board meetings.\textsuperscript{36} The subsequent months witnessed a
series of recommendations put forward by women to the rest of the Board, i.e. the male
members. For example, in March 1917, Mrs. Rutter and Mrs. McClelland presented the
report of their inspection of the Shelter and the Detention Room which also contained
recommendations as to the two facilities.\textsuperscript{37} In May 1917, Mrs. Lillie presented the ladies' report, which raised the need for clothes and boots for children, noted "the brightness of the Shelter [in comparison] to the gloom of the Detention Home," and suggested that a few pictures be obtained for the latter place.\textsuperscript{38} A few months later, Mrs. Jarvis and Mrs. Hincks emphasized in their report that a kindergarten class should be started in the Shelter school and suggested that the Board of Education be approached on the matter.\textsuperscript{39}

In November 1917, Dr. Millman, who was chairman of the Shelter committee at the time, proposed that the Shelter Committee be composed solely of the "lady members" of the Board.\textsuperscript{40} It is probably sound to speculate that this was connected to women's agitation for various changes in the Shelter in the preceding months. When Dr. Millman's proposal was adopted, the ladies re-organized the Shelter committee in an earnest way. The reformed Shelter Committee had its first meeting in January 1918. Mrs. Rutter was elected the President of the Committee, Mrs. Lovering the Vice President, Mrs. Bullock the Treasurer, and Mrs. Hincks the Secretary.\textsuperscript{41} After the change to an all-female committee, the committee started to give written reports to the board. As well, instead of—

\textsuperscript{36} Board of Management Minutes, March 15, 1917. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{37} Board of Management Minutes, April 19, 1917. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{38} Board of Management Minutes, May 17, 1917. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{39} Board of Management Minutes, June 28, 1917. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{40} Board of Management Minutes, November 15, 1917, December 20, 1917. Children's Aid Society of Toronto Fonds, CTA.
\textsuperscript{41} Board of Management Minutes, January 1918. Children's Aid Society of Toronto Fonds, CTA.
meeting once a month, the new committee decided to meet twice a month at the Shelter or Detention Home "in order to be able to go through these buildings, and keep in close touch with conditions and needs there." True to this goal, in the subsequent months, the Shelter Committee brought a range of everyday difficulties or inadequacies at the Shelter and the Detention Home to the attention of the Board and pressured the Board to take prompt action. For example, in June 1918, the Shelter Committee informed the Board that it voted unanimously that the children in the Shelter and the Detention Home should be given butter at least once a day, as it was felt that fat of some kind was essential to their health. The Shelter Committee was also very concerned with issues concerning older girls. In its report dated September 17, 1918, it stated that the Committee spent a morning discussing with Mrs. Duncan, the Lady Superintendent, the "welfare and interests of the older girls who come into the Shelter. It was felt that they were of an age at which they should be more encouraged to take pride in their personal appearance and manners." The ladies made three recommendations in this regard:

1. That we attempt to clothe these girls better, and to make them more careful of their clothes;
2. That six lockers be built for the six oldest girls ... so that [they] may feel that they have a place of their own for their personal belongings.
3. That plated forks and spoons be bought for these girls to replace the awkward utensils now in use.

Female members' emphasis on keeping in close touch with day to day operations was again apparent when on February 20, 1919, Mrs. Lovering and Mrs. Ryrie proposed

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42 Board of Management Minutes, January 1918. Children's Aid Society of Toronto Fonds, CTA.
43 Board of Management Minutes, June 20, 1918. Children's Aid Society of Toronto Fonds, CTA.
44 Board of Management Minutes, September 17, 1918. Children's Aid Society of Toronto Fonds, CTA.
that the Society employ and pay “our own visitors for own foster homes, as we feel that we should be in close touch with the children after they leave the Shelter.”

The most assertive actions of the lady members came in October 1919 when the Shelter Committee placed a number of “findings” before the Board. According to the report, these “findings” resulted from a discussion at length about what reforms were necessary for the “betterment of conditions at the Shelter.” The tone of the overall report was sternly critical. For example, the first finding was: “The accommodation in the present building is utterly inadequate, the equipment not at all what it should be nor does it seem wise to attempt to remodel the premises.” Related to this was the opinion that “[a]n entirely new building with modern appliances is sorely needed [original emphasis],” which should have enough space so that the office staff could, for example conduct an interview with some privacy, and juvenile delinquent girls could be segregated from other girls. The Shelter Committee found that “[t]he condition of things is most discouraging and disheartening and has lasted long enough.” It pointed out that it made suggestions of providing older girls with lockers for their privacy in September 1918, which however had not been acted upon more than a year late. It raised the need for a room for teaching girls domestic science, and that the room should be equipped with modern appliances.

Another issue that women sharply criticized was the Bronte property in the country. The Bronte property was purchased to be used as a cottage for taking children of poor urban families, sometimes their mothers, to the country for a few weeks in the summer. As the minutes of the Board showed, Macdonald got inspiration for this line of

45 Board of Management Minutes, February 20, 1919. Children’s Aid Society of Toronto Fonds, CTA.
46 Board of Management Minutes, October 17, 1919. Children’s Aid Society of Toronto Fonds, CTA.
work from New York Societies when he visited them in 1911. The purchase of the property was more based on the notion of the romance of the country than on practical considerations. It was a questionable decision since one can argue, as women of the Board did, that it would make more sense to use limited resources to finance the badly needed renovation at the Shelter and the Detention Room. The Shelter Committee’s report stated in a downright way that “The Bronte property is a bill of expense.” The report went on to say in direct terms that after full deliberation the Committee recommended the disposal of the Bronte property and also of the Simcoe Street property. They recommended that “a suitable site be secured, and a building such as is required, in which to carry on the work which has so tremendously grown, to be erected. And that at the very earliest possible moment [original emphasis].”

These findings and recommendations were referred to the all-male Finance Committee. Given the formality of the report from the Shelter Committee, the Finance Committee produced a formally written item-by-item response. The Finance Committee conceded that the building was not an up-to-date one for the purpose of the Society’s work but thought that it was not altogether inadequate. It suggested that it would be difficult to buy a new building because of the high cost of wages and building materials. It also stated that the present time might not be an advantageous one to offer the property for sale, however it promised to consider the proposal carefully. In response to the need of a room for teaching girls domestic science, the Finance Committee replied that “[u]nder present conditions there is no space in the building for teaching the girls

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47 Board of Management Minutes, March 30, 1911. Children’s Aid Society of Toronto Fonds, CTA.
48 Board of Management Minutes, October 17, 1919. Children’s Aid Society of Toronto Fonds, CTA.
domestic science. The girls who are old enough and who are in the kitchen are taught by the cook what is possible under the circumstances."\(^4^9\)

Despite the Finance Committee’s attempt to brush off the issue, the all female Shelter Committee was determined to arrange formal domestic science education for the girls at the Shelter. This was but one example which showed that the all-female Shelter Committee was particularly concerned with the girls at the Shelter. Although the interests of the girls were certainly defined from the perspective of the “ladies” with class and gender overtones, it was unmistakable that the “ladies” tried hard, often against male members, to guard the girls’ perceived interests. In the instance of arranging formal domestic science education for girls, against the Finance Committee’s suggestion that all that could be done had been done, the “ladies” persuaded the board to ask Lady Superintendent to arrange with the nurses to take the girls to the nearest Domestic Science classes held in the public schools.\(^5^0\) In the subsequent months, female members of the board persisted on this matter. In January 1920, Mrs. Bullock was deputed to look into the matter and found that a nearby school was equipped with a Domestic Science plant and an “instructress” held classes every day. She reported that it was only necessary to arrange for a convenient time for the girls in the Shelter to attend.\(^5^1\) Finally, in February of the same year, it was reported that arrangement for the Shelter girls to take such lessons had been made.\(^5^2\)

Other issues on which the female Shelter Committee disputed with male members of the board included an argument about where to have the board’s monthly meeting.

\(^4^9\) Board of Management Minutes, October 18, 1919. Children’s Aid Society of Toronto Fonds, CTA.
\(^5^0\) Board of Management Minutes, December 18, 1919. Children’s Aid Society of Toronto Fonds, CTA.
\(^5^1\) Board of Management Minutes, January 15, 1920. Children’s Aid Society of Toronto Fonds, CTA.
\(^5^2\) Board of Management Minutes, February 19, 1920. Children’s Aid Society of Toronto Fonds, CTA.
This argument is another interesting example of gendered contestation within the board; furthermore it also revealed the disparity between women’s and men’s approach to child saving work. From as early as in 1892 when J. K. Macdonald was elected President of the Society, the board’s monthly meetings were held in the building of his company - the Confederation Life Association, which was always quite a distance apart from the Shelter. Women gradually formed the view that the meetings should be held in the Society’s building where the Shelter was located, not in the Confederation Life Association. Although the Society’s own building was more cramped, humble, and generally not as pleasant as the boardroom of the Confederation Life Association, women thought it was more important to be close to where actual work took place. Thus, on February 19, 1920, Mrs. Hincks, Secretary of the Shelter Committee communicated a resolution of the committee to the Board that “…all monthly meetings [of the Board] be held in future at the Society’s Building 229 Simcoe St.” In the discussion Mr. Campbell proposed to have at least four quarterly meetings at the Shelter. In the end, a compromise was reached that the meetings would be held alternatively at the Shelter and in the boardroom of the Confederation Life Association.53

The Society women’s use of the Shelter to forge their way exemplified the paradox of maternal feminists’ claim of power on the basis of their reproducing and nurturing capacities. The “ladies” of the Board made themselves relevant to the operation of the Society by taking charge of the “domestic” caring work at the Shelter; however, by doing so they also confined themselves to those subordinate roles.

53 Board of Management Minutes, February 19, 1920. Children’s Aid Society of Toronto Fonds, CTA.
THE SHELTER AS A LOCUS FOR EXTERNAL REGULATORY POWER

The purpose of this section is to show how the Shelter brought the Society into particular relations with various external authorities, most notably the City of Toronto Board of Control, the City’s Medical Health Officer, and the Provincial Superintendent’s Office. The Society was not autonomous in functioning. So far as the Shelter was concerned, it had to negotiate with, concede to, or fight with other authorities, as these were determined by law, possession of economic recourses or scientific knowledge.

The relation between the Children’s Aid and the City Council primarily concerned funding for the Shelter. The provision of funds to the operation of the Shelter was stipulated in the Child Protection legislation. The Children’s Aid Society applied for grants, according to the legislation, however it was apparent from the records that the City Council treated the Society’s demands with reluctance. For example, in 1894 a subcommittee of the Society’s Board of Management waited on the Executive Committee of the City Council. The Society “offered to accept $2500 for the first year.” To the Society, they didn’t ask for more than this modest amount because, first, “the new Shelter was largely an experiment, [and] that they did not wish to unnecessarily burden the City; second, “they did not wish to check the flow of voluntary contributions to the funds of the Society.” However, the Executive Committee of the City refused to give out more than $2000. Macdonald, the President of the Society, felt it necessary to “most distinctly” tell the Executive Committee that “they must not consider that $2000 a finality for the year as according to the law they were obliged to provide funds to carry out the work of the Shelter.”

54 Board of Management Minutes, March 26, 1894. Children’s Aid Society of Toronto Fonds, CTA.
Society, it was nevertheless an important one because it was statutory and thus relatively steady.

In addition to its dependence on the City for financial support, the Society also found itself under the constraint of the Medical Health Officer of the City. A common reason for the Medical Health Officer to interfere in the Society’s business were the frequent outbreaks of infectious diseases at the Shelter and the Detention Room. During the period under examination, which was before the invention of effective medications and sophisticated medical practices, epidemics of scarlet fever, diphtheria, scabies, measles, chicken-pox regularly attacked children and disrupted the Shelter work. For example, the year of 1904 alone witnessed several outbreaks of diphtheria. The first outbreak was noted on the 24th of January. Infected children had to be segregated from others and some sent to the Isolation hospital. Rooms had to be disinfected. Since the beginning of May, fresh cases developed; and in the middle of July another outbreak took place. Many of these epidemics seemed to have been started with children freshly admitted, who as the Shelter Committee put it, “had apparently brought the seeds of the disease in with them.”55 When these diseases broke out, the Society would have to request the Medical Health Officer to visit. He then would check all children in the Shelter, divide them into groups, and often put the buildings under quarantine.

In the early years in the history of the Society, surgical operations were performed at the Shelter by visiting doctors, i.e. medical doctors who were members of the Board of Management. In 1898, the Medical Health Officer of the time, Dr. Charles Sheard found out about surgical operations at the Shelter by accident. In consequence of an outbreak of

55 Shelter Committee Minutes, February 4, 1904, March 10, 1904, May 12, 1904, September 8, 1904. Children’s Aid Society of Toronto Fonds, CTA.
scarlet fever, Dr. Sheard came to examine the children in the Shelter and divide them into groups. It happened that he saw a little boy upstairs who had been operated on.

According to Mr. Wotton, the Superintendent of the Shelter, Dr. Sheard then said in a "very emphatic" manner that "I do not know that the Shelter is the place for operations; there are enough hospitals around for that purpose." When Dr. Sheard’s objection to surgical operation at the Shelter was brought to the board, considerable discussion followed. The matter became confused when Dr. Oldright, a member of the board and the visiting doctor at the Shelter, contradicted Secretary’s report of Dr. Sheard’s opinion and said that he had seen Dr. Sheard and the latter denied having made the statement attributed to him, saying that it was a matter for the medical staff at the Shelter and not of his business. At that meeting, the board decided to express its "utmost confidence" in the medical staff of the Shelter and permit them to use their own judgement in dealing with all cases including operations, without instructions from the board.

Still the board felt it necessary for the President to make enquiry himself as to what exactly Dr. Sheard said at the Shelter on this particular occasion. Macdonald’s report confirmed that Dr. Sheard expressed his objection to surgical operations at the Shelter. It was not clear whether the board’s earlier resolution of "utmost confidence" in the medical staff in performing surgeries was reversed. However, the fact that such an enquiry took place shows that to the Society the Medical Health Officer represented an important authority and whose opinion on the operation of the Shelter mattered. What happened in 1902 when the Shelter was moved to No. 229 on Simcoe Street was another example of the Medical

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56 Samuel Wotton’s statement, included in Board of Management Minutes, December 16, 1898. Children’s Aid Society of Toronto Fonds, CTA.
57 Board of Management Minutes, November 30, 1898. Children’s Aid Society of Toronto Fonds, CTA.
58 Board of Management Minutes, December 16, 1898. Children’s Aid Society of Toronto Fonds, CTA.
Health Officer’s power over the Society. In planning alterations to the existing building to suit the needs of the Shelter, the Society had to involve the Medical Health Officer so that quarantine could be easily put in place. The Society instructed the architect to confer with the Medical Health Officer. According to the architect’s report, he consulted with the Medical Health Officer and prepared alterations to the plan of the basement in such a way that it “would obviate the quarantine difficulty.”

The strength of the regulatory muscles of the Medical Health Officer, along with other city branches such as the City Relief Officer and the Staff Inspector of Police, was painfully felt by the Society in an incident in 1901. Instructed by the City Board of Control, Dr. Sheard the Medical Health Officer, Mr. Edward Taylor the City Relief Officer, and Staff Inspector of Police jointly prepared a report on the work of the Children’s Aid Society. The report drew very negative conclusions about the management of the Society. Acting on that report, the Board of Control notified the Society that it had reduced the funding to the Society. The Board of Management of the Society was shocked by the disastrous report and the action of the Board of Control. It moved quickly to prepare a formal statement denouncing the report as “the most impish” of documents, reflecting total ignorance of the working of the Society. The Society charged that “it purport[ed] to be a report after investigation, but [bore] evidence of being a report of foregone conclusions. No officers of the Society was notified of the investigation or information asked of anyone except the Matron at the Shelter…” The Board “indignantly resent[ed] the imputation put upon it by [the report] and regret[ed] the

59 Board of Management Minutes, September 25, 1902, October 17, 1902. Children’s Aid Society of Toronto Fonds, CTA.
60 City of Toronto Board of Control Minutes, April 19 and May 9, 1901, City Executive Committee Fonds, CTA. Board of Management Minutes, May 17, 1901, Children’s Aid Society of Toronto Fonds, CTA.
great injury the good work of the Society [was] likely to sustain by [the report] and the publicity given to it. Maccionald, the President of the Society, went on to request an interview with the City Board of Control. Apparently, the Board of Control was not convinced by the Society’s arguments; worse, it even made more charges against the Society at the meeting with the Society. In June 1901, the Society decided to form an ad hoc committee to conduct an investigation of all matters connected with the charges made in the devastating report as well as fresh charges made by the Board of Control. This probably could be interpreted as a partial concession on the part of the Society. There was no further mention of this incident in the Society’s records until about six months later. In January 1902, the Special Committee presented its report to the Board, following which some re-arrangement of the staff at the Shelter took place. This incident demonstrates the extent of the power the City had over the Society, as well as the higher status of medicine over social work.

In comparison with the City, the Provincial Office of Superintendent of Neglected and Dependent Children appeared to hold more power over the Society, at least as defined by the Child Protection legislation. However, unlike the City, the Office of Superintendent had very little leverage to put its legal power to practical use. Additionally, the appointment of Kelso to the position of Superintendent in 1893, which he retained for four decades until 1934, did not help make the Society willing to accept directions from the Provincial Office of Superintendent. Although Kelso was instrumental in the organization of the Toronto Children’s Aid Society in July 1891, his personal relation with the Society was tense and even acrimonious, barring the very early

61 Board of Management Minutes, May 17, 1901. Children’s Aid Society of Toronto Fonds, CTA.
years. Upon the Society’s incorporation in 1891 Kelso was elected president of the new organization. He was determined to be in control and to develop the Society according to his vision. In their biography of Kelso, Andrew Jones and Leonard Rutman noted that Kelso’s method of operation was to personally undertake the tasks that he believed necessary. While this individualist approach was effective in starting discussion about protection of animals and children, it caused strain in an organizational setting. Quickly Kelso found it difficult to dominate the Society in his way as he was continuously questioned and challenged by other leading people in the organization, mostly notably J. K. Macdonald who was also young, energetic, and opinionated.63 A major difference between Kelso and Macdonald worked to Kelso’s disadvantage, i.e. that Macdonald was one of the establishment while Kelso was an outsider. Kelso came to Canada from a small town in northeastern Ireland as a child. Although his family was relatively prosperous when his father owned a starch factory in Ireland, a fire abruptly plunged the family into economic insecurity. At the time he instigated child saving work, Kelso was still struggling to get himself into a financially sound position. Macdonald, however, was already well-known as the “Canadian dry goods king,” the managing director of Confederation Life Association Company, and one of the most respectable philanthropists in Toronto.64 This difference in class and status was reflected in their subsequent career moves in the child protection system. Kelso’s anxiety over his own limited financial resources and his dissatisfaction with his power in the Society resulted in a decision to resign from the presidency of the Society after having served for merely

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62 Children’s Aid Society of Toronto 19th Annual Report, 1801, Children’s Aid Society of Toronto Fonds, CTA.
63 Jones and Rutman, In the Children’s Aid, p.59.
64 Mulvany, Toronto: Past and Present.
eight months. The Board of the Society then unanimously elected Macdonald President of the Society in February 1892, a position that he held for the following three decades.65 Meanwhile, Kelso was appointed by the Provincial Government to the position of the Superintendent of neglected and dependent children in Ontario in July 1893.66 Thus, while Macdonald dominated the voluntary Society as a philanthropist, Kelso, as a man without independent means, became a salaried middle-class civil servant of the growing bureaucracy.

The relation between the Society and the Provincial Office of Superintendent was distant at best and hostile during the 1910s and 1920s. Disputes often played out with Kelso raising problems with the work of the Society. The issue over the “adoption by resolution” was one example. In the first few years, the Society had the practice of taking guardianship of children (or in other words making a child ward of the Society67) through resolution of the Board instead of through court procedures. For example, the minutes of February 15, 1894 recorded the following resolution:

Board takes guardianship of [Moses G, Garnet, George A., Blanche B., & Roy C.].
Moved by C. J. Atkinson, seconded by R. S. Baird. That Whereas the following named children, viz
Moses G. aged 7

... have been deserted by their respective parents and are now or have been maintained by the Children’s Aid Society of Toronto. Resolved that pursuant to Section 17 (1) of the Act for the Prevention of Cruelty to and Better Protection of Children, that the said Children shall from this date – the 15th day of February 1894 – until they reach the age of 21 years be under the control of the said Children’s Aid Society.68

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65 Board of Management Minutes, February 1892. Children’s Aid Society of Toronto Fonds, CTA.
66 Jones and Rutman, In the Children’s Aid, p.64.
67 Board of Management Minutes, February 21, 1895. Children’s Aid Society of Toronto Fonds, CTA.
68 Board of Management Minutes, February 15, 1894. Children’s Aid Society of Toronto Fonds, CTA.
In December 1894 the Society received a letter from Kelso claiming that the adoption of children by resolution of the Board was illegal.\(^69\) After some internal discussion and consultation with the Society’s lawyer, the Board continued with this practice for some time in spite of Kelso’s objection. For example, the minutes of the Board shows that as late as in May 1896 children were still made wards of the Society by resolution of the Board.\(^70\) Although the minutes did not document such practice of adoption by resolution of the Board in later years, it seemed that as late as in 1912 it was still an issue between Kelso and the Society.\(^71\) The dismissive attitude of the Society towards Kelso was also blatant in many other confrontations. It was obvious that Kelso lacked leverage to make the Society listen or even consider his opinions because the Society did not receive any funds from the Provincial government. In fact, Kelso had tried to put in place such leverage but was firmly rejected by the Society. In February 1906, Kelso informed the Society that he had recommended to the Provincial Government that a grant on the same basis as the orphanages, namely two cents per day for each inmate at the Shelter, be given to the Society. At the Board meeting, Macdonald expressed the opinion that the granting of such aid would involve “undesirable interference” with the Society’s work by Government officials. He offered to draft a letter of reply declining the grant and was able to secure the Board’s support.\(^72\)

Frustrated that he could not get the Society to listen to him, Kelso felt compelled to resort to other power mechanisms, for example the media, and attempted to embarrass the Society into proper practices. As well, Kelso would build alliances with other

\(^{69}\) Board of Management Minutes, December 20, 1894. Children’s Aid Society of Toronto Fonds, CTA.
\(^{70}\) Board of Management Minutes, May 21, 1896. Children’s Aid Society of Toronto Fonds, CTA.
\(^{71}\) Board of Management Minutes, March 21, 1912. Children’s Aid Society of Toronto Fonds, CTA.
\(^{72}\) Board of Management Minutes, February 15, 1906. Children’s Aid Society of Toronto Fonds, CTA.
organizations such as the Women's Christian Temperance Union and let them mount direct challenges against the Society.

The dispute over the conditions at the Shelter and the Detention Room, which started in 1912 and was carried over to 1916, is an example of the power game between Kelso and the Society. Kelso had always been adamant about the "proper" use of the Shelter as he envisioned originally. In addition to cautioning against the Shelter being abused by parents as he did in the story of Emily referred to earlier, he also took issue with the Society because he felt that children had been kept in Shelter for too long. In March 1912, he wrote a letter to the Society about his concern with the length of time children were at the Shelter. The Secretary of the Society was instructed to reply to Kelso saying that "the Society would be pleased if he would relieve us of the syphilis cases, and cases of mental defectives, that it is impossible to get [foster] homes for [sic]."\(^\text{73}\) Having failed in making any difference in the situation at the Shelter, in 1916 Kelso laid his complaint to Mayor Church of the City of Toronto, which was then publicized in the media. Among his seven charges, Kelso stated that "the shelter has practically developed into an institution, and the necessity has almost arisen for another shelter to do the work originally contemplated."\(^\text{74}\) I will discuss this conflict in more detail in the next chapter since most of the allegations were actually about the conditions at the Detention Room. For now it would suffice to say that even with the assistance of the media and the Women's Christian Temperance Union, Kelso was not successful in compelling the Society to do anything about the Shelter.

