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Published in:
Children's Literature Association Quarterly

Document Version:
Peer reviewed version

Queen's University Belfast - Research Portal:
[Link to publication record in Queen's University Belfast Research Portal](#)

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Equity, Altruism, and the Voice of the Child in *An Episode of Sparrows*: Perennial Issues of Youth Justice and Child Protection

“‘I have to talk to you about your mother…’” (Rumer Godden, *An Episode of Sparrows* 214)

Rumer Godden’s 1955 novel, *An Episode of Sparrows* (EOS) represents a timeless plea for the voice of the vulnerable young person to be better heard. It offers a trenchant, often prescient, critique of the various charitable and state systems (youth justice, child protection, and substitute care) that are tasked with providing support to those who are most at risk. It also calls into question our understanding of the concept of youth delinquency: as Young et al have recently argued, “[M]any young offenders are also victims with complex needs, leading to a public health approach that requires a balance of welfare and justice models” (41). In EOS, Godden presages much of the current thinking on issues of youth justice and child rights, particularly that found within the United Kingdom’s recent Redgrave Report (2021), which noted that, even yet, “‘...the system has a particular blind spot when it comes to the most vulnerable children and adolescents’” (3). The root causes of delinquency in young persons may be easily overlooked—or perhaps exacerbated—by policymakers, jurists, and disinterested elites: this can then lead to clear derogations of duty on their part, not least the failure to actively protect those who are most at risk of harm. Domestic governments beyond the UK have also frequently failed in their obligations under international human rights law. It has been noted that “‘...around the world there are variable and inadequate legal frameworks and a lack of a specialist workforce’” (Young 41). UN Country Reports, Concluding Observations, and Recommendations offer further evidence of this, citing the findings of various charities and NGOs¹ to highlight how systemic issues of inequality may easily arise through the vulnerabilities of gender, race, socio-economic status, and indeed childhood itself.²
This article argues that Godden advocates through *EOS* for a better balancing of child rights and interests, via a more compassionate hearing (and seeing) of those children who may be deemed delinquent but are then summarily dismissed as being simply "offensive" or anti-social. As in the time of the novel, it is still often the case that long-held prejudices against certain groups of young people can perpetuate dangerous invisibilities and unseen harms. For the egregiously neglected and overlooked child Lovejoy, the novel’s main character, there are countless care gaps (e.g., state, community, and parental) through which she has fallen. The very notions of family and "home" are, for her, quite tenuous and highly flawed: only rarely do these offer her any form of safe space or some basic sense of self. It is her labelling (Becker, 1963) as delinquent, together with the slow loss of what once roughly passed for family life (her mother effects a drawn out, heart-breaking abandonment of her) that underpins and drives her complex behaviours. Her eking out of a small, child-sized garden amongst the rubble of a bombed-out, urban London symbolises her own harsh existence but also her need for some form of protective kinship. Those who hold the most power repeatedly fail her in their unwillingness to see beyond superficial appearances: they neither hear nor listen to Lovejoy, perpetuating various injustices as a result. As such, Godden’s story remains highly relevant to modern audiences. It sets out how easily the precious markers of human dignity (such as family life, kinship, identity, and safe spaces) might be lost in the absence of fair hearing or accurate seeing. It does blueprint, however, a means for the preserving or salvaging of certain childhood dignities, by championing the need for fair and equitable child protection and youth justice systems and by reminding us of the need to view things from the ground-level perspective of the vulnerable child. Godden’s solution involves a pragmatic balancing of rights and interests, setting the need for best interests-led paramountcy (protection) against the child’s right to be heard (participation). The device that enables this outcome (the trust)
falls under private law rather than public law or human rights provisions, however. Arguably, this serves as a critique of the workings of child rights systems and their ability to effect meaningful reforms.

**An Inadequacy of Childhood: Delinquency Redefined?**

As Godden herself has stated of her work: “all of my novels are stories but underlying each is a deeper theme, never said, but there” (xv). Taken at face value, *EOS* is the straightforward but moving story of Lovejoy Mason, a near-destitute, mother-abandoned child who struggles to cultivate a small, secret flower bed amidst the bomb ruins of 1950s London. To do so, she must become increasingly delinquent, by stealing essential items (cash, seeds, gardening tools, and earth) and trespassing on enclosed or off-limits territory that is owned or controlled by powerful others who possess the means to exclude her: wealthy residents, the church, or a local gang of teenage boys.\(^6\) The story unfolds mainly through the twin perspectives of Lovejoy (abandoned child) and Olivia (overlooked, ageing recluse who will eventually effect the rescue of several key characters). The reader therefore gains two essential viewpoints: ground-level details seen by the at-risk child, and the contrasting, overarching bird’s eye gaze of a frail but determined middle-aged lady (whose own life has been too sheltered, and whose quiet but wise voice has often gone unheard by those closest to her). Between the two of them, we see more than just the main event of delinquency, which ends in Tip Malone’s unjust arrest and precipitates Lovejoy’s placement in an orphanage. Rather, we are presented with detailed testimonies of the complex circumstances that have led up to this moment. Their overlapping accounts permit us a fuller understanding of the series of sparrow-sized events that will come together to forge the narrative, and profoundly alter the lives of Lovejoy and Tip. We are also given a glimpse into the workings of the youth justice and care systems from the child’s perspective: in many ways these scenes reflect how “the
authorities’ still tend to deal with children who are at risk of becoming delinquent, beyond parental control, or in need of some manner of ‘“correction’’ to prevent further offending. Inconsistencies are apparent. As Fagan has noted, the

. . .landscape of juvenile incarceration has been, not surprisingly, complex and shifting since the 1970s, the decade when adult incarceration trends began their robust increase. Since that time, juvenile incarceration, and juvenile justice itself, has been situated in a space bounded by the transcendent nineteenth century child-saving movement, the procedural rights movement of the 1960s, and the raw emotional politics of violent crime and punishment in the past three decades. Accordingly, we see contradictions everywhere in this terrain (44).

The need to achieve best interests-led child protection can conflict with the child’s right to have their voice heard and listened to, however. The novel’s central episode, and the various consequences that flow from it, illustrates this, until Olivia’s intervention achieves a workable balance. Put simply, the plot involves three children taking buckets of soil from the wealthy, fenced off Gardens in the Square, late at night: Lovejoy, her unlikely friend Tip, and a (literally) roped in, terrified Sparkey (her nemesis, who, despite only being five years old, is symbolic of a hostile press, discussed more fully below). They are caught red-handed, in dramatic fashion. Their removal of the scarce, ‘“good garden earth’’ was driven by Lovejoy's need to sustain a small hidden flowerbed, which she has somehow fashioned out of the dirt and rubble of a bombed-out churchyard, with Tip’s initially reluctant assistance. His involvement is due to his remorse over the destruction of her original garden, which she had unwisely built on an inadequately hidden patch of ground ‘“belonging” to his gang of teenage boys. (Sparkey revealed its whereabouts to them as revenge for Lovejoy having stolen the seed packet from him, in the opening pages of the novel). This titular episode brings together, in its wake, several troubled (and a few oblivious) characters, underscoring just how easily apparently separate issues of social and youth justice can suddenly converge to worsen each other’s effects and give rise to new issues and harms. Poverty,
neglect, prejudice, and homelessness, then as now, can scupper the aims of philanthropists and the
drafters of human rights provisions: chronic or acute failings on the part of the state, community,
and charitable institutions destroy what little sense of self-worth Lovejoy has managed to hold
together over the course of the novel via her unlikely friendships and her dedication to the out of
place garden.  

