

The University of Western Sydney  
School of Applied Social and Human Sciences

***The White Stolen Generation And Its Meaning For Women's  
Citizenship In Australia***

Research project into the violation  
of the citizenship rights of a group of white  
unwed pregnant mothers during the period between 1962-1973  
and its theoretical explanation

Christine Anne Cole

Student Number 11109424

This thesis is submitted as  
part of the requirement for the degree of Bachelor of Social Science  
(Honours).

October 2004

## Declaration:

“I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been accepted for the award of any other degree or diploma of a university or other institution of higher learning, except where due acknowledgment is made in the text.”

Signature:

Date

## **Acknowledgments**

I would like the opportunity to thank a number of people in relation to my study and in particular, to this research project. Firstly, I am deeply grateful to Judy McHutchison, who had the courage to go public and speak out about the practices that were taking place within the adoption industry, at a time, when, not only did no-one want to listen, but the vested interests ridiculed and tried to silence her. Her tenacity paid off, with law changes that allowed natural parents and their children a chance to reunite, which in turn allowed other mothers, like myself, the opportunity to remember their past, come forward, and push for justice. Judy's research uncovered what mothers' rights should have been, and that was the impetus for this particular study. I am deeply indebted to her.

To Dr. Mary Hawkins for her support, encouragement and belief in my project when others either doubted or felt very uncomfortable with its subject matter. The core of this thesis is the violation of motherhood and the power of being an independent woman. The academy, it seems, is not always secure in facing society's abuse and denial of the feminine.

I would like to thank Walid (Wally) Ahmad, whose friendship and encouragement have sustained me over the two years of this project.

***The White Stolen Generation And Its Meaning For Women's Citizenship In  
Australia***

**Abstract**

Historically theorists have conceptualised the notion of citizenship to mean equal rights for all. Feminists have disputed this assumption stating that the theoretical citizen is neither universal nor gender neutral, but 'a disembodied white male'. They argue that women do not have equal status with men, but are second-class citizens, who have traditionally accessed their rights of citizenship through the male to whom they were tied.

In order to test this assumption research was conducted into a phenomenon the author has labelled the 'white stolen generation'. Briefly, this encompassed the removal of thousands of white babies from their healthy, capable, but unwed mothers who were desirous to parent their own children. This phenomenon, was described then analysed and explained, through a theoretical framework incorporating patriarchy and capitalism. Finally, it was examined in light of T. H. Marshall's (1950) concept of citizenship to determine whether these women were indeed equal citizens.

Data was gathered with a questionnaire. The participants were 25 women who were unwed mothers in the period between 1962 and 1973. A quantitative and qualitative study was undertaken of the perceived level of coercion experienced by the participants across three categories, physical, emotional and psychological. The data was then analysed to determine if the participants were denied their civil right to exercise a free and informed consent in the relinquishment process of their newborns.

The data revealed that this group were given neither the right nor the opportunity to exercise this 'cornerstone of citizenship'. It supported Condon's (1986) earlier research, undertaken on a similar cohort, which concluded the concept of a free and informed consent was a "charade to obfuscate society's guilt in forcing mothers to relinquish their children".

The author concludes that these women were denied both their civil and social rights and were effectively relegated to a sub-class of citizenship, comparable to the status given to non-citizens or aliens. The findings highlight the flaws in a notion of a theory of citizenship that purports to be universal and gender neutral and, as well, reveals the fragility of Australian women's citizenship and its dependency on male attachment for full access to its rights. It is hoped therefore that the findings will encourage further research into the means by which women's citizenship can be strengthened and become independent of the need for male scaffolding.

Finally, this thesis shows the need for Australia to define clearly, either constitutionally or in a bill of rights, what citizenship is and to what rights it attaches. Further, the Government should put mechanisms in place so, those who violate the rights of others are accountable - if not, the author contends that democracy in Australia is a farce and women's citizenship, but a charade.

## Table of Contents

|  | <u>Page Number</u> |
|--|--------------------|
| <b>Chapter 1. Introduction</b>   |                    |
| 1.1 Introduction   | 1                  |
| 1.2 Women's citizenship  | 4                  |
| 1.3 Overview of the 'white stolen generation'                            | 4                  |
| 1.4 My interest  | 7                  |
| <b>Chapter 2. Literature Review</b>                                      |                    |
| 2.1 Patriarchy   | 8                  |
| 2.1.2 Patriarchal marriage: men can't have babies                        | 8                  |
| 2.1.3 The Patriarchal marriage: the ownership of women and children      | 13                 |
| 2.2 Eugenics discourse (scientific patriarchy) and the adoption industry | 15                 |
| 2.2.1 Introduction   | 15                 |
| 2.2.2 The Male Procreative Principle implicit in Science                 | 17                 |
| 2.2.3 Eugenics   | 19                 |
| 2.2.4 The war on the unwed mother  | 22                 |
| 2.3 Walby's Dual Systems Theory  | 26                 |
| 2.3.1 Introduction   | 26                 |
| 2.3.2 The trouble with money and social workers                          | 27                 |
| 2.3.3 The supply and demand of babies                                    | 30                 |
| 2.3.4 Conclusion   | 35                 |
| 2.4 Citizenship theory   | 43                 |

|        |                                       |    |
|--------|---------------------------------------|----|
| 2.4.1  | Introduction                          | 43 |
| 2.4.2. | Citizenship or Male Citizenship       | 45 |
| 2.4.3  | The development of citizenship rights | 46 |

### **Chapter 3. Methodology**

|     |  |    |
|-----|--|----|
| 3.1 | Sampling and Procedure                   | 50 |
| 3.2 | Measures                                 | 50 |
| 3.3 | Pregnancy and Relinquishment experiences | 50 |
| 3.4 | Results                                  | 51 |
| 3.5 | Quantitative Findings                    | 52 |
| 3.6 | Physical coercion                        | 52 |
| 3.7 | Emotional coercion                       | 53 |
| 3.8 | Psychological coercion                   | 55 |
| 3.9 | Qualitative Findings                     | 56 |

### **Chapter 4. Mother's stories: up close and personal – extracted from research data collected**

|     |                                       |    |
|-----|---------------------------------------|----|
| 4.1 | Life in the maternity home            | 58 |
| 4.2 | Working for nothing                   | 60 |
| 4.3 | BFA – The Social Worker's Secret Code | 62 |
| 4.4 | Beware of young doctors               | 63 |
| 4.5 | The Birth or 'My worst nightmare'     | 64 |
| 4.6 | Locked in the annex                   | 67 |
| 4.7 | Post-relinquishment counselling       | 69 |
| 4.8 | Conclusion                            | 70 |

## Chapter Five. Discussion

|                |    |
|----------------|----|
| 5.1 Discussion | 72 |
| 5.2 Conclusion | 77 |

### GRAPHS

|   |     |
|---|-----|
| <b>Figure 1:</b> The number of ex-nuptial babies taken as a percentage of the total number of ex-nuptial babies born in Crown St. Womens Hospital compared with the number taken from across NSW..... | 38  |
| <b>Figure 2:</b> The number of. ex-nuptial births contrasted with the number of adoptions and the percentage of ex-nuptial babies to nuptial births.....  | 41  |
| <b>Figure 3:</b> Physical Coercion.....   | 51  |
| <b>Figure 4:</b> Emotional Coercion.....  | 53  |
| <b>Figure 5:</b> Psychological Coercion.....  | 54  |
| <b>Table 1:</b> Thematic Analysis: Enforced Surrogacy.....  | 56  |
| <b>Bibliography</b> .....   | 80  |
| <b>Appendix</b> .....   | 92  |
| Picture of leather strap used to restrain mother.....   | 93  |
| Women’s agency in gaining Inquiry.....  | 94  |
| Pat Rogan’s letter to Premier Bob Carr.....   | 95  |
| Pat Rogan’s Private Members’ Statement.....   | 98  |
| Call for an apology from Australian Association of Social Workers.....  | 100 |
| Address by Dr. G. A. Rickarby to NSW Inquiry.....   | 104 |
| White mothers also entitled to compensation: Premier Bob Carr.....  | 106 |
| Stolen Babies: SMH 23/3/98.....   | 107 |
| Baby Taken - Young Mother Flees: Sun 19/6/65.....   | 108 |
| Adoption Practices: Ministerial Statement.....  | 109 |

## Chapter One

### **1.1 Introduction:** “all *men* are born free and equal in rights”<sup>1</sup>

Internationally, Australia is recognised as a country that esteems an egalitarian way of life and relishes a ‘fair go’ for all. Most of us assume that we citizens have equality.

The Government articulates this public policy through its institutions, such as, the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), whose website states,

“Australian citizenship formalises your membership of the Australian community. It entitles you to the same rights as other Australian citizens”

- The right to equity and freedom from barriers based on race, ethnicity, culture, *gender* and other differences, [italics added]
- The right to participate fully in the community, and to achieve your full potential, regardless of your background (DIMIA, 2004).

The legal status of citizenship came into being on 26<sup>th</sup> January, 1949, under the *Nationality and Citizenship Act 1948* (C’th), renamed the *Australian Citizenship Act 1948* on 17<sup>th</sup>, September 1973. “Before 1948, people born in Australia were automatically, with rare exceptions, termed British subjects” (Chesterman & Galligan, 1997).

---

<sup>1</sup> Declaration of the Rights of Man and of the Citizen: Manifesto adopted by France's National Assembly in 1789: Encyclopaedia Britannica

Citizenship can be acquired by birth, descent, adoption or by grant, although children born in Australia of unlawful non-citizens do not acquire citizenship at birth<sup>2</sup> (Crock, 1998).

The Australian constitution omits specific provisions conferring or otherwise dealing with citizenship,<sup>3</sup> and according to Crock (1998, p. 14), this leaves the concept of citizenship undefined. Mick Dodson (Aboriginal leader), criticizes this lack of definition stating that conceptually citizenship is, “ill-defined, poorly understood, confused and confusing” (Dodson, 1996, p. 193).

Chesterman and Galligan (1997; 1999) argue that we need “to distinguish Australian citizenship in its narrow legal meaning – ‘formal citizenship’<sup>4</sup>...from the real citizenship of substantive rights. These are the various rights that come under the term citizen and which are not governed by the Constitution, but by individual laws”. The rights, Chesterman & Galligan (1997) are referring to, are political rights such as voting, social rights such as access to social security, and civil rights such as freedom of speech and thought and the ability to move freely.

In their discussion of citizen rights, Chesterman and Galligan (1997) note that substantive citizenship in Australia is further complicated because of the division of powers between the Commonwealth and the States, ergo, rights of citizenship are decided at two levels of government. It could be argued that with a Constitution that is silent on citizenship and with no Bill of Rights, citizens are at the mercy of the

---

<sup>2</sup> *Australian Citizenship Act (C'th) 1948*

<sup>3</sup> “Citizenship is not referred to in the Constitution as one of the powers for the enactment of laws by the Federal Parliament. It is a statutory not a constitutional notion”: Kirby J 2004

<sup>4</sup> A person owing loyalty to and entitled by birth or naturalization to the protection of a state or nation: Encyclopaedia Britannica

State/states to either enforce their rights or if infringed bring those responsible to account. Consequently marginalized groups and minorities may find it difficult to secure their citizenship rights and if violated have little or no avenue of recourse.