\(^\text{73}\) Board of Management Minutes, March 21, 1912.
\(^\text{74}\) "Complains of the Shelter," \textit{Mail and Empire}, March 25, 1916.
In this chapter, I have shown that the Shelter constituted a web of relations between the Society, parents, and children. The existence of the Shelter also shaped relations within the Society. Furthermore, I have sketched a few major external sources of constraint that the Society had to cope with largely because of the existence of the Shelter. Starting in the 1930s, the Shelter was gradually reduced to a very minor role. The reluctance to provide any form of collective residential care is such that today the equivalent of the Shelter no longer exists in the child protection system. Children who are considered as needing apprehension because of abuse and neglect, even in emergency situations, are mostly placed in community homes or foster homes. The Shelter, as it existed in the early history of the Children’s Aid Society, was not without limitations. Nonetheless for families who were not able to care for their children for various reasons it was a facility that could be made to work for them. That possibility was lost with the elimination of the Shelter.

The configuration of regulatory mechanisms outlined in this chapter has shifted significantly in the twentieth century, reflecting changes in the structure of child protection work. Shifts in power relations usually come in tandem with funding formula. First of all, most funding ceased to be tied to the operation of the Shelter, but to case work. As well, since the 1920s the Provincial Government has gradually become more and more involved in financing the operation of the Society. Recently, the Province introduced a new funding framework in which it alone provides 100 percent funding of all Children’s Aid Societies in Ontario. This move stood out amidst the general neoliberal trend of downloading financial responsibilities to municipalities in social policy.

75 Community homes refer to families which are not licensed as foster homes but are considered as qualified to provide temporary care.
and social services areas. If in the past the Society found itself restrained by the City and its various branches because it partially relied on the City’s grants for running its Shelter, the funding/regulatory scheme at the turn of the twenty-first century suggests that the Society may find the Province’s monopolized regulation even more single-minded and suffocating. Knowledge is another important factor in the configuration of relations between the Children’s Aid Society and external authorities. In its early history, the Shelter and its regular breakout of infectious diseases apparently subjected the Society to the authority of the City’s Medical Health Officer. In a similar vein, the current focus on child deaths elevates the importance of agencies like the coroner’s office and privileges its views of child abuse and neglect issues.

76 Personal communication with staff of the Children’s Aid Society of Toronto, October 13, 2000.
CHAPTER 4
THE DETENTION ROOM:¹
DEFINING THE LIMITS OF SYMPATHY

In Toronto, the Detention Room was opened in 1894 as a custody facility for juvenile delinquents who were on arrest or on remand from the court. As an exclusive custody facility for children, the Detention Room resembled reformatories and industrial schools which were established three or four decades earlier, in that it was to implement the principle of separating juvenile delinquents from adult criminals. Reformatories and industrial schools segregated children from adults after court processes; detention rooms segregated them prior to and during court hearings.

When the Toronto City Council was pressured by child welfare lobbyists to find a way to separate children from adult criminals at custody, the first possibility that was considered was to renovate part of the No. 1 Police Station at 8 Court Street.² The Toronto Children’s Aid Society was a major force in advocacy activities. When the Property Committee of the City Council had expunged from their estimates an item of $600.00 to provide separate accommodation for children at No. 1 Police Station, the Children’s Aid Society’s board decided that action needed to be taken to persuade City Council to take the item back into their estimates. Rev. J. E. Starr, Dr. Harley Smith and the Secretary were requested by the board to take on the mission to “wait upon” the Executive Committee of the City Council.³ While the lobbying was going on, the Children’s Aid Society already had at least one juvenile delinquent brought to its Shelter.

¹ The name Detention Room changed to Detention Home in 1916 when it was moved to a building separate from the Shelter.
² Authority Record for Division 1, Metropolitan Toronto Police Service Fonds, CTA.
³ Board of Management Minutes, Feb.24, 1892. Children’s Aid Society of Toronto Fonds, CTA.
In April 1892, a Maggie S. had been arrested for "supposed attempted larceny."
According to the Society’s records, she was taken out of the hands of a policeman and brought to the Shelter by a Miss Hamilton, who obviously subscribed to the child saving thinking that child savers were more appropriate than the police in dealing with juvenile delinquents. Maggie was found in a terribly filthy condition. Apparently she was kept in the Shelter with other children overnight. The next day, her parents, who were both intoxicated as noted, came to the Shelter bearing an order for Maggie from Staff Inspector Archibald. The Children’s Aid people tried to reason with them about their treatment of the child but the parents said her filthy state was her own fault. Even though the Children’s Aid did not believe that was the case, Maggie was released to her parents.4

Several months later, in early October 1892, the Children Aid Society learnt from the Chief Constable that still nothing had been done towards constructing separate rooms for children at the Police Station, although at the same time the Mayor informed them that he had asked Commissioner Coatsworth to look into matters.5 Less than two weeks later, a letter from the Mayor stated that an architect had been authorized alterations of No. 1 Police Station to provide isolation for children while in detention there.6 Despite that, a satisfactory solution apparently was still elusive. In November 1893, Michael S., 9 years old, was taken out of the Police Court dock where he was charged with larceny and taken to the Children’s Aid Society Shelter. There was not enough information to know what exactly happened to him, but the Society’s frustration with the situation is apparent from the note which read "[f]or want of place of safety to detain him, can do nothing."7

4 Complaint Books, 1892. Children’s Aid Society of Toronto Fonds, CTA.
5 Board of Management Minutes, Oct. 6, 1892. Children’s Aid Society of Toronto Fonds, CTA.
6 Board of Management Minutes, Oct. 20, 1892. Children’s Aid Society of Toronto Fonds, CTA.
7 Complaint Books, 1893. Children’s Aid Society of Toronto Fonds, CTA.
In early 1894 the Children's Aid Society agreed to offer the basement of its Shelter as a Detention Room out of sympathy for the desperate situation. For the following nearly three decades the Children's Aid Society operated the Detention Room for the City, until 1920 when the City took over the operation upon the Society's insistence. Despite the fact that the Toronto Children's Aid Society's involvement in the operation of the Detention Room began as an arrangement of convenience, and an act of charity on the part of the Children's Aid, it became generally accepted as a logical and practical model. For example, at the tenth Canadian Conference of Charities and Correction held in Toronto in 1909, W. L. Scott, the president of the Ottawa Children's Aid Society, urged the establishment of separate detention homes for juvenile delinquents in order to meet the conditions for implementing the Juvenile Delinquents Act passed in the previous year. He advised that one way to easily meet the need for detention homes could be to use existing children's shelters in Children's Aid Societies.\(^8\) This aspect of the intertwining history of child protection and juvenile justice has not been examined in existing literature in either social work or criminology. By focusing on the operation of the Detention Room, this chapter contributes to an understanding of the crime prevention objectives of child protection work as well as the emergence of the "child welfare approach" in juvenile justice. It also serves to show the historical specificity of the focus of current child protection practices on innocent young children.

Throughout the period examined, the Children's Aid Society was ambivalent, if not regretful, about its involvement in the operation of the Detention Room. It maintained its stance that "while the Children's Aid Society had great sympathy in the work of

caring for the Juvenile Delinquents, they were not bound to do the work that should be done by the City.” Its “great sympathy” reached its limit when the City repeatedly declined to assume its financial responsibility for juvenile delinquents as defined in child protection legislation. In practice, the limits of the Society’s sympathy towards juvenile delinquents were manifested in the much poorer condition at the Detention Room in comparison to those in the Shelter, ultimatums to the City to take over the operation after failed attempts to get the City to pay the expenses, and in the end the closing of the Detention Room altogether in 1920. The limits of the Society’s sympathy towards juvenile delinquents were attributable to legislative definition of the City’s responsibility for juvenile delinquents. However, it should also be pointed out that another factor was child savers’ view that juvenile delinquents were more damaged and thus morally inferior to “Shelter children.” The history of the Detention Room is thus an illustration that compassion was proportionate to perceived degrees of innocence.

The first section of this chapter examines day-to-day operations at the Detention Room. The initial vision of the Detention Room was a place where juvenile delinquents were to be treated as erring children, not criminals, where they would be separated from each other, and where individualized guidance and constant, varied occupation of an interesting character were the main criteria of work. Towards the end of the period examined in this dissertation, in addition to the above the Detention Room was increasingly seen as an “observation centre” to serve the purpose of assisting the Juvenile Court Judge to make an intelligent disposal of the case. It will become clear in the following pages that it was only in the last two or three years of the period examined that

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9 Board of Management Minutes, October 21, November 11, December 16, 1915. Children’s Aid Society of Toronto Fonds, CTA.
the Detention Room came remotely close to these visions. The gulf between realities and the ideals of careful segregation, correction, and observation preoccupied idealistic critics like Kelso and haunted those who were responsible for running the place, i.e. the staff and board members of the Toronto Children’s Aid Society. The second section attempts to explain the situation of the Detention Room by drawing attention to a few factors. In particular, it describes the conflicts between the Toronto Children’s Aid Society and the City, and to some extent the Provincial government, over financial responsibility for the Detention Room. It shows that the state was reluctant to provide for whatever could be left to the voluntary sector. It also shows that the Children’s Aid Society was unwilling to take full responsibility because it did not consider the Detention Room its own work; more importantly, it viewed juvenile delinquents as less deserving than more innocent abused and neglect children who had not yet committed criminal acts.

A CHILD WELFARE FACILITY OR A JAIL?

The new system of governing juvenile delinquents, of which the Detention Room for children was a component, is often characterized as the child welfare approach in criminology literature. However, an examination of day-to-day operations at the Detention Room suggests that in reality the child welfare approach was not a singular way of doing things. It would be accurate to say that on the site of the Detention Room several modes of power co-existed -- the old punitive and despotic tradition of dealing with “infant criminals,” discipline based on the identity of juvenile delinquent, and pastoral power over “erring children.” For example the very name of the place -- “Detention Room” and other prison terminology such as “cell,” “prisoners,” “criminals”

10 Kelso, untitled notes, n.d., Vol.4, Kelso Papers, NAC.
11 For example, Carrigan, Juvenile Delinquency in Canada.
were used frequently by the staff and board members of the Children’s Aid. At the same time other terms such as dormitory, school-room, juvenile delinquents, and boys/girls were often used in an interchangeable way with the prison terminology. However, it would be important to note that different governing models did not just co-exist relatively peacefully in language. Sometimes a model dominated practice no matter how diverse the language might be, and sometimes the clash among different approaches developed into nasty fights.

For most of the period under examination, particularly the nearly two decades before the establishment of the Juvenile Court in 1911, the operation of the Detention Room inherited a great deal from the prison tradition. Let us start with a look of its architectural characteristics:

- iron gratings on windows;¹²
- basement: two iron bar doors, one for “cell corridor,” and one for dormitory;¹³
- heavy close wire screens on five outside windows facing University Avenue to prevent outsiders handing anything to juvenile delinquents;¹⁴
- ground floor: outside iron bars with ornaments tops to lower half of school-room windows to prevent escapes;¹⁵
- strong wire guards on all windows of the house;¹⁶

These were security measures put in place by the Children’s Aid for the Detention Room. Such physical aspects of a building, which were clearly designed for the purpose of restraining, defined the despotic aspects of the relationship between the staff of the CAS and juvenile delinquents. Custody at the Detention Room was in practice punitive confinement, without having to name it that way. Before the establishment of the

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¹² Board of Management Minutes, Oct. 17, 1907. Children’s Aid Society of Toronto, CTA.
¹³ Board of Management Minutes, Dec. 8, 1908. Children’s Aid Society of Toronto Fonds, CTA.
¹⁴ Ibid.
¹⁵ Ibid.
¹⁶ Ibid.
Juvenile Court in 1911, the Detention Room was actually used explicitly as a place to do time. One common ruling given by Magistrates who acted as judges of the Children’s Court in juvenile cases was payment in fine or time. In one case in 1903, a Gordon L., 14, was charged by the Police Court with theft for taking leather goods from a store. He was remanded twice and in the end “committed to Shelter for 15 days.” Fifteen days later, another note in his entry read “discharged, term having expired.”

Using the prison practice of giving materiality to an identity, in 1907 the Shelter committee of the Children’s Aid suggested that uniforms be arranged for juvenile delinquents. The board accepted the suggestion and decided to leave the matter in the hands of the “ladies.” Soon after that, Mrs. Lillie and Mrs. Sheppard visited different clothiers looking for suits for boys coming from Police Court. A month later, Sheppard reported to the board that she, along with Mrs. Lillie, arranged for the purchase of “some cheap suits and pants” at Mr P. Jamieson for the delinquents coming from the Police Court.

The disciplining and pastoral caring aspects, which were fundamental to the vision of the Detention Room, however, were sorely missing. Apparently children in the Detention Room were merely locked up, fed and left idle. Not a single person was employed to attend to them. In 1911, an article titled “The Shelter a Jail” appeared in the Telegram. Although it named the Shelter, in fact the criticism was aimed at the Detention Room. Within the Children’s Aid, attention was first brought to the article at the meeting of the Shelter Committee on November 9, 1911. According to the meeting minutes,

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16 Board of Management Minutes, Mar. 16, 1916. Children’s Aid Society of Toronto Fonds, CTA.
17 Complaint Books, 1903. Children's Aid Society of Toronto Fonds, CTA.
18 Board of Management Minutes, Feb. 21, Apr. 18, May 16, 1907. Children's Aid Society of Toronto Fonds, CTA.
members of the Shelter Committee felt that the article “[cast] a slur, and [was] misleading as to our Shelter work in connection with Juvenile Offenders.” The matter was referred up to the Board. At the board meeting less than a week later, discussion arose around the article and obviously at least some members of the board felt the criticism was not too far off the mark. Dr. Smith suggested at the board meeting that the Shelter Committee take the matter up, as to securing a man specially to oversee those boys that were sent to the Detention Room from the Children’s Court, so that their time might be “profitably employed” while in the Detention Room. In December 1911 the Shelter Committee formally recommended to the Board to secure a man whose duty would be to oversee the delinquents during the day, giving them exercise, and improving their tune while detained by the order of the Magistrate. However, a month later in January 1912, the Shelter Committee reported that the matter of appointing an additional man to oversee the juvenile delinquents during the day-time was postponed for the present, owing to the probability of very few delinquents being sent to the Detention Room by the new Commissioner of the Juvenile Court, Rev. J. E. Starr. Indeed, Starr rarely remanded juvenile delinquents to the Detention Room. However, the number of children in the Detention Room actually went up slightly at this period of time due to an increase in the stream of children arrested by the police.

At the end of this incident, even though the Children’s Aid opted not to hire a man to specialize in attending to the juvenile delinquents, it did make some half-hearted attempts to improve the Detention Room. The boys in the Detention Room were...
supplied with a Crokinole and a set of Dominoes, thanks to a suggestion from the Shelter Committee. As well, the Children’s Aid approached the Y.M.C.A. and asked if they would interest themselves insofar as to have some of their young men call for an hour in the evenings and speak to or entertain the boys,\(^{23}\) which they agreed to. Later on the Big Sister and Big Brother Associations joined in doing the same kind of work.\(^{24}\)

For the Children’s Aid, resorting to voluntary workers was probably a good way to supplement its detention work with a “human touch”\(^{25}\) without it resulting in increased expenses. However, the introduction of new personnel whose main function was to provide pastoral caring meant that the configuration of power relations in the Detention Room changed. First of all, the Children’s Aid’s relative autonomy was undermined, as it put itself under the gaze of outsiders, who not only owed their loyalty to parties other than the Children’s Aid but were a new breed of personnel in social service. Secondly, even though Big Sisters and Big Brothers were also authorities so far as children were concerned, they were nevertheless different from the Children’s Aid staff, like the “night-watch man.” The presence of Big Sisters and Brothers could work as a mechanism for children to exercise their agency, for example, by simply telling a Big Sister that she was badly treated in the Detention Room. This was attested to by papers left by a Big Sister -- Dorothy Eddis (later Dorothy Glen). The following is based on an examination of Eddis’s notes.\(^{26}\)

\(^{22}\) Shelter Committee Minutes, January 11, 1912. Children’s Aid Society of Toronto Fonds, CTA.
\(^{23}\) Shelter Committee Minutes, March, 14, 1912. Children’s Aid Society of Toronto Fonds, CTA.
\(^{24}\) Helen Caister Robinson’s historical account of the Big Sister Association is a useful source of information. Robinson, Decades of Caring: The Big Sister Story.
\(^{25}\) “Working Among the Young Boys Who Need a Brother’s Care,” The Toronto Sunday World, n.d., newspaper clipping, Glen Papers. Children’s Aid Society of Toronto Fonds, CTA.
\(^{26}\) Dorothy Glen Papers 1916-1920, Children’s Aid Society of Toronto Fonds, CTA. Apparently, Dorothy Glen was never on the staff of the Toronto Children’s Aid Society; however she came to association of the Society in the capacity of Big Sister. Her papers were donated by her husband, Mr. Andrew Glen, to the
Eddis left some notes of her conversation with a couple of children, a co-worker of the Big Brothers, and her observation of the operation of the Detention Room in general. Her notes were brief but they are invaluable in providing a window for glimpsing how juvenile delinquents experienced their custody at the Detention Room, as seen through her eyes, and the eyes of children:

On a Friday July 14th, Eddis wrote:

Annie [S.] – when leaving the shelter said it was good to be out again – while she was in there she was not out of door in the yard once. She was there from the 6th – to the 14th – she also said the room they were in seemed dark & gloomy, and they were given no light in the evening.

Said they were given no potatoes only Beans [sic] – very little meat – She is the first child in the shelter who has told me they had only anything but bread & jam. She had butter while she was there & toast.

In June Alex [G.] wept because he had to be sent back the shelter & when asked why said they didn’t get enough to eat there. Mr. Maughan of the B.B. told me of this. [emphasis original]

Annie S. also had to get up at 6.30 a.m. & wax floors before breakfast said she felt faint.27

Her criticisms of the Detention Home were summarized in another note titled “Points I think objectionable,” from which we can learn something about the routines in the Detention Room:

Boys left alone to play games & read!
Boys of all ages sleeping in the same room.
Bed at 8 p.m.
Night-watchman an old prison guard.
Sits in the kitchen & if the boys make a noise goes in to see what they are doing – almost every 15 minutes.
Goes upstairs with them when they go to bed stay about 5 min. & then leaves them.
Boys minds allowed to stagnate, no external activities while there.

Metro Children’s Aid Society in 1975. There is evidence that the donation was a response to a coverage of the Metro Children’s Aid Society and its anniversary celebration in 1975 in CBC’s Voice of Pioneer programme.  
27 Glen, notes, n.d. c.post-1911, Dorothy Glen Papers. Children’s Aid Society of Toronto Fonds, CTA.
Food for tea[::] bread & jam …[illegible] (for tea – bread & jam, thin milk, - prunes -)
Mrs. M. thought a little girl of 13 yrs could easily do the work in there…[illegible]
‘She is a smart girl, but was a bit young to be with the boys’
‘has been out from Eng. & working here as a slavery [sic]
placed by Mrs. M.
...
No physical examination – Boys mix indiscriminately.
No provisions at present against vermin.28

It was not clear whether Eddis raised her criticisms with the board of the Children’s Aid. However, there was evidence that some communication took place between Kelso and women involved in the Detention Room’s work, probably Eddis, and that consensus was reached as to the urgent need to pressure the Children’s Aid to improve the situation in the Detention Room. Evidence for this speculation mainly appeared in the publicized row in 1916 between the Children’s Aid and Kelso with his ally the Local Council of Women, of which Eddis’s Big Sister Association was a member at the time.

The conflict that exploded in March 1916 actually started in June 1915. At that time, Kelso wrote a letter to Macdonald to raise his concerns about the Detention Room in the care of the Children’s Aid, particularly, in his opinion, the undue length of time children were detained in there. The Secretary of the Children’s Aid was instructed by the board to prepare a report “bearing on cases of juvenile delinquents kept on remand at the Shelter from the juvenile court” and also the cases of neglected children cared for an inordinate length of time to answer Kelso’s letter. The report gave a detailed statement of every child in the Shelter, the length of time in the Shelter, and the causes of inability to place children out (by now mental defect was frequently cited as a cause).
Children’s Aid formed an ad hoc committee, which had a meeting with Kelso about this matter. Macdonald reported to the board in September that “the meeting of the committee with Mr. Kelso was one that would have good results, inasmuch that a better understanding of the difficulties of our work in sheltering mental defective children, and children who were physically unfit was shown to and evidently appreciated by Mr. Kelso.”

During the same period of time, within the Children’s Aid Society, the board also felt the urgent need to improve the housing situation of juvenile delinquents at the Detention Room, as was evident from preceding discussion. In February 1916, the Children’s Aid Society, together with the City, rented the house 226 Simcoe St. The Society was in the process of turning it into a Detention Home when Kelso made a scandal of the detention work undertaken by the Society. Even if it had moved to the newly rented house, it was doubtful whether it could have reversed Kelso’s attack. Kelso submitted his complaints to the Mayor of Toronto, asked for an investigation, and had them published in the newspaper. These caught the Children’s Aid Society by surprise, since they thought they had defused the tense situation with Kelso by tabling their difficulties in the work the previous year. From Kelso’s perspective, nothing was defused at all. Instead, he felt that he failed to persuade the Children’s Aid to improve their work. Frustrated that he did not have the necessary authority to bring about improvement, he chose the Mayor and the Board of Control to place his complaints even though he was fully aware of the fact that he was taking an extreme approach. He later recollected that it was “[o]ne of the hardest things I ever had to do, but Presdt. [sic] J. K. [Macdonald]

stubborn – refused to improve the work – compelling me to go to extremes. Was denounced and ostracized but three yrs later drastic changes made. Robt. Mills appted [sic] Director and a large staff engaged. No credit ever given to J.J.K.[Kelso]"30 The regulatory power that the current Provincial Government has over the operation of the Children’s Aid is something that Kelso could only dream of having.

One thing that should be noted is that in Kelso’s letter to the Mayor, he confused the Detention Room with the Shelter. He used the term Shelter, but it was clear that most of the time he was referring to the Detention Room for the juvenile delinquents. For example he wrote that scandalous conditions prevailed in the Children’s Shelter and subsequently added that “…lads are locked in a basement room for a week or longer without … being permitted to enjoy open air.”31 There are two possible explanations for this confusion. The first reason lay with the fact that Kelso wrote the letter mainly on the basis of second-hand information. This was apparent in Kelso’s careful phrasing that he was referring “complaints [which were] frequently made by social workers” and matters of “common report” to the City. The second and more important reason was that the word “Shelter” was indeed used to refer to the Detention Room by people ranging from the magistrates of the Children’s Court, judges of the Juvenile Court, Big Sisters and Brothers, and sometimes even within the Children’s Aid. This lack of distinction had reflected the conceptual ambiguity of neglected children and juvenile delinquents, and the fact that they were kept in the same place, as I discussed earlier. However, it should also be noted that around this time the Children’s Aid began to refine the boundary of its work

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29 Board of Management Minutes, June 17, 1915 and Sep. 16, 1915. Children’s Aid Society of Toronto Fonds, CTA.
30 Kelso notes, Vol. 12, Kelso Papers, NAC.
territory in relation to juvenile delinquents, particularly in its numerous appeals to the City. Thus it was not a surprise that, William Duncan, the then Superintendent of the Children’s Aid, contended that “The detention work and the work of the Children’s Aid Society are quite distinct. Mr. Kelso is mixing the two activities in his own mind.”

Taken together there were three categories of charges that were laid by Kelso and his ally the Local Council of Women. The first category concerned the living conditions of the juvenile delinquents, for example the overcrowded-ness of the Detention Room, the fact that the juvenile delinquents were not given any mattresses, and malnutrition among the children. Secondly, the management of the Detention Room was criticized for keeping juvenile delinquents for too long a period. It was asserted that this was due to the Children’s Aid Society’s lack of efficiency in finding homes for children. The third category of complaints were aimed at the lack of proper caring for children, namely no occupation all day, no supervision, no association of any “elevating character,” and the mixing of children indiscriminately.

Upon hearing these charges, staff like Duncan, the Superintendent, admitted that some of the charges were true, but added that the remedy did not lie in his hands. However, when the board of the Children’s Aid, represented by its President Macdonald, presented its defence for itself before the Mayor and the Board of Control, it rebutted almost every charge that was made. Responding in relation to the undeniable fact that children did not have mattress to sleep on, it rationalized it by arguing that “[n]o one

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with experience or common sense would dream of mattresses for boys brought in with clothing and heads often filled with vermin.”