It has been obvious from the outset that Lovejoy has suffered from egregious parental
neglect, social exclusion, lack of education, and chronic deprivation. When we first meet her, she
has already gained a reputation for delinquency: as Angela (the fearsome Chair of the Garden
Committee) will later note with some annoyance, the incorrigible Lovejoy has until now only just
“managed by stealing” (28) to survive her harsh childhood. Tellingly, she would only shoplift
those items that seem to serve as small but significant hallmarks of the carefree childhood denied
to her: ice cream, comics, sweets, hair ribbon, and pencil sharpener (28). Even after being smitten
by the gardening bug, her conscience remains fairly keen: the “anti-cat” net taken from a child’s
pram (to protect her delicate seedlings) does cost her sleep, for example, when she imagines the
potentially fatal consequences for the infant victim of this theft. This is a particularly symbolic
pilfering, given the severe impacts of her own unmet basic need for protective, visible parenting.
It is the sharp lack of any such safety net of her own that will eventually see Lovejoy
“orphanized,” and detained in a prison-like, church-run Children’s Home. And yet, it is not her
delinquent behaviour that sees her “sentenced” to this fate: she does not enter the justice system
as Tip does after the Garden incident, when he is unjustly charged with an offence he did not
commit. Rather, she comes to the attention of the child protection authorities as a parentless,
homeless child only after the desperate, bankrupt Combies (from whom her mother Bertha had
been renting a room before disappearing) are forced by their dire financial circumstances to make
contact with them, to find some alternative arrangement for Lovejoy’s care. After finally having
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to shut down the restaurant that provided their meagre livelihood (itself an out-of-place, doomed folly, mirroring the fate of the little garden) they themselves are facing destitution: “Lovejoy came and stood by her holding the edge of the table. ‘I’d work for you,’ said Lovejoy hoarsely. ‘Even when I’m grown up. I’d work and give you all the money . . . Please keep me,’ said Lovejoy. ‘We can’t even keep ourselves,’ said Mrs. Combie incoherently and she burst into tears. (237)

This sort of abject need and desperation drives most of the novel’s events: Lovejoy only resorts to stealing money from the church’s (somehow unlocked) collection box in a bid to save her dreams of a garden. Following key norms of restorative justice, she later “confesses” to her wrongdoing and then slowly works to replace the stolen funds, as penance, under the gimlet eye of Tip and a statue of the Blessed Virgin (which will serve as both a comfort to Lovejoy and conscience-pricking surrogate mother at various key points in the text). In terms of criminal behaviours, her seizing of the seed packet from Sparkey at the very start of the novel, though fairly violent, was not seen by Lovejoy as either theft or “fighting.” Rather, for her, it fell within the category of a basic, survival-led “taking” (28), which she had long engaged in, to procure certain essential childhood items. He is, however, a younger and frailler child, and it is noteworthy also that our first sight of her involves such an incident. It is significant also that, unlike Lovejoy, Sparkey has staunch defenders on his side, representing the power of family, church, and public opinion. After she punches him to claim the dropped seed packet, a sort of rapid-fire, mini courtroom scene occurs: Father Lambert calls her “‘a little varmint’” (26), whilst Sparkey’s mother identifies and admonishes her. An anonymous female passer-by then weighs in as judge and jury, labelling Lovejoy as delinquent bully and thereby dispensing with any need to name her: “‘Fancy a big girl fighting such a little boy’” (26).

Lovejoy is not a big girl, however, in either age or stature: in many ways she is much more vulnerable than Sparkey, given her lack of maternal wrath, deviant status, and female gender. As
a male child, he can gain honorary membership of the local boys’ gang, a thing gifted to him by Tip, their leader. His capacity to discover and deliver salacious news stories to all within earshot also stands him in good stead. His not entirely accurate ‘‘evidence’’ in the police station profoundly influences events later on, adding to an already lively, local mythology on male delinquency and knife crime. His labelling of Tip as a young offender from the beginning of the novel also presages his eventual entry into the justice system:

Not long ago one of the Catford Street boys, the boy that Lucas had told Angela about, had been caught by the police: he had slashed an old lady with a knife. ‘‘F’r her handbag,’’ said Sparkey with relish. ‘‘He got sent away. That was Maxey Ford,’’ said Sparkey. ‘‘He was in Tip Malone’s gang.’’ ‘‘I don’t believe it,’’ said Sparkey’s mother, but Sparkey was an authority on gangs. ‘‘Tip’s a nicely brought up boy.’’… ‘‘He isn’t,’’ said Sparkey, indignantly. (20)

Though Sparkey watches everything, he does not always correctly see or understand what it is he is witnessing, much like a biased media, then as now. Perched on his news-seller mother’s stack of papers, he represents the sensationalist wing of the press and its abiding influence on public opinion (and, arguably, on youth justice policies): “lurid pieces of the paper seemed printed into him” (20). His determined surveillance and flawed analyses serve to direct the narrative at important points, eventually condemning both Lovejoy and Tip to their respective fates. He helps, for example, to perpetuate moral panics over local gangs, arguing—and enjoying—their status as knife-wielding “folk devils” (Cohen 1973). His power, and that of the media, should not be underestimated. As Leverentz has argued, “Media coverage shapes commonly understood narratives about crime, criminals, and urban places, telling readers who criminals are and where crime occurs. It also influences public opinion about crime and support for punitive policies.” (348)

Godden is careful, however, to counter Sparkey’s dark enthusiasm for labelling others by setting out in detail the reasons and circumstances behind certain “‘crimes.’” Lovejoy’s need for
the garden to be an authentic space, for example, is especially poignant, as is her defiant refusal to settle for anything other than a proper garden (“‘Have a box,’ said Mrs. Combie and Mr. Isbister. ‘I won’t have a box,’ said Lovejoy’” (62)). Her determination is grounded in the abject loneliness of her life. The garden fills the void left by her indifferent mother: from the very start she takes comfort from the collection of stolen or salvaged seeds kept, aptly, in a little medicinal pillbox. Their very names soothe her, as she repeats them, prayer-like at night, to stave off the anxiety and sorrow of unrelenting anxiety or disappointment: “With all the troubles that rose up in Lovejoy’s mind at night, she had only to put out her finger and touch the pillbox and begin to intone, ‘Nasturtium, love-in-a-mist, mignonette, alyssum,’ and she was asleep” (87).

Having left her infancy behind, she easily loses the sympathy and interest of the wider community, in sharp contrast to Sparkey, who is both seen and generally listened to by the grown-ups around him. This echoes how her mother similarly had no more use for her as she grew older:

‘I used to do a kitten dance,’ she told Tip and Vincent. ‘I had a swansdown dress and little swansdown gloves; and I used to do a song with my mother. In it she was dead but she came back at night to see her child. I was the child,’ said Lovejoy. ‘I used to wear a white nightgown and say my prayers to her.’ . . . ‘But why did you stop?’ asked Tip. ‘Why didn’t you go on dancing?’ ‘My little teeth fell out,’ said Lovejoy (33).

She lapses into that strange thing of temporary invisibility that affects the Catford Street children once they reach a certain age. They tend to disappear into anonymity, to be camouflaged by the stones and bricks they played in: as if they were really the sparrows the Miss Chesneys called them they led a different life and scarcely anyone noticed them. At fourteen or fifteen they appeared again, the boys as big boys that had become somehow dangerous—or was it that there was too much about them in the papers? (23)

The dangers of such invisibility have been analysed elsewhere, especially in terms of gender and social disadvantage: as Caponegro has argued (in relation to their 1950s representations), the
young female delinquent was often quite “marginalised or overlooked completely” (312). Pollak’s theories (1950) further suggested that many “typically female” crimes often went unreported, namely, shoplifting, domestic theft, breaches of the peace, and perjury (all of which do appear in the novel, but not necessarily as gendered or indeed “youth” crimes). In contrast to this, male offenders might well inspire the sort of hero worship respect that Sparkey has for Tip, in relation to his role as adolescent leader of the local boys. Lovejoy’s behaviours are less easily defined or categorised, often amounting to “status crimes” (e.g., being incorrigible, disrespecting authority, staying out late, and begging for money) that fall short of criminal activities such as theft or vandalism. As a female child, however, she is perhaps more likely to be deemed worryingly deviant, or prone to folk devil transgressions. To the judgemental likes of Angela, Cassie, and the mothers of Catford Street, she is perhaps seen as more of a threat because of her autonomous and hardy nature, especially by those who would see her conform to female customs of dress and behaviour. Her atypical ingenuity and resilience underscore her non-adherence to gendered norms: unlike Tip’s many sisters, Lovejoy is seldom prone to tears or emotional outbursts, nor does she balk at physical exertion (climbing walls, digging, and carrying buckets of earth or water) or unpleasant tasks (scraping up horse manure from the street to make fertilizer for her prized miniature rose).

