CHAPTER ONE

Introduction: To Have an Unlicensed Child

Of course it's best to take out a license to have a baby really as unless anybody is really well to do and has a lot of money its very difficult on ones own to pay for everything and have no one to rely on to help along. Also an Unlicensed Baby is against Public Opinion still the most powerful deterrent there is. But I don't see that its wicked except as things are it has a stigma on its name.[1]

No formal licence is required to have a child in Australia, yet, for most of the last two hundred years, an equally effective informal sanctioning system has been in operation. The mother without a marriage certificate and the child without a male provider existed in a separate space, the stigma attached to their deviance/defiance used to reinforce morality in the community as a whole. This book tells the story of these women and children and of the lives which they were able to construct, lives 'not in accord with the law'.[2]

It is only in recent years that the single mother and her child have come under the historian's gaze. In this the historiography has tended to reflect the wider culture of which it was a part. The single mother was the deviant, the exception to the story of the triumph of the bourgeois marriage,[3] her child but one of the many poor children whose needs child welfare services were brought into being to meet.[4] Only in Mary Hopkirk's pioneering work, *Nobody Wanted Sam*, was the subject of illegitimacy brought out of the footnotes and into the text.[5]

It was the demographic historians who initially questioned this approach when intensive work on parish records and later official registers of births and marriages made it clear that ex-nuptial pregnancy was far more common than the conventional explanation of the domestic servant seduced by her master would suggest.[6] Attempts to explore and explain this phenomenon were hampered by the secrecy and shame with which, in modern European societies at least, single

motherhood has been surrounded. Detailed regional studies, like those of Gillis and Fairchilds, were able to question some of the assumptions of earlier theorists, but, dependent on records generated by those whose pregnancy became a problem, they remained partial, excluding those women who were able to avoid such public disapprobation.[7]

More recent work has turned away from demographic questions to focus on the experiences of single mothers and their children. Again the tendency has been to focus on those aspects of that experience which make it problematic and hence visible. Specialist works on female rescue and maternity homes,[8] infanticide,[9] adoption and relinquishment[10] all serve to segment the phenomenon by both time and place and in so doing disguise its universality.

'The legitimate/illegitimate distinction,' philosopher Jenny Teichman argues,

> is situated at a multidimensional interface of human institutions and natural facts about human beings . . . sex-reproduction-birth control; kinship-lineage-identity and names; inheritance-property-law; legality-morality-religion. The interest of the distinction consists precisely in the fact that it is situated at this interface.[11]

It is a powerful distinction transferred, substantially unaltered, from what Foucault describes as the deployment of alliance to the deployment of sexuality as a way of ordering society, defining the other in order to more clearly delineate the self.[12] It is also, however, a lived experience, with single mothers and their children having to deflect or contest the associated stigma throughout their lives.

The stigma is reinforced in the terminology but its power is such that it transcends language. 'Illegitimate', introduced as a supposedly neutral replacement for 'bastard', took on, over time, its negative connotations. It was in turn replaced by the term 'ex-nuptial' but even here the 'ex' accentuates the otherness. 'Harlots and strumpets' became 'fallen women', 'unmarried mothers' and more recently 'single parents', but again the sense of difference/deviance remains. Single mothers and their children have been objectified by others who seek to construct them as social problems, yet they have been largely unsuccessful in developing a descriptor which can stay free of such contamination.[13]

The Australian term, 'single mother', is a case in point. Adopted in the 1960s by self-help groups anxious to avoid the negative connotations which had come to be attached to the older term 'unmarried mother', it has clearly assumed much of this negativity. Although the term is increasingly being applied to supporting parents irrespective of marital status (reflecting American usage) in the popular imagination and

opprobrium, this term is still equated with the teenage single mother who has children in order to abuse the welfare system.