It was doubtful whether its rebuttals to charges related to the lack of proper care for children were completely truthful. For example it asserted that “...the boys are taken out every day for fresh air and exercise, and have books and games, and a man detailed to be with them all day, to supervise, and help them.” This, however, was not the experience of Annie S. which she shared with Eddies. The Society’s assertion was also contradicted by its 1912 board decision not to hire a man for exactly the same work with delinquent boys. The same applied to its denial of the charge of malnutrition. Eddis’s notes cited earlier bore evidence of lack of food in both quantity and quality in the Detention Room. As well, the fact that in 1918, two years after this incident, the Shelter Committee recommended that children in both the Shelter and the Detention Home be given butter at least once a day “as it was felt that fat of some kind was essential to their health,” indirectly supports the validity of the charge laid in 1916.

However, it would be only fair to point out that the Children’s Aid was not guilty of every charge. Some issues, like the inefficiency in placing children out, were indeed largely beyond the control of the Society. As Macdonald argued it was simply impossible to place some children and as for juvenile delinquents, the power to place them lay with the Juvenile Court Judge, not the Children’s Aid Society.

During the confrontations between the Children’s Aid and its critics, both sides threatened each other by calling for a judicial investigation. There is no evidence suggesting this ever happened. In the end, the incident probably reinforced the determination of the Children’s Aid to be rid of the Detention Room. Other than that,
only a few changes were noticeable in the operation of the Detention Room, at least as revealed in existing records. A couple of months after the incident, Dr. Millman suggested that more games be supplied to the boys in the Detention Room.\textsuperscript{34} A year later, lady members of the board, who did their routine visit to the Shelter and Detention Home, suggested that a few pictures be obtained for the Detention Room since it was so gloomy in comparison with the brightness of the Shelter.\textsuperscript{35} Lastly, in May of 1917 Mr. Willie was hired first as an assistant and then as the superintendent of the Detention Home. According to the minutes of the board, he was a young man of experience with boys and was hired to teach boys "simple rules of Arithmetic, Reading, Writing and Geography, Manual exercise, etc."\textsuperscript{36}

While defending its work, the Children's Aid also raised questions about financial responsibility. For example, while Kelso used the narrative of modern ideas to denounce the Children's Aid for keeping sixty children in close confinement in the heart of the City, the Children's Aid retorted by asking "Where are the requisite facilities to be found? Besides who is to bear the sacrifice of the existing investments in buildings and land? Who is to supply the funds for the acquisition of new buildings and land?"

Similarly, it insisted that the Society was not designated to undertake the work of a Detention Room for juvenile delinquents. The Society then made public its repeated appeals to the City Council to take responsibility for juvenile delinquent cases.

**SYMPATHY WITHIN LIMITS**

Indeed, it would not be fair to blame the Society for all the problems with the Detention Room. In fact, it did not take long to become obvious that it was not easy at all.

\textsuperscript{34} Board of Management Minutes, Sep. 21, 1917. Children’s Aid Society of Toronto Fonds, CTA.

\textsuperscript{35} Board of Management Minutes, May 17, 1917. Children’s Aid Society of Toronto Fonds, CTA.
to accommodate the Detention Room in the Children’s Aid Society for two related reasons. The first was that the Detention Room was an operation unwanted by either the City or Children’s Aid Society. To the City, it was an unnecessary bill of expense. Even though the Child Protection legislation stipulated that it was the municipality’s responsibility to provide a Detention Room, it was not taken seriously by either the City or the Provincial government. To the Children’s Aid Society, the Detention Room was a less deserving cause than saving other less damaged children. The escalation of Toronto Children’s Aid Society’s involvement with the Detention Room was primarily because of the pressure of the situation. As an emergency solution to the frustrating lack of progress in opening an exclusive custody facility on the part of the City, the Children’s Aid Society offered its space and staff. But the board of Society never accepted that the operation of the Detention Room was a voluntary charity work on their part, at least not totally. The Society had always expected the City to share part of the financial expenses of the Detention Room. Conflict arose when the City was unwilling to see matters in this light and refused to acknowledge its responsibility.

The second issue lay with the sheer number of juvenile delinquents in custody, which was so high as to dwarf other aspects of the Society’s work. According to the records of the Children’s Aid, from the very beginning juvenile offenders were frequently put into the custody of the Society.37 Throughout most of the period when the Detention Room was housed in the Shelter, the number of juvenile delinquents kept increasing and they generally accounted for more than half of all children in the building. These two issues to a large extent characterized the operation of the Detention Room: chronic lack

36 Board of Management Minutes, May 17, 1917. Children’s Aid Society of Toronto Fonds, CTA.
37 Board of Management Minutes, Nov.1, 1894. Children’s Aid Society of Toronto Fonds, CTA.
of space, repeated attempts by the staff to draw attention to the problem, and the ever worsening of the situation due to the reluctance of both the Children’s Aid and the City to contribute funds.

As early as in 1906, the pressure of the number of juvenile delinquents led to the consideration of getting increased accommodation for the “prisoners.” At a board meeting, Macdonald, President of the Children’s Aid Society, suggested that this matter be left to a meeting of the male members of the Board. There was no evidence suggesting any concrete solution to the problem. In October 1907, it was brought up again that the Shelter and the Detention Room, especially the latter, were very crowded. An unusual number of cases were received from the Police Court and the Detention Room, which was but a basement room, held at one time 21 juvenile offenders. A suggestion was put forward to build an addition to the Shelter. Then a discussion arose as to how to raise funds for the proposed addition, and it was thought that the City should help the Society, seeing that the number of juvenile delinquents had increased so much of late. Subsequently, a committee of male members was appointed to “wait on” the Board of Control to ask that they supply the Society with $6500.00 as half of the cost of the proposed additions. The Board also decided to see the Police Commissioners to get their sympathy and recommendation to the City. The subsequent report on the interviews with the City Treasurer and the Board of Police Commissioner stated that all were quite in sympathy with the proposal. The matter was carried over to 1908. In a board meeting in May 1908, Alderman J.J. Graham, a board member, spoke about the application for the

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38 Shelter Committee Minutes, 1903. Children’s Aid Society of Toronto Fonds, CTA.
39 Board of Management Minutes, Oct.25, 1906. Children’s Aid Society of Toronto Fonds, CTA.
40 Shelter Committee Minutes, Oct.14, 1907. Children’s Aid Society of Toronto Fonds, CTA.
grant of the amount for building an addition to the Shelter. According to him, the City Board of Control was trying to arrange a special increased grant of $6500.00 as a special charity grant. 42 Obviously by trying to arrange it in this manner, the City was avoiding establishing its responsibility for the expenses of juvenile delinquents.

The problem persisted and when it was brought up again in 1913, some members of the board of the Children’s Aid started to consider giving up its responsibility for juvenile delinquents. The Shelter Committee reported that the month of April held the record since the inception of the Society having the highest number of children daily in the Shelter, average about 63, of which more than 20 were juvenile delinquents, who were confined to Detention Room in the basement. Even though there was no significant increase in the absolute number of juvenile delinquents in the Detention Room, the pressure of having more children in the Shelter seemed to prompt Dr. Millman, the chairman of the Shelter Committee, to suggest that the Society approach the City Controllers to ask the City to provide accommodation for the juvenile delinquents. After some consideration, it was thought that on account of the present state of financial stress, the time did not appear opportune to ask the City to do that. 43 However, the idea was not given up and was raised again by the board at a meeting with Judge Edward W. Boyd of the Juvenile Court in November 1914. According to the minutes of the Children’s Aid, Judge Boyd concurred with the Society in approaching the City and urging the obtaining or erecting of a building for a proper Detention Home for juvenile delinquents. 44

Apparently, all these efforts were of no avail. Much to the dismay of the Children’s Aid

41 Board of Management Minutes, Oct. 17, Nov.5, Nov.21, 1907. Children’s Aid Society of Toronto Fonds, CTA.
42 Board of Management Minutes, May 21, 1908. Children’s Aid Society of Toronto Fonds, CTA.
43 Shelter Committee minutes, Nov.10, 1914. Children’s Aid Society of Toronto Fonds, CTA.
Society, the proposal was simply dismissed by the City which had been unhappy about the increased expenses incurred by the new ways of handling juvenile delinquency from the very beginning.

In October 1915, the need for additional room for juvenile delinquents was raised yet again with even more urgency, largely due to the greater number of remands that Judge Boyd ordered in comparison to his predecessor Commissioner Starr. Dr Hincks, a well-known mental health specialist who joined the board in 1915, spoke at the board meeting with regard to the inadequate housing of the juvenile delinquents coming from the Juvenile Court. He reported that sometimes as many as twenty-two were in the Detention Room, with only one bath tub. He spoke of “their conditions physically, mentally, and morally, strongly emphasizing the latter.” As a partial remedy, Hincks offered the use of the central Y.M.C.A. shower baths and gymnasium. Another thought raised at the meeting was to add another storey over the school room. However, later on the board decided to rent a house in the locality. In November, a house next door south of the shelter was looked into by a committee, which according to the committee could be made suitable with some alterations. The committee decided to go before the Board of Council and made it clear that while the Children’s Aid Society had great sympathy in the work of caring for the Juvenile Delinquents, it was not obliged do the work that should be done by the City. This did not make the City change its mind. However, undeterred by the rejection, the Society decided to appear before the Board of Control

44 Board of Management Minutes, Nov.27, 1914. Children’s Aid Society of Toronto Fonds, CTA.
45 Board of Management Minutes, February 18, 1915. Children’s Aid Society of Toronto Fonds, CTA.
46 Board of Management Minutes, Oct. 21, 1915. Children’s Aid Society of Toronto Fonds, CTA.
47 Board of Management Minutes, November 11, 1915. Children’s Aid Society of Toronto Fonds, CTA.
again and requested an immediate reply. This time, an agreement was reached between the Children’s Aid and the City Council that the Children’s Aid would rent a house for juvenile delinquents for a two-year temporary provision, at the end of which the Children’s Aid would no longer be responsible for the detention work.

In February 1916, the Children’s Aid rented a house at 226 Simcoe St. for juvenile delinquents entirely at its own expense with a lease of $45 per month and $1,750 on alterations and sanitary improvements. The house was officially opened in the May of 1916 in the midst of the well-publicized scandal about its detention work discussed in the previous section. Out of 12 rooms in the whole house only 4 rooms were designated as sleeping rooms for juvenile delinquents with four or five cots in each; most of the rest of the house was for the CAS’s office use. From then on, the Detention Room became the Detention Home.

However, even the newly rented house did not seem sufficient to cope with the number of juvenile delinquents staying in the Detention Home. In 1917, the Children’s Aid took an action which sought to cut down, or more realistically to postpone, the flow of at least some juvenile delinquents to the Detention Home. The Society went to see the Chief of Police Col. Grasett and tried to persuade him that many children charged with theft, disorderly conduct, truancy, or trespassing did not need to be brought to the Detention Home, since the majority of cases might be summoned to appear at the Juvenile Court instead of being arrested. In reply Col. Grasett promised to give due

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48 Board of Management Minutes, Nov.11, Dec.16, 1915. Children’s Aid Society of Toronto Fonds, CTA.
50 “Court’s Fullest Inquiry – Children’s Aid Society – President J.K. Macdonald Defends the Work of Shelter – Never Meant to Provide for Delinquent Boys,” newspaper clipping, December 5, 1916, Vol.12, Kelso Papers, NAC.
consideration to the matter. This certainly compromised the belief that juvenile
delinquents should be held in custody and observed in order to find out what was wrong
with their lives.

In late 1918, several months past the pre-set deadline of February to which the
City agreed, there was still no sign that the City was willing to either take over the
Detention Home or to pay the Children’s Aid Society for expenses of it. In September
1918, the board decided to appoint a committee to present the financial standing of the
Society to the Mayor privately, or to the Board of Control, emphasizing especially the
necessity of the City paying the expenses of running the Detention Home.

Within the board of the Children’s Aid, it was obvious that there was increasing
internal pressure from others on Macdonald, who seemed to take a softer position on this
issue. At a board meeting Mr. Van Norman pursued the issue by asking if the matter of
the taking care of the Detention Home by the City had been determined upon. Macdonald
replied that he expected the Mayor to be in the chair at the Society’s 27th Annual meeting
and special prominence would be given the matter in the report. Indeed at the Annual
meeting of the Society, Macdonald publicly stated that the responsibility for dealing with
juvenile delinquents must rest with the city and criticized the City for not taking it up.
Controller Robbins, who was at the time on the board of the Children’s Aid and was
chairing the Annual meeting, expressed his sympathy and promised to use his influence
to have a grant made by the City. However, Hon. Mr. McPherson, Provincial Secretary,
took a different position. He counseled the members not to be too severe in their criticism

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51 Board of Management Minutes, Oct. 18, 1917, Nov. 15, 1917, January 1918. Children’s Aid Society of
Toronto Fonds, CTA.
52 Board of Management Minutes, Sep. 17, 1918. Children’s Aid Society of Toronto Fonds, CTA.
53 Board of Management Minutes, Nov. 21, 1918. Children’s Aid Society of Toronto Fonds, CTA.
of the City Council, which had many financial burdens and problems to meet. He continued to say that it would be a matter for regret, if the society should decide to abdicate its functions and place the affairs of the organization into other hands.\textsuperscript{54}

Without any sign of the City taking the matter seriously, in December 1918 the Children’s Aid Society board attended a City Council meeting. It announced to the Council the policy of the board of the Society that it would not carry on the Detention Home after the 31\textsuperscript{st} of March 1919 and the whole expense after that date to be borne by the municipality. Despite its firm stance on the time frame, the Society still offered to co-operate with the City in running the Detention Home until the end of March 1919.\textsuperscript{55} The City reacted with silence.

The lack of response from the City made it necessary for Macdonald to again go before the Board of Control in January 1919. He expressed his wish that the whole of the board attend, especially the “ladies.” Many of female members of the board, like Mrs. Rutter, argued vehemently that the work of the Detention Home should not be undertaken by the Society. The City’s indifference to this matter was evident in that it was only with less than forty days away from the 31\textsuperscript{st} of March 1919 did a letter from Mr. E. Dickie, Secretary Social Service Commission, reach the board of the Children’s Aid. The letter was not substantive and mainly inquired about the probable cost of operating a workable plan in connection with the Detention Home. Macdonald replied to the letter and made it clear that the Society was not seeking to have charge of the Detention Home, and would only do it in the event of no better means being available but it must be done only on

\textsuperscript{54} “City Must Care for Delinquents,” November 1918, newspaper clipping, Vol.12, Kelso Papers, NAC.
\textsuperscript{55} Board of Management Minutes, December 1918, BM minutes. Children’s Aid Society of Toronto Fonds, CTA.
condition that the City pay the entire cost. The month of March passed, the City took no action.

In April 1919, Macdonald was called on by representatives of the Social Service Commission. At the meeting, he was asked if the Children’s Aid would take the Detention Home for the month of April, which he promised to do, as he explained to the board later he knew it was the wish of the board. This turned out to be a move that the board/regretted since an agreement to taking the Detention Home for the month of April resulted in the Children’s Aid being stuck with the Detention Home for another eleven months.

In February 1920, a replay of 1919 would have taken place, had it not been for the determination of board members, particularly female members, to put a clear-cut end to the matter. In response to the Society’s second ultimatum that after 31st March 1920 the care of delinquent boys and girls would be discontinued by the Society, Mr. Chisholm, Commissioner of Property City Hall sent a letter to the Children’s Aid, asking the Society to care for the juvenile delinquent during April. However, most members of the board were insistent about not getting into the same situation again. At a board meeting, Mrs. Rutter moved, seconded by Dr. Millman, that the Society did not concur in extending the time to April 30th in caring for delinquent boys and girls. After some discussion Macdonald said while the City had not given the Society’s work much consideration, it would be courteous to offer to carry on the Detention Home work until the last of April. However, in the end the consensus of opinion was in favour of Mrs. Rutter’s motion, and the chairman of the board so ruled - a rarity in that the board seldom made decisions contradicting Macdonald’s views. The Children’s Aid informed the City of its firm
position and the Detention Home was finally taken over by a very reluctant and annoyed City of Toronto.

The very existence of the Detention Room at the Toronto Society’s building illustrates the interweaving between child saving and juvenile correction during the early period. Its history over the three decades examined here, however, also testifies to the fact that the Toronto Children’s Aid Society held strong prejudices against juvenile delinquents who were perceived as rather damaged morally. Its compassion was proportionate to perceived degrees of innocence. The closing of the Detention Room by the Society in 1920 was the start of gradually decreasing involvement in juvenile justice system on the part of the Society. Today, the Society’s involvement in juvenile justice is quite insignificant in comparison to its major part of operation, i.e. protection of young and innocent children from personal harm.

56 Board of Management Minutes, April 17, 1919. Children’s Aid Society of Toronto Fonds, CTA.
CHAPTER 5

THE JUVENILE COURT:
PRODUCING SOCIAL SCIENTIFIC KNOWLEDGE AT A COST

In 1888 a special court for children was opened in Toronto in the form of a Children’s Court in response to child savers’ advocacy for separating children from adult criminals during court hearings. In his recollections Kelso states that it was the advocacy of the Children’s Court that was largely responsible for his being in the work of child protection. He was a police court reporter for the World and Globe in Toronto during the years 1886 – 1888. As he recalled, it was daily seeing little girls and boys eight and nine years old among hardened criminals that led him to write and speak on their behalf, which then led him further to advocate for child protection. The 1888 Act for the Protection and Reformation of Neglected Children included provisions requiring children be tried separately from adults. The same was contained in subsequent child protection legislation.

The function of the Children’s Court, however, was rather limited during the period from 1888 to 1911. Administratively, it was merely a division within the Police Court and did not have its own facility or personnel. Quite often children were not tried separately from adults. The first decade of the twentieth century witnessed a strong movement advocating for a juvenile court independent of the Police Court. As a result, in 1908, the Juvenile Delinquents’ Act passed the Dominion Parliament; in 1910 the Juvenile Courts Act passed in Ontario Legislature. Under the legislation, in 1912, the first Juvenile Court in Toronto was opened in the attic of City Hall to replace the Children’s Court. Segregation during trial remained one of its main objectives; but more
importantly, Juvenile Court aimed at accumulating knowledge of each child and administering treatment on the basis of that knowledge through technologies such as probation.

The Children’s Aid Society was involved in the processes of the Juvenile Court in an intimate way. It provided a detention facility for the Court as discussed in Chapter 4; its staff accompanied children to and from Juvenile Court on a daily basis; it served as a source of information for the Judge through its investigation work; and it was a crucial part of the Court’s probation system. These activities of Children’s Aid speak to the fact that, even though it was a component of the justice system, the operation of Juvenile Court depended on private resources to a significant extent. Juvenile Court actually relied on subscriptions from individuals as a source of revenue. Juvenile Court, together with institutions such as Children’s Aid Society, resulted from initiatives of reform-minded individuals, private agencies, and churches. The state responded to outcries from the private sector with mixtures of legislation, personnel, and funding. During the period examined, the typical formula of the state’s response was featured with legislative support for establishing private agencies’ authority but minimal financial backing. As will become clear in the chapter, this pattern severely compromised new institutions like the Juvenile Court. Juvenile Court was to put in practice a new way of thinking about subjects of power and technologies of power, as conveyed by gardening metaphors discussed in Chapter 2. However, intimate knowledge, incessant supervision, guidance, treatment and so forth would require more economic and human resources than previous simple punishment. The story of the Juvenile Court exemplified the dramatically

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1 Letter from Kelso to Mott, Dec.2, 1924, Vol.1, Kelso Papers, NAC.
increased cost of knowledge production and the state’s reluctance to foot the bill for expensive knowledge.

Some aspects of the history of juvenile court have been discussed in others’ works. This chapter, however, makes two contributions to existing literature. The first section of the chapter is an analysis of the connection between Juvenile Court and Children’s Aid Society. It discusses the emergence of the Children’s Court and then Juvenile Court, with particular attention to the involvement of the Children’s Aid Society. In the second section, I will provide an examination of a major struggle between Judge Edward Boyd, and the Juvenile Court over which he presided, and the City which was responsible for paying part of the operation of the Court. It illuminates that knowledge-based governing inevitably meant increased economic costs. This feature sometimes would provoke attempts to short-circuit or reshape aspects of modern governing, or even attempts at turning back to the judicial approach, as was the case in 1917 and is echoed in today’s juvenile justice reform.

CHILDREN’S COURT 1888-1911

With the passage of the child protection legislation in 1888 which included provisions for separate trials of children, a group of social reformers and agencies intensified their efforts to press the practice of separate trial. The Toronto Children’s Aid Society took a leading role in the activism. In 1891 the Children’s Aid Society appointed a committee to interview Alderman John Baxter J.P. who had cheerfully consented to try the children if the City Council on petition of the Society would request the Provincial

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Government to appoint him a commissioner for that purpose.\(^3\) Baxter later became a commissioner to deal with youthful offenders, followed by Kingsford and Colonel George Denison, both of whom were Police Magistrates.\(^4\) In 1892 the Children’s Aid Society sent another committee to meet with the City’s Civic Executive to urge (unsuccessfully) budgeting $600.00, to alter the Police Court building so that a children’s department could be set up in the Central Police Station.\(^5\)

Criticisms and resistance to this change from police officials, magistrates and the media were strong. They made a plea to “let well enough alone” and ridiculed advocates of the Children’s Court for sentimentalism, molly-coddling, and encouraging young thieves.\(^6\) Thus, despite the advocacy of social welfare reformers, the implementation of provisions for separate trial of children was very limited. During the period from 1888 to 1911, the Children’s Court remained a division within the Police Court, without its own personnel or premises.\(^7\) Apparently, its operation was subject to the whims of Magistrates and occasions, so much so that in 1894 the Children’s Aid Society found it necessary to petition the Ministry of Justice asking that the private trial of children be made compulsory.\(^8\)

During the period of the Children’s Court, the three most common charges were breach of City By-Law, disorderly conduct, and theft. The last one was often the reason for the arrest of the few girl delinquents. Disorderly conduct referred to offences like “throwing missiles [sic] at a car.” Theft charges were laid on children for stealing things

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\(^3\) Board of Management Minutes, November 25, 1891. Children’s Aid Society of Toronto Fonds, CTA.
\(^5\) Board of Management Minutes, February 24 and 25, 1892. Children’s Aid Society of Toronto Fonds, CTA.
\(^6\) Autobiographical Notes, n.d. Vol.1, Kelso Papers, NAC.
\(^7\) Denison, *Recollection of a Police Magistrate* and Kelso, “Children’s Courts.”
such as a small amount of money, books, pigeons, bananas, and dynamite. Other charges during this period of time included trespass, malicious injury to property, assault, indecent assault, arson, breach of the Lord's Day Act, "immoral conduct with girls at school," and "wandering on street." In 1908, although charges of "theft" and to some extent "Disorderly Conduct" were still often laid, vagrancy, a rare charge in the past, now became one of the most common charges. More girls were arrested in this period than earlier and most were on the charge of Vagrancy. As Strange points out, vagrancy could cover many minor offences such as sleeping or wandering on the street. However, it carried a distinctly sexual meaning when applied to girls, indicating suspicion of street solicitation. Another new charge that appeared with some frequency in 1908 records was gambling (usually playing crap), which seemed to apply to boys only.

An examination of the "Results" documented in Children's Aid Society's records on juvenile delinquents illuminates that in many aspects the Children's Court was quite similar to conventional courts. A case in point was the ruling of giving a choice between fines and doing time, which was still often handed out to children by magistrates. Take the example of two cases of disorderly conduct in 1898 and 1908. In both cases the decision was "fine $1.00 or 3 days (presumably to be spent at the Detention Room)." These similarities between practices in the Children's Court and conventional courts might not be seen as a major problem, since in the end the main objective of Children's Court, as expressed by most proponents of the time, was to separate children from adults.