It is unsurprising then that, after being overlooked for quite some time (and then being suddenly seen by too many eyes as delinquent and dangerous) her “sentence” will take the form of a pronounced invisibility. Her de facto imprisonment behind the walls of the Home of Compassion will bring further identity loss and a hated uniform. As with many juvenile correctional facilities, the care system which Lovejoy must enter (as abandoned child, rather than delinquent) seems to have been designed
mainly to control its residents and restrict their personal freedoms. Movement and association are intensively regulated; outside contact with family, friends, and intimate partners is attenuated . . . access to media and culture is restricted; privacy is non-existent; and choice of clothing, language, and other modes of personal expression is off-limits. Whatever developmental importance these forms of self-expression and self-determination may have for adolescents, it is sacrificed to the primary goals of security, control, discipline, and punishment (Fagan 43).

Tip, in contrast to this, having been formally and very visibly charged with a crime that he did not commit, will emerge from the process in many ways rewarded: he is given entry to a longed-for career in the Navy, enhancing his status within the community and broadening his horizons. Again, unlike Lovejoy, Tip had taken much pride in having the Magistrates read through his good school reports; he also had legal representation—paid for somehow by his mortified parents—whereas Lovejoy’s case was dealt with by a kindly but broken-veined, anxious female Probation Officer. Tip’s punishments are largely informal and consist in his being closely supervised by his family, to keep him apart from Lovejoy and her poor influence: “He was guarded on his way to school and back by a posse of Malones. In the evenings Mrs. Malone kept him in, and on Saturdays he was escorted to Sid, and Sid was under contract to bring him back; as for Sundays he was sent right away to Mrs. Malone’s aunt in Streatham.” (232)

He will not suffer the abject social exclusion and invisibility that Lovejoy so fears. Even his new (Naval) uniform will bring a sense of belonging and mark him out as a respected member of a wider community; Lovejoy’s new clothes and lifestyle as a “Home child” will do the very opposite. The tragedy of this enhanced labelling lies in the barely lingering presence of her resilient, resourceful independence at this point in the book. It was her independent spirit—influenced greatly by Vincent’s hubris—that drove her to create and nurture a fragile garden in an earth-scarce, urban street. The taking of the good soil from the railed-off Square Gardens represented much more than her new, urgent need for a safe, quiet space. It speaks even yet to
chronic disenfranchisements caused by perennial inequities and unjust allocations of fundamental resources (land, space, money, food, social security, and access to justice), many of which are still evident across wider society, decades later.

By framing Lovejoy’s experiences in the way that she does, Godden also challenges to some extent the assumption that, often, “girls and boys follow different paths to delinquency” (Steketee 91). As Hoyt and Scherer observed, the study of female delinquency (and indeed juvenile justice) can be subject to significant levels of gender bias (82). Though some theorists have argued that clear policies of leniency towards girls can be found within juvenile justice models (Pollak 1950), it bears mentioning that the post-war era of the novel was set during a sort of “third wave” (between 1931-1960) of law and policy shifts, framed in retrospect as being “associated with a public reaffirmation of the benign intentions of the new juvenile courts and belief in the efficacy of upgraded institutions; the courts and institutions were supported by a renewed belief in the ‘rehabilitative ideal’ and the ‘treatment’ of delinquency and ‘neglect’” (Lerman 168).

The conflation of child protection and youth justice modes led to a more formalised police policy of cautioning, rather than charging, certain young offenders in late 1960s London. This meant that by then they “no longer relied on the diagnostic wisdom of juvenile magistrates” (Lerman 170). The wider aim was to instead divert vulnerable or at-risk young people away from harmful behaviours and activities (and criminal court proceedings) towards more localised forms of social control or therapeutic measures. Local police would essentially serve as “‘gatekeepers’” (Poyser 5) to decide when charges might be brought or not. In this sense, Godden was ahead of her time, as evidenced by Olivia’s simple but perfectly designed, innovative solution to Lovejoy’s
crisis (and Vincent’s, for good measure) involving the local policeman as a gatekeeping trustee: “‘That nice Inspector’” (270). Her forward-thinking strategy saves the little girl from entering the care system permanently and losing connection with everyone who cares about her: the specific provisions of Olivia’s testamentary trust will allow Lovejoy to continue living with the Combies and not completely lose touch with Tip. The inclusion of Inspector Russell as a trustee was based upon his knowledgeable, compassionate handling of matters in the police station, which Olivia herself had witnessed. He showed a calm, clear reluctance to charge Tip with any offence, until Sparkey’s childish boasts force his hand, reminding him of a recent local robbery involving knife crime: “‘It’s the worst gang for miles . . . Maxey Ford was in it’” (207). He also knew the law, noting that private trespass was not a crime per se, outlining the concept of leasehold possession of land, and casting very helpful doubt on the key issue of whether the taking of such “‘common ground’” earth (which was meant for public benefit) was likely to be found to have amounted to theft in court (208).

Godden deviates also from certain “‘female delinquency’” literary traditions of the time, which tended to focus upon paternal relationships or some sort of confinement within the “‘home’” as possible explanations for deviant behaviours in girls (Caponiego 313). Lovejoy is not confined in any real sense, lacking as she does a home life and the usual familial ties, in spite of how Vincent, (and to a lesser extent, Tip and Mr. Isbister) sometimes serve as quasi-father figures to offer her guidance or some measure of protection from harm. Even Vincent’s fondness and concern for Lovejoy cannot offset her lack of kinship and homeplace, however. Her eventual “‘orphanization’” by those in power seems inevitable once she has been brought to their attention, after years of invisibility and chronic neglect. These aspects of the novel remain especially relevant for the modern reader: as was observed recently in the UK’s Redgrave Report (2021), “The child protection system is primarily focused on risks to very young children inside the home, meaning
adolescents at risk of violence in the community fall through the gaps” (6). For Lovejoy, violence from her community largely comes in the form of harms suffered through social exclusion and the loneliness of isolation, and by being either unseen or too-much seen, as a dangerously delinquent female “other.”¹⁵ Her only real comfort lies in her efforts at gardening, which leads to her friendship with Tip. Against such a backdrop, her hidden-away “‘stolen’ garden (and her overwhelming need to nurture it at all costs) symbolises much about what has been missing from her unmothered childhood. As her neighbour Mr. Isbister explains to her, “‘Young plants are the same—as babies; that’s why they call—a seedling bed—a nursery. They need—food and—warmth and quiet and—loving.’” (147). Her garden’s hard-won existence offers her some degree of solace when her own invisibility and isolation become too much for her to bear: “Mrs. Combie was kind, Vincent was very kind, but for Mrs. Combie there was really only Vincent and for Vincent there was only the restaurant. Lovejoy was a little extra tacked on.” (33)

And yet even this level of precarity is preferable to the harmful losses that she experiences upon being taken into care near the end of the novel: she loses her freedom, the garden, the Combies, Olivia, and Tip. In their place, she will have the full, judgemental attention of Angela and the various strictures of the Home of Compassion, which will render her even more invisible and voiceless. Lovejoy’s experiences call to mind those rights violations that are not always readily visible to those decision-makers who have caused or worsened them, via a deliberate or indifferent policy of unseeing. Loss of autonomy, fractured family life, unlawful detention, and a curtailment of religious freedom may easily go unseen and unchallenged when victims of such infringements are themselves not especially evident.

