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NATIONAL COUNCIL OF WOMEN OF GREAT BRITAIN  
AND IRELAND.

**Criminal Law Amendment Bill, 1922.**

BY MRS. JAMES GOW, *Convener, Rescue and Preventive  
Sectional Committee.*

**“REASONABLE CAUSE TO BELIEVE” CLAUSE.**

*Clause 2. “Reasonable cause to believe that a girl was of or above the age of 16 years shall not be a defence to a charge under sections 5 and 6 of the Criminal Law Amendment Act of 1885.”*

A clause to this effect for the protection of young girls (and such protection is urgently needed) formed part of the Government Criminal Law Amendment Bills of 1917 and 1918, was accepted by the Committee of the House of Commons to which it was referred, was approved by the Joint Select Committee of the House of Lords and the House of Commons in 1920, and was passed by both Houses in 1921.

It cannot be too strongly emphasised that this is no mere woman’s question, neither is it a sex conflict, as was stated in the House of Commons last year. Fathers and mothers alike are equally concerned in the protection of their daughters from base men and the safeguarding of their sons from demoralised young girls.

The objections to the clause, which are in the main theoretical rather than practical, are based on the fear that without the defence a young lad might be convicted after falling victim to some depraved girl purposely posing, before the offence was committed, as being over 16. But these cases are very rare and in such circumstances the Courts may be trusted to exercise wisely their discretion under the Probation of Offenders Act 1907, and merely to bind over the defendant.

This point was strongly emphasised by Sir Ernley Blackwell in his evidence before the joint select Parliamentary Committee in 1920, whilst the necessity for the abolition of the defence “reasonable cause to believe” was urgently pressed before the Joint Committee of 1918 by the then Chief Magistrate, Sir John Dickinson, and by the Hon. T. Bigham, who represented the Commissioner of Police. Mr. Bigham said police experience was that the defence was a “dishonest defence”, and that there was no ground for fearing that an innocent person would suffer from doing away with it. The opinion of the Commissioner was that there should be “a clean cut at 16 and that any interference with girls under that age should be a criminal offence, and that the risk of it should rest with the man”.

Much necessary legislation involves *possible* risks to innocent persons and this particular clause is no exception. But whilst this proviso “reasonable cause to believe” remains, no girl is *really* protected above the age of 14. On the other hand the removal of this defence would, by throwing full responsibility

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for his act upon the man, give a girl full protection up to the age of 16.

The majority of these cases are those where young girls are the victims of depraved men, and only a small proportion of them are brought into court, for in most cases no charge is made at all unless the girl is pregnant. Then, as a natural consequence of her condition, she looks older than when the offence was committed, and the jury agree that the man *had* "reasonable cause to believe" that she was over 16. An acquittal follows, the man escapes punishment, whilst the child-mother has to start life with a sullied character and a baby to support.

Many young girls have been ruined owing to a belief, curiously prevalent in some districts, that a man suffering from venereal disease can be cured by contact with a young virgin.

In considering this question the physical and mental effects should not be overlooked. A youth who yields to the temptation to indulge in sexual intercourse may suffer no lasting harm as the result, whereas the effect upon a young girl is inevitably very serious. Men, as a rule, see nothing of this side of the question, and not unnaturally approve of the protective defence allowed to the man. On the other hand social workers with practical experience, both men and women who come into personal contact with these cases, are absolutely unanimous in their conviction that until this much abused proviso (which has caused repeated miscarriages of justice) is removed from the statute book, there is no real protection for girls. But it affords substantial protection for men to seduce young girls and escape under cover of this well-intentioned but pernicious defence.

Every case brought into court in which "reasonable cause to believe" is successfully pleaded is indirectly an encouragement to evil-doers. It is also a serious discouragement against bringing such cases into court at all, and as a matter of fact fewer cases *are* being brought up—not because there are fewer of them, but because of the improbability of securing a conviction against the man in cases where the girl is well grown and developed.

The fact that a small number of vicious or unsophisticated lads may get into trouble without intending to break the law is no reason for depriving girlhood as a whole of this measure of protection. And in this particular case every young man knows perfectly well he is doing wrong, whether he knows he is actually breaking the law or not.

The defence in question is practically confined to this class of case. The act designed to protect youths under 21 from book-makers and money-lenders does not provide for those who contravene it a defence of "reasonable cause to believe", and the retention of this defence for men under a specified age (should it be attempted) would involve the creation by statute of a privileged body of wrong-doers.

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