Citizenship is rather a nebulous concept, so to make it more tangible I will contrast it with non-citizenship. Non-citizens have been designated aliens (Kirby, 2004) and are subject to stringent governmental control<sup>5</sup> (Crock, 1998, p. 52). They stand outside the Australian community and are not subject to its protections or its privileges. They certainly do not have access to any substantive citizenship rights, such as the right to vote or access to social security. Burn & Reich (2001) and others (Crock, 1998) argue that neither do they have access to the rights of freedom of speech or thought. Crock and Mahler illustrate this latter point by detailing how prominent trade unionists<sup>6</sup> (Crock, 1998, p. 65) and members of the Communist Party (Maher, 1994, p. 8) were prevented from entering Australia because the government did not agree with their ideology.

In *Cunliffe v Commonwealth*,<sup>7</sup> the court rejected the notion that rights implied into the Constitution extend to non-citizens. Rather, it held that non-citizens have no basic or implied rights because they have “no constitutional right to participate in or to be consulted on matters of government” (p. 328) and stand “outside the people of the Commonwealth” (per Brennan & Deane JJ, p.336, cited in Crock, 1998, p. 25).

Citizens enjoy a constitutional immunity from being imprisoned by Commonwealth authority, except pursuant to an order by a court in the exercise of its judicial power

---

<sup>5</sup> Constitution, s 51 (xix).

<sup>6</sup> See *Ex parte Walsh; In Re Yates* (1925) 37 CLR 36

<sup>7</sup> 1993 182 CLR 272: 24, 206

(see the case of *Lim*<sup>8</sup> cited in Crock, 1998, p. 24). Non-citizens, on the other hand, can be locked up, without a trial, on the pretext that it is in the national interest (Crock, 1998, p. 24).

## **1.2 Women's citizenship**

T. H Marshall (1950) conceptualises citizenship as a bundle of rights: civil, political and social. Rights accessed equally by both men and women. Voet (1998, p. 7) argues that this assumption means that women's citizenship, in contemporary western democracies, is not perceived as problematic. Voet (1998) states "...believing that men and women have both obtained equal rights under the law, citizenship theorists felt that there was no need to discuss women citizens as a discrete group. Inequalities between the sexes were not seen as issues of citizenship, but of injustice" (p. 7).

According to Carol Pateman (1989, p. 10), "women's societal contribution is not seen as part of, or as relevant to, their citizenship, but as a necessary part of the private tasks proper to their sex". Therefore, it seems that modern political theory suggests that feminist issues ought not be addressed in terms of citizenship. I will argue that women's contribution, particularly her reproductive labour, must be seen as relevant to and inextricably linked to her full participation in and access to the rights and institutions of citizenship.

## **1.3 An Overview of the White Stolen Generation**

During the late 1960's, and up until the mid 1970s, thousands of babies were removed from their mothers (McHutchison, 1984; New South Wales Law Reform Commission, 1994). These young women may have been unmarried, recently arrived

---

<sup>8</sup> (1992) 176 CLR 1

immigrants, or orphans. They came from various ethnic backgrounds. They consisted of Anglo- as well as Indigenous Australians. Whatever their colour or ethnicity, all had one thing in common; they were unsupported, vulnerable and pregnant (Link Up, 2000, p. 224; Releasing the Past, 2000). At Crown Street Women's hospital, where the removal process was well “oiled and systematic” (Rickarby, 1998, p. 66), up to 64% of all babies born to unwed mothers were taken for adoption during the late 1960s (Roberts, 1994). A young unmarried mother would not be admitted to hospital unless she saw a social worker (Roberts, 1994; Stoker, 1985), effectively funnelling women through the social work department where their files would be marked with a code designating their babies for adoption. Women’s accounts (Link Up, 2000; Standing Committee on Social Issues, Report Number 17, 1998) of their visits with social workers were remarkable in their similarity. They all reported that no information was given, about any financial benefits or other assistance that was available (HRC Report 23, 1986; NSW Law Reform Commission, Report 34, 1994), just a persistence by the social worker that by being single they were not in a position to appropriately care for their children (Link Up, 2000; Standing Committee on Social Issues, Report 17, 1998). Whether mothers stipulated they wanted to keep or relinquish their baby, unbeknownst to them, their files were stamped with a code, ‘BFA’ (Baby for Adoption), or ‘UB-‘ (Unmarried, baby for adoption) (Roberts, 1994). This code informed the maternity staff that this mother was to be treated differently. She was to be drugged, not allowed physical contact with her baby and a pillow would be placed in front of her face so she could not view her child at the birth (Roberts, 1994). The reason for this was that it facilitated the adoption process (Woodward, 2004).

An unmarried mother (or a married mother who had specified she wished to relinquish), interned at Crown Street Women's Hospital would be removed from the hospital without her baby, either immediately or very soon after the birth, and kept at an annex of the hospital for five days (Roberts, 1994; Rickarby, 1998; Report 34, 1994). In this time, she was allowed no contact with her baby, was drugged, and forbidden visitors (Rickarby, 1998; Chisholm, 2000). Her clothes were locked up and she had no access to any money. If she refused to sign adoption papers, she was told that she would not be allowed to leave the hospital until she did so (Sherry, 1999; Chisholm, 2000; Report 22, Dec 2000, p.131-132)<sup>9</sup>. Some mothers still refused, they left the annex, and returned to Crown Street, but were not allowed admission to the nursery (Sherry, 1992; Releasing the Past, 2000).

It is no wonder that at Crown Street, the number of babies taken for adoption was extraordinary. In 1949, NSW Child Welfare Department figures show that from 40-50% of all adoptions in NSW came from this hospital (Stoker, 1985, p. 23). Pamela Roberts, stated that during the late 1960s up until 1970, during the time she was head social worker, the hospital was responsible for taking a massive 64% of all the ex-nuptial babies born at the hospital whilst the rest of the state averaged around 15%. Yet with a change in social work policy by 1981-82 the percentage of babies taken had dropped to only 5.3% (Roberts, 1994).

---

<sup>9</sup> Justice Chisholm giving evidence at the Inquiry into Past Adoption Practices (p. 184, 25/10/1999) stated that this amounted to False Imprisonment, a crime under the *Crimes Act 1900* (NSW). A contract that has been obtained by the deprivation of liberty or a threat of it amounts to duress *McLarnon v McLarnon* (1968) 112 Sol J 419 and so vitiates consent: *Puo On v Lau Yin Long* [1980] AC 614 at 635

## 1.4 My Interest

The topic of citizenship is of personal interest. In 1969, as an unwed pregnant teenager, I was admitted to Crown Street Women's Hospital, where against my expressed desire, my baby girl was removed and subsequently adopted. The experience left me questioning why my rights, basic human and legal, were violated and how such a practice could arise and be condoned by so many agents. The journey to uncover the truth has led to this thesis.

Citizenship theory is extensively discussed (Walby, 1994; Turner, 1990, 1986, 1993; Lister, 1997; Fraser & Gordon, 1994; Barbalet, 2000; Mouffe, 1992; Roche, 1992; Held, 1991; 1996; 1999), but as far as I am aware, has never been linked to a specific phenomenon, like the stolen white generation, which so clearly exposes the denial of citizenship rights because of lack of a male partner. The aim of this study is to describe analyse and explain through a theoretical framework incorporating patriarchy and capitalism the phenomenon of the white stolen generation and finally examine it in light of T. H. Marshall's (1950) concept of citizenship to determine whether these women were indeed equal citizens. The purpose of this research is to expand the citizenship debate with particular focus on the assumption that all citizens are equal and have equal access to its institutions. It is hoped that this research will elicit an interest by policy makers to ensure that such a denial of civil and social rights does not occur to Australian women again.

*“The need to let suffering speak*

*is the condition of all truth.”*

*(Theodor Adorno in Cornell, 1992: 13)*

## Chapter Two

### **2.1 Literature Review**

The phenomenon the author has labelled the ‘white stolen generation’<sup>10</sup> (Rogan, 1997; Byrne, 1997; Bernoth, SMH, 19/11/1997) will be informed by analysing it through three theories and then discussed with reference to Marshall’s (1950) theory of citizenship. Firstly, patriarchal theory will be used to place the phenomenon into an historical perspective and to explain the social structures that underpinned and shaped the worldview of the agents. Secondly, discourse theory, specifically the discourse of eugenics (scientific patriarchy), will be used to explain the behaviour of those at the ‘coal face’ (doctors, nurses and social workers) and the justifications they relied on to explain to themselves and others why they did what they did. Thirdly, dual systems theory will be used to explain the interaction of capitalism and patriarchy and how both these forces intersected in the body of the unwed mother, both in the market demand for her reproductive labour and the disregard for her humanity. Fourthly, citizenship theory will be re-examined in the light of the first three theories to determine whether the class of women referred to above were able to exercise their rights of citizenship.

#### **2.1.2 Patriarchy – men can’t have babies**

“The subordination of women by men is the initial form of oppression from which all later ones grew, including the state” (Herbert Spencer in *Principles of Sociology*, 1876-96).

---

<sup>10</sup> Term coined by the author and first used to describe the phenomenon on Lateline, referred to on the programme by Jennifer Byrne and later included in a private member’s speech given by Pat Rogan in NSW Parliament, in 1997 and the title of a story ran in SMH, 1997

Scholars, who critique patriarchy, such as Gerda Lerner (1986), discuss the way in which the patriarchal nature of society has caused the historic exclusion of women from the full rights of citizenship and from having parity with men.

Weber defined Patriarchy as a system of government in which men ruled *sociétés* through their position as heads of households (cited in Walby 1990, p. 19). Gerda Lerner (1986), taking the longer historical view, demonstrates how that system of government evolved from the patriarchal structure that existed in the original unit, or cell of the archaic state; the nuclear family. She states “This family form expresses and constantly generates the rules and values which maintain the patriarchal state” (1986, p.212). Gerda (1986) explains that the metaphor of a healthy society arising out of a healthy cell (nuclear family) was first expressed in Mesopotamian law and has been expressed and supported in subsequent laws and government policy for three millennium.

Lerner (1986) argues that the hierarchal nuclear family, with its private patriarch (Walby, 1990; 1986) who ruled over *his* subordinate wife and her reproductive labour, *his* children, was the template for the development of an exploitative class system and the slave trade (Lerner, 1986, Ch. 4). Further this exploitative system laid the foundation for the dynamic tension inherent in capitalism, where the owners of the means of production exploit the labour power of the non-owners. Lerner (1986, p. 122) and others (Walby, 1990; Brown, 1981) assert that from its very beginning the archaic state/public patriarch, realized its dependence on the nuclear family/private patriarch and equated its maintenance with social order. This is demonstrated by the emphasis placed by many western governments on protecting and maintaining the nuclear family via laws and social policy (Murray, 1995).

Lerner (1986) claims that the interdependence between the patriarchal state and the family is demonstrated in the way class structure is constantly reconstituted in the family by sexual dominance, whilst state control over the sexual behaviour of its citizens has been linked since the second millennium BC with social control. So the family not merely mirrors the order in the state and educates its children to follow it, but also creates and constantly reinforces that order (Walby, 1994; Lerner, 1986).

Lerner (1986) claims that regardless of the political or economic system, the kind of personality which can function in a hierarchical system is created and nurtured within the patriarchal family. Lerner (1986) and Walby (1990) are feminist scholars who have taken a broad and sweeping view of patriarchy, wanting to position it as an institution common to all societies (Hawkins, 2004).