Throughout this book we will endeavour to use the terminology which was current at the time of which we write although it is recognised that such terminology can be hurtful—that was (and is) its intent. As Rachel Fuchs has argued, to resort to euphemism is to deny the reality of that hurt.[14] The single mother, Margaret Bramall believes, attracts a stigma out of all proportion to her transgression because she touches 'deep, unconscious feelings about our own sexuality . . . She clearly is the scapegoat for us all, if not for what we have done, for what we may have been tempted to do.'[15]

The origins of this stigma lie deep in history. While some notion of 'the child which ought not to have been born' is inherent in all societies, the way in which it is defined is cultural.[16] The definition which was transmitted to the Australian colonies was a Christian one, mediated through the very particular British experience of poor relief. Hence it had both a moral and an economic base, an attempt to safeguard the institution of marriage while minimising the cost of transgression for those who had an obligation to maintain the poor.

The sanctity of marriage was central to Christianity, offering a space within which sexuality, and particularly female sexuality, could be both expressed and controlled. The single pregnant woman provided a highly visible challenge to such control, yet the concomitant belief in the sanctity of human life meant that her punishment had to be carried out alongside a duty to care. In Britain the Poor Law introduced in 1601 performed this dual role. It dealt only with those women and children who lacked protectors wealthy enough to provide for their needs but punished the few as if they stood for the whole. Forcible removal, whipping and compulsory labour were all part of the Poor Law repertoire but it did ensure that the women had shelter during their confinement and a place to leave their children if they were unable to provide for them.

The rise in the ex-nuptial birthrate during and after the Industrial Revolution increased both the need for care and the perceived necessity for punishment. The entrenchment of the domestic ideal of marriage forced into the deviant category many who had previously been shielded by the relative permanence of their irregular union or the wealth or status of their protector, extending the stigma to many who had been previously immune. The new Poor Law, introduced in 1834, removed the mother's right to force marriage or sue for maintenance, compelling her to support the child by her own efforts or hand it over to be brought up in the workhouse. There was no place for her in respectable society.[17]

The need to enforce this domestic ideal was one of the tenets of social policy in colonial Australia. The high levels of illegitimacy current during the convict era were to be brought under control as an integral part of creating a new society. Such statistics as survive would appear to indicate considerable success in this regard. While crude illegitimacy rates were consistently higher in ex-convict colonies than they were in the free settlements of Victoria and South Australia, more sophisticated measures would indicate that, at least from 1891 on, the rate, in all colonies, was falling in line with similar declines in Western Europe.[18] In Victoria, for example, the illegitimacy rate, measured as a proportion of single women in the fertile age groups, fell from 14.49 per 1,000 in 1891 to 9.00 per 1,000 thirty years later. Australia-wide the figure which stood at 12.2 per 1,000 in 1912, when statistics are first available, fell to 6.1 per 1,000 in 1940 before climbing again in the post-war years.[19]

Contemporaries, however, measured illegitimacy as a proportion of all live births and were alarmed by what was perceived to be a steady increase. From a base of 13.7 per 1,000 in Victoria in 1855, the rate rose steadily, reaching a peak of 60.3 per 1,000 in 1913. The combined effects of war and depression brought a dramatic fall reaching a low of 33.0 per 1,000 in 1941 before climbing once again. Total ex-nuptial births Australia-wide followed a similar trend, falling from a high of 7,380 in 1913 to a low of 4,743 in 1940 then rising to 23,510 in 1975 when the formal part of this study ends.[20]

The data on which this book is based comes primarily from Victoria. The story which it tells, however, can be applied Australia-wide. As a colony based predominantly on free migration, with a heavy preponderance of gold-fields immigrants, Victoria, in its early years, was unique, with an illegitimacy rate below that of the ex-convict colonies but a rate of separation between mother and child consistently much higher. Its predominance among the Australian colonies during the second half of the nineteenth century made it a leader in the development of social policy, with many of its 'solutions' adopted to a varying extent in the other colonies. With the coming of Federation in 1901 such transmission of ideas became more formalised as national policies began to impact on the local level and as charity workers and later social work professionals developed organisations which moved beyond state boundaries. Where Victoria was unique, that point will be emphasised in the text. Where no such distinction is made, it can be assumed that the experience being described was a common one.

One aspect in which Victoria, regrettably, was unique was in the size of its residual Koori population. The pace and intensity of settlement in the Port Phillip District saw far more deaths through disease, warfare and open massacre than had occurred in any colony other than Tasmania.