In relation to modern youth justice systems in England and Wales, similar concerns remain. As Cuneen et al have recently noted,
for the past quarter century, youth justice reform in England and Wales has, more-
often-than-not, been driven by political imperatives, pragmatic adaptations and ulterior motives that are situated beyond the immediate governance and regulation of youth crime itself. The same processes have ultimately been blind to human rights obligations and in reality—and despite rhetorical constructions to the contrary—they mark England and Wales out as a jurisdiction that can be seen to have scant regard for the human rights, needs and prospects of a profoundly disadvantaged population of children. (425)

Seeing and Hearing the Vulnerable Child: Angela versus Olivia (and Common Law versus Equity)

Angela symbolises the decision-making capacities and capabilities of jurists, legislators, and philanthropists. She has chosen throughout the proceedings to ignore certain uncomfortable realities, even where much evidence and witness testimony has been placed before her. She refuses, for example, to listen to Olivia when she tells her about the little garden that the children painstakingly built in the ruined churchyard:16 “At least she admits it’s our earth,” said Angela humorously. ‘Don’t joke,’ said Olivia. It sounded like an injunction. ‘Then don’t talk as if this were a miracle,’ snapped Angela. ‘It is, in that place, out of those children.’ ‘Nonsense, all little guttersnipes make mud pies.” (226)

The dishonest and violent behaviours of the Garden’s caretaker Lucas (theft from the Committee, his assaulting of Sparkey) are similarly ignored. This is an abject failure on Angela’s part to carry out her duties as “law-maker.”17 In respect of Lovejoy, she similarly refuses to look beyond superficial appearances, first impressions, and adverse labels: only Olivia and Father Lambert take the time to discover hidden truths, clambering through the dusty ruins of the churchyard and viewing things from ground level to gain some appreciation of the garden’s importance and the children’s need to care for it: “A little garden almost in a church . . . Father Lambert watched them making it, they didn’t know that he watched . . . ‘If you bend down, about
the height of a child, and look, then you can see what it is,’ Father Lambert had said.” (226) Many of the childhood harms seen within EOS arise from children being unseen and unheard: issues of structural or systemic inequality, social injustice, inherent vulnerability, and chronic unmet need then combine to create seemingly insurmountable obstacles to the promotion of their best interests.\textsuperscript{18} Godden reminds us that an absence or inadequacy of parenting, coupled with a lack of a compassionate, substitute care system for neglected children (whether state-run or charitable) can easily worsen or engender youth delinquency. Punishments involving detention or further social exclusion seldom offer a useful solution to the complexities that underpin deviant behaviours and youth crime, especially where these punitive strategies serve to remove the “offending” child even further from society’s gaze. This message is reinforced through several of Lovejoy’s interactions with Tip, when she sees just how much visibility—in the sense of being seen by one’s family—matters: “She kept him till it grew cold and eerie in the graveyard. ‘My mum’ll lam me,’ he said. ‘Does she lam you?’ asked Lovejoy wistfully. ‘Don’t they care how late you are?’ he asked. ‘No.’” (120)

The contrasts between Tip’s upbringing and Lovejoy’s are profound. Though marked by “untidiness and shabbiness,” the working-class Malones still take “most of the prizes at school” (22). They are clearly bonded together by their strong ties of fiercely protective loyalty and kinship. Unlike Tip, Lovejoy must self-parent, mending and pressing her own ragged clothes and keeping herself clean and presentable as best she can. She has essentially acted as the adult in her relationship with her mother, foregoing sleep or treats when asked to, forgiving her cancelled or cut-short visits, and lovingly preparing their rented room for her return from long spells of working away (49). When she leaves Lovejoy for the last time, she does so without saying goodbye, having trashed and looted the little room that had been so carefully done up for her by Lovejoy and Mrs. Combie. By this point, even the previously comforting scent of her spilled perfume has gone stale
(92), to be replaced by the unpleasant smells and detritus of male visitors. Empty drink tumblers and dirty ashtrays underscore the squalid, dangerous nature of her mother’s inadequate, disinterested ‘‘care.’’ Lovejoy’s childhood freedoms, she herself comes to realise, are only enabled by the sort of dangerous neglect which is steeped in too much freedom: little, if any, space is left for her best interests to be protected, by anyone. Vincent is one of the few adults (before Olivia’s intervention) to truly see her, and the dangers of her situation, and act on her behalf. Finding her at one point asleep on the stairs outside the room that she shares with her mother (due to the presence of a gentleman caller), he notes, ‘‘She was in her ragged pyjamas, a blanket had been put round her, but when he touched her bare feet they were as cold as stones: her head leant against the banisters and her cheek, when he brushed it with his finger, was wet’’ (96).

His ‘‘social worker’’ actions here—knocking quietly but firmly on her mother’s bedroom door after putting the half-frozen, exhausted child to sleep on the kitchen sofa—call to mind the blunt provisions of the emergency child protection laws in force at that time in England (under the 1933 Act), which emphasised the need for swift, harsh removal to a ‘‘place of safety’’ and for some ‘‘fit person’’ to act in loco parentis in situations of neglect or abuse.19 The notion of offering family support in times of crisis to try and maintain bonds, or permit some form of kinship care, would not crystallize until many years later, largely via the 1989 Children Act which, influenced by the persuasive guidance of the Children’s Convention, highlighted the voice of the child as a human rights issue, alongside the need for best interests-led, child welfare paramountcy.20

The image of Lovejoy on the stairs captures how many of her acts of delinquency were sparked by necessity and neglect. They arose from her repeated exclusion from places of comfort and safety: simply blaming poverty, childish greed, or inherent malice (as Angela tends to do) is too basic a hypothesis. That said, just as her mother required her to remain out of sight (and outside of their shared room) while she entertained her male companions, so too will the various systems
of youth justice and child protection demand that Lovejoy become even more invisible, well hidden away from polite society, lest she influence others or worsen her own delinquency. At school, there was a similar policy of fabricated, enforced invisibilities: she could not take part in the pantomime, for example, because she had no one to see to the making of a costume for her, much like the indigent children whose families travelled the canals or those pitiful “others” who have been abandoned by their parents and put into care. Placement into the care or juvenile justice systems ensured that othering would continue, perhaps permanently. Moreover, in the novel, the Home orphans appear as an amorphous, anonymous mass, kept apart from the Catford Street children and dressed in a plain uniform that manages to label them and signify their difference. It makes them more visible as a group, but still somehow manages to blur them as autonomous individuals, merging them to some extent with the street’s grey, dusty backdrop.

Lovejoy is keen to distinguish herself from their profound levels of disadvantage by insisting: “I’m not like a n’orphan.” (32). She is acutely aware of the dangers of falling further into isolation and social exclusion, rightly fearing an eventual disappearance into an indifferent, unseeing care system: “a speck in thousands of specks….and then there was something called no-one” (33). Again, in terms of being unseen and unheard, Lovejoy’s lack of maternal protection stands out sharply against the fierce loyalty shown by the other Catford Street mothers, who will swoop in to defend their children at the first sound or sight of trouble, whenever the need arises. They will easily and quickly class Lovejoy as “other” to shield their own offspring from her supposedly malign influence: “It was amazing how hard people can be when they have to protect someone else. Mrs. Malone was big and warm-hearted to her own children” but says, “Good riddance to bad rubbish” (232), to a distraught Lovejoy before closing the door on her when she asks to see Tip one last time before entering the orphanage. Even the gently stoic Mrs. Combie, in one of the book’s more distressing scenes, rejects the girl’s pleas for house room, opting instead
for the continued mothering of her bankrupt husband Vincent. As she explains to the court, “…I couldn’t take the responsibility. It’s not that she’s not a good child, sir…she is, but she has ideas”” (233). It was then left to Angela to try and effect a “charitable” solution, which is tinged with punitive retribution, via speedy transplanting to the dreaded, prison-like children’s home and its institutionalising regime: “that big hole and thousands and thousands of little ant people being swept into it” (213).