The dependence of the patriarchal state on the subordination of women and control of her reproductive labour has survived three millennium and can be seen operating most overtly when there are violations of this social contract, for example, in the state's and family's treatment of unwed mothers (Solinger, 1992; Finemore, 1995; Coreo, 1984). Lerner (1986) states that the control of women's reproductive labour began prior to Western civilisation. She claims that you cannot understand women's changing status historically if this element is not included. Lerner (1986) explains how the development of agriculture in the Neolithic period c.10,000 – 1,500 BC gave rise to the “inter-tribal exchange of women” (p. 212). Initially women were bought and traded for the benefit of their families, but it was men who transacted these exchanges which Lerner (1986) labels as the first gender-defined social roles (p.214). Thus, women were seen as a resource or a piece of property that could be traded to

cement alliances in order to prevent warfare or to produce more children for a particular tribe.

Thus, according to Lerner (1986), the enslavement of women combining, both racism and sexism, preceded the formation of classes and class oppression. Class differences were, at their very beginning, expressed and constituted in terms of patriarchal relations. Lerner (1986, p.213) and Firestone (1972) propose that class is not a separate construct from gender; rather, they argue, class is expressed in genderic terms.

Marx explains class as the relationship individuals have to the ownership, or lack thereof, of the means of production. Lerner (1986) claims Marx's class theory is only true for men. In much the same way that the owner of the means of production dominates the non-owners, men acquire and dominate women and therefore own their reproductive labour. Lerner (1986) states that in Ancient Mesopotamia, in classical antiquity, and in slave societies, dominant males acquired the property and the product of the reproductive capacity of subordinate women-children, to be worked, traded, married off, or sold as slaves.

Women's position, in the class structure, is not defined by her relationship to the means of production, but is mediated by her sexual ties to men. For instance, a woman can elevate herself from one class to another by simply marrying a man from that class, and a woman who defies the patriarchal structure by having a child outside of marriage can be defined as 'not respectable' and declassed. Further labelling women's sexual behaviour as "respectable" and "not respectable" creates an artificial divide and prevents women from forming a cohesive group so pitting woman against

woman (Coreo, 1984; Lerner, 1986; Whitfield, 1991). According to Petchesky, (1985) women will never form a class of their own as long as this divide based on sexual activity stands.

Lerner (1986) claims that patriarchy cannot succeed without the cooperation of women. One of the ways they are co-opted is by the sexual division as explained above. Other ways are discrimination in access to economic resources and political power, and by awarding class privileges to conforming women (Lerner, 1986, p. 217). For instance, in the case of the white stolen generation, all the ingredients necessary for sustaining patriarchy were demonstrated. 'Respectable' married women (conforming women), were rewarded by being given the baby (a valuable resource) of her unwed sister (the declassed woman). Margaret Kornitzer explained (1972) the process, "'girls' who have babies out of wedlock must pay the price for their illicit sexual activity by parting with their children". This had the effect of not only pitting one group of women against the other, but placed the declassed woman outside of society's rights and protections, so casting her as a non-citizen. This non-citizen/unwed mother was deemed not to have rights to her children (Reid, 1957).

### 2.1.3 Patriarchal marriage – the ownership of women and children

*The mother is not the parent of the  
child which is called hers. She is  
the nurse who tends the growth  
of young seed planted by its true  
parent, the male...*

Aeschylus' *The Furies* –  
*Oresteia* trilogy (cited in  
Lerner, 1986, p. 205).

Traditionally, marriage has created the bond between a father and his children<sup>11</sup> and defined motherhood for women. Martha Fineman (1995) supports this assumption, citing the case of *Lehr v Robertson*<sup>12</sup>, “The mother carries and bears the child and in this sense her parental relationship is clear. The validity of the father’s parental claims must be gauged by other measures. By tradition, the primary measure has been the legitimate, familial relationship he creates with the child by marriage with the mother (p. 61). Fineman (1995 p. 30) states that, “Women have been defined in feminist legal theory as ‘wives’ not as mothers.” She claims that legal support for the sexual affiliation between husband and wife as constituting the ‘normal’ family structure underpins the patriarchal system, as men must be present and this maintains patriarchal power. It also ensures that the nuclear family’s privacy is protected whilst the state’s patriarchal concern leads to single mothers and their children being “characterised as ‘public families’, vulnerable to state interference”.

---

<sup>11</sup> See the discussion of the legal term *filius nullius* in the section on Citizenship

<sup>12</sup> 463 U.S. 248 (1983)

Other feminists (Whitford, 1991; Corea, 1985) also support Fineman's (1995) claim that motherhood needs the legitimation of marriage to be held in esteem. Corea (1985, p. 145) suggests that a "Woman's right to bear a child evaporates if she fails to do so under the conditions prescribed by the patriarchy. The basic condition is that she be legally bound to a man".

Irigaray (cited in Whitford, 1991, p. 185) claims that "The 'patriarchal contract' is one which began with the exclusion of women by virtue of them being used as objects of pleasure or exchange. Only as objects owned by men were women given value, hence motherhood is only of value in a patriarchal system if the mother is in relationship with a male." Further Irigaray states that women's lack of personal connection to the state other than via a male excludes her from full citizenship.

Fineman (1995) explains that the process of reformulating and reinforcing the historic control of fathers over children and in families, hinges on casting the practice of single motherhood as "deviant". Women successfully mothering outside of the traditional heterosexual family calls into question some of the basic components of patriarchal ideology (p. 101). She states succinctly "the representation of single motherhood as pathological is inextricably linked to patriarchal ideology. It is through this constellation of symbols and beliefs about what constitutes a 'natural' or 'normal' family that all motherhood discourses are processed" (Fineman, 1995, p. 102).

According to Justice Kirby, Australian High Court Judge, the state would go to enormous lengths to promote and protect marriage. One example Kirby J gives is the

historical stigmatisation of ex-nuptial children. He explains, in *Chen Shi Hai*,<sup>13</sup> “They suffered, and were shamed, in order to promote a policy of marriage of their parents over which, at their birth and in their childhood, the children concerned had no control whatsoever. In today's world, depending on the evidence, this could amount to persecution”.

## ***2.2 Eugenics discourse (scientific patriarchy) and the adoption market***

### **2.2.1 Introduction**

Removing children from their mothers is not a new phenomenon. Lerner (1986) claims that within the archaic state, the individual patriarch could use his wife or children to pay off his debts: by using them as debt slaves, marry off his children for the highest price, or cement an affiliation that was efficacious (Lerner, 1986). With the development of the nation state and the outlawing of slavery, patriarchal science became the authority that legitimated the control of women's reproductive labour (Keller, 1986), and the removal of her children. Only the locus shifted from an individual patriarch to the state/ public patriarch (Walby, 1990). Specifically a eugenic discourse maintained a power imbalance between the unmarried (unfit & powerless) and married mothers (fit & powerful). Child removal was couched in eugenic terminology, such as; it was in the child best interests to be placed with a married couple. The unwed mother was pathologised as neurotic, and it was only by giving up her child that she was ‘cured’ and fit again to re-enter society.

Adoption as practiced in Australia in the late 20<sup>th</sup> century was very much the outcome of scientific rationality (Gesell, 1939; Roberts, 1967) and eugenic discourse.

---

<sup>13</sup> *Chen Shi Hai v The Minister for Immigration and Multicultural Affairs* [2000] HCA 19 (13 April 2000) at para 73

Child removal was normalised through the process of (scientific) adoption (Gesell, 1939; Roberts, 1967). Children, could be physically and mentally tested to ensure their adoptability. Couples, could be scientifically matched with the appropriate child and the IQ of unwed mothers could be measured to ‘scientifically’ safeguard adoption for prospective adoptors (by ensuring their offspring were not ‘feeble-minded’) (Slingerland, 1919; Gesell, 1939).

Adoption became a process designed to encourage married couples to undertake the care of children born to unmarried mothers (Discussion Paper 34, p. 18). According to Robert Ludbrook (1994) adoption law, in many western societies, is written up like property law. Children, are treated as commodities, whose ownership is contractually transferred from one set of parents to another (p. 35). Ludbrook has labelled this transfer of ownership as ‘modern day slavery’. It should be pointed out, that this ‘property rights’ notion of adoption is largely limited to western societies. It is not a feature of all sociétés and all patriarchies (Hawkins, 2004).

Eugenics arose out of science and science far from being neutral, reflects the dominant ideology. Keller (1986) claims that it is not an objective pursuit, but is a “deeply personal as well as a social activity” (p. 5) and therefore reflects society’s patriarchal base. The roots of science reach back to Aristotle (384-322 BC) whose way of life evolved out of the denial and denigration of all things feminine. Sexual relations with women were viewed as degrading and put in the same category as sex with slaves (Keller, 1986). A deep emotional attachment with a much younger male was seen to epitomise all that was noble in Greek life. In fact it was deemed the way to reach a higher, more real state of consciousness. The erotic attachment though,

was to remain unconsummated because if the younger male ever submitted to his older lover then he would be defiled and forever barred from becoming a citizen and participating in public life (Keller, 1986).

Lerner (1986) claims that viewing women as the breeders of heirs and a resource to be owned and controlled stretches much farther back in time than Aristotle, and it might be assumed, laid the foundation for Aristotle's world view and subsequent philosophy.

### ***2.2.2 The Male Procreative Principle implicit in Science***

Descartes believed that male semen carried within it the soul that would be impregnated into the ovum. Women only provided the lower physical/natural substance (Merchant, 1982, p. 162).

The father of modern Science, Francis Bacon (1561-1626) dismissed Aristotelian science, interestingly enough, as being too 'feminine'. Bacon spoke of giving birth to a science that contained within it all the traits associated with masculinity, such as detachment from feelings, rationality, separation etc. Both Aristotle and Bacon saw nature as being female (Keller, 1986, p.31). Science was set in opposition to nature, as was reason to feeling, objective to subjective all of which became polarised along with the gradual desexualization of women (Keller, 1986, p.63).

Modern science then, was defined in opposition to everything considered feminine. Keller (1986) argues, that science provided support for the polarisation of gender

required by industrial capitalism. There were two types of science that emerged at this time, alchemy and Bacon's 'masculine' science.

Alchemists believed in the equality of men and women and that the union between the male and female principles created new life, and they saw these two principles as equal and divine (Keller, 1986). The masculine science, which prevailed, found the equality of the sexes a violation of their religious and political views and said that only the masculine principle, epitomised in a male-God, was the creative principle. The female principle, was relegated to nature which Bacon stated, was there to be 'thrust into', 'revealed in her most intimate parts', and 'enslaved in the service of *mankind*' (Keller, 1986, p. 36). In short the birth of this new male (science) was to be done by man for man utilising traits not associated with the feminine, and the feminine was perceived as the object, hence objectified, of its inquiry.

Keller (1986) states that during this period (15<sup>th</sup> and 16<sup>th</sup> century) women's sexuality was seen as insatiable and in need of being tamed. Female sexual excess was linked with social disorder, and according to Lerner (1986), was so linked since pre-history. The 17<sup>h</sup> century, was a period of major social and economic upheaval and as religious control loosened, modern science took over. Science was doubly advantageous for men as it provided them with secular legitimation for maintaining reproductive control (e.g. population control<sup>14</sup>; closure of the blood lines<sup>15</sup>) and a means by which they felt they could re-establish social order. (Castle & Davidson, 2000, p. 121).