By the time of the gold rushes only small communities of Kooris survived, brought together on missions and reserves at the limits of settlement. Birthrates in such communities remained low until the end of the century when population numbers began to revive. It is not until the movement of Kooris into urban communities during and after the 1930s that they become identifiable in the data on which this study is based. They were however always subject to the laws governing illegitimacy, laws which arguably posed a greater risk to their community because of the prevalence of sexual intercourse across the race barrier and the non-recognition of customary marriage which led to a far greater proportion of Koori children being classified as illegitimate. While the impact of such laws on Kooris living within Victoria is discussed in this book, the impact in those states with larger Koori populations would have been far greater.

This study begins in 1850, the year in which the colony of Victoria was separated from New South Wales, and ends in 1975, when the legal status of illegitimacy was abolished and the supporting parents' benefit was made available to mothers who had never been married. While the stigma was not eliminated by such moves, its character and impact was fundamentally changed. The final chapter discusses first the changes that took place during the 1970s and then the status of single mothers and their children in Australia today. Coming together in self-help groups single mothers sought to redefine their conditions, appropriating rather than avoiding labels which in the past had been used to brand them as sinful and their children as unwanted. They fought to be recognised as mothers rather than condemned as unmarried, to be supported in their parenting role rather than separated from their children as a punishment for their transgression. Since 1975, many of those separated children have also come together in self-help groups focused primarily on the struggle for knowledge of their origins which secret adoption had denied them, but having as a subtext the contestation of the stigma attached to an illegitimate birth. The beginnings of these struggles are discussed in the final chapter of this book but only in a preliminary form. To tell the story post-1975 would require another book, one which those who have been participants in that struggle are well equipped to write.

This is the story of an earlier time when the survival of single mothers and their children depended on their silence. It is informed by that stream of feminist history which seeks to question existing canons of relevance and bring into focus those subjects previously dismissed as peripheral to mainstream/malestream history.[21] It argues that single motherhood was a normative condition, a risk faced by virtually every sexually active woman. The stigma which it attracted was a powerful one with lifelong effects on both mother and child and as such was one

means by which a patriarchal society policed the behaviour of all heterosexual single women.

While accepting that illegitimacy is both a legal and a social construction, the focus of this book is on illegitimacy as a lived experience. Drawing on evidence which is inevitably fragmentary, it seeks to piece together individual lives while also examining the social contexts within which these lives developed. As Rachel Fuchs has argued, single mothers were not always successful in remaining silent. They

> become visible only when they meet the policymakers through their interactions in the public arena . . . the men have the power of interpretation because in this drama they are the actors, playwrights, producers, and directors. The poor women, however, have major parts which they can develop to their fullest extent.[22]

This study seeks to capture such women from their brief moments on the public stage and to reconstruct the life behind the 'problem'.

The 'problem', of course, is well documented. The single mother as 'object' has been endlessly described, her 'deviance' endlessly explained but it is only recently that her voice has begun to be heard. The pioneering works in this area, however, tend to unwittingly perpetuate the image of the deviant, concentrating on those women who saw their pregnancy as a problem and resolved it by relinquishing the child for adoption.[23] The ways of seeing a pregnancy and the reactions to it were far more varied than such stories would suggest.

Brought into the public gaze, women were not silent but their words have not always been heard. Historians intent on exposing the ways in which the middle class sought to control those less privileged than themselves have not been alert to the opportunities which the recipients of such 'kindness' took to speak in their own defence.[24] This study takes the reverse approach, listening for the voices of single mothers and their children whenever they spoke, in courts, before charitable committees and in letters to newspapers, magazines, and government departments, as well as giving the opportunity to a further fifty to speak directly about their own experiences.

There is a sense in which all this material can be seen as oral.[25] Certainly all of these sources allow the informants to construct an acceptable version of their past but, as Janet McCalman has argued, this adds to their value as evidence, providing 'a window into the way people cope with life and make sense of their world'.[26] Similarly they are all mediated, in the case of the interviews through the interaction between interviewer and interviewee, in the written sources through the process

of transcription and editing. They do not provide access to 'truth' but to that version of the truth which the person providing the information wishes to be told.