The need for children to be seen, heard, and listened to (as opposed to their being placed somewhere beyond our lines of sight) is repeatedly reinforced by Godden. The “watchful” statue of the Virgin Mary, mirroring Olivia in many ways, serves as a sort of miracle-working confidante and surrogate mother-figure, listening to Lovejoy’s “prayers,” seeing her perform her penance, and apparently granting some of her wishes. Father Lambert, as sympathetic and compassionate witness (despite his initial labelling of Lovejoy when he sees her attack Sparkey in the opening section of the novel), also proves to be a staunch supporter of the children after quietly observing their efforts in the garden. His intercession is crucial to the gaining of Olivia’s support. It is Lovejoy’s relationship with Tip, however, which is the most important for her, in respect of her need to be seen, heard, understood, and afforded dignity.

The scene where his oblivious gang of teenage boys punishes Lovejoy for her “trespass” onto their part of the bomb ruin amounts to a critique of retributive justice models, which tend to be underscored by a need to castigate offenders and deter any future transgressions. Tip’s first brief glimpse of Lovejoy captures a rare moment of vulnerability, her chin trembling after his gang has brutally destroyed her first attempt at a little garden: “he remembered how a puppy’s legs, when he had seen it run over and killed, had trembled like that” (105). The memory triggers remorse and restorative action, so that his conscience compels him to help her build a less vulnerable, more hidden-away garden in the ruined church yard. Tip had quickly grasped that her
“trespass” onto the boys’ territory was the result of need rather than depravity. He takes the time to find and visit her at “home” to return her damaged gardening fork, offering her a “little old shovel” as replacement for her lost trowel. In doing so, he sets out a sort of template for compassionate, seeing enquiries, pragmatic altruism, and reparations.

Olivia, in her capacity as “Lady Justice,” will later adopt the same approach of watchfulness, investigative enquiry, and home-visiting, to both see and listen to the evidence of the vulnerable (Lovejoy, Vincent, and Father Lambert), so that she can craft a compassionate, needs-led, rights-reflective response to their problems. As a reclusive but somehow all-seeing “queer dark lady,” she will quietly but firmly advocate for the children’s best interests (and Vincent’s, for good measure) in terms of promoting their welfare, human dignity, and some degree of autonomy. She sees and listens to Lovejoy, and to those who speak on her behalf: Vincent and Father Lambert. She essentially acquits the children of crime and delinquency via her carefully worded dissenting judgment (which Angela will, as ever, ignore), stressing how the children’s efforts at creating a garden occurred “in the rubble that nobody wanted, where nobody saw. It’s careful and …innocent” (226). Framed in this way, Lovejoy’s slow accumulation of borrowed or stolen scarce things (seeds, time, knowledge, money, and gardening tools) takes on a much deeper meaning. The garden represents all that she lacked and needed, offering family space, ties of kinship, safe space, and the means to gain self-esteem. She treats her seedlings like cherished infants, renaming an expensive dwarf rose and nurturing it with street-salvaged horse manure: in doing so, she manages to briefly escape the horrors of her own brutal childhood. She gains the attention of various knowledgeable, compassionate adults who will both see her and permit her fair hearing, time, and much needed, longed-for resources. It is her unlikely friendships with Vincent, Olivia, and Tip, however, that link the story’s intersecting themes of youth justice, child protection, poverty, and the needless invisibility of the vulnerable.
These relationships particularly underscore how the absence of familial security has shaped and limited Lovejoy’s upbringing: they mitigate her delinquency in many ways, reminding the reader that to be seen but not heard (or listened to) is to risk being judged or labelled incorrectly and further excluded. The garden itself suffers this fate when the bulldozers finally arrive to prepare the way for a new chapel. It had existed and ended unseen by those who would have most appreciated it (Angela, Vincent, Mr. Isbister, and Liz), which underscores further Godden’s message that those in power must take the time to recognise and remedy vulnerabilities where possible. It is no coincidence that the little garden was the size of a hearth rug, connoting the safety of home fires, sanctuary, and familial comforts (117), few of which were ever available to Lovejoy. Similarly, it is no surprise that the one survivor of the churchyard’s redevelopment is the much cherished, named and then renamed rose, Jiminy Cricket, which Tip had managed to surreptitiously look after in Lovejoy’s absence. Its eventual return to Liz, its original owner (who had gifted it to Lovejoy when she saw her in the church), triggers an emotional, angry response: her words summarise the various injustices that have arisen in the novel through poverty, invisibility, and, above all, silencing: “‘Hundreds of little girls . . . Little churches, little restaurants. What does it matter what happens to one?’ ‘Don’t be impertinent,’ said Charles and he took her arm and swayed her as if he were gently shaking her” (267)

It is this refusal by the powerful to see, hear, or listen to those who are in crisis that is most to blame for the suffering of others. Angela’s very first encounter with Lovejoy, for example, had the potential to be highly beneficial to them both: the little girl was gazing in through the bars at the Square’s well-tended flower beds, doing exactly what Angela had hoped the impoverished Catford Street residents might do, to appreciate the efforts of her Garden Committee (67). As their imperious chair, she had long sought to beautify the area but only on the basis that certain residents
must be denied entry. Her assumption that Lovejoy was simply delinquent and up to no good was an impactful one,

. . . had she been able to say what she felt about the crocuses, the whole history would have been different, but she was silent and sullen, and dropped her eyelids in the way Angela knew meant that a purpose was being concealed. ‘You were going to climb the palings,’ said Angela. Lovejoy was suddenly filled with a terrible feeling of the power of grown-ups, the power and the knowledge…her helplessness enraged her…what she did now imprinted her forever on Angela’s mind. She spat.’(68)

Judgements such as this matter, especially when delivered to those who lack voice or advocates. As Vincent (and the Catford Street housewives) knew well, appearances are key, and the maintenance of façade is often everything: dirt, dust, and deviance cannot be tolerated lest they overwhelm. Angela represents much that is flawed within the justice system, demonstrating the need for meaningful methods of truth-discovery and evidence-gathering. As a member of a wealthy elite, she holds power and influence, and her role in the proceedings after Tip’s arrest is substantial in terms of insisting that court proceedings must follow. She similarly insists that Lovejoy’s spirit must be broken, by making her more fully aware of just how dire her circumstances are when entering the Home of Compassion: “‘Compassion is pity’ . . . ‘This Home is called that because it’s a home for children who are to be pitied…‘You should be grateful and not criticise’…‘Think. If there were no kind people, what would you do?’” (258)

It is relevant that much of Angela’s own inherited wealth came to her via conformity to stereotypical female norms, through a “‘rich old bachelor godfather’” who had found her to be “‘a beautiful and very taking child’” (8). Her charitable works do not see beyond or behind superficialities, nor does she wish to uncover or be presented with any unpleasant truths. As a negligent jurist, she will summarily “‘try’” the children but then overlook—or, more accurately, opt to ignore—the inconvenient guilt of her servant Lucas. In addition to stealing from her Garden Committee, he also commits the novel’s most violent act when he repeatedly kicks a trapped and
fallen Sparkey, badly bruising the little boy’s shins: “Tip looked at the black boots and leather gaiters, the warm box-cloth breeches, and at Sparkey trying to get up, rising and falling like a hurt fledgling on the pavement…Sparkey tried to get up and Lucas booted him again” (190). Lucas’s dishonest evidence against Tip (who had acted to protect Sparkey from this assault) is believed by Angela but not by Olivia. Her dissenting opinions reveal the extent of her compassionate vision and understanding, gained from watching the street children from her window and listening to the heartfelt appeals of Father Lambert. Angela declines an invitation to go with him to discover just why the buckets of earth were so desperately needed, so that an ailing Olivia must accompany him in her stead: from this moment on—or perhaps from the heart-breaking “moment that Lovejoy had taken her hand” in the police station (213)—she sees that she had, up until then, simply “been a shadow” (223). Her inputs and interventions are now essential, in terms of achieving some level of justice for the children who have suffered at the hands of an inept, largely indifferent system. Having lived a half-life of quiet anxiety, Olivia’s actions now demonstrate that, very often, as Vincent observes, many “things are more than just themselves” (48).