---

<sup>14</sup> Peperell et al, 1980

<sup>15</sup> (Yuval-Davis, 1992)

In an increasing climate of social upheaval the restraints on women's sexuality strengthened. By the Victorian era, the emphasis was on women's chastity and marriage was seen as a relationship between the "idealised, sexually desensitised angel and the lustful patriarch" (Keller, 1986, p.63). According to Solinger (1992), the Victorian age also heralded in an unprecedented attack on unwed mothers. Prior to that time, in the USA, research indicates that (Solinger, 1992, p. 285, citing Ulrich, 1990, pp. 147-160) unwed pregnancy was not as stigmatised as it later became and that mothers and their children usually remained within their family of origin until the mother married.

### **2.2.3 Eugenics**

Hume (1996) explains that eugenics was based on the mistaken notion that all disabilities were inherited and that the "unfit" - people who were "feeble-minded, insane, epileptic, diseased, blind, deaf and deformed" were to be bred out of existence" (Hume, 1996).

The father of eugenics and IQ measurement, Sir Francis Galton, (1822-1911)<sup>16</sup>, set up the Chair of Eugenics at the University of London's Galton Laboratory, which was taken up by his disciple and respected psychologist, Karl Pearson (1857-1936).

Pearson was succeeded by Charles Spearman (1863-1945), who was a mentor of Raymond B. Cattell (1905-1998). These men formed the intellectual foundation of the

---

<sup>16</sup> Galton coined the word 'eugenics', (the Greek words for well and born) in 1883 in *Inquiries into Human Faculty and Development* that heralded the movement. Galton (1904, p.1) defined Eugenics as "the science which deals with all influences that improve the inborn qualities of a race; also with those that develop them to the utmost advantage" and "as the science which deals with those social agencies that influence, mentally or physically, the racial qualities of future generations" (1905, p. 11).

London School, which dominated and set the course for the field of psychology, in England and America, for the next several decades (Mehler, 1997).

Cattell was a prolific researcher and writer, with over 80 books and 500 articles. He migrated to the USA in 1938 and was very influential on the evolution of psychology in both countries. He regarded behaviour as primarily organic (Plucker, 2003) and was a strong advocate of 'scientific breeding' (Mehler, 1997), or the breeding of the fittest. His major achievement was in the application of advanced statistical techniques to the study of intelligence (Plucker, 2003).

"It is possible," Cattell argued, "to kill off a class of people in a wholesale fashion by means of an idea" and "it would be a very important piece of work by social psychologists... to study lethal ideas, especially with a view to decreasing the number of sub-cultural persons" (Cattell, 1937, p. 137-138, cited in Mehler, 1997).

Cattell, and other eugenically orientated psychologists, believed that society could be improved by measuring human mental capacity and establishing those mentally fit to breed (Black, 2003). Quantifying intellect by means of IQ tests meant that feeble mindedness could be 'proved' and therefore given scientific legitimation (Mehler, 1997). 'Feeble minded' was the category that unwed mothers were placed into.

Mental and moral weakness was listed as a significant cause of unwed motherhood (Morton, 1988, p. 67). The idea, that unwed pregnancy was the product of feeble mindedness, was apparent in Australia. It was stated, by the NSW Child Welfare

Department that, “those considered having dubious morals were regarded as having a *low mental capacity* and [to be] moral delinquents” [italics added] (Annual Report, 1956, cited in Wilkinson, 1986, p. 99).

The first person sterilised in the USA, under new laws achieved by the Eugenic movement, was an eighteen year old, single mother, Carrie Buck. Carrie Buck, her mother Emma, and 7<sup>th</sup> month old baby daughter were all deemed ‘feeble minded’ and put into an institution primarily because Carrie and Emma had both had children outside of marriage (Lombardo, 2004). Hence, three generations of “imbeciles” became the “perfect” family for Virginia officials to use try out as a test case for the new eugenic sterilization law enacted in 1924 (Lombardo, 2004). Governments saw it as a way of reducing their expenditure on the confinement of the mentally ill. The State believed that if “imbeciles” could not reproduce they did not need to keep them institutionalised (Briney, 1927).

Eugenics was alive and well in Australia throughout the 20<sup>th</sup> century. Rodwell (1998) quotes from a lengthy article from the *Hobart Mercury*, published in 1906, which expressed its support for Sir Francis Galton's scheme for improving the white races by “breeding from mentally superior people”. This, would be achieved by, “eliminating the worst by obstructing as far as possible the output of children by the obviously defective in body and mind - feeble-minded people and consumptives”. According to Wyndham (1996) the list of successful doctors and lawyers, politicians and academics that espoused eugenics reads like a who’s who list for the first half of the 20<sup>th</sup> century in Australia.

According to Rodwell (1998), there are two types of eugenics, hereditary and environmental. He claims that hereditary eugenicists endorsed sterilisation and other biological answers to social problems, whilst environmentalists prescribed such things as education, segregation and change in the environment to elicit resolution of social ills. It is within this latter category that the white stolen generation fits.

Contemporary hereditary eugenics is succinctly detailed by Charles Murray (1995, p. 416), who claims that a child born to an unwed mother, if adopted, will increase its IQ by an average of 10 points. He states “Anyone seeking an inexpensive way to do some good for an expandable number of the most disadvantaged infants should look at adoption....We want to return to the state of affairs that prevailed until the 1960s, when children born to single women-where much the problem of child neglect and abuse originates-were more likely to be given up for adoption at birth.<sup>17</sup> This was, in our view, a better state of affairs than we have now”.

#### **2.2.4 The War on the Unwed Mother**

A leading gynaecologist, Dr. Lawson (1960, p.162) delivering a very eugenics’ orientated lecture at the Royal Women’s Hospital, Melbourne, ushered in the ‘adoption mandate’ for Australian unwed mothers. Lawson believed, for the sake of “progress in matters of social medicine” and for the “general social betterment”,<sup>18</sup> an obstetrician needed to become involved in political activity and to be pro-active in

---

<sup>17</sup> Murray is purported to be influential with the current Bush administration in the USA and George Bush has expressed his view that he wants to promote adoption and bring back group maternity homes: Fox Network, 2004

<sup>18</sup> Betterment: used to describe the purpose of eugenic breeding programs i.e. betterment of the race: Black, 2002

deciding who kept their children and who did not. After all, he explained, “this is important work done by important people”.

He stated, “the obstetrician has a particular duty when dealing with single girls who become pregnant. This is a big problem....The prospect of the unmarried girl *or of her family* adequately caring for a child and giving it a normal environment and upbringing is so small that I believe for practical purposes it can be ignored....

Natural selection played a part in keeping this proportion [the unfit] of the population down... I believe that in *all* such cases the obstetrician should urge that the child be adopted...Adoption brings joy to the adopting parents and the prospect of a better life to the child... Heredity is important ...I believe that a good environment will make a better job of bad genes than a bad environment will make of good genes<sup>19</sup> ..*the last thing that the obstetrician might concern himself with is the law in regard to adoption....*”(Lawson, 1960, pp162-166) [italics added]. It seems that the power of the medical expert to make eugenically orientated pronouncements on social affairs as well as strictly medical matters had become so normalised that this lecture was subsequently published in the *Australian Medical Journal* without comment.

The above eugenic ideology, that an unwed mother should willingly part with her child, became so entrenched in Australia, that the Honourable Ann Press stated unashamedly, in a parliamentary debate prior to the implementation of the *NSW Adoption of Children Act 1967*, “I have always advised adoption.... [the unwed mother] would *if given the opportunity*, like to own and love [her baby]. But this is not for her, she must make the supreme sacrifice by denying herself the pleasure of

---

<sup>19</sup> Slingerland (1919) an early eugenicist promoted adoption for those he categorised as ‘dullards’

holding it in her loving arms. She always makes the sacrifice” [italics added] (cited in McHutchison, 1984-85).

The Honourable A.D. Bridges (Minister for Child Welfare) responding to Press’s comments stated, “Let us consider the interest of the child of the young mother who has never married and is lying at one of the department’s lying-in homes. This little baby is bottle fed because it is unwise, and in fact imprudent, to take the baby to the mother”<sup>20</sup> (cited in McHutchison, 1984-85).

Joseph Reid (1957), who sat on many committees, wrote academic articles and was the Director of the Child Welfare League of America and Deputy President of the International Union for Child Welfare set out the ‘principles, values and assumptions underlying adoption practice’ all of which were implemented in Australia (Releasing the Past, 2000).

- It must be clarified that an “unwed mother and her child are not a family”
- An unwed mother is not entitled to “make up her own mind”
- If family members do not support adoption they should be counselled otherwise
- It should always be presumed that adoption is in ‘the child’s best interest’
- “A service that must be rendered” for infertile couples is the use of casework by social workers, utilising psychological methods, to ensure mothers do not try and reclaim their babies
- agencies should be politically active and lobby for law changes to reduce the rights of natural parents

---

<sup>20</sup> Not allowing the mother to have access to her baby constituted coercion and violated both the *Child Welfare Act 1939* (NSW) and *Adoption of Children Act 1965* (NSW)

- because the above principles are only partially accepted by the community social workers must advocate strongly and publicly for their acceptance
- agencies must network with those in law and medicine to ensure the above principles are disseminated (Reid, 1957, pp. 1-13).

Another example of the eugenicist ideology that permeated adoption practice was the use of the eugenic term 'socially cleared', written on mothers' files after they had signed the 'consent to adopt' (Releasing the Past, 2000; data collected for this research). If a mother left the hospital without being 'cleared' the adoption social worker would often notify the police and have her forcibly brought back to the hospital (Goff, 1970).

Therefore it can be seen that the influence of eugenics on social work and medicine played a crucial part in the removal of these women's babies with non-marital childbearing treated as the most profound violation of postwar population goals (Sauber & Rubinstein, 1963).

## **2.3 Walby's Dual-Systems Theory**

### **2.3.1 Introduction**

Sylvia Walby (1986, p. 50) states that patriarchy never exists alone, but always in articulation with another mode of production. In the 20<sup>th</sup> century that other mode was capitalism and it played its part in creating a doubly exploitative outcome for unwed mothers.

Sylvia Walby (1986; 1990) asserts that capitalism can either reinforce or conflict with patriarchy, and that when capitalism reinforces patriarchy it is only women's agency that curtails its doubly exploitative effect. For example, the suffragists fought and won the right to vote, and once they gained some political power they used that to fight for equality in the workforce, amongst other things. Walby's (1986) theory was built on the work of earlier feminists, such as Heidi Hartmann (1981), who maintained that patriarchy and capitalism are two separate systems, with the patriarchal base located within the household. Carol Brown (1981) who conceptualised a public and private patriarchy. Shulamith Firestone (1971) who placed the material base of patriarchy in reproduction, and Christine Delphy (1984) who conceptualised two modes of production; the capitalist and the domestic mode.

Walby (1990) contends, that patriarchy is the expropriation of women's labour in the home, and it is maintained by patriarchal relations in the workforce. Walby theorizes that capitalism and patriarchy interact within six structures: relations in waged work; housework; sexuality; culture; violence; and the state. "It is through these interrelated social structures and practices that men exploit women" (1986, p.51; 1997, p. 6).

Walby (1990) broadens the work of Carol Brown (1981) to include the agency of first-wave feminists to account for the shift from private to public patriarchy (particularly the achievement of political citizenship) at the beginning of the 20<sup>th</sup> century. For instance political citizenship or lack thereof, has made the difference between capitalism strengthening private patriarchy in Islamic capitalist countries whilst weakening them in Western democracies (Walby, 1990). Brown (1981) described the locus of control over women's reproduction changing from the family to the political economy.