Oral history, it has been argued, tends to produce a 'cosy view of the past'.[27] Warnings to novice practitioners that they should shy away from memories which 'evoke strong feelings' and 'occasionally [cause] distress',[28] and avoid asking questions in sensitive areas such as sexuality[29] have contributed to a certain blandness in past practice. Yet it is with such sensitive subjects that the story of single mothers and their children begins, a story laced through with strong feelings and distress. For many of our informants, the interview was the first time they had been able to talk openly about an experience that had always been shrouded in secrecy and shame. The interview thus had a dynamic not present in a more cosy recall. The interviewers were constantly working through painful emotions, alert always to the need to ensure that the interviewee felt valued rather than exploited when the interview came to an end.[30]

A second critique of oral history has suggested that while informants can recall 'the verbal label or handle' attached to strong emotion they cannot establish the strength of the emotion itself. As Cathie Marsh argues, 'although measurements at the time could have established the degree of pain that was felt, access to the feelings experienced has been lost with the passage of time'.[31] Cynthia Hay believes that there are instances where this claim does not hold. Where people have not had an opportunity to mourn at a time of great loss, for example, their recall appears to be particularly intense.[32] The testimonies compiled for this study would certainly support Hay in this respect. Gaps there are, where repression is still very much in operation, blocking and distorting the operations of memory, but there are also areas of almost photographic recall where emotions remain very close and very strong.

These memories are still shaped in the context of the present. They tell us about how the informant, at the time of interview, made sense of what had happened in the past. Our informants were recruited via self-help groups and newspaper appeals. They all volunteered their story because they believed that it was important that it be heard. Some had been actively involved in politicising the plight of the single mother and wanted to celebrate the changes which they believed they had achieved. All had been influenced by those changes. Their testimonies then are contemporary documents which reflect on events which occurred in the past.[33]

The written sources pose similar problems of interpretation. While newspaper reports of court proceedings follow official transcripts, they were edited and displayed according to the significance or the sensationalism which the editor saw in them. They were crafted as a

response to perceived reader interest rather than as an account of the story which the person in the witness box was trying to tell. The function of such journalism, Alan Mayne has argued, is to construct patterns, to give meaning to the alien or the unfamiliar, to construct as the 'other' those who lie outside bourgeois culture.[34] While Mayne is referring to the reporting of 'the slum' where the class barrier between the observer and the observed is clearly apparent, his argument applies equally to those single mothers and their children who found themselves in the public gaze. Whatever their class origins, they had to be constructed as alien or other if bourgeois and patriarchal values were to be maintained. But the single mothers and their children had only this one chance upon the public stage and took advantage of the performance to get their voices heard.

Their recorded interactions with charitable agencies need to be seen in a similar light. The power imbalance was great but, as Linda Gordon has argued, 'women never quit trying'.[35] They were active in constructing the very discourse which constrained them, not colluding in their victimisation but identifying and exploiting the gaps in the discourse where the impact of such victimisation could be contested or reduced. Charity records, rather than being a narrative of continuous oppression, are a document of this ongoing negotiation.[36]

The third source of women's voice used in this study was the problem pages of two of Australia's women's magazines.[37] The first such page appeared in the *New Idea* in 1902 but 'problems of the heart' did not appear until 1906. These quickly displaced beauty and etiquette, the previous subject matter.[38] The columns existed more to meet the needs of the readers than the correspondents as most problems needed to be resolved far more quickly than delays in publication allowed. Editors selected letters on the basis of reader appeal, subjecting them to drastic editing or rewriting, repeating 'popular' topics while not addressing other issues at all. Such columns functioned as arbiters of contemporary morality while masquerading as havens of care and concern.[39] Yet there was never any shortage of letters, suggesting that women continued to see in such columns an opportunity for their voice to be heard.[40]

The story that has been reconstructed from such sources is inevitably a discontinuous one. Some women make but one appearance on the public stage, others will step out of the shadows again, in a different place or at a different time. Even a single appearance can be of value, providing an opportunity to reconstruct the story until that time, but those who have the opportunity to tell and reflect upon a fuller story will appear more frequently in the narrative. Yet even for them the image is a fragmentary one, that part of their story which they chose to share, and of that fragment, only that part of their testimony which has been

heard and recorded. Where the information being shared is already in the public domain, the informant is named in the text. Where this is not the case, a pseudonym is used (see the List of Individuals Mentioned More than Once in the Text).