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8 Board of Management Minutes, March 15, 1894. Children's Aid Society of Toronto Fonds, CTA.
9 Complaint Books, Children's Aid Society of Toronto Fonds, CTA.
10 Strange, Toronto's Girl Problem, p.148.
11 Complaint Books. Children's Aid Society of Toronto Fonds, CTA.
12 Complaint Books. Children's Aid Society of Toronto Fonds, CTA.
13 Complaint Books. Children's Aid Society of Toronto Fonds, CTA.
at trial. However, even this did not always materialize. Critics pointed out that separate trials of children were not always provided. The situation did not improve until the establishment of Juvenile Court in 1911.

Children’s Aid Society’s involvement in the day-to-day operation of the Children’s Court was largely limited to detaining juvenile delinquents and accompanying them to court for hearings. Towards the end of the 1910s, however, the Society started to participate in the administration of suspended sentences. Like “fines or do time,” suspended sentences were a common ruling. Suspended sentences were seen as a solution to problems of old-fashioned institution-based punishment. Institutionalized punishment was criticized for failing to reduce crime; and worse, it turned out more and hardened criminals because when locked in together juvenile delinquents were contaminated by adult criminals and by each other. Suspended sentences were intended to avoid that trap.

During the time of the Children’s Court, suspended sentences did not come with mandatory supervision. However, the Toronto Children’s Aid strongly believed in the importance of supervision and assigned itself the responsibility for that part of the work. In June 1907, the board passed a resolution which stated that since so many boys were let by the Police Magistrate to go on suspended sentences, there was the evident necessity of these boys “being looked after;” thus “one or more capable women would be engaged to follow up these boys for the purpose of influencing them for good, and so preventing their reappearance before the Magistrate.” Subsequently, the Society started hiring women to work as lady visitors.15

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14 Board of Management Minutes, June 20, 1907. Children’s Aid Society of Toronto Fonds, CTA.
15 Board of Management Minutes, 1908. Children’s Aid Society of Toronto Fonds, CTA.
The Children’s Aid also approached the Brotherhoods connected with churches such as St. Andrew’s, to ask for their co-operation in “looking after” and “taking an interest” in the children who were given suspended sentences by the Magistrates. The St. Andrew’s Brotherhood agreed to undertake the task, so did the Young Men’s Society of Westminster Presbyterian Church. They asked to have some cards printed. The information contained in the Complaint Books suggests that these cards were used for the Children’s Aid to record information on a child and also for the Brotherhood to record their visits. For example in March 1908, Willie S. was charged with theft and brought to Magistrate Denison. He was remanded once and given a suspended sentence. According to the record, his card, “Card no.26 - [was] given to Brotherhood.” It should be noted that although such visits were initially intended for cases with suspended sentences, this technology spread to other cases as well, since some juvenile delinquents who got fines or were ordered to do time were also referred to Brotherhood.

The Children’s Aid Society’s conviction of the importance of supervision was corroborated by influential reformers such as Dr. Bruce Smith. At the Conference of Charities and Correction in 1908, Dr. Bruce Smith, the retiring President of the Conference, stated that “[t]he suspended sentence without having a local probation officer as a guardian has too often proved futile.” Emphasizing that in Britain the Probation of Offenders became law the previous year, he concluded that probation with indeterminate sentence would be the right system. “There can be no doubt that if many first offenders were given a reasonable time to make restitution, in cases of various forms

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16 Board of Management Minutes, September 19, 1907, January 16, 1908. Children’s Aid Society of Toronto Fonds, CTA.
17 Complaint Books, 1908. Children’s Aid Society of Toronto Fonds, CTA.
of larceny, they would not only do so, but would also repent of their folly at the same
time.\footnote{18 "Half Our Insane Foreigners Ontario Has to Pay," newspaper clipping, \textit{The Evening Telegram}, Nov. 25, 1908, Vol.13, Kelso Papers, NAC.}

The Toronto Children's Aid's initiatives in supervision work was also endorsed when the Dominion Juvenile Delinquency Act was passed in 1908. Under the Act, agents of children's aid societies were given the powers of court officials and their job was officially described as supervising the home life, keeping the child under constant oversight, and reporting to the court from time to time as to the child's progress.\footnote{\textit{Kelso}, manuscript titled "The Dominion Juvenile Act," n.d., Vol.1, Kelso Papers, NAC.}

\textbf{JUVENILE COURT 1912-1920}

While the Children's Court in Toronto was operated in a rather limited way, the idea of a totally separate juvenile court achieved impressive popularity in the United States and juvenile courts were set up in various cities. In the first decade of the twentieth century, American social reformers came to Canada to share their relatively extensive experiences with juvenile court work. Mrs. Hollister, Treasurer of the American National Council of Women, who attended the Canadian National Council of Women's meeting in 1906, was one of them.\footnote{20 "Low Birth Rate Not a Calamity," \textit{Hamilton Spectator}, Oct. 12, 1906, newspaper clipping, Vol.11, Kelso Papers, NAC.} Judge Lindsey of Denver was introduced to Canadians as the famous 'Kids' Judge' in a feature article in \textit{The Canadian Epworth Era}.\footnote{21 Unknown author, "The 'Kids' Judge'," \textit{The Canadian Epworth Era}, June 1906, Vol.4, Kelso Papers, NAC.} It would be safe to say that American validation contributed to the success of second-round lobbying for the juvenile court in Canada in the late 1900s. In fact, some Canadians, for example Judge Mott who took over the Toronto Juvenile Court in 1920, even attributed the juvenile court idea to their supposedly know-better American counterparts. This
distressed Kelso, who wrote to Judge Mott to set the records straight that “the juvenile court movement really started in Toronto.” Furthermore, it was Kelso himself, while attending conferences in American as early as in 1893, who advocated separate court as one of the chief solutions of juvenile crime, “a reform that was entirely unknown at that time.” In addition to American assurances of the validity of the juvenile court, the enactment of the bill that established juvenile courts in Britain in 1908 lent further support to advocates in Canada. The American and British influence was often rationalized with the civilization imperative and Anglo chauvinism. For example, school Inspector Hughes argued that “Children’s Courts have been found necessary because in all civilized countries the [old] methods of dealing with delinquent children … have been proved to be unjust, cruel and ineffective” and those advocating for juvenile court were more advanced members of the society.

The opponents of the second-round lobbying for juvenile court in the late 1900s included the Police, represented by Inspector Archibald, Police Magistrates such as Kingsford, and the Catholic St. Vincent de Paul Children’s Aid Society. When a juvenile bill was brought up in the House of Commons in 1908, nationalism was manipulated by opponents of the bill through naming that the Act before the House of Commons “This Bill of the American Judge, sponsored by Mr. Scott, of Ottawa.” The civilization imperative was countered with accusation of “faddism.”

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22 Letter from Kelso to Mott, Dec.9, 1924, Vol.1, Kelso Papers, NAC.
23 “Hughes Hits Out at Archibald,” March 20, 1907, newspaper clipping, Vol.11, Kelso Papers, NAC.
24 The motivation for securing the dominion wide Act, according to Kelso, came from the fact that children’s court had been proclaimed as an Ontario law but did not include the administration under the Dominion Criminal Code. Letter from Kelso to Mott, December 9, 1924, Vol.1, Kelso Papers, NAC.
25 “No Special Judge for the Juveniles,” April 9, 1907, newspaper clipping, Vol.11, Kelso Papers, NAC.
The view of St. Vincent de Paul Children's Aid Society was particularly interesting. At its 12th annual meeting, St. Vincent de Paul Children's Aid expressed its opinion against the Act. It compared the proposed juvenile court and probation to "the Millerites, Doweites, Eddyites, Voodooism and Flying Rollers." It suggested that the proposed components of the juvenile court system were "cunning devices of clever new ideal faddists" and characterized probation as having a troop of officers shadowing delinquent children through the Province.  

Economy and effectiveness, though being time-honoured rationales, proved to be less than transparent in the debate about the juvenile court. Supporters of the juvenile court claimed that the old way of punishing delinquent children made them regard law as an evil and the officers of the law as enemies and thus was ineffective in solving the problem of crime. They contended that it cost less money to put children on the right path through juvenile court than to punish criminals later. However, opponents of juvenile court gave a different spin to the economy and effectiveness arguments. According to them, current procedures were less costly and had a better deterrence effect on offending young people than other methods because of the strict demeanour of the police.

The Juvenile Delinquents' Act passed the Dominion Parliament in 1908 and subsequently the Juvenile Courts Act passed in Ontario Legislature in 1910. The legislation established a juvenile court on these major terms:

- There must be a judge or magistrate having jurisdiction in the juvenile court, who was to be appointed by the province.
- The province would set annual salary of the judge or magistrate, which would be payable by the city.
- The judge of magistrate would chose court staff with the assistance of a member of the city council.

26 "No Special Judge for the Juveniles," April 9, 1907, newspaper clipping, Vol.11, Kelso Papers, NAC.
- Remuneration for staff was to be provided by municipal grant, public subscription, etc.
- Children's Aid Society agents would become probation officers.

Additionally, the Juvenile Court would be governed by a “kind, genial, fatherly man, who would take them to his heart and teach them what possibly their parents who were responsible for their existence had failed to teach.” “The staff would consist of probation officers, who would visit the homes of the youthful sinners and ascertain if possible the real culprit: neglect on the part of the parents, environment, heredity, and so forth.”

Reverend John Edward Starr, who was ordained as a Methodist minister and served as the first Secretary of the Toronto Children’s Aid Society, was appointed the Commissioner of the Juvenile Court in late 1911, to take over the position of Col. Denison who served as Magistrate of the Children’s Court. Starr’s brief tenure before his death in 1913 was generally uncontroversial, even though initially there was some objection to his appointment because he was a man of the cloth, and not a member of the legal profession. However, there were many who would probably have agreed with Gertrude Allison, a probation officer of the Children’s Court, when she described him as “a good man to build the characters of our rising generation” and “in every way filled the bill.”

Upon his appointment as the Commissioner, Starr visited the Toronto Children’s Aid Society and addressed the board, outlining three separate kinds of cases that he was supposed to deal with: dependent children; juvenile delinquents under 16 years who were

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28 Robinson, Decades of Caring.
29 Gertrude Allison, “What Has Gone Wrong with Toronto’s Juvenile Court,” newspaper clipping, Star Weekly, n.d. Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
accused of indictable offences; and adults who aided, abetted or contributed to the delinquency of the children.\footnote{30}{Board of Management Minutes, December 21, 1911. Children’s Aid Society of Toronto Fonds, CTA.}

The last category of cases that Starr listed was a shift in the child protection cum delinquency prevention work since the establishment of the Juvenile Court. Regarding adults in relation to delinquency, it appeared that more adults were brought to the Juvenile Court due to their drinking and other immoral conducts than before. First, in a fair number of cases complaints were either worded or recorded in such a way that drinking or living an immoral life was in itself a form of neglect. For example, some complaints read “children are neglected in that mother is addicted to drink,” “children are neglected in that the mother drinks & is living an immoral life,” and “children are neglected in that mother is very dirty.”\footnote{31}{Complaint Books, 1913. Children’s Aid Society of Toronto Fonds, CTA.} Secondly, unlike earlier cases, it did not seem always necessary for there to be observable neglect (e.g. children were dirty), or to prove that the issue that the complaint raised (e.g. cohabitation) caused neglect. In 1913 a Mr. C. laid a complaint against a P. family with the Toronto CAS. The complaint was that P. has been living with a woman for twenty years who was not his wife. Mr. P. and this woman had seven children. Mr. C, the complainant, also stated that Mr. P only gave the woman $6 for food & clothing while he earned $2.75 or $3.00 per day. From the investigation report, we know that a Children’s Aid visitor and a Miss Fee called and saw both man and woman. They reported that the house was in poor condition. Oldest girl, 19, has gone wrong and she was with the Salvation Army and had been made a ward of the Juvenile Court. Visitors did not seem to have found the financial arrangement between the couple an issue, nor did they provide any information on the neglect of the
rest of the six children. However, they forced the man to marry the woman by threatening to send him to the Penetentiary and apparently the two were brought to the Juvenile Court and married on the same day.32

There was a slight increase in the number of juvenile delinquents brought to the court. Fines were still handed out, but now without the option of doing time. The most important change was the replacement of suspended sentences with probation, which became the most common sentence. While there were a certain number of paid workers attached to the children's court, much of the outside work of supervision and visiting involved in probation were taken up by others. The involvement of private agencies was so crucial that Judge Edward Boyd, who succeeded Commissioner Starr in 1914, admitted that "[b]ut for the presence of such voluntary and helpful workers, the work of this court could not be a success."33

By now the Children's Aid had strengthened its mini-troop of lady visitors who were formally recognized as probation officers by law. These positions greatly interested young women, as was obvious in the number of 41 applicants who responded to an advertisement for three lady visitor positions. Without any training, the three selected women started their work in less than two weeks. They were initially hired at a salary of $400.00 per annum with a view to increasing this later on. A few months later, at the motion of some female members of the board, their salary was increased to $500.00 per annum.34

32 Case #18740, CAS Complaint Books, 1913. Children's Aid Society of Toronto Fonds, CTA.
33 "Work Among the Young Boys Who Need a Brother's Care," The Toronto Sunday World, n.d. Glen Papers. Children's Aid Society of Toronto Fonds, CTA.
34 Board of Management Minutes, May 18, 1911 and October 19, 1911. Children's Aid Society of Toronto Fonds, CTA.
Volunteers from the Associations of Big Sister and Big Brother were also involved in probation work. In the case of the Big Sister Association, the personal work among the little sisters, most of whom were girls appearing in Juvenile Court, was carried on by a general secretary and two field secretaries. In cases of girls whose charges were not serious, the field secretary would investigate her case. That would involve investigating the girl’s home, whether it be her parents’ home or a boarding house. If the conditions were found to be unsatisfactory, Big Sisters would make efforts get the girl into a proper home, and the same would be done in connection with her place of employment. In cases of girls who were sentenced to industrial schools, often Big Sisters would “take care of” their sisters to prevent them following in the footsteps of the wrong-doers.35

The expectation that a Juvenile Court judge have the capacity to be a friend to children and a co-worker to people engaged in social services was evident in the condolence letter which the Toronto Children’s Aid Society sent to his wife and family when Commissioner Starr died in 1913. In its resolution, the Children’s Aid Society expressed its members’ feelings that “[i]n his death the neglected children of the city have lost a sincere friend, and this Society a valued co-worker.”36 This expectation in a Juvenile Court judge was carried over to the appointment of Edward W. Boyd by the Ontario government. Boyd was a son of Judge John Boyd, for many years County Judge of York. Before Edward Boyd was appointed as the Commissioner of the Juvenile Court, he was a lawyer in the firm of Thurston and Boyd. News coverage of his appointment highlighted three things. The first was his interest and experiences in working among

boys: for example, he was once superintendent of the Sunday School of the Anglican Church in Milton, which supposedly fulfilled requirements for the position. The second was "his conscientiousness in all that he has undertaken." It was predicted that "[p]ainstaking and careful in all that he does, it is certain that in his new position Mr. Boyd will give to every case a broad-minded hearing and a consideration that will fully meet the needs of the office."37 While perceived as merit at the beginning, over time this turned out to be a major source of controversy over Boyd and the new approach in dealing with juvenile delinquents, which he exemplified in his work. The third issue that highlighted who Boyd was or was not was the fact that he belonged to neither the Orange Order nor the Sons of England. Indeed, the headline of the article was "Juvenile Court Judge is not a Lodge man."38 There was evidence showing that this was probably an issue underlying the controversy plaguing Boyd’s tenure, although it was never explicitly named by critics of Boyd.

THE 1917 CONFLICT: THE ECONOMIC COST OF KNOWLEDGE

Not long after Judge Boyd took office, it became known that he ordered frequent remands. Signs of different opinions around Boyd’s orders of remands and their implications appeared in 1914. On December 15, 1914 the Police Court News in the Toronto Daily Star depicted an episode in which the Police Magistrate Denison blatantly undermined the operation of Juvenile Court because of his objection to frequent remands and the impact on the poor mother. S. was brought to Denison’s court for having collected about $3 by soliciting from pedestrians. He explained that the money was to

36 Board of Management Minutes, January 15, 1914. Children’s Aid Society of Toronto Fonds, CTA.
buy himself a new suit. S. claimed that he was sixteen years old, the cut-off age for children to be channeled to the Juvenile Court. However, according to the report, his youthful appearance belied his statement about his age. Obviously Denison noticed the discrepancy as well. He was quoted speaking to the clerk: “Think this boy should be sent to the Shelter while his mother is communicated with.” To his credit, the clerk was aware that if the boy was young enough to be sent to the Detention Home run by the Toronto Children’s Aid Society, it would only be logical for him to be transferred to the Juvenile Court. Thus, he responded to Denison “Then he should be sent up to the Juvenile Court.” To this, Denison replied: “I am afraid that if I send him there the poor mother will be kept running there for the next six months.” The boy was then remanded for a week on the condition that he go to work.  

This publicized act by Dennison, which deliberately undermined the Juvenile Court, infuriated Miss Dorothy Eddis (later Mrs. Dorothy Glen), who was at the time the General Secretary of the Big Sister Association and a volunteer probation officer at the Juvenile Court, so much so that she wrote to the Editor of the Toronto Daily Star to question “[w]hat good does Magistrate Denison think he can do by knocking at the Juvenile Court” with his denigration and “undignified spirit of petty criticism.” She went on to explain that the progressive thought, which she accused Denison was ignorant of, was that delinquency was not to be treated either as a childish prank or as a criminal offense, but a symptom of something wrong somewhere. Progressive methods therefore started with a fair diagnosis of a case before making the decision about what to do with

the child. The court required first a complete investigation as to the condition of the child, physically, mentally as well as morally. Eddis argued that Denison’s sympathy or concern for the mother was not warranted, since if a child was worth saving, a year or six months would not be too long for the boy’s mother to co-operate with the Juvenile Court to find out why the child did wrong, and any mother who had the good of her boy at heart would be willing to do so. 41

One must say that Denison’s point about the burden on the poor mother was probably warranted. The mother might indeed experience endless orders of appearance at the court as extra burdens to her already chaotic struggle with life. She might resent these orders; she might resist by not appearing at the court, which however would result in her being judged by court associates such as Eddis as a bad mother who did not have the “good of her boy at heart.” The irony was that methods focused on the soul of subjects, which reformers proudly labeled progressive, might not be experienced by a child and his mother as any more progressive than the old methods focused on simple bodily punishment. In fact, some probably would rather endure limited-term bodily punishment than small but persistent probing and treatment of their souls for an indeterminate term. S.’s supposed lie about his age might be just a simple lie; it might also be an effort to avoid being sent to Juvenile Court and being subjected to the gentler power of long-term oversight.

If Denison was critical of Judge Boyd’s practice of ordering remands because of the burden it put on the poor mother, the City was critical because of its economic costs. Money was the catalyst of the 1917 conflict between Judge Boyd and the City. The

40 Ibid.
41 Ibid.
significance of examining this event to the theorizing of governing is that it provides a window to look into the workings of knowledge-based governing and specifically, the limits on its ideal implementation due to its inevitably greater economic costs.

The Dominion Juvenile Delinquents Act established that remuneration for staff of the Juvenile Court be provided by municipal grant plus public subscription.\footnote{Robinson, Decades of Caring.} In 1917 Boyd submitted estimates to the City for approval. His estimates were up from slightly over $18,000 to $20,000 due to proposed salary increases.\footnote{"Whoops! Up She Goes," newspaper clipping, n.d. n.s. Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.} The City Alderman Russell Nesbitt promised that he would ask the Council to withhold approval of this item and did so successfully.\footnote{City of Toronto Board of Control Minutes, April 4, 1917, City Executive Committee Fonds, CTA.}

One major dispute was the numbers of remands that Boyd ordered.\footnote{Other disputes such as the one over the ban on publicity, will not be examined here both because of the lack of space and its peripheral relevance to my theoretical interest in this section.} If the Juvenile Court would operate as it was envisioned by its supporters, the essence of its work would be to find out the roots of a child’s delinquency through accumulating knowledge of the child and his immediate surroundings in three aspects: physical, mental, and moral. Remand was thus a necessary technology allowing time for investigation and diagnosis to take place. The repeat of the cycle of investigation and diagnosis necessitated repeated remands. Investigation, diagnosis, and remands, however, all had cost consequences: the expenses of salaried staff undertaking investigation, the provision for the child while remanded to the Detention Home, and the compounded costs if more remands were ordered in each case.
Nesbitt presented his case against Boyd by stating that he had gone into the records of the court and found that in 1913 when Starr was the judge of the Juvenile Court, there were 4,081 cases, costing $8,870, while in Boyd’s Court in 1916 there were only 3,300 cases, costing $15,780.\footnote{46 “Nesbitt Attacks Boyd – Controllers Will Act When Juvenile Commissioner Gives Facts,” newspaper clipping, n.d. n.s., Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.} He said he was convinced that the heavy increase in the cost of carrying on the work of the court was largely due to the many remands ordered by Boyd. He referred to a number of cases which were remanded from ten to fifteen times. He also observed that on one day 14 cases were considered, but only one was disposed of.\footnote{47 “Criticism of Cost of Juvenile Court — Ald. Nesbitt Submit Some Figures to the Board of Control,” newspaper clipping, n.d. n.s. Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.} At the same time, the Star reported that there were actually days in 1916 when the whole number of cases before the court consisted of cases which had previously been adjourned and all of which were on that day adjourned again. It expressed its opinion that “[t]he lack of finality … is making a mockery of proceedings in Toronto’s Juvenile Court” and that “[t]he Court is made a court of record.” It went on saying that “Juvenile Court, which should be simple and direct in its dealing with wayward children, has been made, in Toronto, a complex and ineffective institution.”\footnote{48 “Juvenile Court Ineffective, Watchword, Come Back Again,” newspaper clipping, The Toronto Daily Star, c. April 27, 1917, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.} The fact went unnoted that to be simple and direct was precisely what the Juvenile Court was aimed not to be.

The City’s position was confusing as to whether the problem was with Boyd or with the Juvenile Court \textit{per se}. On many occasions, it seemed that the City very much personalized the issue and held Boyd responsible for the situation. Nesbitt contended that the great number of remands spoke to Boyd’s “lack of decision” which resulted in great
cost to the city.\textsuperscript{49} He said “[t]he judge lacks the ability to size up character without having to bring back the people a dozen time.”\textsuperscript{50} The ultimate personal blow came when the City cut Boyd’s estimates for the Juvenile Court from $20,000 to $15,000, citing want of confidence in his administration as the reason. It was commonly known at City Hall that no other department was deprived of funds for such a reason. According to media reports, other estimates were cut, too, but for the reason that the city felt that economy must be practised. Furthermore, the aldermen put on record a direct vote of want of confidence in the administration of the Juvenile Court.\textsuperscript{51} The \textit{Star} apparently shared this position, charging that there was too much consideration and not enough action.