This interrelationship between state/public and family/private patriarchy and capitalism as theorized by Walby (1990), was demonstrated in the dramatic change in the treatment of unwed mothers from 1900 to 1940. The locus of control moved from the home to the state, and when the state took on the responsibility of welfare, unwed mothers were expected to pay for their sins not be paid for them. (Walby, 1986; Finemore, 1994; Solinger, 1992; Morton, 1988).

### **2.3.2 The trouble with money and social workers**

Morton's (1988) research into Cleveland Maternity Homes provides some explanation for the extraordinary shift in attitudes towards and treatment of the unwed mother, during the first half of the 20<sup>th</sup> century. Morton claims that her research was indicative of what was taking place across the USA, and I would agree in Australia.

In the 1900s maternity homes, set up by private philanthropists, offered refuge to unwed mothers (Morton, 1988, p.64). Mothers were expected to keep their children, as it was thought that they would be saved through, "the moral reclamation of

motherhood” (Morton, 1988, p. 64). Moralists believed that having to survive in a society where little financial or emotional support was available was punishment enough. It is interesting to note that in this period of time, most of the babies for adoption came from poor married couples (Herman, 2004).<sup>21</sup>

According to the mindset of the era, unwed motherhood was caused by promiscuity, the product of mental weakness, or ‘scheming men’. At the time, there was no market for white babies, which were considered ‘tainted’ by their mothers’ unwed state (Solinger, 1992) or, worse, thought to carry the promiscuous (feeble minded) gene.

Psychologists, influenced by Sir Francis Galton and his followers, as previously mentioned, were obsessed with the idea that only the fit should breed and as a result were avid promoters of the use of IQ testing to determine mental fitness.

Psychological influence on social work could be seen as early as 1914, where at a ‘Conference on Illegitimacy’, a social worker recommended that homes begin administering IQ tests to the mothers. This recommendation foreshadowed the shift to explaining and “solving” the problem of unwed motherhood by use of the psychological method and the evolution of scientific adoption. In the Minutes of the Conference *mental* and moral weakness was listed as a significant cause of unwed motherhood (cited in Morton, 1988, p. 67).

Morton (1988) states the growing professionalisation of social work became increasingly important in shaping policy toward unwed motherhood (p. 67).

---

<sup>21</sup> Statistical analyses have shown that a majority of surrendering parents before 1940 were married

In Cleveland professionalisation was facilitated by the opening of a University School of Applied Social Sciences in 1916 and by the merger of the Welfare council, run by a group of social workers, with the Charities that run the homes. Morton (1988, p. 69) states that “Aided by the general popularity of psychoanalytic theory, social workers claimed psychologically (eugenic) oriented casework as their particular area of expertise”. It was this embrace of psychological theory, that would later seal the fate of unwed mothers.

By the early 1930s social workers had begun to develop a professional identity. The American Association of Social Work had been set up and there were now advanced degrees in social work. At the same time social workers found their ‘professional niche’ in casework, the care of the unwed mother had moved away from private philanthropy, under the control of the religious affiliated charities, and been taken over by the state, which did not underwrite expensive stays in maternity homes (Morton, 1988, p. 62). This movement away from private philanthropy towards the welfare state exposed unwed mothers to the double exploitation of public patriarchy and capitalist market forces.

In 1936, an exhaustive report on the services available for unmarried mothers concluded, that mothers were generally on welfare, and that the maternity home’s claim that women could be rehabilitated by motherhood was false as many of those previously confined were still unwed and had returned to give birth to a second or third baby (Morton, 1988, p. 70).

In 1943 a speaker at the National Conference on Social Work stated, “The policy of keeping mother and child together limited the mother’s ability to earn a living and often encouraged an *unfit* woman to assume a parental role” (Morton, 1988, p. 72). It would seem then that the notion of the unwed mother being unfit, had been extended by social workers using psychological based theory, into the notion that they were unfit to mother their own children. Leontine Young, whose theories were strongly influenced by Freud, and in turn ‘strongly influenced Australian professionals’<sup>22</sup> (Report 22, 2000, p. 16) epitomised this mindset, when she stated “What chance has the baby of a girl who in pregnancy outside marriage, reveals immaturity and may well be denied the support of a good family setting. The girl, if we give her time to help her understand her own predicament in terms of her childhood experiences, will usually see the advantage to her child if he is placed with carefully selected adoptive parents<sup>23</sup> immediately after birth” (cited in Report 22, 2000, p. 16).

By the late 1920s social workers had taken more babies than met demand, and adoption had become a buyers market (Reid, 1957).

### **2.3.3 The Adoption Market: the supply and demand of babies**

Joseph Reid (1957) offers an explanation on how demand was manufactured, “Twenty or thirty years ago, agencies had to go out and recruit adoptive parents for white infants; they had to try to ‘sell’ the country on adoption. Attitudes toward illegitimacy, toward bringing children of different ‘blood’ into the family set up

---

<sup>22</sup> Young & Gessell influenced Australian social worker Pamela Roberts: Roberts advocated IQ testing unwed mothers and ‘scientifically matching’ children and the prospective adopting parents – she believed that the social worker should speak on behalf of the child (‘The Child’, 1967) as did Young and Gessell

<sup>23</sup> Ideology indicative of the influence of Arnold Gessell (1880-1961) psychologist and physician – he developed the Gesell scales to test if children were qualified for adoption: *The Adoption Project*

strong barriers to adoption (p. 5). Mary McLelland (Daily Telegraph, 5.12.67), University of NSW Supervisor of Professional Training, Social Studies Department, stated, “the role of the modern day social worker is to recruit adoptive parents by stimulating interest among suitable people”.

Social workers, using the media, were undoubtedly effective. In Australia, the Department of Welfare, fed the newspapers pictures of maternity nurses holding newborn babies with captions like ‘All these unwanted babies’ (Sydney Morning Herald, 18.2.68; Daily Telegraph, 31.1.67). The article implored prospective adoptive parents to rescue “one of the poor abandoned children”. So effective was this kind of promotion that a study done by Clarke E. Vincent (1961, Ch. 7) predicted,

“if the demand for adoptable infants continues to exceed the supply, ....and if the laws and courts continue to emphasise that the ‘rights of the child’ supersede ‘the rights of the parents’ then it is quite possible that, in the near future, unwed mothers will be ‘punished’ by having their children taken from them right after birth. A policy like this would not be executed – nor labelled explicitly as ‘punishment’. Rather it would be implemented through such pressures and labels as ‘scientific findings’, ‘the best interests of the child’ ‘rehabilitation of the unwed mother,’ and ‘the stability of family and society.’

The stronger the demand the greater the pressure on unwed mothers to choose adoption. Leontine Young (1954) acknowledging this phenomenon stated, “the

tendency growing out of the demand for babies is to regard unmarried mothers as breeding machines by people intent upon securing babies for quick adoption.” Inter family adoptions were not encouraged. The rationale behind this was the eugenic belief that an unwed mother was unfit, and being unfit she came from an unfit family (Lawson, 1960; Reid, 1957). Consequently ‘saving a child’ meant not only removing it from its mother, but from its extended biological family.

Eugenicists, from the early 1920s, had effectively used the media to demonise unwed motherhood (Lawson, 1960; Reid, 1957). They claimed it was the result of poor heredity, in particular feeble mindedness. Grandparents, who had not already been brainwashed or shamed by such propaganda, were advised by their doctor or daughter’s social worker<sup>24</sup> that keeping their grandchild would ruin their daughter’s life (cited in research data collected; Releasing the Past, 2000). This effectively cut off any familiar support a young mother may have had and placed her at the mercy of the adoption-orientated hospitals.

So successful was the adoption industry’s marketing strategy, that by 1972, there was a greater supply than demand (McDonald & Marshall, cited in Releasing the Past, 2000, p. 21). For a short period social workers rang up potential adopters and asked if they would take another baby. The oversupply meant many babies languished in institutions (McHutchison: 1984). By 1975 the number of babies available for adoption had begun to dry up. In order to facilitate supply, *adoption* social workers, lobbied the government to implement even more draconian policies (Royal Commission on Human Relationships, 1977), such as getting single mothers to

---

<sup>24</sup> Every unwed mother had to visit with the social worker before being admitted to hospital

demonstrate to the court that they were able to adequately care for their children. Their efforts, this time, were futile. There was to be no repeat of the last cycle, because by the 1970s women were becoming more empowered. The second wave of feminism had begun and women were speaking out and demonstrating about their lack of rights and inequality. Women were better educated and had begun to move into positions of power. Married women were no longer barred from the workforce (Woodward, 2004) and as a result married women with children began to work within the hospital system as Midwives. These Midwives spoke out about the treatment of unwed mothers. Most importantly, unmarried women who because of familiar or some other kind of support, managed to keep their children, began to form groups and to speak out and expose the injustices experienced by other single mothers (Report 22, 2000, p. 39).

In 1973, Gough Whitlam introduced the unwed mother's pension, and the assumption has always been that the financial assistance, combined with access to legalised abortions and the availability of the pill to unmarried women, caused a sharp drop in the number of ex-nuptial babies available for adoption (Report 22, 2000). But this is not the case, the birth rate for ex-nuptial children did not decline, but continued to increase nationally, from 9,766 in 1972, to 22, 748 in 1998. This was an increase from 10.25% of the total number of births to 26.6%. Yet, in NSW in 1998 only 178, were adopted, compared to 4,564 in 1972 (Report 22, 2000, pp. 218-220). I would argue that, it was the termination of the policy mandating adoption, which caused the rapid decline in the number of babies available for adoption. Societal mores do not change overnight. I would argue that the rapid rise in NSW from 1967- (1,940) to 1972 -

(4,564) and decline in 1980 – (856) of the number of babies taken for adoption, in a little over a decade, speaks more about a change in culture than a change in mores.

I would argue that the ‘oversupply’ of babies for adoption caused a re-think of the some of the more abusive processes that were in place to facilitate the supply of babies. After all, they were no longer needed. Before the introduction of the *1965 Adoption of Children Act* (NSW) in 1967, adoptive couples had been putting incredible pressure on government to shorten the waiting lists for newborns. They complained that they were waiting up to two years.

Pamela Roberts (1994) states that she began to implement changes in the treatment of unwed mothers within the hospital at Crown St. in 1970, and importantly it was from 1970, that the percentage of unwed mothers in the hospital who kept their children began to rise. Roberts (1994) claims she began allowing mothers to go to the nursery to see their babies and that later she stopped the use of the pillow to obstruct the mother’s view at the birth. The Human Rights Commission (HRC) (1984) and adoption specialist and psychiatrist, Dr. Geoff Rickarby (1998), both attribute the reduction in the more overt abuses that took place in the hospitals and the decrease in coercive counselling,<sup>25</sup> as major contributing factors in the decline in the number of babies for adoption. Dr. Rickarby (1998) also attributes the implementation and success of the IVF programme as another contributing factor, as this alternate means to acquire a child of one’s own began to reduce the political pressure to provide children for the infertile.

---

<sup>25</sup> HRC stated that the social workers method of counselling amounted to inhumane and degrading treatment of mothers and violated Article 7 of the ICCPR

Joss Shawyer (1979) noted, that the removal of children in New Zealand, was directly related to the coercive ‘counselling practices’ of adoption workers. She points out that research indicated that 97% of Polynesian mothers, with ‘unadoptable babies’ (only white, perfectly healthy babies were in demand), did not relinquish their children, even though they were 30% less likely, than white mothers, to know about any welfare benefits. Recent research supports Shawyer’s (1979) claims.