This qualitative evidence is balanced by an attempt to accumulate more comprehensive statistical material. The basis of this material in the nineteenth century comes from a sample of 150 ex-nuptial births drawn at five-yearly intervals from the Index to Victorian Births matched against a control group of nuptial births. This sample was then compared with death registers for a 24-month period in order to provide an estimate of infant mortality among both groups of children. As this data (referred to in the text as BMD data) covers the entire population, it provided a base against which the statistics compiled from other sources could be measured; however, the material related only to the moment of birth or death.

The other statistical material used in this study is clearly more partial but because it derives from later in a life, it does allow some reconstruction of that life. Using newspaper and magazine references, charity records and oral sources, this material (referred to as General) identifies 1,716 mothers and 2,181 children, with 759 of these children traced until their fifth birthday and 257 until they turned 14.[41] For the 1890s this material is augmented by a specialist series, drawn from a wider survey of the records of charitable agencies and the Neglected Children's Department.[42] From this data (referred to as 1890s) a further 1,925 mothers and 2,105 children were identified, for 1,488 of whom life histories to age 5 were available with a further 1,126 being traced through until they were 14. Like the oral material, this data is fragmented, requiring imaginative interpretation rather than simply statistical compilation, and sorting and re-sorting in order to address the questions being asked. It is in no sense definitive but is used simply for the light which it can cast on otherwise hidden lives.

Because it argues for the commonality of such lives, the book takes a life-cycle approach. It moves through pregnancy, birth, infancy and into adulthood, identifying the challenges which all single mothers had to face and their many different responses. Seeking to explore life within the separate space, the book explains how that separate space was both encompassed by and hidden within a wider society which was constantly inventing new ways of punishing the mother while disposing of her child at minimal expense.

After introducing the women who became single mothers, chapter two goes on to examine the circumstances of conception. Chapter three looks at the early decisions which all single mothers had to face: breaking the news to family and friends, and exploring the two possible escape

routes, abortion or marriage. Pregnancy and birthing options provide the focus for chapter four which is followed by two chapters examining the choices the new mothers faced in 'disposing' of their children. Chapter five looks at death and chapter six at separation through abandonment, boarding out or adoption. Mothers who resisted the pressure to dispose of their children provide the subject matter of chapter seven. The experience of their children and of the many others who grew up apart from their mothers is discussed in chapter eight.

Within this life-cycle approach there is an implied chronology, evident in both demographic and ideological change. During the years 1850–1915, illegitimacy was believed to be on the rise, resulting in increasing condemnation of the women perceived to be openly flouting the moral code. At best an object of pity, the 'fallen woman' was kept increasingly separate from her unsoiled sisters, to be eternally punished both through her exile and by being compelled to support, by her own efforts, the child which was both the product and the proof of her fall from grace. The fall in the birthrate in the latter half of this period, however, produced a drastic change in the means approved for the disposal of her child. Where, in the earlier years, abandonment and infanticide were condoned, if not encouraged, the transformation of the unwanted illegitimate child into a potential future citizen of a white Australia was reflected in government intervention to protect its investment. The development of a state-based system of substitute care for children in the late 1860s, the debates over Infant Life Protection and the advisability of a state-funded Foundling Home towards the end of the nineteenth century, and the introduction of a Commonwealth-funded Maternity Allowance for all white mothers, irrespective of marital status, in 1912, are all indicative of the changing status of the child.[43] While it had to be disposed of at minimal expense, its death could no longer be condoned.

In the inter-war period, from 1916 to 1939, demography worked against the single mother and her child. With the ex-nuptial birthrate in steep decline and infant corpses largely absent from city streets, the single mother and her child intruded little upon the public mind. Yet in her separate and increasingly silent space, the 'poor girl' continued to be punished. With advances in artificial feeding rendering her milk no longer necessary to her child's survival, she was still expected to work towards its support but denied the opportunity to keep it in her care. Future citizens had to be scientifically nursed before being handed over to married couples who, given the status of parents, would rear the child at no further expense to the state. The single mother came to be seen as lacking in maternal instinct, a polluting influence and potentially a danger to her child. Social security benefits, designed to assist the widow to care for her children, made no mention of single women, for