In fairness, in comparison with Kingsford and Denison who acted as judges in the Children’s Court, but particularly in comparison with his immediate predecessor Starr, Boyd’s approach to juvenile correction was drastically different, perhaps because he walked the talk about the juvenile court. An examination of some sampled cases contained in Children’s Aid Society’s records shows that Kingsford and Denison ordered remands in about 35\% of cases in the initial years of the Children’s Court and the percentage increased to about 55\% later. In these cases, most often one remand was ordered for an average period of 4 days in earlier cases and 7 days in later cases. However, Starr’s tenure was curious in that even though the Juvenile Court was established with a new emphasis on investigation, it seemed that Starr rarely ordered any remands and dealt with most cases summarily. He was indeed a judge, to borrow

\begin{footnotesize}
\textsuperscript{49} “Nesbitt Attacks Boyd – Controllers Will Act When Juvenile Commissioner Gives Facts,” newspaper clipping, n.d. n.s. Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
\textsuperscript{50} “Criticisms of Cost of Juvenile Court – Ald. Nesbitt Submits Some Figures to the Board of Control,” newspaper clipping, n.d. n.s. Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
\textsuperscript{51} “Juvenile Court Under Fire, Time for a Probe Has Come,” Toronto Daily Star, April 26, 1916, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
\end{footnotesize}
Nesbitt’s phrase, who had the ability to size up the character of people and who did not practise knowing through scientific investigation. In stark contrast to Starr, Boyd came across as being determined to adhere to the ideal of the Juvenile Court. He certainly lived up to the prediction of being “[p]ainstaking and careful in all that he does,” he definitely would give to every case “a broad-minded hearing and a consideration that [would] fully meet the needs of the office.”52 Yet ironically, by living up to the prediction he was seen as a failure by some. His way of knowing through investigation and collection of empirical evidence certainly involved much higher costs than Starr’s knowing through common sense and experience.53

At the same time some moves on the City’s part seemed to suggest the City found fault not just with Judge Boyd, but with the Juvenile Court as an institution. Mayor Church asserted that the court was not performing its function and thus should be transferred to the Police Department. However, this was probably more due to unhappiness with the costs of running the Juvenile Court than due to disagreement with its principles, since Controller Foster defended the proposal arguing that such a move would save $18,000 a year, the costs of the Juvenile Court in the previous year.54

Boyd was not left alone to defend himself against attacks. Many outspoken supporters of Boyd seemed to be women involved with the Juvenile Court in one way or the other, for example women of the Big Sisters Organization, which owed to the Juvenile Court its existence starting as a sub-committee in Local Women’s Council and

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53 Levi and Valverde’s discussion of the use of “common knowledge” in regulation of drinking has helped me make the distinction between Boyd’s and Starr’s approaches. Levi and Valverde, “Knowledge on Tap”

54 “Is the Juvenile Court in Toronto Worthy Third of a Mile of Pavement? If So, the City Council is Getting Value for the $18,000 Which It Costs,” newspaper clipping, n.d. the Toronto Daily Star; and “City Council
later a separate organization.\textsuperscript{55} Some male members of the social service circle such as people in the Big Brother Movement provided vocal support as well. Their defense of Boyd largely drew upon the argument that the way he approached his work was in line with the philosophy of the Juvenile Court. Eddis wrote to defend Boyd that “I have never known him to adjourn a case except when it was in the interest of the child to do so.”\textsuperscript{56} Similarly, A. Wilson of the Big Brother Movement deplored the newspaper criticism of Boyd and vouched for it that “Commissioner Boyd does not send a boy to a reformatory without thought”.\textsuperscript{57} Mrs. Marian Boulbee, who was at the time President of the Infants’ Home in Toronto,\textsuperscript{58} expressed her opinion that “[Commissioner Boyd] is ... eminently fitted for his present position for the very reasons for which his detractors criticize him, namely - his patience and reluctance to condemn to punishment.”\textsuperscript{59} Reverend Peter Bryce, President of the Federation of Community Services, described Boyd as “a gentleman of integrity and absolutely devoted to his work.” In his opinion, which almost all of Boyd’s supporters shared, Boyd should have every possible facility provided by the municipality since he had delicate and difficult problems to solve each day, however this did not happen. Bryce went on saying that “[i]t ought be stated that appointments to this vital department of child welfare should be absolutely upon merit and entirely free from

\textsuperscript{55} Robinson, \textit{Decades of Caring}.

\textsuperscript{56} “Women Workers Defend Judge Boyd, Declares I-His Court is Understaffed,” \textit{Toronto Daily Star}, May 2, 1917, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.

\textsuperscript{57} “City Council Naughty – Juvenile Court Lovely,” newspaper clipping, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.

\textsuperscript{58} Latimer, “Methods of Child Care as Reflected in the Infants’ Homes of Toronto: 1875-1920;” Tomich-Trumper, “The Care of Unwed Mothers and Illegitimate Children in Toronto, 1867-1920: A Study in Social Administration.”

\textsuperscript{59} “The Juvenile Court – Correspondent Comments on Recent Criticism,” c. May 2, 1917, newspaper clipping, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
partizan and lodge influences, forces almost equally strong and equally regrettable.\textsuperscript{60} Bryce’s reference to the factor of religious politics was corroborated by a later anonymous criticism of Boyd in 1918. The anonymous writer submitted a letter titled “Little Chance for Babies” to the Telegram, which appeared to be about inadequate caring for babies. However, it was laced with religious hysteria and insinuated that Boyd, an Anglican, failed in safeguarding the interests of Protestant mothers and babies in Toronto.\textsuperscript{61}

To many supporters of Boyd, it was of even greater importance to defend the institution of the Juvenile Court, which Bryce characterized as “an institution of the highest value to the young life of the city.”\textsuperscript{62} Amid the voices of support for the Juvenile Court, the silence on the part of the Toronto Children’s Aid Society, the old ally of the Juvenile Court, was odd. Yet it seemed understandable if one considers that in the few years leading to 1917 the Toronto Children’s Aid Society had struggled with overcrowdedness in the Detention Room and the consequent financial pressure. Thus from its own perspective the CAS probably took the position that less remands would be more desirable.

There were several forms of arguments put forward by people who considered themselves progressives for believing that it was the right thing to have the Juvenile Court. The first form echoed the civilization imperative argument in the lobbying for juvenile courts around 1907. For example, Boulttbee voiced her opinion that “[i]t is somewhat curious to note that at a time in the world’s history, like present, when –

\textsuperscript{60} Peter Bryce, “Urges Conference be Held to Discuss Child Welfare,” newspaper clipping, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
\textsuperscript{61} “Little Chance for Babies,” newspaper clipping, Vol.14, Kelso Papers, NAC.
beyond all others — young life should be valued, protected and helped, so many of the so-called economies of our municipality should be directed against institutions that work for the benefit of children. The Juvenile Court is a necessity of our civilization."63

The second type of argument centred around the merits of the Juvenile Court in effectively solving the crime problem. Taken together, the merits of the Juvenile Court were presented by differentiating it from the Police Court and likening it to the City Medical Health Department. Miss Helen Hart, head of the residence at St. Christopher House and also a member of the staff of the Social Service Department of the University of Toronto, drew her authority from having worked in the United States for three years and being a “well-informed student of juvenile court methods.” Hart characterized the Police Court as a stupid way of dealing with offenders since it relied on simple punishment and threat of punishment. Its ineffectiveness was proved by statistics showing the same cases come up over and over again after they were disposed of and common sense would tell nothing else could be expected. She went on saying that to apply the Police Court approach to children, as the City threatened to do, was “not only cruel, but utterly absurd and futile.” Punishment would impress the weak and cowardly side of the children’s nature — not appeal to the man in him — which could only be achieved through “the closest watch-care and help” through a well-provided for Juvenile Court.64

62 Peter Bryce, “Urges Conference be Held to Discuss Child Welfare,” newspaper clipping, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
63 “The Juvenile Court — Correspondent Comments on Recent Criticism,” c. May 2, 1917, newspaper clipping, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
64 “Juvenile Court for Protection,” newspaper clipping, Toronto Sunday World, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
Eddis constructed her arguments by using medical metaphors and conceptualizing juvenile delinquency as moral ills. To her, the Police Court approach which would “shoot a child in at the one door and out at the other, sentencing it en route” was not the way to treat juvenile delinquency. Instead, juvenile delinquents suffered from moral sickness and they should have the same care and attention as what was given to the physically ill. The hybrid of moral and medical discourses might have helped in making the case for the Juvenile Court, through combining the long-standing moralism with modern, scientific packaging. Furthermore, it fit comfortably with the two dominating conceptual rules underlying the discussion of juvenile delinquency: juvenile delinquency was a symptom of deeper problems and a process leading to a chronic state of criminality.\(^65\)

The third type of argument was economic. First of all, it was contended that the Juvenile Court, though it seemed to cost money now, would actually save more money later. Hart provided a good example of the economic rationalization for the Juvenile Court:

> Of course, to get the facts that will make possible a wise decision on a point of so much moment in the child’s life takes a vast amount of time and energy, far more than to swear in two or three witnesses and take their evidence on a specific charge. But it is time and money well spent; for it means doing the right thing in the first place instead of making blunders that cost infinitely more to repair, or that can never be repaired at all, but must wreak their consequences on the child’s whole life.\(^66\)

However, the other scenario, which was to revert children’s cases to the Police Court as the City proposed, would end up costing more even if it seemed to save money, because it was “false economics.” Hart warned that “[o]nce yield to those of our city

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\(^65\) “Women Workers Defend Judge Boyd, Declare His Court is Understaffed,” *Toronto Daily Star*, May 2, 1917, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.

\(^66\) “Juvenile Court for Protection,” newspaper clipping, *Toronto Sunday World*, Glen Papers, Children’s Aid Society of Toronto Fonds, CTA.
fathers who offer to save us $18,000 a year by turning over the work of the juvenile court to the police commissioners, ... I dare say that the cost of that economy will be not thousands, but millions, in the end, aside from the inestimable price in the wrecked hopes and ruined lives of our young people."

Banking logic, such as "small sums cannot show big results," was used to give a counter-explanation as to why the Juvenile Court's work was almost in an impasse and had yet to show its effectiveness in reducing adult crime by eradicating crime among children. The same logic was also used by defenders of the Juvenile Court to make a case for increasing resources for the starving Juvenile Court, from salaries to facilities. They argued that the staff of the court was inadequate, overworked, and underpaid, and thus the plan for the Juvenile Court was bound to fail. Hart observed that the staff of the court was so lacking in investigating officers that the judge was practically never given the complete facts about a case the first time it comes up. In such a situation, the judge might trust to his own impression of the child's probable environment; or he might remand the case for investigation, the latter in Hart's opinion was the case for Boyd. Furthermore, the lack of salaried probation officers (Toronto had three) meant they just could not cover the ground even though they already put in 12 or 15 hours a day. Hart argued that using volunteer probation officers was not a solution since, although some did fine work, many others were "too busy or ignorant or too selfish to be of any real services to their charges." Similarly, the facilities of the Juvenile Court were considered sorely in need

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68 "Juvenile Court Being Starved," newspaper clipping, Glen Papers. Children's Aid Society of Toronto Fonds, CTA.
69 "Juvenile Court for Protection," newspaper clipping, Glen Papers. Children's Aid Society of Toronto Fonds, CTA.
of improvement. The Juvenile Court was assigned quarters in the attic of City Hall.

Proponents of the Juvenile Court compared the attic with the Detroit court, which was directly opposite the Detention Home and was a well-lighted, good-sized room "with four or five large windows, the walls painted a light buff, oak floor, woodwork with golden oak chairs arranged in rows for the accommodation of delinquents and their guardians." They concluded that there was nothing about the attic of City Hall, where the Juvenile Court was located, to command awe and the respect of parent and child alike. Thus, more dignified quarters should be provided for the Juvenile Court than the present attic.

Juvenile Court, the backbone of the juvenile justice system, was intended to translate principles of segregation, investigation, and guidance into practices. Its very emphasis on utilizing and generating knowledge determined that it inevitably involved greater economic and human resources. The conflict between Juvenile Court led by Judge Boyd and the city testifies to the state’s primary concern with costs and the limits of social and moral reformers’ achievement in pushing for a new way of governing the population. The Children’s Aid Society was involved in almost all major processes of the Juvenile Court: from detention, investigation, to after-sentence supervision. Like the previous discussion of the Detention Room, this chapter shows that the operation of the Society during the period examined was quite shaped by its crime prevention rationality.

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70 "Juvenile Court Being Starved," The Star, newspaper clipping, Glen Papers. Children’s Aid Society of Toronto Fonds, CTA.
71 "What Has Gone Wrong with Toronto’s Juvenile Court?" newspaper clipping, Glen Papers. Children’s Aid Society of Toronto Fonds, CTA.
72 "City Council Naughty – Juvenile Court Lovely," newspaper clipping, Glen Papers. Children’s Aid Society of Toronto Fonds, CTA.
These analyses are useful for historicizing current rationality and practices of child protection at the turn of the twenty-first century.
PART THREE

FROM PREVENTING CRIME AND IMMORALITY TO MANAGING CHILDREN’S PERSONAL SAFETY
Introduction

The preceding chapters examined the emergence of child protection around the turn of the last century at the threshold of the "social" era, to develop historical analyses as reference points to consider the "post-social" present. The historical analyses gave particular attention to the ways that experiences in parent-child relations, knowledge, and power were connected. I have argued that the child saving movement in the late nineteenth and early twentieth century was primarily a citizenship-building project initiated by the voluntary sector. Its principal objective was to ensure that children as "citizens in the making" would be properly shaped into "useful and Christian" adults. It assumed that how children were parented would determine what kind of adults they would be, an idea which emerged in Western society in the context of sixteenth-century humanism. In this sense, child protection was a bio-political project which connected the conduct of individual children and parents in the private sphere with issues of societal and national importance.

Specifically, the problematization of cruelty and neglect corresponded to two aspects of citizenship concerns. Anti-cruelty activities critiqued the immoral use of force on harmless, weak, and lowly subjects, i.e. animals and innocent children. These acts of individuals were problems because individual morality was seen as making up the general moral tone of the collective. Cruelty was thought to be a problem of the heart, usually of a working-class man. The concept of the heart was also central to who could identify cruelty (i.e. those with civilized hearts) as well as how the problem should be
addressed (i.e. mainly through education and moral persuasion). Neglectful parenting, from which children were to be protected, was mainly defined by lack of discipline, lack of supervision over children, and lack of proper family surroundings which parents were held responsible for providing. Neglectful parenting, most often mothering, was considered a problem because it failed in building children’s character, and thus caused social and moral problems such as crime, dependency, and immorality in general. Although problems of cruelty and neglect concerned different aspects of citizenship, they were united in that both, in contrasting directions, deviated from emerging middle-class and English norms of parent-child relations as conveyed in widely-used gardening metaphors. These prescribed a mode of parental power over children which was intimate, gentle, intelligent, and incessant. Against this new norm, cruelty erred on the side of using too much force; neglect erred on the side of too little parenting.

Child savers believed that their activities to condemn erring forms of parenting (i.e. cruelty and neglect) and more importantly to build proper parenting conduct were crucial for building the nation’s citizenship. At the same time they also believed that their action was a “noble” way to fulfill their own citizen duties. In many ways, child saving strategies mirrored ideal forms of parenting conduct; they were designed to be principally positive, individualized, knowledge-based, and local. The most representative strategies included guidance, supervision, investigation, classification, separation and dispersion.

The foregoing chapters have examined two components of child saving work undertaken by the Toronto Children’s Aid Society. One was protection of children from cruel treatment by parents. This line of work was historically connected to other anti-
cruelty work, specifically that with animals, as undertaken by the Humane Society and some other educational organizations. A much larger part of Children’s Aid Society’s work, however, concerned neglect. As I have shown, the operation of the Toronto Children’s Aid Society was interwoven with that of the juvenile justice system, not only in relation to child protection’s ultimate objective of crime prevention but also in actual practices, specifically in the operation of the Detention Room and the Society’s involvement in Juvenile Court processes.

Different kinds of knowledge -- such as the idea that childhood was important because it determined the character of adults, concepts of character building, moral judgement by the “civilized heart,” administrative and quasi-professional information about the correlation between neglect and crime -- were utilized and at the same time generated in child protection activities. The effect was the constitution of children and parents primarily as “future citizens” and “gardeners of citizenship” respectively. Cruelty to children emerged as a public problem because it was opposite to civility. Parents’ conduct such as drinking, cohabitation, destitution, and lack of supervision, etc. became issues of child neglect to child savers because they were not good for building proper citizenship in children. Neglected children were seen as problematic “future citizens” in that they were potential criminals, beggars, prostitutes, or generally immoral because of parental inadequacy. However, they were considered plastic enough to be worth rescuing and rehabilitation.

The above observations of the early history of child protection can be used to understand the historical specificity of recent Child Welfare Reform in Ontario, and to
suggest possible directions for critical analysis. First, instead of being citizens in the making or being potentially bad citizens in the making in the case of neglected children, today children are very much constituted as the ideal citizen, with the most legitimate ethical and political claims. Specifically, current child protection discourse accentuates children’s rights to personal safety. If a century ago parents were condemned because they corrupted children and made them potential criminals for the society, today they are condemned as perpetrators of crimes against innocent citizen-children. Second, in contrast to the earlier rationality of child protection -- that "[i]t is wiser and less expensive to save children than to punish criminals," the primary purpose of current child protection is claimed to be “keeping kids safe”¹ (See Illustrations 10 and 11). It assumes that child abuse or neglect is a matter of personal danger and harm to children. As I will argue, this understanding severely limits the kinds of collective actions to be considered. Thirdly, in the early period “gardening strategies” were utilized in child protection work to normalize the conduct of parents, who were supposed to in turn tend to the gardens of children’s character. New child protection technologies in the late 1990s, however, feature risk management on the one hand and criminal punishment on the other. In contrast to the humanist subject represented in gardening metaphors, risk management and criminal punishment assumes a new conception of the subject, i.e. individuals defined through risk factors but who are at the same time held morally

culpable for their actions, as Rose observes.² The following chapter develops an analysis of the present along these directions.

² Rose, "The Biology of Culpability: Pathological Identities in a Biological Culture".
CHAPTER 6

CHILD PROTECTION AT THE TURN OF THE 21ST CENTURY:
“KEEPING KIDS SAFE”

This chapter focuses on influential child protection ideas and practices in Ontario in the late twentieth century, made official by the Ontario government in recent Child Welfare Reform. The discussion mainly draws on child protection official documents in Ontario including speeches, legislature proceedings, the Child Mortality Task Force report, and recommendations by juries of coroner’s inquests, as well as related documents produced by the federal government, specifically the consultation paper on Child Victims and the Criminal Justice System. The analysis is developed in general contrast to the history of child protection examined in the first five chapters. This chapter is organized to address three aspects of the current state of child protection in Ontario. First, it addresses the ways that innocent children are increasingly constructed as the ideal citizen who are the most, if not the only, legitimate individuals to make ethical and political claims. I will discuss how identities of victimhood as a result of personal acts (as opposed to structural conditions such as capitalism, racism, and patriarchy) and consumerhood are two main platforms on which children’s citizenship rights are constructed. The consequences of

3 Department of Justice Canada, Family, Children and Youth Section, Child Victims and the Criminal Justice System: A Consultation Paper, November 1999; Child Victims and the Criminal Justice System: Technical Background Paper, November 1999. These two documents were produced largely as a response to coroners’ inquests into child deaths at the provincial level. One major change considered in these
children's identity as proper citizens with rights will be assessed in contrast to children’s identity as “future citizens” without independent status in the early period.

Secondly, it examines the neo-liberal discourse of children’s rights to safety in the post-social era, which has been intensified by the preoccupation with child deaths. It analyzes the current objectives of child protection in Ontario, summarized in the phrase “keeping kids safe,” juxtaposing this to the early society-oriented civilizing objective of child protection. It also makes linkages between the rationality of rights to personal safety in the area of child protection and other policy areas such as the governing of homelessness.

Thirdly, it discusses related changes in child protection technologies which are installed for governing parents. Parents are now conceptualized in a new way. The new human subject invented in the late twentieth century is thought of as vulnerable to a variety of risk factors (ranging from bodily conditions such as addiction to social factors such as poverty), but is nonetheless held morally responsible for their actions, whether these actions are seen as a result of the will or conditions beyond one’s control. In the area of child protection, the main technologies invented for governing parents include the Risk Assessment Model, which is now required by the Ontario government for all Children’s Aid Societies across the province, and new child-specific criminal offences currently being considered by the federal government. Thus, preventive risk management strategies, coupled with the punishment of “parent perpetrators,” is set to

documents was the creation of more child-specific offices, such as child homicide and criminal neglect, adding to existing special child-specific sexual offences.

replace knowledge-based gardening strategies, which were developed for governing the humanist subject and were characteristic of the social era.

The chapter will conclude with comments linking child protection to conceptions of citizenship, conceptions of the human subject, and prevalent governing technologies in the general policy landscape at the turn of the twenty-first century. It will also reflect on the implications of this analysis for research agendas and practice.

CHILDREN AS THE IDEAL CITIZEN

During the early period examined in preceding chapters, children were considered by child savers mainly as “future citizens.” The identity of “future citizens” was constructed in opposition to proper citizens who were at the time white, male, and most important of all in this case, adults. The objective of child protection was to ensure that these “future citizens” grew up to be good adults. Thus, it can be argued that the governance of wayward children and bad parents was undertaken from the standpoint of adulthood.

This standpoint of adult citizenship had two implications. First, one major difference between children and adult citizens was their perceived property of plasticity. The quality of “in the making” was precisely the basis for making claims on collective actions, because it promised greater effectiveness in shaping the humanist subject. Second, the identity of “future citizens” also meant that children in the early period were not thought of as having independent status politically, economically, or morally. This was evident in how rights of children were constituted at the time. Rights of children were certainly part of the child saving discourse. However, in contrast to today’s rights to
personal safety (which I will examine in more detail later), those were rights to a proper environment and careful moral training and were constituted for the sake of the society, not for children as individuals. Thus, although children were sometimes described as victims of cruelty or neglect, individual victimization was not really the point and it was not the justification for intervention. As Kelso put in unambiguous terms, the objective of child protection “[was] not so much to rescue the victims … but rather to reach the children before they have become altogether corrupt”\textsuperscript{5} and damage the society. Such society-oriented objectives were characteristic of the social era. They were forceful rationalities for child protection and broader social and moral reform in the late nineteenth century. In the name of the society, interventions with mixed purposes and effects of normalizing and providing support for parents (e.g. the Mother’s Allowance programme) were also gradually introduced in the twentieth century, since in most cases parents were conceived of as indispensable gardeners tending to the development of children’s character.

In contrast to children’s rights as future citizens in the early period, today children’s rights are constructed as those of citizens. Specifically, I argue that an increasingly influential discourse of innocent and young children as proper citizens operates in the Child Welfare Reform in Ontario at the turn of the twenty-first century. In other words, as writers like Lauren Berlant point out, citizenship is more and more often constructed through identification with innocent children (and even innocent fetuses),\textsuperscript{6}

\textsuperscript{5} Newspaper clipping of a report on Kelso’s speech in Sarnia on the Children’s Aid Society’s work, c. June 1906, n.s., File “General Scrapbook 1905 …,” Vol. 11, Kelso Papers, NAC.
\textsuperscript{6} Berlant, \textit{The Queen of America Goes to Washington City}. 
and this organizes the ideas and practices involved in the restructuring of the welfare state established in the social era. In the case of Ontario’s Child Welfare Reform, this discourse of children—citizens features a construction of citizenship rights and obligations primarily in terms of personal safety. Children are considered the most, if not the only, legitimate citizens with rights to safety and to collective actions to guarantee safety.

Instead of being seen as potential dangers to society, as when child protection emerged in the 1890s, children targeted by child protection today are seen as citizen-victims of crime against them—abuse and neglect committed by parents. If a century ago abused and neglected children were often represented by the image of a dirty-looking, ill-clothed and wayward boy, today in the minds of Canadians the typical image of children protected by Children’s Aid Societies is a baby threatened by harm or even death (See Illustrations 12 and 13). Canadians experience thinking of children as citizen-victims through accounts of how children are victimized and failed by the system of child protection. For example, popular and official narratives of children leading to Ontario’s Child Welfare Reform were pre-occupied with child deaths, parent-criminals, and the break-down of the child protection system, as I have noted in the opening pages of the dissertation. Although the death of children is the ultimate form of victimization, it is not the only one. Sexually abused children and missing children are two additional, earlier, but also enduring images of child-victims.7

7 Joel Best has provided a useful analysis of the rise of the child-victim in America, especially the panic about missing children in the 1980s. Best, Threatened Children. See also Marilyn Ivy for a discussion of the centrality of child victimization discourse (particularly around missing children) in American culture and politics. Ivy, “Have You Seen Me?”
The rationality of victimization of course is not limited to children. The rights of victims, particularly victims of personal acts such as drunken driving, have become an effective argument in generating ethical and political claims in recent years. Anne McLellan, Minister of Justice Canada, made her commentaries on child victims in the context of the general victims' rights discourse.

... these children [when they become victims, need care and support, but they] also need a justice system that works for them. They need our commitment to continue to work for improvement and innovation in this area. Certainly, the voice of victims, including child victims, has been given greater resonance as a result of recent legislative changes.