Professor Edward Mech’s (1992) and Patrick Fagan’s (1995) research both indicated that it was not financial concerns that was the most important factor in a mother choosing adoption, but the introduction and promotion of it as an option by social and health workers. Mech (1992) stated that almost 60% of white mothers would consider an adoption plan if social workers impressed on them that “her child would have a better chance” (Mech, p. 558). Only 29% of the sample indicated that economic concerns would be a causal factor in relinquishment. This supports Australian research, in which Najman et al (1990) concluded that “extreme youth, poverty, an absence of a partner and an ‘unwanted’/ unplanned pregnancy may all contribute to a decision to relinquish a child. Yet the data indicates that the vast majority of women reporting these “disadvantages” proceed to keep the child...Indeed the majority of this small group of [his research sample] women who manifest any or even all these disadvantages together do not relinquish the child” (p. 188).

### **2.3.4 Conclusion**

Marshall and McDonald (2002, p. 26) state that “the forces of supply and demand have always played a major role in dictating adoption policy and practices”, but as Walby has explained those forces can be moulded by women’s agency. I would

argue, that it was women's agency that curtailed the adoption industry's response to the falling numbers of adoptable babies. Around 1970-71 women formed self-help groups such as Care and Help for Unmarried Mothers (CHUMS) in NSW, and the Council for the Single Mother and Her Child in Victoria (Report, 22, 2000, p. 39). These groups were outspoken and used the media effectively to present the unwed mother in a humane light. They used popular women's magazines to advertise the fact that there were benefits available in 1970 (which they survived on!) and let the public know that their goals were to lobby politicians, social-service agencies, and hospitals for a better deal for unwed mothers and to stop the adoption process line (Hickman, 5/4/1972). They highlighted the coercive practices and the ugly prejudice that existed amongst doctors and nurses working within the hospitals, and the adoption industry generally. Around the mid 1980s the Association of Relinquishing Mothers (ARMS) was formed by Judy McHutchison in New South Wales and she and her members began to expose the life long grief and mental health problems the adoption industry practices were causing and expose the great lie the adoption industry run on, that unwed mothers willingly gave away their children (Report 22, 2000, p. 41). These self-help groups developed alongside increasingly vocal feminist lobby groups such as the Women's Electoral Lobby, which had as its priorities, government support for child-care and equal opportunity legislation. There was a strong connection between CHUM and the Women's Electoral lobby. One of the most powerful first members of the Women's Electoral Lobby was Sue Thompson who was also the Chairperson of CHUMS (Report 22, 2000, p. 39).

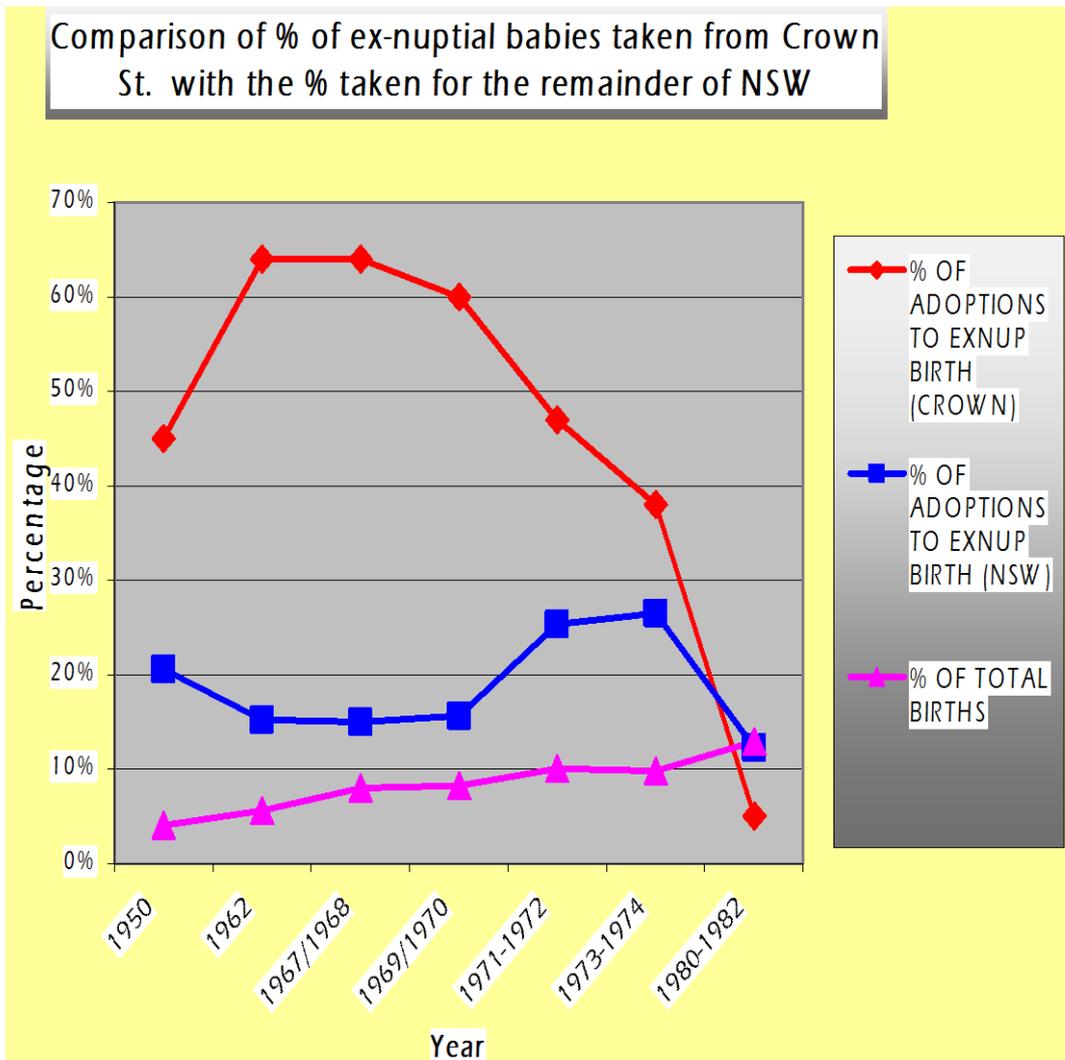
Hospital policies were attacked from within the industry as well. As early as 1965 there were some lone voices calling for change. For instance, Mary Lewis<sup>26</sup> called for a halt to the illegal practice of denying mothers' access to their children (Report 22, p. 100). I would argue that as the women's movement gained momentum, as previously discussed, more social workers, particularly those not directly involved in the adoption industry, began to speak out about the abusive practices. For instance, the Association of Social Workers in 1971, in its Manual of Adoption Practice (p. 4), attacked the practice of denying mothers' access to their babies. As previously mentioned, Pamela Roberts (1994) claimed that she began to incorporate changes in the management of unwed mothers into social work policy at Crown St. Women's Hospital around 1970.<sup>27</sup> Coincidentally, it was in 1971, that the number of babies taken for adoption at that hospital, began to decrease. In 1970-71, the number was 765, and in 1971-72, it dropped to 614. The percentage of ex-nuptial babies taken decreased from a high in 1967-1968 of 64% to 47% in 1971-72 (Crown Street Annual Report, June 1982). The supporting mother's benefit, was not implemented, until July 1973 (Australian Bureau of Statistics).

Finally, in 1976, the Standing Committee on Adoption raised its concerns with the Department of Health, over the illegal practices of placing pillows in front of mothers' faces at the birth and denying them access to their children (Report 22, p. 101). This resulted in the Health Commission sending out a circular, in 1982, to all hospitals and the practices being eventually discontinued across the state.

---

<sup>26</sup> Social Worker working with the Catholic Family Welfare Bureau

<sup>27</sup> Those within the industry began to question practices: Married women were able to continue nursing, and so unwed mothers were more likely to be cared for by someone with experience of motherhood, these women began to question and speak out about the treatment of unwed mothers: (Woodward, 2004)



**Figure 1: Percentage of ex-nuptial births relinquished at Crown St. compared with the percentage relinquished in the remainder of NSW (Annual Reports Social Work Dept, Crown St.: 1982; McHutchison: 1986; Final Report 22: 2000) (Percentages are from June-June annually)**

The above graph shows the number of babies relinquished as a percentage of all ex-nuptial births at Crown St. compared with the number of babies relinquished as a percentage of all ex-nuptial births from across NSW. It also depicts the number of ex-

nuptial births as a percentage of nuptial births. It shows that as the number of ex-nuptial babies taken at Crown St dropped they increased across NSW.

In 1949, 40-50% of all adoptions came from Crown Street (Stoker, 1985). In 1968, an average of 64% of all ex-nuptial babies born in the hospital were adopted, whilst the rest of the state averaged only 15% (Crown Street Annual Report, June 1982). But by 1971, the percentage of ex-nuptial births had already begun to fall and was approximately 47%, whilst the rest of the state had risen to 25%, and by 1982 the percentage at Crown St. had fallen to approximately 5.3%, while the rest of the state averaged 12% (Crown Street Annual Report, June 1982). Hence, the percentage of ex-nuptial births, state-wide, varied only by 10%-13%, while the percentage at Crown Street varied by nearly 60%.

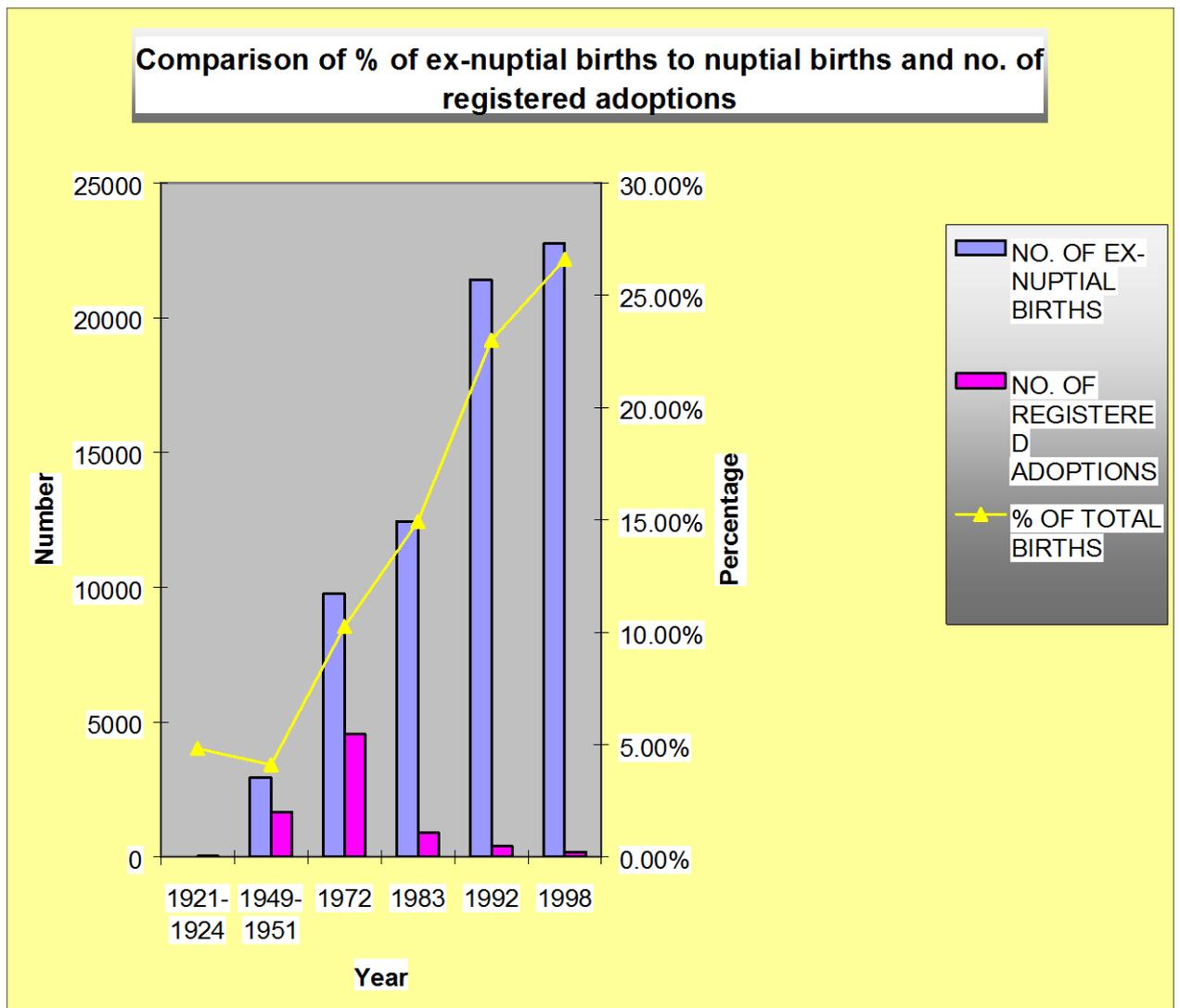
I would argue that the most efficacious explanation for the very high, pre-1971, figures at Crown Street, was the result of the coercive counselling and abusive practices, combined with the heavy use of drugs, that were systematically employed in the hospital.<sup>28</sup> I would argue that the huge decrease in the percentage of ex-nuptial babies taken after that period in the hospital was the result of the change in policy, referred to by Roberts (1994), effecting the treatment of unwed mothers, beginning around 1970. Dr. Geoff Rickarby, (2000) offers support for this assertion, stating that a major contributory fact in the large number of children taken for adoption at Crown Street was the abusive treatment of mothers. He also states that the incredible rise in the number of ex-nuptial babies taken for adoption, across NSW, in the period