This is especially true of youth justice and care systems, given their duty, enshrined in human rights law, to hear the voice of the vulnerable child. With Angela representing retributive models of sharp punishment and the failings of common law (which is rigidly bound by precedent), Olivia must serve as a champion of restorative and social justice paradigms. She falls back on the law of Equity, using its main device (the trust) to achieve fairness and a more pragmatic, redressive outcome that will directly benefit the most vulnerable and disappoint those who are disingenuous. She is a useful foil to Angela’s worst excesses: “…if you think you know, you don’t ask questions…or if you ask, you don’t listen to the answers.” (218). This, perhaps more than any other statement in the novel, sums up Godden’s message to the law and policymakers, who like Angela, often seem to avoid the rare “chance to join in something real”
Olivia’s intelligent compassion is grounded in a deep self-awareness: she realises that she and her sister have lived in relative comfort in comparison to the poor of Catford Street. And yet, struggling families such as the Malones have remained somehow “rich in everything she had not, children and strength and life” (7). Likewise, all that Angela had deemed to be dirt and weeds, now gains much value through the eyes of Olivia, especially the well-used earth (or land) which, to her mind, brings community, rootedness, and purpose: “…a power of life, of creating and sweetening; it can take anything, a body, an old tin, decay, rust, corruption, filth, and turn it into itself, and slowly make it life, green blades of grass and weeds” (57). As Muncie has argued, a “failure to distinguish children’s particular needs in criminal justice policy and the application of sanctions,” can easily lead to systemic injustices (42). Lovejoy’s profound emotional displacement from all that is familiar is an indictment of those systems of “child protection” that have let her down so badly and would now most likely continue to do so, were she to stay in care. She has maintained an outer wall around herself—and the precious garden—for most of the novel, breaking only towards the end, when she must abide by the new rules of behaviour laid down by her changed circumstances. As an “avenging angel” (197), Angela symbolises not only sharp justice but also the stark limitations of Christian charity: “‘Even if we buy everything twice, that spirit must be broken’” (256), she decrees, forcing Lovejoy to conform to the uniform-like garb of the Children’s Home. Rather than sustaining her, Lovejoy’s self-reliance skills will now mark her out as irredeemably deviant, suitable only for the sort of walled-in system that demands a dehumanising obedience and a loss of dignity. Lovejoy faces even greater shame and stigma here (Goffman 1963) than she did in school or the street, not to mention the various identity-losses associated with the classic “pains of imprisonment” (Sykes 1958), including the loss of familial ties. At one point she “would have given anything to have seen even Cassie,” the cruel sister of Mrs. Combie who had always mocked her (and Vincent) by criticising her increasingly shabby
appearance and admonishing her over her mother’s rent arrears and long absences. Lovejoy will now have to sleep in a communal bedroom and play within netted enclosures (254). She will not be permitted to freely roam the street, nor can she say her usual “prayers” to the statue of the Virgin, within the Home’s Anglican chapel. This last loss deprives her of a comforting activity that was based upon Tip’s rudimentary teachings on Catholicism, which had come at times to represent their kinship and certain norms of behaviour. In the chapel, “[s]he wondered why there were no candles, she missed their warmth and the live sounds of the clicking of beads…the pattering prayers. ‘Tip taught me and I’ll do what Tip taught me for ever and ever’… ‘You can honour her as the mother of Our Lord but you must not give her supernatural powers.’” (260)

Again, as Godden has stressed, names and naming are essential to identity and to existence. Vincent’s real name is George, and the street is awash with nicknames. The costly miniature rose, gifted to Lovejoy by Liz, is both named and renamed and will be the only plant to withstand the garden’s bulldozing. It had been the main catalyst for the final episode of soil-taking, which resulted in Tip’s arrest and highlighted much about what was absent from Lovejoy’s life, having been lovingly nourished and much cherished. Knowable identity (rather than inaccurate “labelling”) must be preserved at all costs, as we see with Vincent’s own adoption of a pseudonym and his insistence on the finest ingredients and trappings for his ill-placed restaurant. Lovejoy’s fervent but incorrect insistence that the little rose is called “Jiminy Cricket” also reflected her high regard for the wisdom of her gardening neighbour, Mr. Isbister, which merits mention. He had managed to create and cherish his own meagre terrace “garden” via the use of pots, vigilance, suspicion, jealously guarded tools, and decades of thrift. Though a minor character, he epitomises the difficulties of “making do” whilst striving for betterment via self-denial and patience: Vincent
has yet to learn how to do this, engaging in the sort of financial delinquencies that bring huge debts and eventual ruin.

The rechristening of the delicate rose bush contrasts tellingly with Lovejoy’s own backstory. As Vincent asserts, not realising she can overhear him: ‘‘No-one who loved their child could give it a name like that’’ (26). The significance of uncommon or unpopular names in relation to delinquent tendencies and deviant behaviours has long been highlighted (Kalist and Lee 40) as part of the ‘‘name-crime’’ link, with Lovejoy (and to a lesser extent, Vincent) bearing this out to some extent with their passion for all things foreign and tendencies for dangerous nonconformity. Labels can be very damaging indeed, especially where they serve to obscure important truths or highlight failings: they do this literally, in the little restaurant, when they are applied by the bailiffs to all of the goods destined for repossession, pawning, or removal: ‘‘There was one that showed on the chandelier; [Vincent] climbed up and peeled it off and stuck it on the back of one of the cherubs’ wings’’ (246). Vincent himself is guilty of labelling, when he deems his most loyal customer, Mr. Manley, uncouth and ordinary. Had he looked beyond appearances and his own flawed assumptions, he might have learned that he had all along been serving a lord, who was also ‘‘quite a famous gourmet’’ (246) and would have perhaps taken up his redemptive offer of employment at the end of the novel and avoided destitution.

In sum, accurate seeing and truth discovery are key. Hidden-away treasures need and deserve wider recognition and a safe space in which they can flourish: the garden, restaurant, Olivia’s wise counsel, Father Lambert’s kindness, and the innate goodness of children such as Lovejoy and Tip are all initially overlooked by those who had the means or authority to protect and nurture. The secret trust fund that Olivia sets up for Lovejoy through her will is an example, however, of just how perfectly a hidden thing can flourish and eventually achieve justice. This
beautifully crafted charitable intervention has clearly been devised after wise watchfulness and careful listening: it evidences an accurate seeing of fundamental truths. It allows Lovejoy to remain living with the Combies and to stay in contact with Tip. It even affords Vincent another chance at running his restaurant, which will now be transplanted to much more prestigious (and appropriate) premises in London’s West End: “‘If I had left it all to Lovejoy she would have been separated from Tip, and that little girl needs not to be separated. She needs a home and the home she wants is with Vincent and Mrs. Combie, so…’’”(269). There is much justice and equity in this solution, given that it was Vincent’s testimony that inspired Olivia to craft her kind-hearted bequest: “Vincent fidgeted round them; he had something private to say to Olivia, something he did not want Lovejoy to hear…after hovering [he] put a little jug of parsley on the table… ‘What I admire about it is the way it keeps on…it’s had such stony ground but still it grows. I’ve grown very fond of it. It’s loyal….the rubbish heap’s no place for it.’” (247)