Among various groups of victims, however, children seem to have become the icon of the model victim. There may be several factors to explain this trend of child-citizen thinking. Innocence is probably one of the most important ideas in the making of the child icon. As Marilyn Ivy observes, "[t]he child can take on the full weight of victimhood in total purity." Lauren Berlant also points to the paradoxical fact that the child who is made the icon of citizen-victims happens to be incapable to act as a citizen yet. In this sense, the child icon legitimates having adults to articulate their interests and to wage struggles on their behalf. In addition to these observations, remnants of biopolitical thinking from the social era may also be a factor in the iconicity of current model citizen-victim, that is, the value of children to the continuation of the society is still recognized to some extent. For example, Janet Ecker, the Ontario Minister of

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9 Ivy, "Have You Seen Me?" p.235.
10 Berlant, The Queen of America Goes to Washington City.
Community and Social Services who presided over the recent Child Welfare Reform, pleaded with her fellow members of the legislative assembly: “I know that all members will agree with me that children are Ontario’s most precious asset. They deserve the best our society can provide – a loving, nurturing environment, and above all, safety and security.” Similarly, in Justice Canada’s Child Victims Consultation, references have been made to societal interests. For example, it was stated that “[t]he victimization of children and young people has significant costs both for the victims and their families and for the future of our society as a whole.” Although these statements are relatively scant in the official documents examined, they nevertheless indicate the continuity of the biopolitical thinking which links children’s lives to the interests of the society.

Whatever the reasons for manufacturing the icon of child-victim, as a symbol it is very effective in polarizing the dichotomy of innocence and guilt, conveying tragic feelings of loss, and demanding actions. Thus, as Joel Best observes, child victims have become important symbols in many movements. The most familiar examples include movements against drunk driving which are organized by describing killer drunks and their child victims, and pro-life attacks on abortion in terms of millions of murdered babies. The central image of children menaced by deviant parents in Ontario’s Child Welfare Reform is another example of the discourse of citizenship and child victims. Thinking of problems such as child abuse and neglect in terms of child victims has certain consequences. The most serious one is that it individualizes the analysis of

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11 Ontario Ministry of Community and Social Services news release, April 26, 1999.
problems to the level of personal criminal acts of parents. Thus, the individual rights of children as victims have been invoked by parties other than children themselves to position parents as perpetrators "getting away with murder of children"\textsuperscript{14} and to justify harsher regulation and punishment.

Children's citizenship rights are also constructed through their identity as consumers. This fits with the observation made by scholars such as Lister and Neysmith that neo-liberalism promotes the new citizen as the consumer of goods and services.\textsuperscript{15} Children are represented as the exclusive consumers of the child protection system which is supposed to deliver safety. Parents are no longer recognized as social service consumers, but as perpetrators. This conception of children as the exclusive consumers of child protection services has shaped the critique of the objective and competence of suppliers of these "goods or services"—in this case the child protection system and its staff. Since the late 1960s and 70s, the rights of individual consumers have proved to be a useful conceptual and political tool in critiquing systems and programmes established for the sake of society, particularly their arbitrary, repressive, and intrusive aspects. In earlier times, parents and family units have considered themselves consumers and demanded rights on their own. The "due-process" and "least restrictive or disruptive" principles adopted in Ontario's Child and Family Services Act proclaimed in 1985 resulted from such criticisms. However, these same principles were done away with in the 1990s in the name of protecting the rights of child-consumers.

\textsuperscript{13} Best, \textit{Threatened Children}.

\textsuperscript{14} "Getting away with murder of children," \textit{Toronto Star}, May 18, 1997.

\textsuperscript{15} Lister, "Dialectics of Citizenship;" Neysmith, "Networking Across Difference."
Children are seen as the only consumers of the child protection system and the only ones who were failed by the system. This is best illustrated by the headline of the *Toronto Star* report referred to earlier: “How did the system fail these kids.”

A staff person at the Toronto Children’s Aid Society wrote in 1999: “A child protection worker’s worst fear [was] the death of a child.” This has not always been the case. Certainly in the past some children involved with the child protection system died. It was undoubtedly considered a tragedy, but not the result of the system’s or individual worker’s failure. Instead, in the early period what were most likely to be considered failures on the part of the system and individual workers would be a child’s “criminal career” despite intervention. In other words, the child protection system has not throughout its history subscribed to or been judged against the objective of delivering individual safety to children.

When children were thought of as “future citizens,” as in the period examined in the previous five chapters, children’s rights were articulated with the interests of the society. In contrast, today when children are constructed as citizens, their rights are constituted in personal and private terms and are specifically restricted to safety. Society-oriented rationalities for child protection can be critiqued, and rightly so, as not really about children. Nevertheless, such social rationalities also allowed the gradual introduction of social services and benefits beyond child protection. Today’s view of children as citizens seems progressive in that it seems to be really about children.

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16 “How did the system fail these kids,” *Toronto Star*, September 18, 1996.
However, the theoretical construction of children as independent individuals does not actually make it possible for children to define their interests (and it is doubtful that will ever happen). It is still certain adults acting on behalf of children, except at present it is in the name of children’s personal human rights. Worse, the conception of children as proper citizens severely limits the scope of claims when it is articulated with the neo-liberal objective of guaranteeing personal safety, as I will explain in the following section.

RIGHTS TO PERSONAL SAFETY

When Minister Ecker introduced the Children and Family Services Amendment Act in Ontario in April 1999, she justified the need for reform by pointing to the rights of children to safety and security. This resonates with how reality is understood in several other sites where the state’s authority has been asserted in recent post-deficit years. From the Safe Streets Act, to Child Welfare Reform, to the levy of international adoption fees, the right of individuals to safety and security has proved to be a common and successfully deployed political rationality. The formula is X (legislation, fee, action) is needed or reasonable because Y’s (children, passersby) safety is at stake.

Authority in the name of safety and security is compatible with and complementary to the neo-liberal emphasis on personal fulfillment as free individuals. Rose argues that

...as the twentieth century draws to a close, political reason from all quarters no longer phrases itself in the language of obligation, duty and social

citizenship. It now justifies itself by arguing over the political forms that are adequate to the existence of persons as essentially, naturally, creatures striving to actualize themselves in their everyday, secular lives.  

With such a mentality, it is conceivable that safety and security -- the very basic conditions for personal fulfillment -- has become an obvious and reasonable objective of governing, when the strategy of achieving betterment through governing the collective obligations of social citizens is no longer politically viable. Safety, meaning little risk of harm, is defined by negation. It is not possible to prove the presence of safety; instead safety exists by means of the absence of risk. Security, meaning being safe from possible harm or loss, also denotes the absence of risk of harm or loss. Thus the presence of risk of personal harm to children has, to a significant extent, become a tool for processing and making sense of society. The assessment of aspects of reality and the differentiation of those deemed worthy of political consideration from unworthy ones are also organized in terms of the presence or absence of risk of harm and loss. Among various forms of harm and loss, death is the most dramatic, concrete, and ultimate opposite to individual safety. Thus, death, as the antithesis of the neo-liberal rationality of individual safety, has become one of the most powerful forms of problematization; one most likely to lead to political actions. From child protection to health care to the regulation of drugs such as Ecstasy, the most compelling stories told by people of varied political strips have been those of death.

The discourse of death is overpowering to the point that it does not take statistically significant patterns of death to initiate policy changes. As a staff person at the

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18 Rose, Powers of Freedom, p.166.
Children’s Aid Society of Toronto commented on child deaths, “it is not a quantitative issue. It’s the qualitative nature, the tragic nature, that matters.” Indeed, the Child Mortality Task Force and the Coroner’s Office have not produced any evidence showing that the death rate of children is on the rise, both in general and in the child protection system (hence the irony of the name of the Task Force). The whole Child Welfare Reform was sparked by a few high profile child deaths. What is new is how death is thought of. In the “social” age, statistics about patterns of death were a key information format. In the 1990s death as a reality is no longer seen as a regular occurrence with certain statistical probabilities. Instead it is thought of in individualized terms. It is perceived as the unacceptable failure to ensure individual safety due to the fault of individuals and/or systems. In the domain of child protection, death is blamed on child abuse and neglect, and consequently on parental conduct, even and particularly in the case of accidental deaths, as I showed in the opening pages of this dissertation. Thus, follows the attempt to bring child abuse and neglect into the criminal justice system and subject it to the juridical logic of responsibility.

Although the language of safety and security appears neutral and universal, the distribution of entitlement to safety and security is quite uneven. For instance, although some deaths of homeless people have been reported in the media as well, these have

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19 Personal communication, October 13, 2000.
20 Ewald, “Insurance and Risk.” In her research on the history of infanticide, Kirsten Johnson has found that a pathologist at the Toronto Sick Children Hospital put down “child abuse” as cause of death in many cases including accidental deaths and suicides. This supports the argument that child welfare issue are now being subsumed under criminality. Personal communication, February 10, 2000.
never been a cause for panic and/or for the outpouring of compassion. Furthermore, one person’s lack of safety, e.g. living on the street or being beaten by one’s husband, can be construed as danger to another person’s safety, e.g. the passerby, the child. Hence, “street people” and an abused mother become (potential) perpetrators who (may) bring harm by their actions, inactions, or mere presence; passersby and children become (potential) victims. The rights of worthy (potential) victims are invoked to position others as perpetrators who deprive victims of their rights. Thus, the safety of passersby justifies the introduction of the Safe Street Act, which is nothing but anti-“street-people”; the safety of children justified the punishment of parents for being abused themselves, for being poor and living in substandard housing, and so on. It is thus clear that not everyone has rights to safety. The distribution of citizenship, as indicated by the entitlement or dis-entitlement to personal safety, seems to be shaped by a neo-conservatism which excludes those deemed as morally unworthy. Children, for reasons of perceived innocence, passiveness, and inherent value to the society, enjoy unquestioned rights to safety, which I have discussed in the previous section.

Whereas citizen rights and obligations were charted in relation to the collective interest of society at the turn of the last century, personal and private acts and values have become major criteria for measuring rights and obligations at the turn of the twenty-first century, as Berlant argues perceptively. The case of Child Welfare Reform supports this observation, and as I have demonstrated, in this particular site personal safety is one of the major dimension of what Berlant calls the privatized citizenship. While it is almost

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21 Berlant, The Queen of America Goes to Washington City.
impossible to argue against rights to safety, it should be noted that using personal safety as the framework to understand issues does have practical implications. It tends to direct attention to looking for guilty individuals and it restricts thinking, in that it suggests that such safety is all we care about. These implications are played out in the restructuring of child protection system, which is transforming the system into one that emphasizes risk management on the one hand and punishment on the other.

RISK MANAGEMENT AND CHILD-SPECIFIC CRIMINAL OFFENCES

In the early history of child protection, children’s rights were defined as rights to a proper environment and proper moral training, in other words, rights to normalization. The assumption was that individuals were products of conditions and thus all deserved a chance for such conditioning; whether these individuals wished this or not was another issue. This conception of the humanist subject gave rise to social and moral reforms which were captured by gardening metaphors. As I have demonstrated in the first five chapters, the major kinds of work that the Toronto Children’s Aid Society undertook, such as the establishment of the Shelter/Detention Room, foster care, and the Society’s involvement with the Juvenile Court, were intended to normalize parents’ and children’s conduct.

Today’s child protection approach, which combines risk management with punishment draws on polarized conceptions of individuals as victims and perpetrators in judicial terms. Such conceptions are radically different from the relatively coherent humanist subject during the “social” era. First, in people whose rights have been brought to public discussion, such as abused and neglected children and passersby on “unsafe”
streets, we have an image of individuals who are victims.\textsuperscript{22} Then, we have an image of individuals who are (potential) perpetrators. Through this image, certain individuals are seen as predisposed to riskiness. For example, poor single mothers are risky for reasons ranging from being single, to being in poverty, in poor housing, being prone to substance abuse, and having experienced of abuse and neglect as a child. However, as Rose points out such dispositions, bodily or otherwise, do not serve to excuses individuals from responsibility for their conduct. Quite to the contrary, despite these dispositions, individuals are to be held morally and judicially responsible, reflecting a renewal of moralism emphasizing moral and political order.\textsuperscript{23} These conceptions of new human subjects prescribe governing technologies featuring risk monitoring, assessment and management on the one hand, and punishment on the other. The following describes and analyzes these technologies introduced to child protection in recent Child Welfare Reform in Ontario.

In the summer of 1997, Ontario’s Ministry of Community and Social Services announced a new standardized risk assessment model for all Children’s Aid Societies across Ontario. This model was strongly recommended by the Child Mortality Task Force and coroner’s inquests.\textsuperscript{24} Prior to that, the 1984 Child and Family Services Act adopted the risk orientation and risk assessment tools that were in use in some Children’s

\textsuperscript{22} In her examination of recent legal moves in Britain, Vikki Bell argues that members of a family have been treated as individuals. However she also observes that simultaneously there is contradictory manoeuvre of “befriend[ing] ‘the family’ as a unit,” this however does not seem to apply in Ontario. Bell, “Governing childhood: neoliberalism and the law.”

\textsuperscript{23} Rose, “The Biology of Culpability.” See also Valverde’s analysis of alcoholism in recent law which shows that alcoholism it is no longer a defense even if one doesn’t know what one is doing. Valverde, \textit{Diseases of the Will}. 
Aid societies. The standardized risk assessment model drew largely on the tools that the Children's Aid Society of Toronto had used, which in turn drew on the model developed by the New York State Department of Social Services.\(^{25}\)

The Risk Assessment Model is far more than a tool for assessing risk factors. It is a machinery of child protection work, which is designed to identify, document, classify, rate, and analyze risk factors related to child safety in the context of abuse and neglect. It has six key components:

1. Eleven risk decision points, which describe eleven decisions to be made (e.g. Risk Decision #3: Is child safe now?), and which structure the decision-making flow by defining the sequence of decisions; (See Appendix 2)
2. Criteria to guide each decision point;
3. Eligibility Assessment; (See Appendix 3)
4. Safety Assessment; (See Appendix 4)
5. Risk Assessment; (See Appendix 5)
6. Plan of Service connected to the Risk Assessment.\(^{26}\)

Among the above six components, Eligibility Assessment, Safety Assessment, and Risk Assessment are considered by the Ministry as “three important phases” incorporated in the Risk Assessment Model.\(^{27}\) Eligibility Assessment is conducted mainly through using the Eligibility Spectrum Tool (See Appendix 3) at the time of referral. According to the Ministry, Eligibility Assessment accomplishes three things: 1. it helps ensure that all children and families who are eligible for child welfare services will actually receive those services; 2. it classifies “reasons for service” requests to enable

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\(^{25}\) Personal communication with the Children's Aid Society of Toronto staff, August, 11, 1999.

\(^{26}\) Ontario Ministry of Community and Social Services, *Risk Assessment Model for Child Protection in Ontario, Executive Summary*, p.3.
better planning on the part of Children's Aid Societies; and 3. it records all intake activity so that society workloads can be better evaluated. The primary objective of conducting Eligibility Assessment is to make "consistent and accurate decisions about eligibility for service." The outcome in practice is the classification of "protection investigation cases" and "non-protection investigation cases." Classification will likely lean towards more "protection investigation cases," partly because it would be better to err on the safe side and partly because the funding formula favours "protection investigation cases."

Safety Assessment is conducted at the time of the first face-to-face interview through the use of Safety Assessment Form (See Appendix 4), which guides workers in an analysis of selected safety factors and circumstances. The objective is to make a judgement about whether the child is safe or unsafe at that point in time. If the child is judged unsafe, immediate interventions will be implemented to "control the dangerous situation." The Safety Assessment may be conducted at any other point in the case to assist in assessing the impact on the child's safety by any change in the family's situation.29

Risk Assessment is conducted when it is time to make a decision as to whether to provide service, what kind of service, or whether to continue providing service after a "child protection investigation," through the use of the Risk Assessment Form (See Appendix 5). As the Ministry explains, Risk Assessment is an analysis of "risk related elements, the family's own perceptions, an identification and examination of a family's

27 Ibid., p.1.
28 Ibid., p.1.
29 Ibid., p.2 and p.7.
strengths, and any other significant case circumstances that may affect family functioning.” Its primary objective is to help evaluate “the likelihood that a child may be abused or neglected in the future.” Risk Assessment is different from Safety Assessment in that it is future-oriented and is to assist drawing up a Plan of Service, which aims at “long term risk reduction” and “resolution of identified problems that create risk.”

The Risk Assessment Form is the most comprehensive, complicated, and thus time-consuming of all the three tools. It is five pages long and organizes the assessment by looking into five categories of influences: Caregiver Influence, Child Influence, Family Influence, Intervention Influence, and Abuse/Neglect Influence. Under each category, there are five or six factors/topics. The extent of risk as related to each factor is to be rated at five possible levels. For example, under the category of Caregiver Influence, Alcohol or Drug Use is a factor, along with five other factors. Alcohol or Drug Use is then assessed or rated from level 0 to level 4, corresponding to “No misuse of alcohol or use of drugs” and “Substance use with severe social/behavioural consequences.”

As a staff member at the Children’s Aid Society of Toronto explained to me, the model that the society used before only involved ratings on the “parent most at risk of harming a child” and on the “child who was most at risk of harm.” The Province-mandated model, however, is more extensive and time-consuming in that it involves ratings on both parents and on all children.  

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31 Personal communication with staff at the Children’s Aid Society of Toronto, July 21, 1999.
Although a thorough examination of how the Risk Assessment Model is starting to be utilized in everyday child protection work and how it bears on practice is beyond the scope of this dissertation, several preliminary observations can be made here:

First, the Risk Assessment Model structures practice in such a way that the reality of children’s existence becomes intelligible only in terms of their individual safety. As one senior staff member of a Children’s Aid Society shared with me optimistically: “[The Model] is helpful for making work easier because it organizes your thought and zeroes in on relevant information.”\(^{32}\) It structures not only the thinking but also action. Following the Model, child protection practices are only concerned with children’s needs and define their needs in terms of safety. The result is that for children to receive any professional help, they will have to be deemed as being in an unsafe situation, and parents will have to be perceived, assessed, documented, and acted upon as potential perpetrators posing danger to children. History has provided ample examples of how a particular definition of need affects practice and client’s experiences. In the late nineteenth century when services were devised for meeting the needs of delinquent children, some were sent to industrial schools by parents who wanted them to learn a trade but had to claim that they were incorrigible. Later when services were devised for children with emotional problems, they would have to be categorized as suffering from emotional problems in order to access child welfare institutions, as illustrated by Carol Baines’s study of the Earls court Children’s Home.\(^{33}\) If children were given IQ tests in the past, today’s children

\(^{32}\) Personal communication with staff at the Children’s Aid Society of Toronto, July 21, 1999.

and parents are subject to safety tests and risk of harm assessment. The thread running through this is the failure in recognizing and addressing the needs of children and parents from their own perspective.

Secondly, as critics such as Parton, Baines, and Swift point out, the technology of risk assessment excludes considerations of the socioeconomic and cultural-ethnic context in which the needs of children and families occur.\(^{34}\) The Risk Assessment Model embodies the paradigm shift from considering certain aspects of reality as social problems to considering them as risk factors. These include poverty, mental illness, single-motherhood, substance use, poor housing, and domestic abuse. These issues are documented in case records not because they are recognized as problems to be addressed by the society, but because they constitute unsafe situations for children. They have been re-fashioned from social problems into things that are distant, apolitical factors; things that can be taken for granted and dealt with indifferently without relating to collective responsibility; things that can be quantified and rated for their inherent danger to children.

Thirdly, the reduction of risk seems to be the responsibility of the bearer of such risk factors – in this case, parents. The role of the social worker is not so much in solving these problems, but rating and analyzing them according to definite formula and taking children away if parents have failed in reducing the magnitude of danger posed by their conduct to children’s safety. Ironically, despite the reliance on service language such as

“service eligibility” (for a “service” for which most do not want to be eligible), services in the sense of providing support to families have apparently been pushed to the very margins of social work activities.

If at the provincial and local level parents are primarily risk-managed in the increasingly bureaucratized and “child-focused” child protection work, at the federal level they are the central objects of the discussion of toughening criminal punishment. As the Department of Justice Canada explained: “Providing services to children in need of protection is the responsibility of the provinces and territories; ensuring that appropriate offences and penalties are available is the responsibility of the Government of Canada.”

The following discussion on the criminal punishment side of current Child Welfare Reform draws on the Child Victims and the Criminal Justice System consultation which was started by Justice Canada in November 1999. Specifically I will discuss the proposed creation of child-specific criminal offences, which, I argue, is a technology for regulating individualized obligations owed by adults, particularly parents, to children.

In the consultation paper, the Department of Justice explained that the consultation was conducted in response to suggestions by “judges, Crown prosecutors, defence lawyers, police, health care workers, hospital child abuse teams, public health nurses, academics, social workers and others directly concerned with child protection,” and also recommendations from “judicial inquiries, coroner’s inquests, child fatality

35 Department of Justice Canada, Child Victims and the Criminal Justice System: a Consultation Paper, p.2.
review committees, and other review bodies. Indeed, the consultation paper is a curious synthesis of views on varied topics related to children. Of particular interest is the meshing of a discussion of what to do with sexual abuse of children, which drew upon the 1984 report of the Committee on Sexual Offences Against Children and Youths (the Badgley Committee), with a later discussion of what to do to prevent deaths and serious injuries of children as a result of physical abuse and neglect, which drew upon recent inquests and reviews on child deaths. It is odd to put sex and death together in the consultation paper. However, it is noteworthy that both foci fit with the trend of constituting rights on the basis of private and personal acts.

The Badgley Committee was appointed by the federal government in 1981 in the context of increasing reports of incidences of child sexual abuse and concerns over the adequacy of the existing Criminal Code to protect children against sexual abuse. The committee was asked to ascertain the incidence and prevalence of sexual abuse against children and youth, to determine the adequacy of the laws in protecting them against sexual offences, and to make recommendations for improving protection. The Committee issued a report in 1984, proposing several initiatives in conceptualizing protection of children against sexual offences:

- It established the special legal status of children in the context of children being victims, on the basis of their "special needs," "substantial vulnerability," and "actual or presumed [legal] incapacity;"

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36 Department of Justice Canada, *Child Victims and the Criminal Justice System: Technical Background Paper*, p.3.
- It differentiated between adult victims and child victims, and critiqued the "deficiencies derived from an 'age-old practice' of using a legal framework designed for adult victims to deal with child victims;" 37
- It considered offences against children in light of violations of familial and trust relationships and proposed that violations of such trust relationships be specified as aggravating factors in sentencing.
- It argued to the effect that evidence of children and child witnesses should be treated the same as evidence of adults and adult witnesses, although such evidence may be acquired through different technical means, such as videotaping.

A set of legislative reforms were implemented in response to the Badgley Committee report, such as the creation of new offences specifically addressing the conduct involved in child sexual abuse, the introduction of orders of prohibition, and provisions to help children testify in court.

In contrast to the sex focus of the Badgley Committee, the more recent reviews and inquests that the Department of Justice referred to in the consultation paper focused on the deaths of children. The consultation paper made substantive reference to recommendations from Ontario, particularly in relation to the creation of child-specific offences. Among the six coroner's inquests in Ontario, three recommended that the federal government amend the Criminal Code. All three recommended the inclusion of an offence of Death by Child Abuse/Neglect in the Criminal Code. One inquest recommended at the same time the removal of infanticide from the Criminal Code, which, as a woman-specific offence and separate from murder and manslaughter, has historically embodied a theme of tragedy and sympathy, and hence lenient punishment. 38

37 Department of Justice Canada, Child Victims and the Criminal Justice System: Technical Background Paper, p.7.
38 For historical writings on infanticide, see Backhouse, "Desperate Women and Compassionate Courts: Infanticide in Nineteenth-Century Canada," and Petticoats and Prejudice.
Another inquest proposed that the offence of Death by Child Abuse/Neglect not “require the specific intent to kill[,] with a minimum term of imprisonment[,] without eligibility for parole [and] to be classed as second degree murder,” not recognizing that the very definition of murder rests on the proof of intent to kill. The objective of creating such a new offence, as the Department of Justice duly noted, is to result in more convictions and lengthier sentences and to “focus attention on society’s condemnation” of such conduct.\(^{39}\)

It seems obvious from the structure of the consultation paper that the Department of Justice considered the contemplated reform as an extension of legal reforms set in motion by the Badgley Committee. The main components of earlier reforms focusing on sexual offences were described in the introduction to the consultation paper as well as in the background sections of all three subsequent parts. Throughout the consultation paper, slippages from sex to death, and then to physical and emotional harm, constantly occur. For example, a statement on emotional harm caused by sexual abuse would slip to emotional harm caused by abuse and neglect in general without any explanation:

A National Population Survey, considering the experience of 7,000 sexually assaulted children and young people, disclosed that a larger proportion suffered emotional harm than physical injury. Government at all levels and courts are increasingly recognizing the prevalence of severe emotional and psychological harms caused to children by all forms of abuse, and are seeking ways to protect children from such harm.\(^{41}\)

Similarly, in the discussion of options for toughening sentencing so as to correspond to perceived extra severity of offences against children, the Department of

\(^{39}\) Ontario Association of Children’s Aid Societies, Inquest Recommendations by Topic, p.17.