---

<sup>28</sup> Overseeing the drug regime at Crown St. were two psychiatrists, Dr. Brian Herron and Dr. Harry Bailey. They also ran the infamous Chelmsford Hospital. Ultimately there was a Royal Commission into the many deaths at Chelmsford, resulting from barbiturate overdoses, administered during the course of the controversial 'deep sleep therapy'.

between 1967-1972, was a consequence of those abusive practices spreading from Crown Street to other hospitals (2004). He (2004) notes that after the implementation of the *1965 Adoption of Children Act* in 1967 other hospitals followed Crown Street's lead and began drugging mothers, placing objects in front of their faces, so they could not view their children at the birth, and denying them access to their children. I agree with Rickarby (2000), that the reason there was a far greater number of ex-nuptial babies taken for adoption at Crown Street (64%), compared with rest of the state (15%), particularly in the period before 1971, was because the process of child removal at Crown Street was "well-oiled and systematic".

In 1972 in NSW there were 9,766 ex-nuptial births, which made up 10.25% of all births and there were 4,565 adoptions. In 1983, there were 12,446 ex-nuptial births, which made up 14.93% of all births yet there were only 904 (number includes interfamily and intercountry) adoptions. By 1992 the number had dropped away to 404, but if interfamily adoptions are excluded the figure is only 88 (Law Reform Commission, 1994), whilst 23% or 21, 412 of all births were ex-nuptial (Report 22, 2000, pp 218-220).

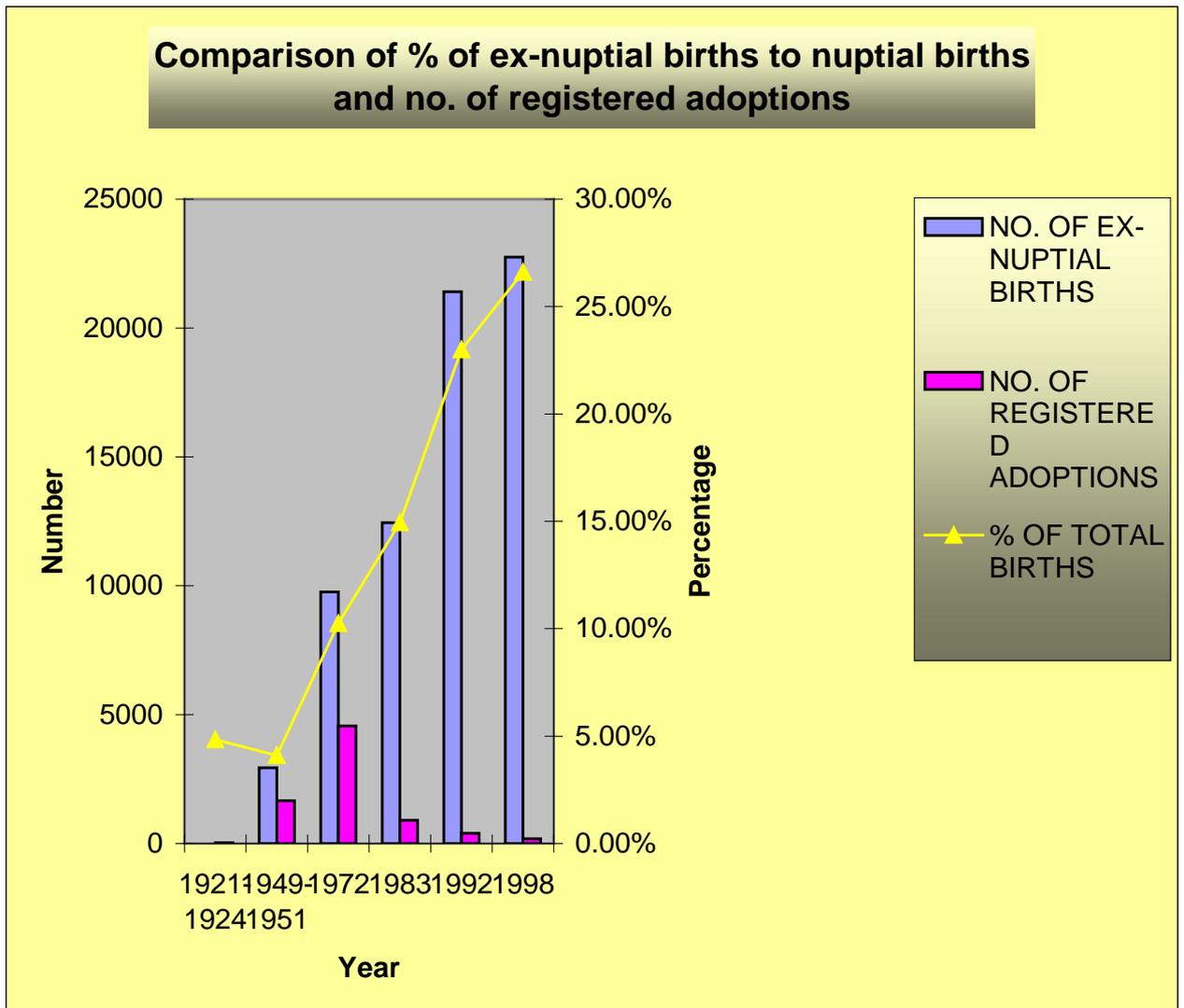


**Figure 2: No of ex-nuptial births compared with no of adoptions and the percentage of ex-nuptial babies to nuptial births (Final Report 22: 2000; Stoker: 1985; Annual Report Social Work Dept. Crown St; 1982)**

The above graph shows that in 1921 the percentage of ex-nuptial to nuptial births was approximately 5% yet there was only 28 registered adoptions and that figure includes intrafamily adoptions. In 1949 when Crown St was taking approximately 45% of all ex-nuptial babies in NSW (Stoker, 1985) the percentage of ex-nuptial babies to nuptial babies was less, at only 4%, yet the number of adoptions had climbed to more than 2,000. From June 1972, the number of adoptions declined exponentially whilst the number of ex-nuptial birth climbed up to 26.6% in 1998 (Report 22, 2000). The percentage of ex-nuptial births to nuptial births in 1975 was 10.24%, exactly the same

number as in 1972, yet there was only 1, 889 adoptions in 1975 compared to 4, 564 in 1972 (Report 22, 2000).

The explanations given (Report No, 22, 2000), that so many babies were taken in the late 1960s to 1970s, because of the high number of ex-nuptial babies born or because of the stigma associated with unwed pregnancy does not explain the above statistics. I would also argue that unwed motherhood was far more stigmatised in the 1920s than in the 1970s.



**Figure 2: No of ex-nuptial births compared with no of adoptions and the percentage of ex-nuptial babies to nuptial births (Final Report 22: 2000; Stoker: 1985; Annual Reports, Social Work Dept. Crown St; 1982)**

The above graph shows that in 1921 the percentage of ex-nuptial to nuptial births was approximately 5% yet there was only 28 registered adoptions and that figure includes intrafamily adoptions. In 1949 when Crown St was taking approximately 45% of all ex-nuptial babies in NSW (Stoker, 1985) the percentage of ex-nuptial babies to nuptial babies was less, at only 4%, yet the number of adoptions had climbed to more than 2,000. From June 1972, the number of adoptions declined exponentially whilst the number of ex-nuptial birth climbed up to 26.6% in 1998 (Report 22, 2000). The percentage of ex-nuptial births to nuptial births in 1975 was 10.24%, exactly the same number as in 1972, yet there was only 1, 889 adoptions in 1975 compared to 4, 564 in 1972 (Report 22, 2000).

The explanations given (Report No, 22, 2000), that so many babies were taken in the late 1960s to 1970s, because of the high number of ex-nuptial babies born or because of the stigma associated with unwed pregnancy does not explain the above statistics. I would also argue that unwed motherhood was far more stigmatised in the 1920s than in the 1970s.

## **2.4 Citizenship Theory**

### **2.4.1 Introduction**

Citizenship, like science, is supposed to be absolutely objective and gender neutral, but feminists such as Lister (1997) and Walby (1990) reject this claim. They both assert that citizenship is definitely gendered and Lister clarifies this by stating that the ‘abstract, disembodied individual on whose shoulders the cloak of citizenship sits is definitely male and a white male at that (p. 69). Walby (1994) explains how the development of citizenship, as described by Marshall (1950), is the ‘his-story’ of male citizenship, representing male struggles, values and view point. If one uses the analysis provided by Lerner (1986) and Irigaray (Whitford, 1991) that society’s base is patriarchal and therefore its institutions, languages, metaphors, symbols, ideologies, religion and theories among other things, reflect that base, then citizenship also, could only have been conceived and developed to reflect the base from which it arose.

Most sociologists preface their discussion of citizenship with T. H. Marshall’s (1950) formulation of what rights ‘substantive’ citizenship should include (Walby, 1994; Turner, 1990, 1986, 1993; Lister, 1997; Fraser & Gordon, 1994; Barbalet, 2000; Mouffe, 1992; Roche, 1992). Sylvia Walby (1994) though agreeing with Marshall’s three categories of rights – civil, political and social, criticises him for pre-supposing that women have parity with men. In particular she notes the differential access women have to the institutions of citizenship, this she claims, obfuscates much injustice which is hidden behind a smokescreen of presumed universal, genderless equality. The outcome for women who experienced the phenomenon of the white stolen generation supports Walby’s (1994) analysis.