The use of a hardy but essential herb to represent Lovejoy is both moving and apt, coming from a gifted chef, to describe an avid, resilient little gardener. Via his succinct analogy, Vincent captures all that we already know of the girl, having heard and seen her struggle for some semblance of kinship, safe space, and self-esteem. Despite his own financial downfall, he remains a reliable witness and will make a compassionate substitute carer. Though he never sees the garden, he would have been touched by Lovejoy’s adherence to his opinion on Italianate landscaping that she gleaned from their Sunday walks through well-to-do areas of the city: as Olivia exclaims, “‘There are paths of marble chips . . . and edgings of stone, and a lawn of mustard and cress; they had a wreath case for a flower pot, and a little column with ivy growing up it’” (226). Her determination equalled Vincent’s own, in respect of not settling for half-measures if at all possible. He will be a benevolent foster father, not least because his own transgressions and trespasses beyond his designated “station” mirrored those of Lovejoy. His social “deviance” is similar to
hers, in his refusal to quietly accept his allotted station in life.\textsuperscript{26} Fitting also is Olivia’s choice of trustees (Vincent, Father Lambert, and Inspector Russell), made on the basis that they have all demonstrated wisdom, compassion, and the ability to see, hear, and listen to the children. In the book’s sharpest (but perhaps not fully intentional) rebuke, Olivia places a condition on Angela’s joining the group as fellow trustee: she can only serve as such if the other trustees are content to have her on board. This achieves blunt justice, given Angela’s tendency to bully or exclude Olivia and others: ‘‘It had an effect she would never have believed, for Angela began to blush. It was a blush as painful and humiliating as any of Olivia’s own’’ (270).

Assuming she is accepted onto this board, its membership will represent the various sectors that are relevant to child protection and youth justice. Inspector Russell, the pragmatic, progressive ‘‘gate-keeper’’ symbolises the justice system, while Father Lambert represents the charitable sector/the churches. Vincent serves as a key symbol of parental care, home, and family life. Angela, the ‘‘blue-winged’’ lady (208), arguably, represents the state in its ability to legislate and allocate resources. Her power will be moderated here by the influence of these others who are better placed to see things, mirroring in some respects how civil society, jurists, NGOs, and activists can at times reign in the worst excesses of governing elites to try and achieve meaningful law and policy reforms. They are needed also to offset the adverse effects of sensational or biased media reporting, which can also easily worsen things, encouraging or ‘‘justifying’’ a wilful refusal on the part of the powerful to see and hear the vulnerable child, by presenting sensationalised accounts of events or painting an inherently deviant nature of those most at risk of delinquency (just as Sparkey’s input swayed matters in the police station). As Roberts has observed,

. . . research conducted in several jurisdictions [found] that public knowledge of trends in juvenile crime and justice is poor. . .this regrettable state of affairs can be attributed to inaccurate media coverage of these issues . . . Opinion polls reveal that the public in most Western nations assign a high level of importance to responding to juvenile
crime, particularly serious violent crime. These same polls seem to suggest that a highly punitive public exists in all Western nations. (497)

As a template for equitable, rights-led decision-making within child protection and youth justice systems, EOS offers a simple but significant message, often repeated elsewhere: the voice of the child can easily be lost or ignored (Todres and Higinbotham 41). Failure on the part of decision-makers to see or fully grasp the harsh realities of an impoverished, neglected childhood can result in profound incidents of injustice and human rights infringements. This is so in spite of the fact that the child’s “right to be heard” has become increasingly justiciable, existing alongside (or at times as part of) the best interests principle, as enshrined within the UN’s Children’s Convention (1989), and the enabling, domestic legal frameworks of most signatory states. As such, Godden’s underpinning argument seems to be that better, more meaningful models of child protection and youth justice are possible and much needed. As Bradt and Bouverne-De Bie have since similarly argued, debates on youth delinquency and youth justice must include the issue of social work and its ability to contribute meaningfully to a more workable system of youth protection to promote the “welfare paradigm” (114). Such a strategy might yet see “a youth protection system . . . based on the opinion that youth delinquency [requires] a rehabilitative and preventative approach” (Bradt and Bouverne-De Bie 116) rather than a purely punitive one. That said, the issues surrounding youth justice and child protection should not be oversimplified: we should bear in mind that, as the novel demonstrates,

. . . the tension that exists between responding to youths who have offended in terms of their social or psychological needs, and punishing them for what they have done, is part of the story of youth justice in many jurisdictions. . . a criminal law approach need not be particularly punitive, nor a child welfare approach particularly effective (Doob and Tonry 2).
In any event, those in power who wilfully fail to see, hear, or listen to the vulnerable young person (or who respond to chronic or acute crises by continuously erecting further barriers to social inclusion) must bear some measure of responsibility where rights violations ensue. The quick labelling of at-risk children as merely ‘‘delinquent’’ is rarely helpful. As McAra has noted, ‘‘Youth justice systems have never been solely devoted to reducing youth crime. They also convey a range of complex messages with regard to citizenship, individual autonomy and the boundaries of community morality.’’ (305)

This timeless novel is therefore as much about how we might better define and protect the rights of the vulnerable child as it is a mid-20th century story about a near miscarriage of youth justice and an indictment of the failings of the two systems designed to protect children. Only Olivia’s kind and knowledge-led handling of the situation can bring about a resolution grounded in social justice, equitable treatment, and fairness: her selfless altruism puts to shame the various state-led and charitable institutions that have thus far failed an increasingly at-risk Lovejoy. The use of the trust as a remedial device highlights the limitations of criminal law as a means of promoting child protection. Philanthropy too is flawed here, given that the book’s most affluent characters are simply too disinterested to be particularly helpful. Charles (despite being a church trustee) is reluctant to linger amongst the dusty realities of Catford Street for any length of time. He never troubles himself to find out names or backstories, referring ambiguously to Vincent only as ‘‘our little man.’’29 He is unable to empathise with Liz’s obvious distress at the closure of the restaurant and the demolition of the church, refusing to hear her concerns and silencing her when she expresses her anger. Similarly, Lord Manley’s kind but tepid job offer to Vincent could well have served as a lifeline, had it not been couched in the sort of terms that made it seem slightly pitying, and therefore impossible for Vincent’s pride to accept. The indifference of the novel’s wealthier characters is perhaps best summed up by Olivia when she admonishes the rector over
those church-led initiatives that are often blind to realities. Contrary to Biblical scripture, she points out, countless sparrows do in fact “‘fall all the time—we knock them down… crush them … carelessly or carefully…that’s what humans do to humans, so don’t talk to me about God.’” (228).

By the novel’s end, the garden’s destruction (and the restaurant’s failure) will highlight the many inconsistencies of child law and policy: vulnerable voices still often go unheard or are simply not listened to by those who are meant to be paying better attention. Godden reinforces this point, admonishing her readers too by only letting us learn of everyone’s respective fates through the reading of Olivia’s will after her death and via the ever-ghoulish reportage of Sparkey that serves as a sort of epilogue.29 We are left to try and imagine the responses of those whose lives will be so markedly improved, saved perhaps, by her generous and perfectly designed solution to their troubles. The book’s themes remain timeless: dispossession from safe space and home life, societal exclusions, and the perennial, unseen effects of entrenched poverty and despair can easily lead to significant harms, especially in childhood. The impacts of these are often intergenerational and extremely difficult to remedy. The reallocation of scarce resources is needed to meaningfully address these issues: Olivia has achieved this here, by diverting much-needed funds away from the already well-lined pockets of her avaricious relatives, towards those who need them most, after hearing their direct testimony and seeing for herself at first-hand how inequality and social injustice have already adversely affected them.