\(^{40}\) Department of Justice Canada, Child Victims and the Criminal Justice System: Technical Background Paper, p.19.
Justice reviewed several sentencing provisions for sexual offences against children. Then the discussion turned to ways for “Addressing the Needs and Interests of Children in Sentencing Policy.” At this point, sexual offence suddenly disappeared from the narrative and the subject became child abuse.42

The principles concerning the special legal status of children laid down in the context of sexual offences by the Badgley Committee are now being expanded to all other forms of abuse. This expanded application of these principles has been achieved through the narrative technique of association or slippage, rather than formal arguments. Specifically, the consultation paper identified three areas of possible reform of the Criminal Code:

- creating more child-specific offences, i.e. criminal physical abuse of a child, criminal neglect of a child, criminal emotional abuse of a child, child homicide (a child-specific form of manslaughter), and failing to report crimes involving child abuse or neglect;
- sentencing changes to improve protection for children from those who might re-offend, in other words, more severe sentences and longer term of supervision and treatment;
- facilitating child victims’ testimony and providing for assistance to child witnesses.43

In the current Criminal Code, most offences under the heading of “Sexual Offences” are those against children, with only a very few exceptions. It seems that these offences are set aside from sexual assault in general, and thus considered distinct and particularly punishable because they involve children. If reforms are implemented following the above direction, what will emerge is a child-specific territory on the map of

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42 Ibid., pp.24-26.
criminal offences, subject to harsher criminal punishment. As Valverde has argued, the creation of distinct governing spaces is a crucial device for articulating and hence allowing unequal treatment in liberal governance.\textsuperscript{44} The basis for creating more child-specific offences, separated from other cases of assault, failing to perform the duty to provide necessaries, and homicide, is the adult-child relationship in general, and the parent-child relationship in particular.

Shelley Gavigan has examined one historical example of relation-specific offences, namely petit treason in eighteenth-century England. Petit treason was a criminal offence limited to a particular class of murder: murder of a husband by his wife, or a master by a servant, or a religious superior by a religious inferior.\textsuperscript{45} We can draw some implications of creating child-specific offences from the example of petit treason. As Gavigan suggested, petit treason reflected the pre-capitalist social and economic relations in England, which were based on "obligations of duty, subjection, and allegiance." The murder of one's master was greater than murder because it was "the conscious and deliberate breach of one's duty" and "the abuse of a confidence." The murder of one's husband was also greater than murder, as it was the violation of subjection and obedience that was due (only) from the wife to the husband. Thus, murder in this class was a treachery exceeded only by disloyalty to the King, which was called high treason. In her article, Gavigan laid emphasis on petit treason cases in which wives were accused of

\textsuperscript{42} Ibid.
\textsuperscript{44} Valverde, "'Despotism' and ethical liberal governance."
\textsuperscript{45} Gavigan, "Petit Treason in Eighteenth Century England: Women's Inequality before the Law," p.56. I would like to thank Mariana Valverde for drawing my attention to this example of relation-specific offences.
murdering their husbands. Women who killed their husbands were burned at the stake as traitors if convicted. The exemplary penalties for women were considered necessary on the basis of their violation of the “most sacred obligation.” Thus, the law of petit treason both reflected and reinforced social and economic relations of gender and class, which were anchored in feudal forms of obligations.

Parental obligations of duty and trust is a central theme in child-specific offences and consequent “appropriately serious penalties.” This is a present day example of a relation-specific offence. Indeed, at the very beginning of the consultation paper, the Department of Justice laid out terms of parental duties:

The law has long recognized that parents have the primary role in supporting, protecting and educating their children, and has defined parental duties to take into account the needs of children, as well as the fact that as children grow older, they become less dependent on their parents.

According to the Department of Justice, one objective of the criminal law is punishing and deterring violations of familial and trust relationships; thus, violations of such trust relationships should be specified as aggravating factors in sentencing.

The current child protection approach, which couples preventive risk management with reactive punishment of “parent perpetrators,” represents a shift away from knowledge-based social strategies, which were developed in the last century for governing the humanist subject mainly through discipline and pastoral techniques. In the

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46 Ibid., p.366.
47 For example, Department of Justice Canada, Child Victims and the Criminal Justice System: Technical Background Paper, p.15.
48 Ibid., p.1. Also, Department of Justice Canada, Child Victims and the Criminal Justice System: Consultation Paper, p.2.
49 Department of Justice Canada, Child Victims and the Criminal Justice System: Technical Background Paper, p.8.
early period, child protection was focused on diagnosing causes of child abuse and neglect and normalizing parents' conduct accordingly. In contrast, current child protection aims at guaranteeing the minimum condition of living — personal safety. Conceptually, it transforms causes of child abuse and neglect to risk factors. Practically, it shifts the emphasis from treatment to information management for providing safety and the punishment of perpetrators on an individual basis.

CITIZENSHIP, SAFETY, AND GOVERNING TECHNOLOGY

Overall, the lesson from the early history of child protection is that categories of children, child abuse, and neglect are not self-evident ones, and there are no necessary or neutral ways of organizing child protection work. The current conception of children as citizens whose rights to safety are violated by parental abuse and neglect is a product of the societal and political obsession with victimization, consumerism, individual safety, blame, and punishment. As much as historical ideas and practices of child protection reflect contemporary concerns with the citizenship of the nation, current ideas and practices exemplify the privatization of citizenship and individualization of responsibility in the larger context.

Ontario's Child Welfare Reform manifests a process of privatizing citizenship at the turn of the twenty-first century, wherein public discussions about rights, power, ethics, and actions by the state or communities are organized by questions of personal significance. Berlant argues that questions of intimacy, sexuality, reproduction and the family “overorganize” these public discussions, at the expense of excluding questions of
national capitalism, poverty, environmental disintegration, racism, and so on.\textsuperscript{50} I have shown that in the area of child protection the question of personal safety has become another dimension of current thinking of rights and obligations of citizenship. Personal safety is defined as the primary entitlement which citizen-children have rights to. Specifically, victimization at the personal level (in contrast to victimization at the structural level such as through poverty resulting capitalism and racism) and consumerhood are two of the few things that generate ethical and political claims. This neo-liberal rationality of rights to safety is not monopolized by the political right; in fact it is quite absorbed by those on the left. Safety is a bottom-line condition for personal existence, hence, its paradoxical implications. On the one hand, safety makes a strong, almost irrefutable argument for justifying public spending in the aftermath of drastic cuts to the welfare state. On the other hand, building claims on safety has serious political consequences.

One effect of the preoccupation with personal safety is that well-being is constituted as if it was primarily a matter of personal safety. It produces the illusion that safety is the only issue that is important enough to legitimate public actions. No one can argue against rights to safety, because it is so basic to our existence. And yet the preoccupation with entitlement to safety severely restrict the scope of claims. In the early period, the well-being of children was thought of more in terms of the interest of the morality of society rather than as a personal matter. This legitimated child protection and more importantly allowed the extension of actions from child protection to more

\textsuperscript{50} Berlant, \textit{The Queen of America Goes to Washington City}, p.8.
supportive measures such as playground facilities and Mother’s Allowances. Today’s preoccupation with personal safety, however, confines actions to those which manage risks of harm and punish perpetrators. It shapes the thinking such that it seems political consensus on collective responsibility is only imaginable in situations where personal safety is violated. In this sense, it is probably sound to say that the long-term effect of the safety discourse will be a drastic lowering of commitments to collective responsibility. Thus people on the political left who are struggling to fight the New Right should be wary about deploying the argument of personal safety and building their criticisms of the system by referring to individual deaths or other manifestations of lack of safety.

Another effect of the discourse of safety is that through safety thinking, a crime and justice logic is introduced to re-frame social problems which emerged as public issues during the social era in the twentieth century. Such a crime and justice logic inevitably seeks to produce individual perpetrators. In such a logic, individuals in the society are positioned within a dichotomy of victims and perpetrators: children vs. parent perpetrators, and passersby vs. homeless people on the street. These raise serious questions about new conceptions of human subjects. It seems the population is now divided into two groups: victims with rights and (potential) perpetrators. As a conceptualization device, the division between victims and perpetrators produces innocent young children as the icon of victims with rights, hence the model citizen. Furthermore, it fragments and weakens familiar categories such as “youth” and “mothers” which emerged in the social era and which have served as conceptual foundations for various social engineering programmes in the twentieth century. This
fragmenting effect comes from the possibility that individuals can be considered as victims with citizenship rights in one situation and perpetrators in another. For example, a young teenager can be a victim at home but a criminal on the street; similarly, a woman can be a victim of domestic abuse and a quasi-perpetrator of child abuse or neglect (on account of exposure of children to domestic violence) at the same time. In contrast to the discipline and pastoral power applied to the humanist subject during most of the last century, the new perpetrator subjects are governed through a combination of risk technology and punishment. This new mode of power is manifested not only in child protection, but also in other areas such as criminal justice which is moving away from the rehabilitation model. Parental power over children also seems to have started taking on features of this new mode of power. Risk management of children, as opposed to “gardening,” is beginning to be considered as appropriate at least in some situations such as periodical drug-testing at home;\(^{51}\) at the same time corporal punishment of children is defended with increasing vigor.

IMPLICATIONS OF ANALYSIS FOR RESEARCH AND PRACTICE

The above analysis is developed in contrast to the past. It raises serious questions about citizenship, conceptions of human identity, and modes of power designed for governing human subjects at the turn of the twenty-first century. More empirical research in child protection and other sites need to be done to further the analysis of these questions. First, those who are interested in debates about the transformation of citizenship should pay attention to both the history and current practices of child

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\(^{51}\) Personal communication with Dawn Moore, December 13, 2000.
protection. Given the ways in which conceptions of children have changed and the ways in which children (particularly those who are victims of personal violence) have become crucial to citizenship today, child protection is an important empirical area for studies of citizenship. In addition, the ways in which child-citizens are constituted in a variety of sites should also be examined. For example, in the area of immigration, children who are adopted from other countries are represented as the perfect immigrants who are entitled to compassion and preferential treatment. Case studies of the conceptions of children in child protection, immigration, regulation of drunk drinking, domestic violence, and so on can shed light on the construction of citizenship today, i.e. who count as “the people,” how social memberships are measured and valued, and with what consequences.

Secondly, the argument of “personal safety” needs to be problematized in future research. Rather than treating it as a natural part of public discussions, researchers should document when, where, and how “personal safety” is posed as a justification for public policy. The effects of deploying the rationality of safety should be examined. Thirdly, more empirical studies in diverse areas are needed to grasp the ascendency of the mode of power coupling risk management technology and punishment. This should in turn provide material with which to think about governance in the broader context, i.e. what are the prevailing assumptions about human subjects and how are we governed at the turn of the twenty-first century?

In addition to proposing the above three areas of research, I would also suggest Foucaultian genealogy as an effective approach to developing critical analysis. A genealogical approach is not to assume those important aspects of the present, i.e. the
construction of child-citizens, rationality of personal safety, dichotomous conception of individuals as either victims or perpetrators, and technologies of risk management and punishment, as something coherent and integrated. It means to pay close attention to inconsistencies, contradictions, and contingencies of the present. As Pat O’Malley argues, these are exactly where opportunities for resistance and transformation lie. A case in point is the contradiction between individuating and relational conceptions of children. On the one hand, children are construed more and more as citizens and as independent components of the family. On the other hand, children’s relational identity as sons and daughters of their parents seems to be emphasized at the same time in the devising of child-specific criminal offences. Parents’ crimes are considered greater crimes and deserving of harsher punishment precisely because they are against their children, not against just any ordinary citizen. The Foucaulitan genealogy approach privileges analysis which identifies and contests conceptual tensions such as this one, and thus facilitates the development of criticisms of the current system and imagination of alternatives. In this case, the contradiction between individuating and relational conceptions of children can be manipulated by critics of the Child Welfare Reform to challenge the creation of special child-specific offences (if one adheres to seeing children as individuals); or to argue against the child-focused approach (since children’s lives cannot be really separated from parents).

The analysis of the history and current state of child protection suggests possible challenges to the way in which parents and especially poor single mothers are being

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52 O’Malley, “Genealogy, Systematization and Resistance in ‘Advanced Liberalism’.”
governed through the spectre of child death by abuse and particularly neglect. The primary goal of child protection policy, i.e. “keeping kids safe,” must be questioned. The focus on children’s personal safety draws on an extremely narrow understanding of needs from the perspective of people other than mothers and children themselves. It does not allow for a good look at resources because the implied message is that as long as poor kids are safe we don’t care about much else such as their quality of life. Furthermore, it pits mothers and children against each other as perpetrators and victims, and in effect subsumes child welfare under criminality. The preoccupation with safety and the larger trend of discussing citizenship entitlements and responsibilities in terms of personal criminal acts must be critiqued and resisted. First, it is my view that structural questions of capitalism, poverty, patriarchy, and racism must be brought to the fore in discussions of what ought to constitute entitlements and obligations in child protection policy (as well as other areas of public policy). Secondly, it should be noted that although the safety rationality is different from the rationality of the society’s interests, they do have one commonality, i.e. the failure in recognizing and addressing the needs of children and parents from their own perspective. Thus, I argue that the needs of children and parents defined from their own stances must be considered in the making of child protection policy. The orientation of child protection should be re-defined as supportive towards not just children but also mothers, rather than hostile as the way it is.

Current child protection technologies, which mainly consist of risk management at the provincial level and criminal punishment at the federal level, must also be questioned. Risk management and criminal punishment policies are directed at detecting
risk factors of abuse and neglect and punishing offences without actually addressing problems of poverty, inadequate housing, isolation, and substance use. They also render invisible the fact that resources for meeting the needs of poor parents, particularly poor single mothers, and their children have been drastically diminished in recent years. Larger budgets to do more and better of the same, which Ontario's Children's Aid Societies have received since the Child Welfare Reform, are not the answers to resource deprivation problems confronting mothers and children. Instead, public resources should be diverted to establish a support infrastructure. A national child care system would be an immense help to many poor single mothers who constitute the largest category of clients of Children's Aid Societies. It would diffuse the need for intrusive child protection interventions. We need only turn to the history of the Shelter of the Toronto Children's Aid Society to see that from the perspective of families who were not able to care for their children because of life exigencies, supportive measures such as residential care (or day care) were much needed help and they did not stigmatize or threaten the integrity of families. We also see from the history of the Shelter and other child care facilities that the society at large as well as the social work profession have always been resistant towards such collective support measures. But those who believe in them should not stop advocating, especially in a time when the concept of citizenship has been shrunk and privatized and collective actions have become increasingly unthinkable in public imagination.
APPENDIX 1

A NOTE ON SOURCES OF DATA AND LITERARY METHODS

This dissertation is mostly based on research of primary sources. Since I am interested in developing analysis of the exercise of power in micro-operations, mundane processes, and daily experiences, this study has privileged "small texts." Small texts differ from big texts, such as abstract philosophical texts, legislation, and government annual reports that are often used in conventional historical writings. They refer to texts that were produced for operational and pragmatic purposes such as administrative files, minutes of meetings, pamphlets; they also include popular and action-oriented texts such as stories told at public gatherings.

I have used three main categories of data. The first category include records created by the Toronto Children's Aid Society: minutes, annual reports, and case records, all of which are held at the City Archives of Toronto. At the outset of this study, I had planned to make extensive use of case records of children and families who were dealt with by the Toronto Children's Aid Society. In the past several years, more and more historians have become interested in case files research or in collecting and using records that bear similarities with case files. For many, case files are a particularly useful source of information for analyzing political contestation and its outcomes at the local level.¹

The Toronto Children's Aid Society created several kinds of case records. These included complaint books, a register of children suitable for foster homes, a register for people wanting foster children. Information contained in most of these records, however, was often not more than a name and a couple of lines of notes. Complaint Books, for most of the period studied, contained relatively longer entries in comparison to other registers and
were better preserved. Thus, most case records that I have examined of the sample years\textsuperscript{2} are those contained in Complaint Books. In her article "An Outrage to Common Decency," Karen Swift has made some use of case records in Complaint Books as well as other documents of the late 1890s and 1930s.\textsuperscript{3}

Another important source of data is J.J. Kelso's personal papers, held at the National Archives of Canada. Kelso is generally recognized as the architect of our child welfare system, particularly the child protection system. His papers have been a popular source of information for scholars in child welfare, juvenile justice, or social welfare in general. Jones and Rutman have probably made the most extensive use of Kelso's papers to reconstruct his life and work experiences.\textsuperscript{4} What I have used most in this study are his journals of his own day-to-day child saving activities (1893 and 1894), diaries, and manuscripts of speeches which were often stories about a particular child or a particular family. These are used not for the purpose of tracking Kelso's roles in various historical events but rather for tracing his thinking on child saving and juvenile delinquency. In addition to the above, I have also used articles in journals such as *The Humane Pleader*, newspapers, conference proceedings, broadsheets and pamphlets.

The qualitative methods that are involved in this study are tools of literary studies used to analyze texts. These are deconstruction, the analysis of rhetorical tropes, and narratology. These methods are associated with post-structuralist literary theory and, as

\textsuperscript{1} Jacovetta and Mitchinson, *On the Case*. "Introduction: Social History and Case Files Research".
\textsuperscript{2} I have sampled records kept in Complaint Books in the following years: 1892, 1893, 1898, 1903 and 1913.
\textsuperscript{3} Swift, "An Outrage to Common Decency."
\textsuperscript{4} Jones and Rutman, *In the Children's Aid*. 
Valverde suggests, hold particular potential for developing critical social history and social theories when used strategically.⁵

Deconstruction is associated with Jacques Derrida’s concept of semiotic difference. To quote Valverde, for Derrida “[m]eaning is always structured through a play of differences, but the potentially rigid dichotomies elaborated through fixed differences are undermined through differance, which means ‘deferral’ as well as ‘difference.’”⁶ These concepts about meaning arising from difference and the unstableness of differences have clear potential as tools for engaging in the analysis of social discourses. This is because binary oppositions are a key component of most social discourses: black/white, man/woman, the material/the emotional, bad mothers/good mothers, good children/juvenile delinquents, nice homes/back alleys. As scholars like Mary Poovey and Joan Scott suggest, to use deconstruction as an analytical tool means several tasks. First, the sets of binary oppositions embedded in the texts are to be identified. Second, the steps or the processes that these binaries are used strategically to reach a particular point (such as the inferiority of poor and immoral parents) are to be mapped out. Third, the binary oppositions are to be problematized and demystifies through revealing the interdependence of seemingly dichotomous entities, exposing the differences and fragmentations within entities, and seeking the in-between, the middle voice.⁷ The child saving movement relied heavily on the idea that there was a clear and deep distinction between good parent (particularly the mother) and bad parent. The binary of good and bad parent was constructed through many discursive practices and then was used to label parents and to justify the cause of child saving. One such

⁵ Valverde, “As If Subjects Existed”
⁶ ibid.
⁷ ibid.
discursive practice is the writing of reports. One report written by Kelso started out by prescribing what is good parenting, such as giving children "infinite love." Then, the report continued to state how many placements had been made in the previous year. The impression that was left by the report was that there were indeed many good people out there who met our standard of parenting. Furthermore, these people were found and they gave their "infinite love" to the poor children who were treated badly in their own homes (before we removed them from their parents who could not give them "infinite love"), because otherwise these placements should never be made. Here, we see that first, it was presumed that the difference between good and bad parent existed, in this case, on the basis of the ability or willingness of providing "infinite love," a seemingly context-less, time-less, transparent concept with definite signifiers. Then, the assumed difference was supported with the evidence of numbers of placements, even though the connection between "infinite love" and placement might be extremely tenuous, if not totally unrelated in actual practices of placing-out. Nevertheless, by citing the number of placing-out cases, it confirmed, if indirectly, the existence of large numbers of good parents (even as foster ones), which in turn confirmed the view that these poor children's natural parents were bad.

The study of rhetorical tropes, or figures of speech, is another literary method. Valverde observed that this method is much less fashionable than deconstruction, the latter is often used as if it were the most useful, if not the only, way to do discourse analysis, particularly in the American literature. Tropes include a range of techniques, the most notable ones are metaphors. However, others are no less important or effective,

7 Poovey, "Feminism and Deconstruction;" Scott, "Deconstructing Equality-Versus-Difference."
8 Valverde, "As If Subjects Existed."
such as the trope of apostrophe,⁹ which Barbara Johnson analyzes in her article on some contemporary poems dealing with women's experience of abortion.¹⁰ It is not news that tropes are well-utilized in social discourses that aim at persuading an audience and inciting social action, at least partly due to the awareness that they are often more effective than formal logic. Instead of using rational arguments, tropes can effectively entrench a particular discourse or produce alternative discourses through novel ways of putting together various elements and organizing their relations. As Valverde demonstrates, they can, in the case of using apostrophe in anti-choice discourse, endow the object of tropes – the fetus – with the subjectivity of persons.¹¹ They can also, in the case of one particular child saving discourse, take away certain subjectivities of children or transform them, through the use of metaphors such as divine seeds and young plants, without providing any scientific evidence. At the surface, the metaphors of seeds and plants seemed to be used to allude to the growing process that human beings and other life forms share. However, I would suggest it is more than that. As Patricia Parker argues, rhetorics organize social relations of power through precisely the "apparently innocuous organization of tropes."¹² I would argue that through the deployment of these metaphors, the subjectivities and interests of children, their parents, child savers, and even members of the broader population were organized, mediated and constituted in particular ways.¹³ When being talked about as young plants, certain human sides of children – such as their emotional bonds with their parents - were immediately excluded and denied, and the

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⁹ An apostrophe is written before or after an "s" at the end of a word to indicate that what follows belongs or relates to the person that the word refers to. The trope of apostrophe referred to here is "the fetus's".

¹⁰ Johnson, "Apostrophe, Animation, and Abortion."

¹¹ Valverde, "As If Subjects Existed."

¹² Valverde, "As If Subjects Existed."

¹³ Valverde, "As If Subjects Existed," 179.
consequence was that no consideration was warranted in that regard. At the same time, the legitimacy for sunlight, air, water - which are often used to signify child savers and good foster homes - were automatically and convincingly established.

Since a great deal of data, or "raw material," for my research are in the form of a narrative,14 the relevance of studies of narratives and narrating is probably obvious. In this research, Kelso's manuscript of speeches and articles published in various journals on the humane movement or child welfare is a particularly good source with which to apply social narratology. Kelso was a talented and tireless story-teller. Most of his stories are about a particular child or a particular family. Some were narrated wholly by Kelso himself. Some included sections that were presented as being narrated by the characters in the stories. For some manuscripts, the same stories were found in publications. For many others, there is no clear indication of what they were originally written for. However, provided that there are evidences about his giving speeches frequently at various gatherings and newspaper accounts reporting on the contents of his speeches, it is probably sound to assume that many of these stories were prepared for audiences at social or religious gatherings. The stories are abundant and with varied themes. One thing seems certain -- they were all told in particular contexts for particular purposes, either to convince, or to warn, or to defend, just like any other narratives. Analysis of narratives can be conducted though a range of questions: Who is the narrator? Who and what is being narrated about? Who is the audience? How does the narrator establish her/his authority to narrate? What strategies, as well as tactics, are involved to seduce the audience, through the display of confidence, or laying claim to a derived authority (e.g "I have it on good authority that..."), or calculated refusal to narrate (playing hard to get)?
How are the potentially infinite number of events carefully selected and organized to make up a coherent story? Are stories told differently over time? What can the shifts in story-telling tell us about the shifts in power relations? Can we learn anything about social relations from the situation being narrated and the situation in which the narrative takes place? Just to take the last question as an example. Ross Chambers mentions that there is the possibility of distinguishing between the situation that a narrative talks about and the situation of the narrative itself. He illustrates this point by referring to novels about historical alienation and/or oppression. He argues that through the very action of narrating marginalized people's experiences in the format of novels, using the language that mainstream readers identify with and respond to, authors turn a position of weakness into eloquence and strength, and hence the narrative's situational success. Perhaps, we can use this argument innovatively by applying it to narratives of success, which were told by those who are often characterized as in authority. Perhaps, the very fact that many of Kelso's stories are about the success of child saving points to the situational weakness and insecurity of the narratives and the narrator himself. If not, then why was there the need to tell so many stories of success? Why the need to pick and choose particular positive ingredients to talk about? And why was there the need to use various techniques to try to engage the audience?

14 Ibid., 180.
15 Chamber, Story and Situation.
APPENDIX 2

Risk Assessment Model for Child Protection in Ontario

Risk Decision Points

Risk Assessment Model for Child Protection in Ontario

<table>
<thead>
<tr>
<th>Case Management Process</th>
<th>Risk Decisions</th>
<th>Critical Time Frames</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral</td>
<td></td>
<td></td>
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<tr>
<td>Investigation</td>
<td></td>
<td></td>
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<tr>
<td>Assessment</td>
<td></td>
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<tr>
<td>Service Planning</td>
<td></td>
<td></td>
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<tr>
<td>Reviews of Assessments</td>
<td></td>
<td></td>
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<tr>
<td>and Plans</td>
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</tbody>
</table>

Decision #1
Does case meet eligibility requirements for Child Welfare Services

Decision #2
What is the response time?

Decision #3
Is child safe now?

Decision #4
Are child protection concerns verified?

Decision #5
Is the child in need of protection?

Decision #6
Is child at risk of future abuse or neglect?

Decision #7
What other assessment issues must be considered to inform the plan of services?

Decision #8
What is plan of service for the child and family?

Decision #9
Does the case still meet eligibility requirements for child protection services?

Decision #10
Have assessments changed?

Decision #11
Should plan of services be modified?

Note: This flowchart is presented here for clarity. It is not meant to imply that the process of child protection decision-making is a linear one. In fact, many decisions are overlapping.

* Revised 2000
APPENDIX 3

Risk Assessment Model for Child Protection in Ontario

Eligibility Assessment Spectrum

<table>
<thead>
<tr>
<th>ELIGIBILITY SPECTRUM:</th>
<th>LEVEL OF SEVERITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION</td>
<td>SCALE</td>
</tr>
<tr>
<td></td>
<td>2. Cruel/Inappropriate Treatment</td>
</tr>
<tr>
<td></td>
<td>4. Threat of Harm</td>
</tr>
<tr>
<td>2. Harm by Omission</td>
<td>1. Inadequate Supervision</td>
</tr>
<tr>
<td></td>
<td>2. Neglect of Child's Basic Physical Needs</td>
</tr>
<tr>
<td></td>
<td>3. Caregiver Response to Child's Physical Health</td>
</tr>
<tr>
<td></td>
<td>4. Caregiver Response to Child's Mental, Emotional Developmental Condition</td>
</tr>
<tr>
<td></td>
<td>5. Caregiver Response to Child Under 12 Who Has Committed a Serious Act</td>
</tr>
<tr>
<td>3. Emotional Harm</td>
<td>1. Caregiver Causes and/or Caregiver Response to Child's Emotional Harm or Risk of Emotional Harm</td>
</tr>
<tr>
<td></td>
<td>2. Adult Conflict</td>
</tr>
<tr>
<td>4. Abandonment/ Separation</td>
<td>1. Orphaned/Abandoned Child</td>
</tr>
<tr>
<td></td>
<td>2. Caregiver-Child Conflict/Child Behaviour</td>
</tr>
<tr>
<td>5. Caregiver Capacity</td>
<td>1. Caregiver Has History of Abusing/Neglecting</td>
</tr>
<tr>
<td></td>
<td>2. Caregiver Inability to Protect</td>
</tr>
<tr>
<td></td>
<td>3. Caregiver with Problem</td>
</tr>
<tr>
<td></td>
<td>4. Caregiving Skills</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Scale</th>
<th>Unranked Choices</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Request for Counselling</td>
<td>A,B,C,D,E,F</td>
<td></td>
</tr>
<tr>
<td>7. Request for Adoption Services</td>
<td>1. Adoption</td>
<td>Adoption: A,B,C,D,E,F,G</td>
</tr>
<tr>
<td></td>
<td>2. Adoption Disclosure</td>
<td>Adoption Disclosure: A,B,C,D</td>
</tr>
<tr>
<td>8. Foster Care Services</td>
<td>A,B,C,D,E,F</td>
<td></td>
</tr>
<tr>
<td>9. Volunteer Services</td>
<td>A,B,C,D</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 4

Risk Assessment Model for Child Protection in Ontario

Safety Assessment Form

SAFETY ASSESSMENT FORM

CASE NAME: ________________________ FILE NUMBER: ____________________

DATE OF RECEIPT OF REFERRAL/REPORT/INFORMATION: ________________________

DATE SAFETY ASSESSMENT COMPLETED: ________________________

CAREGIVER #1: ________________________ CAREGIVER #2: ________________________

RELATIONSHIP TO CHILD*: __________ RELATIONSHIP TO CHILD*: __________

CHILD (a) ________________________ AGE: __________ SEEN?: __________

CHILD (b) ________________________ AGE: __________ SEEN?: __________

CHILD (c) ________________________ AGE: __________ SEEN?: __________

CHILD (d) ________________________ AGE: __________ SEEN?: __________

*specify whether in prime caregiver role or a caregiver with access
### Risk Assessment Model for Child Protection in Ontario

<table>
<thead>
<tr>
<th>SAFETY FACTOR</th>
<th>PRESENT?</th>
<th>INFORMATION SUPPORTING ASSESSMENT OF SAFETY FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Caregiver’s behaviour is violent or out of control.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>2. Caregiver describes or acts toward child/children in predominantly negative terms or has extremely unrealistic expectations.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>3. Caregiver caused, or has made a plausible threat that has or would result in, serious physical harm to the child/children.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>4. Child/children’s whereabouts cannot be ascertained and/or there is reason to believe that the family is about to flee or refuse access to the child/children.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>5. Caregiver has not, or will not, provide sufficient supervision to protect the child/children from potentially serious harm.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>6. Caregiver has not, or is unable, to meet the child/children’s immediate needs for food, clothing, shelter, and/or medical care.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>7. Caregiver has previously harmed a child/children, and the severity of the harm, or the caregiver’s prior response to the incident, suggests that child safety may be an immediate concern.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>8. Child/children is fearful of people living in or frequenting the home.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
<tr>
<td>9. The child/children’s physical living conditions are hazardous and may cause serious harm to the child/children.</td>
<td>&lt;input/&gt;</td>
<td></td>
</tr>
</tbody>
</table>
### Risk Assessment Model for Child Protection in Ontario

<table>
<thead>
<tr>
<th>SAFETY FACTOR</th>
<th>PRESENT?</th>
<th>INFORMATION SUPPORTING ASSESSMENT OF SAFETY FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Child sexual abuse is suspected and circumstances suggest that child safety may be an immediate concern.</td>
<td>☐ Yes ☐ No ☐ Not Known</td>
<td></td>
</tr>
<tr>
<td>11. Caregiver’s drug or alcohol use seriously affects his/her ability to supervise, protect, or care for each child/children.</td>
<td>☐ Yes ☐ No ☐ Not Known</td>
<td></td>
</tr>
<tr>
<td>12. Other (specify):</td>
<td>☐ Yes ☐ No ☐ Not Known</td>
<td></td>
</tr>
</tbody>
</table>
## Risk Assessment Model for Child Protection in Ontario

<table>
<thead>
<tr>
<th>SAFETY DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ No child/children requires immediate safety intervention.</td>
</tr>
<tr>
<td>☐ Child/children require immediate safety intervention.</td>
</tr>
</tbody>
</table>

### IMMEDIATE SAFETY INTERVENTION PLAN:

### NAME OF WORKER COMPLETING SAFETY ASSESSMENT:

### DATE SAFETY ASSESSMENT FORM COMPLETED:

### NAME OF SUPERVISOR CONSULTED:

### DATE OF SUPERVISORY CONSULTATION:
APPENDIX 5

Risk Assessment Model for Child Protection in Ontario

Risk Assessment Tool

Risk Assessment Model for Child Protection in Ontario

Date of Case Opening:
Current Primary Reason for Service: □ Initial □ Review

CASE NAME: ___________________________________ FILE NUMBER: _____________________________

CAREGIVER #1: ____________________ CAREGIVER #2: ____________________

RELATIONSHIP TO CHILD*: ____________ RELATIONSHIP TO CHILD*: ____________

CHILD (a) __________________________ AGE: _______ LEGAL STATUS: __________

CHILD (b) __________________________ AGE: _______ LEGAL STATUS: __________

CHILD (c) __________________________ AGE: _______ LEGAL STATUS: __________

CHILD (d) __________________________ AGE: _______ LEGAL STATUS: __________

* specify whether in primary caregiving role, or caregiver with access
### Risk Assessment Model for Child Protection in Ontario

#### CAREGIVER INFLUENCE

<table>
<thead>
<tr>
<th>CG1. Abuse/Neglect of Caregiver Caregiver</th>
<th>Summary Descriptions Use specific examples to justify your risk ratings. Specify the caregiver(s) or child(ren) to whom the risk factor applies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 #2</td>
<td></td>
</tr>
<tr>
<td>☐ ☐ 4.</td>
<td>Severe abuse/neglect as a child.</td>
</tr>
<tr>
<td>☐ ☐ 3.</td>
<td>Recurrent but not severe abuse/neglect as a child.</td>
</tr>
<tr>
<td>☐ ☐ 2.</td>
<td>Episodes of abuse/neglect as a child.</td>
</tr>
<tr>
<td>☐ ☐ 1.</td>
<td>Perceived abuse/neglect as a child with no specific incidents.</td>
</tr>
<tr>
<td>☐ ☐ 0.</td>
<td>No perceived abuse/neglect as a child.</td>
</tr>
<tr>
<td>☐ ☐ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CG2. Alcohol or Drug Use Caregiver #1 #2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ☐ 4.</td>
<td>Substance use with severe social/behavioural consequences.</td>
</tr>
<tr>
<td>☐ ☐ 3.</td>
<td>Substance use with serious social/behavioural consequences.</td>
</tr>
<tr>
<td>☐ ☐ 2.</td>
<td>Occasional substance use with negative effects on behaviour.</td>
</tr>
<tr>
<td>☐ ☐ 1.</td>
<td>Occasional substance use.</td>
</tr>
<tr>
<td>☐ ☐ 0.</td>
<td>No misuse of alcohol or use of drugs.</td>
</tr>
<tr>
<td>☐ ☐ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CG3. Caregiver's Expectations of Child Caregiver #1 #2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ☐ 4.</td>
<td>Unrealistic expectations with violent punishment.</td>
</tr>
<tr>
<td>☐ ☐ 3.</td>
<td>Unrealistic expectations with angry conflicts.</td>
</tr>
<tr>
<td>☐ ☐ 2.</td>
<td>Inconsistent expectations leading to confusion.</td>
</tr>
<tr>
<td>☐ ☐ 1.</td>
<td>Realistic expectations with minimal support.</td>
</tr>
<tr>
<td>☐ ☐ 0.</td>
<td>Realistic expectations with strong support.</td>
</tr>
<tr>
<td>☐ ☐ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CG4. Caregiver's Acceptance of Child Caregiver #1 #2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ ☐ 4.</td>
<td>Rejects and is hostile to child.</td>
</tr>
<tr>
<td>☐ ☐ 3.</td>
<td>Disapproves of and resents child.</td>
</tr>
<tr>
<td>☐ ☐ 2.</td>
<td>Indifferent and aloof to child.</td>
</tr>
<tr>
<td>☐ ☐ 1.</td>
<td>Limited acceptance of child.</td>
</tr>
<tr>
<td>☐ ☐ 0.</td>
<td>Very accepting of child.</td>
</tr>
<tr>
<td>☐ ☐ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>
## CAREGIVER INFLUENCE

<table>
<thead>
<tr>
<th>CAREGIVER INFLUENCE</th>
<th>CG5. Physical Capacity to Care for Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG5. Physical Capacity to Care for Child</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>CG5.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>#1</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>#2</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>4. Incapacitated due to chronic illness or disability resulting in inability to care for child.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>3. Moderate physical impairment or illness resulting in only limited impact on child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>2. Very limited physical impairment or illness with virtually no impact on child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>1. Healthy with no identifiable risk to child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>0. Insufficient information to make a rating.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>9. Insufficient information to make a rating.</td>
<td><img src="#" alt="Table" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CAREGIVER INFLUENCE</th>
<th>CG6. Mental/Emotional/Intellectual Capacity to Care for Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG6. Mental/Emotional/Intellectual Capacity to Care for Child</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>CG6.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>#1</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>#2</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>4. Incapacitated due to mental/emotional disturbance or developmental disability resulting in inability to care for child.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>3. Serious mental/emotional disturbance or developmental disability with seriously impairs child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>2. Moderate mental/emotional disturbance or developmental disability with limited impairment of child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>1. Symptoms of mental/emotional disturbance or developmental disability with no impact on child caring capacity.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>0. No identifiable mental/emotional disturbance.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>9. Insufficient information to make a rating.</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td>☐  ☐</td>
<td><img src="#" alt="Table" /></td>
</tr>
</tbody>
</table>
## Risk Assessment Model for Child Protection in Ontario

### CHILD INFLUENCE

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>3. Child older than 2 years old, not regularly visible in the community.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>2. Child is under 12 years old, attends school, day care, or early childhood development program.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>1. Child is over 12 yrs. old, and younger than 16 yrs. old.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>0. Child is 16 years old or older, with adequate self-sufficiency skills.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>9. Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>3. Very anxious with negative, disruptive, and possibly violent interaction.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>2. Moderately anxious with apprehension and suspicion toward caregiver.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>1. Marginally anxious with some hesitancy toward caregiver.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>0. Child trust and responds to caregiver in age-appropriate way.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>9. Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>3. Serious behaviour problems.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>2. Moderate but pervasive behaviour problems.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>1. Minor behaviour problems.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>0. No significant behaviour problems.</td>
</tr>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>9. Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>
### CHILD INFLUENCE

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a b c d</td>
<td>4. Incapacitated due to mental/emotional disturbance or developmental delay and unable to function independently.</td>
</tr>
<tr>
<td>a b c d</td>
<td>3. Serious mental/emotional disturbance or developmental delay impairs ability to function in most daily activities.</td>
</tr>
<tr>
<td>a b c d</td>
<td>2. Moderate mental/emotional disturbance or developmental delay impairs ability to perform some daily activities.</td>
</tr>
<tr>
<td>a b c d</td>
<td>1. Symptoms of mental/emotional disturbance with minimal impact on daily activities.</td>
</tr>
<tr>
<td>a b c d</td>
<td>0. No identifiable mental/emotional disturbance.</td>
</tr>
<tr>
<td>a b c d</td>
<td>9. Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>
## Risk Assessment Model for Child Protection in Ontario

### CHILD INFLUENCE

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Table" /></td>
<td></td>
</tr>
</tbody>
</table>

1. Mild physical illness, disability, or lack of physical development; does not restrict activities.
2. Moderate physical illness, disability, or lack of physical development; restricts activities somewhat but can be overcome with special care.
3. Serious physical illness, disability, or lack of physical development; restricts activities without special care.
4. Severe physical illness, disability, or lack of physical development; requires medical care.

0. Healthy and no obvious physical illness, disability, or lack of physical development.

9. Insufficient information to make a rating.
| FAMILY INFLUENCE | F1. Family Violence  
Family Situation  
|------------------|-------------------------------------------------|
| 4. Repeated or serious physical violence or substantial risk of serious physical violence in family.  
| 3. Incidents of physical violence in family; imbalance of power and control.  
| 2. Isolation and intimidation; threats of harm.  
| 1. Verbal aggression.  
| 0. Mutual tolerance.  
| 9. Insufficient information to make a rating.  
| F2. Ability to Cope With Stress  
Family Situation  
|------------------|-------------------------------------------------|
| 4. Chronic crisis with limited coping.  
| 3. Prolonged crisis strains coping skills.  
| 2. Stabilized after period of crisis.  
| 1. Resolution without adverse effect.  
| 0. Free from stress influence.  
| 9. Insufficient information to make a rating.  
| F3. Availability of Social Supports  
Family Situation  
|------------------|-------------------------------------------------|
| 4. Effectively isolated  
| 3. Some support, but unreliable.  
| 2. Some reliable support, but limited usefulness.  
| 1. Some reliable and useful support.  
| 0. Multiple sources of reliable and useful support.  
| 9. Insufficient information to make a rating.  
| Summary Descriptions Use specific examples to justify your risk ratings. Specify the caregiver(s) or child(ren) to whom the risk factor applies. |
### FAMILY INFLUENCE

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Situation</td>
<td></td>
</tr>
<tr>
<td>□ 4.</td>
<td>Extremely unsafe; multiple hazardous conditions that are dangerous to children and have caused physical injury or illness.</td>
</tr>
<tr>
<td>□ 3.</td>
<td>Very unsafe; multiple hazardous conditions that are dangerous to children.</td>
</tr>
<tr>
<td>□ 2.</td>
<td>Unsafe; one hazardous condition that is dangerous to children.</td>
</tr>
<tr>
<td>□ 1.</td>
<td>Fairly safe; one possibly hazardous condition that may harm children.</td>
</tr>
<tr>
<td>□ 0.</td>
<td>Safe; no hazardous conditions apparent.</td>
</tr>
<tr>
<td>□ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F5. Family Identity and Interactions</th>
<th>F5.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Situation</td>
<td></td>
</tr>
<tr>
<td>□ 4.</td>
<td>Negative family interactions.</td>
</tr>
<tr>
<td>□ 3.</td>
<td>Family interactions generally indifferent</td>
</tr>
<tr>
<td>□ 2.</td>
<td>Inconsistent family interactions.</td>
</tr>
<tr>
<td>□ 1.</td>
<td>Family interaction usually positive.</td>
</tr>
<tr>
<td>□ 0.</td>
<td>Family interactions typically supportive.</td>
</tr>
<tr>
<td>□ 9.</td>
<td>Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>
### II. Caregiver's Motivation

<table>
<thead>
<tr>
<th>Caregiver</th>
<th>#1</th>
<th>#2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>No motivation to meet child's needs.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Very little motivation to meet child's needs.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Motivated to meet child's needs, but caregiver has multiple impediments to solving problems.</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Motivated to meet child's needs, but caregiver has some impediments to solving problems.</td>
<td></td>
</tr>
<tr>
<td>0.</td>
<td>Motivated to meet child's needs, and caregiver has no impediments to solving problems.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Insufficient information to make a rating.</td>
<td></td>
</tr>
</tbody>
</table>

### II. Caregiver's Cooperation with Intervention

<table>
<thead>
<tr>
<th>Caregiver</th>
<th>#1</th>
<th>#2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Refuses to cooperate.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Cooperates minimally, but resists intervention.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Cooperates, but poor response to intervention.</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Cooperates, with generally appropriate response to intervention.</td>
<td></td>
</tr>
<tr>
<td>0.</td>
<td>Cooperates with intervention.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Insufficient information to make a rating.</td>
<td></td>
</tr>
</tbody>
</table>

#### Summary Descriptions
Use specific examples to justify your risk ratings. Specify the caregiver(s) or child(ren) to whom the risk factor applies.
### Risk Assessment Model for Child Protection in Ontario

#### ABUSE/NEGLECT INFLUENCE

<table>
<thead>
<tr>
<th>A1. Access to Child by Perpetrator</th>
<th>Summary Descriptions Use specific examples to justify your risk ratings. Specify the caregiver(s) or child(ren) to whom the risk factor applies. A1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caregiver #1</td>
<td>Caregiver #2</td>
</tr>
<tr>
<td>☐ ☐</td>
<td>4.</td>
</tr>
<tr>
<td>☐ ☐</td>
<td>3.</td>
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<tr>
<td>☐ ☐</td>
<td>2.</td>
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<tr>
<td>☐ ☐</td>
<td>1.</td>
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<tr>
<td>☐ ☐</td>
<td>0.</td>
</tr>
<tr>
<td>☐ ☐</td>
<td>9.</td>
</tr>
</tbody>
</table>

| A2. Intent and Acknowledgement of Responsibility | A2. |
| Caregiver #1 | Caregiver #2 | |
| ☐ ☐ | 4. | Deliberate or premeditated abuse or neglect. |
| ☐ ☐ | 3. | Hides or denies responsibility for abuse/neglect. |
| ☐ ☐ | 2. | Rationalizes abuse/neglect or doesn’t understand role. |
| ☐ ☐ | 1. | Understands role in abuse/neglect; accepts responsibility. |
| ☐ ☐ | 0. | Abuse is accidental or neglect is not deliberate. |
| ☐ ☐ | 9. | Insufficient information to make a rating. |

| Caregiver #1 | Caregiver #2 | |
| ☐ ☐ | 4. | Extreme harm or substantial danger of extreme harm. |
| ☐ ☐ | 3. | Serious harm of substantial danger of serious harm. |
| ☐ ☐ | 2. | Moderate harm or substantial danger of moderate harm. |
| ☐ ☐ | 1. | Minor harm or substantial danger of minor harm. |
| ☐ ☐ | 0. | No harm or substantial danger of harm. |
| ☐ ☐ | 9. | Insufficient information to make a rating. |
### A4. History of Abuse/Neglect Committed by Present Caregivers

<table>
<thead>
<tr>
<th>#1</th>
<th>#2</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>□</td>
<td>4. Severe or escalating pattern of past abuse/neglect.</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>3. Serious recent incident or a pattern of abuse/neglect.</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>2. Previous abuse/neglect.</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>1. Abuse/neglect concerns.</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>0. No history of abuse/neglect.</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>9. Insufficient information to make a rating.</td>
</tr>
</tbody>
</table>
A. List all risk elements which received a rating of 3 or 4 and any other risk elements that rated lower but are significant sources of risk for the child(ren) in this case:

B. List all risk elements which received a rating of 0 or 1 and any others that indicate significant strengths for this case:

C. List all those risk elements for which there was insufficient information to make a rating (#9's):

D. Describe how these risk elements interact with each other:
   i. Do any risk elements interact with each other to intensify risk to the children? How?
   ii. Do any risk elements reduce the impact of other risk elements on the children? How?

E. If further steps are required to complete the full protection investigation beyond 30 days, describe the preliminary risk reduction plan.

F. Give rating of overall risk for family:
   - High Risk
   - Moderately High Risk
   - Intermediate Risk
   - Moderately Low Risk
   - No/Low Risk

Date Risk Assessment Tool Completed: ____________________________

Worker's Signature: ____________________________

Date Approved: ____________________________

Supervisor's Signature: ____________________________
BIBLIOGRAPHY

Archival Sources

CTA  City of Toronto Archives, Toronto
    Children’s Aid Society of Metropolitan Toronto Fonds
    City Executive Committee Fonds
    Metropolitan Toronto Police Service Fonds

AO   Archives of Ontario, Toronto
    Commission Appointed to Enquire Into the Prison and Reformatory System of Ontario 1891

NAC  National Archives of Canada, Ottawa
    John Joseph Kelso Papers
    Charlotte Whitton Papers
    William Louis Scott Papers
Other Primary Sources

CHILDREN’S AID SOCIETY OF TORONTO

Communication Online.  http://www.casmt.on.ca/co


ONTARIO ASSOCIATION OF CHILDREN’S AID SOCIETIES


ONTARIO MINISTRY OF COMMUNITY AND SOCIAL SERVICES


ONTARIO CHILD MORTALITY TASK FORCE

ONTARIO OFFICE OF THE CHIEF CORONER

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