Her efforts in many ways resemble the work of certain NGOs and charities in their gathering of evidence and submission of proposals for reform but also in their aim of providing a platform for the voice of those most vulnerable to rights violations on the basis of their “‘othering’” vulnerabilities (e.g. gender, age, socio-economic status, nationality, and ethnicity). For the delinquent child, meaningful rights protection will often require more than fair hearing and
adequate representation in court or equality of treatment after being arrested, detained, or placed into secure accommodation or some form of substitute care. It may also include the need for basic sustenance, human dignity, family life, safe space, and authentic identity. All of these rights issues are called into question at various points in the novel and remain problematic to this day. Austerity measures and cuts to social welfare budgets have led to chronic want and hunger almost on a par with that last seen in the post-war landscape of EOS. In the England of 2021, there are still egregious examples of child neglect and significant levels of systemic poverty and discrimination, together with a growing need for more food banks, instances of familial separation, evictions, and severe cuts to legal aid, which prevent meaningful access to justice and limit the chances of equitable outcomes. As the MacAlister Review (2021) has recently noted of children’s social care:

It remains a national scandal that children aged 13 and younger were placed in provision that did not provide care and that some teenagers are living in completely unsuitable settings, such as bed and breakfasts, canal barges and caravans . . . It is right that the Government is banning this provision for under 16s from September 2021. This change will particularly help Unaccompanied Asylum Seeking Children who are overrepresented in unregulated homes – who represent a quarter of children under the age of 16 in unregulated homes, but only 1% of the whole cohort of Children Looked After under the age of 16 . . . (63).

A modern reading of the novel might therefore perceive its core message to be that justice and human rights are still too often placed behind too high, insurmountable barriers, having been unfairly rationed out from the very start, much like the contentious “good garden earth” that was kept off-limits and reserved for the privileged flower beds of the Square. Such unequal rationing can impact adversely upon the fundamental rights of those who are most vulnerable to inaccurate labelling and harsh othering, especially where they cannot find or carve out some safe “space” in which they might exist. This is so despite the proliferation of human rights provisions seen since the novel’s publication: many of these are aimed at promoting child protection and participation
and more equitable models of youth justice but have yet to reach their full potential. Those affected by worsening austerity measures, gendered inequalities, an overstretched social care system, or the increasingly harsh domestic rules on refugees and migrants, would therefore find much in EOS to identify with. Decision-makers must look past outward appearances and move away from long-held presumptions, biases, and prejudices. Jurists and legislators should strive also for the sort of diligent, compassionate altruism and investigation that truly sees, hears, and listens to the vulnerable, to promote the pragmatic, equitable, and longer-term changes that Olivia’s compassionate interventionism has achieved here.³⁰

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Notes

1. Non-Governmental Organisations, e.g., charities, child rights activists.


4. Angela refuses to entertain the evidence of Father Lambert, a Catholic priest: had she listened to him, the outcome might have been very different (223).
5. Lovejoy’s hidden, bomb site garden will survive drought and vandalism only to be torn up as part of church renovations; Vincent’s misplaced but beautiful restaurant will struggle on exhausted in the face of much scorn and a fickle clientele, only to succumb to bankruptcy and the grime of Catford Street (265).

6. Trespass is a tort (civil wrong) here, rather than a crime, and (canon laws notwithstanding) when she cultivates the small patch of church-owned land. It does serve to underscore her delinquent image, however, and to foreshadow the incident of criminal damage at the end of the book.

7. See further Caponegro (312) on the marginalization and overlooking of female delinquents, particularly in 1950s American visual culture.

8. When she visits Dwight’s pawn shop in search of gardening tools, she finds ‘‘a small dusty fork’’ hidden under the trappings of domesticity and home life: cookery books, a tablecloth, and (perhaps representing the child’s right to play) some tennis balls, a hat, and a long-clothes baby doll (71).

9. With his transparent skin and permanent cough, he seems unlikely to ‘‘live to grow up’’ (44).

10. Pollak further suggested that much female crime was also apparently down to hormones and an innate capacity for hysteria and that some men were often so protective of women that they tended to commit crimes at their behest; courts also apparently frequently tended to be more lenient towards the female offender (3). See further Hoffman-Bustamente (117) for a useful (1970s) discussion of the various theories on gender differences in delinquency.

11. ‘‘Like a real sparrow pecking at dung, she scooped a horse-dollop off the road with Tip’s shovel. It was a good thing Cassie did not see her but to a chemist nothing is unclean and, highly pleased, Lovejoy shook the dung up in a jam jar of water, kept it a few days—Mr. Isbister had said it should be old—and fed the pansies’’ (174).

12. Vincent cuts no corners in relation to the running of his restaurant as he ‘‘wanted it to be expensive’’ (42). He buys only the finest ingredients and kits it out with expensive dinnerware and equipment, obtained by hire-purchase, overdrafts, and a re-mortgaging of their house. His extravagances meant that ‘‘the restaurant did not prosper’’ (40).

14. Maxey, according to Sparkey, had been convicted of mugging an elderly lady at knife point.

15. She does suffer a black eye when Tip’s sister attacks her towards the end of the novel (232).

16. Lucas has been stealing from the Committee, commits a vicious assault on Sparkey, and lies about Tip.

17. By the end of the book, Lucas is reinstated on the basis of his having been in the Navy; Angela resigns from the Garden Committee shortly afterwards (264).

18. There are significant moments of physical violence: a small child is kicked repeatedly by the dishonest custodian, Lucas, during the “ robbery” of the garden earth, for example (190). A heartbroken Lovejoy also smashes a church window and the statue of the Blessed Virgin when she learns that the garden will be destroyed to make way for a new church (252).

19. See further the Children and Young Persons Act (1933) https://www.legislation.gov.uk/ukpga/Geo5/23-24/12 (accessed 22.10.20), which was replaced by the more child-centric Children Act (1989) (as amended) that aligned itself with the provisions of the UN Children’s Convention (1989), introduced a welfare checklist (s.3), and allowed for the use of Care and Supervision Orders, which offer more scope for family preservation or reunification.

20. See further Gilmore (500).

21. Like Vincent, Lovejoy yearns for the exotic, craving an “Italian garden” and planting delicate but demanding flowers that will require extra care and attention.

22. She then recovers herself and bites him, understandably perhaps (105).

23. Examples include the Little Monarch rose gifted to her on a whim by Liz (glamorous companion of Charles, a wealthy trustee) on one of their rare but impactful visits to Catford Street (177); store credit from Driscoll’s, a well-to-do shop (but only after the wealthy Lord Manley steps forward as her guarantor) (168); valuable gardening advice from Mr. Isbister, and the trust fund legacy from Olivia.

24. As MacAlister recently noted on legislative reform, “There is a systemic overconfidence that additional top-down duties or changes to legislation will lead to positive change for children and families. In fact, they can sometimes have a negative unintended consequence, adding to the inflexibility of the system—for instance . . . the difficulties of regulating bespoke
accommodation that meets the needs of children. What is needed is a coherent regulatory landscape and rulebook which is grounded in the needs— and indeed rights—of children and families and combines greater levels of both freedom and responsibility for professionals in children’s social care.’’ (81)

25. The seemingly trivial movements of Charles and Liz impact significantly upon the story at various points, especially their whim-led decisions on whether or not to eat at Vincent’s restaurant (180-182).

26. Vincent’s real name is George; his restaurant, much like the renamed Jiminy Cricket rose, was essentially gifted to him (by his late father-in-law) and was originally a successful local diner.

27. See further Article 12 of the Children’s Convention on the Rights of the Child (1989) on the child’s right to be heard; child rights are also protected elsewhere, for example, within the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic and Cultural Rights (ICESCR), and the Covenant on the Elimination of Racial Discrimination (CERD).

28. This may denote fondness, amusement, disinterest, or a degree of condescension on Charles’s part.

29. The entire saga is, appropriately, ‘‘book-ended’’ by Sparkey’s prurient observations, not least the demise of the little garden: ‘‘There were bodies here…they found them when they cleared away the church. They dug them up…They put them all in a hole and sealed them up’’’ (265).

30. Had she not been so frail and close to death, she would have liked to take Lovejoy in to raise her, herself. It is significant that she does not ask her sister Angela to take on this task, despite some discussion: ‘‘They don’t let old maids adopt children, for one thing,’’ said Angela cuttingly, ‘‘and you’d be totally unsuitable as a foster-mother’’’ (257).

Works Cited