Citizenship is conceived as belonging to the public sphere, the realm of men, whilst women have traditionally been relegated to the private sphere. Turner (1996) points out that while the public citizen is described as rational and objective, women are seen as sexual beings and child bearers, traditionally identified with the body, nature, sexuality and irrationality. Further, historically women were the property of their husband or father (Lerner, 1986), and it was propertied men who first achieved citizenship.

It has been argued that men's association with the public sphere was made possible because men could disassociate from the body and all things perceived feminine by tying them to the private sphere, which then became symbolic of all that citizenship had to transcend (Lister, 1997; Lerner, 1986; Fraser & Gordon, 1994).

Citizenship for women is complicated, because as Lerner (1986) stated, traditionally they were their husband's property, and ownership of women raised a dominant male's prestige and power. Fraser and Gordon (1994) explain that women's historical exclusion from citizenship defined 'civil citizenship, for it was by "protecting, subsuming and even owning others that white male property owners and family heads became citizens" (p.88). In addition, Lister (1997) points out, not only did men's participation in citizenship rely on women's exclusion, but their sustained participation was maintained by women's labour in the private sphere.

#### 2.4.2 *Citizenship or Male Citizenship?*

Ruth Lister (1997) explains that for much of ancient and modern history, women were denied the formal status and rights of citizens. Lerner's (1986) historical thesis on patriarchy supports Lister's (1997) claims and it explains why women were denied these rights. Women, were either the property of their father or husband, and as such were never citizens in their own right, but accessed rights through the male that owned them. The children of married women were also the property of their husbands, and hence derived their rights through the person of their father. This fact is highlighted by the use of the legal term 'filius nullius' or child (literally son) of no one when referring to the "illegitimate" child of a single mother. This term remained in use, in NSW, until the implementation of the *Children (Equality of Status) Act (NSW) 1976*. Referring to a provision in that Act in the 1977 case of *Gorey v Griffith* Justice Hutley stated:

"What this section [Section 6] does, in my opinion, is to abolish the doctrine that a child born out of wedlock is 'filius nullius'- a child of no one - and replaces it with the contrary doctrine that in law, it is the child of its natural parents" (cited in Dickey, 2002, p. 358).

It was not until the English case of *Barnado v McHugh*<sup>29</sup> in 1891, that the Court recognised that a mother had even the right to the custody of her illegitimate child (Dickey, 2002). The Court did not equate the mother's right to her illegitimate child to that of the father to his legitimate child, nor according to Dickey, "has any reported

---

<sup>29</sup> [1891] A. C. 388

English or Australian case ever done so” (2002, p. 358). In *Chignola v Chignola*<sup>30</sup> Bray CJ stated, “I think ...that the statute law of this State permits me to say, as the statute law of England permitted Lord Hershell to say in *Barnardo v McHugh*<sup>31</sup>, that the mother has in this State a right to the custody of an illegitimate child, though not a right in all respect co-extensive with that of the father of a legitimate child at common law or of the father and the mother of such a child under the present statute law”.

### 2.4.3 The development of citizenship rights

Modern (male) citizenship arose out of the American and French Revolutions and was traditionally formulated as the capacity to participate in the exercise of political power through the electoral process (Barbalet, 1988). Marshall enlivened the citizenship debate with his classical essay ‘Citizenship and Social Class’ (1950) which went beyond this traditional assertion of citizenship and stipulated three distinct parts or elements that may or may not be part of any given constitution of citizenship: political, civil and social rights (Barbalet, 1988, Walby, 1994; Roche, 1992). State based institutions service these rights, such as, the legal system, parliamentary democracy and welfare (Roche, 1992). Marshall defined the civil element to include,

“Individual freedom...the right to conclude valid contracts and  
the right to justice...

And the social element as:

...The right to a modicum of economic welfare and security to  
the right to share to the full in the social heritage and to live the  
life of a civilised being according to the standards prevailing in  
the society.....” (1963, p. 74).

---

<sup>30</sup> (1974) 9 SASR 479 per Bray CJ at 483

<sup>31</sup> [1891] A. C. 388

Marshall was most concerned with the 'right to welfare' (Roche, 1992, p. 20), because he considered that this right enabled individuals to make use of their political and civil rights (Roche, 1992, p. 21). This fact is particularly important to women who are often dependent on welfare benefits such as parenting and carer pensions, these are often the first to be scaled back in an economic downturn, leaving those already disadvantaged in worse conditions.

Citizenship that includes civil and political rights was seen by Marshall as evolving along with capitalism and the nation-state. Civil rights, for instance, were considered necessary for capitalism because they allowed individuals to enter into contracts and conduct businesses (Barbalet, 1988, p. 8). Political citizenship was important because the notion of a modern nation state is an entity that is democratically governed. Hence Barbalet states (1988, p. 11), that according to Marshall (1950), civil rights facilitate capitalism, but social rights do not. In fact Barbalet claims (1988) there is an underlying tension between social rights and capitalism which becomes most apparent in a recession or depression, or when there are competing interests for the scarce state purse.

When Marshall (1950) examined and discussed the concept of citizenship he made no allowances for gender inequality (Walby, 1994). He was aware of the inequality caused by capitalism and as noted saw the welfare state as its buffer, but he did not account for the inequality that women suffer additionally, patriarchy. Marshall (1950) did not acknowledge or allow for the patriarchal base of society out of which these institutions developed and which ideology they reflected. Therefore, Marshall (1950)

remained blind to women's differential access to the institutions of citizenship (referred to earlier: parliamentary; legal and welfare systems) both theoretically and literally.

Hence, Marshall did not consider the differential access women have to the public sphere, two examples of which are demonstrated by the low representation of women in government, and in the upper echelons of the business world (Solomon, 2000; Moon, 2002; Burton, 1997; Ryan, 1993). Another oversight of his analysis was the fact that women's labour is either unpaid (household labour) or not given the same value as men's (Barbalet, 2000), so if welfare rights are tied to the market place then women will either lack, or have a markedly less degree, of access (Walby, 1986; 1990).

Social rights, as described above, can be seen as very much dependant not only on the economic system (Barbalet, 1988), but also on patriarchal attitudes. Social rights it could be argued, rather than bestowing rights have been used to regulate women's reproductive function. Patriarchal attitudes reinforced by capitalistic values created a situation whereby, for instance, being a single mother was equated with incompetence, moral culpability and pauperism (Finemore, 1995). In Australia, Picton & Boss (1981, cited in Wilkinson, 1986) proposed that the child in need of welfare assistance was regarded as the victim of an immoral and socially inadequate family situation. They claim that the history of child welfare reflects a system of regulating the role of unwed mothers by the state and its officials. This is also demonstrated by the stigmatisation of single mothers who are dependent on welfare. The popular media characterises them as welfare cheats and if they have more than

one child on welfare then they are promiscuous welfare cheats who will stop at nothing to rip off the societal purse.

# **Chapter Three**

## **METHODOLOGY**

### **3.1 Sampling and procedure**

The sample was recruited by advertising in a magazine pertaining to adoption related issues for mothers, who had relinquished their children in the second half of the 20<sup>th</sup> century, to participate in research. The researcher mailed out a questionnaire, in June 2004, to all respondents with a cover letter explaining where mothers could get counselling support if answering the questionnaire caused them any distress. There were 25 responses.

### **3.2 Measures**

The questionnaire comprised of 141 questions divided into four sections. Each section except, for section one, dealt with a different aspect of the relinquishment process. Section one comprised of questions to elicit demographic data. Section two, pertained to information about social and economic support available to the mother during her pregnancy. Section three, comprised of questions about the mother's interaction with the social worker and/or hospital staff. Section four comprised of questions about the mother's experience in the hospital just prior to and after the birth. The questionnaire included both open and close ended questions. Close ended questions were answered by the participant either expressing agreement or disagreement whilst open ended questions were framed in such a way to give the participant an opportunity for more in-depth reflection. The perceived coercion experienced by participants was divided into three categories, physical, emotional and psychological. The percentage of participants who perceived being coerced was measured in all three categories whilst the overall subjective experience of participants was thematically analysed in all three categories.

### 3.3 Pregnancy and relinquishment experiences

Participants were questioned about their perception of the control they had over their pregnancy and the relinquishment process. They were questioned about their freedom to access their baby at the birth and afterwards and whether or not they could leave the hospital before signing the adoption consent form. Inquiry was made of participants of any perceived emotional support given generally and if they felt free from emotional coercion when relinquishing their child. Finally participants were asked whether they had access to information that would have enabled them to make an informed decision about relinquishment.

### 3.4 Results

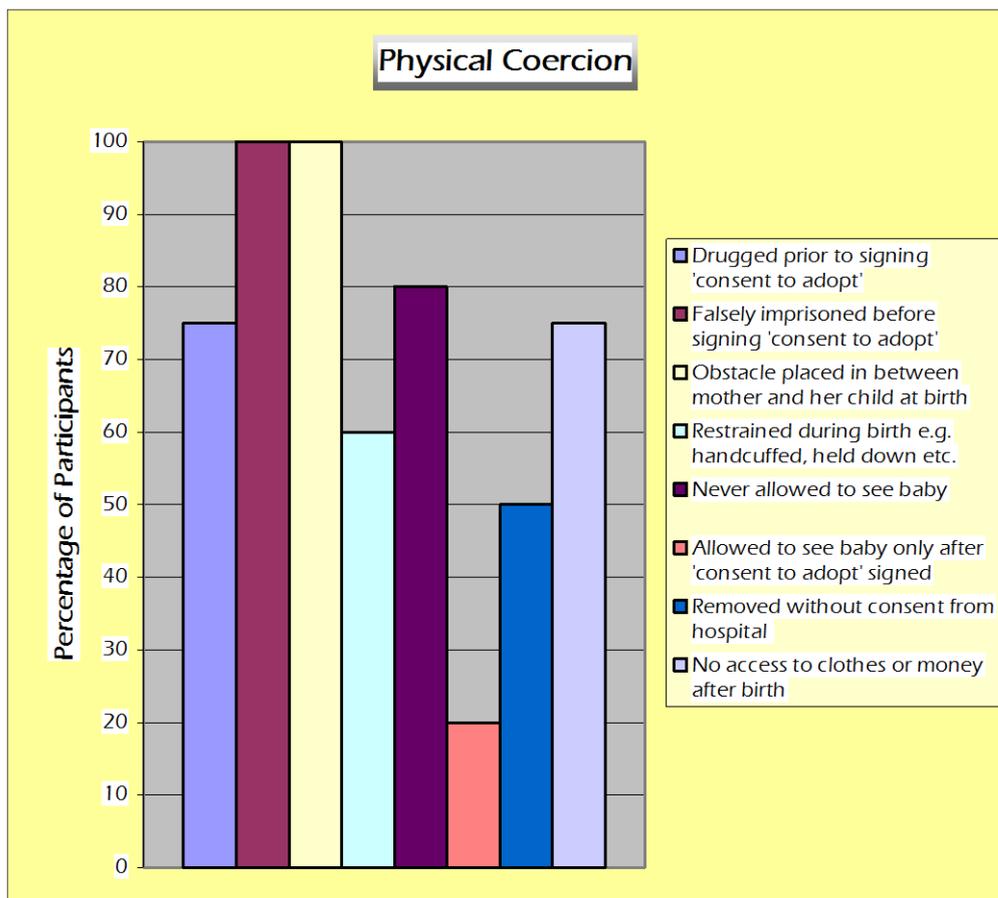


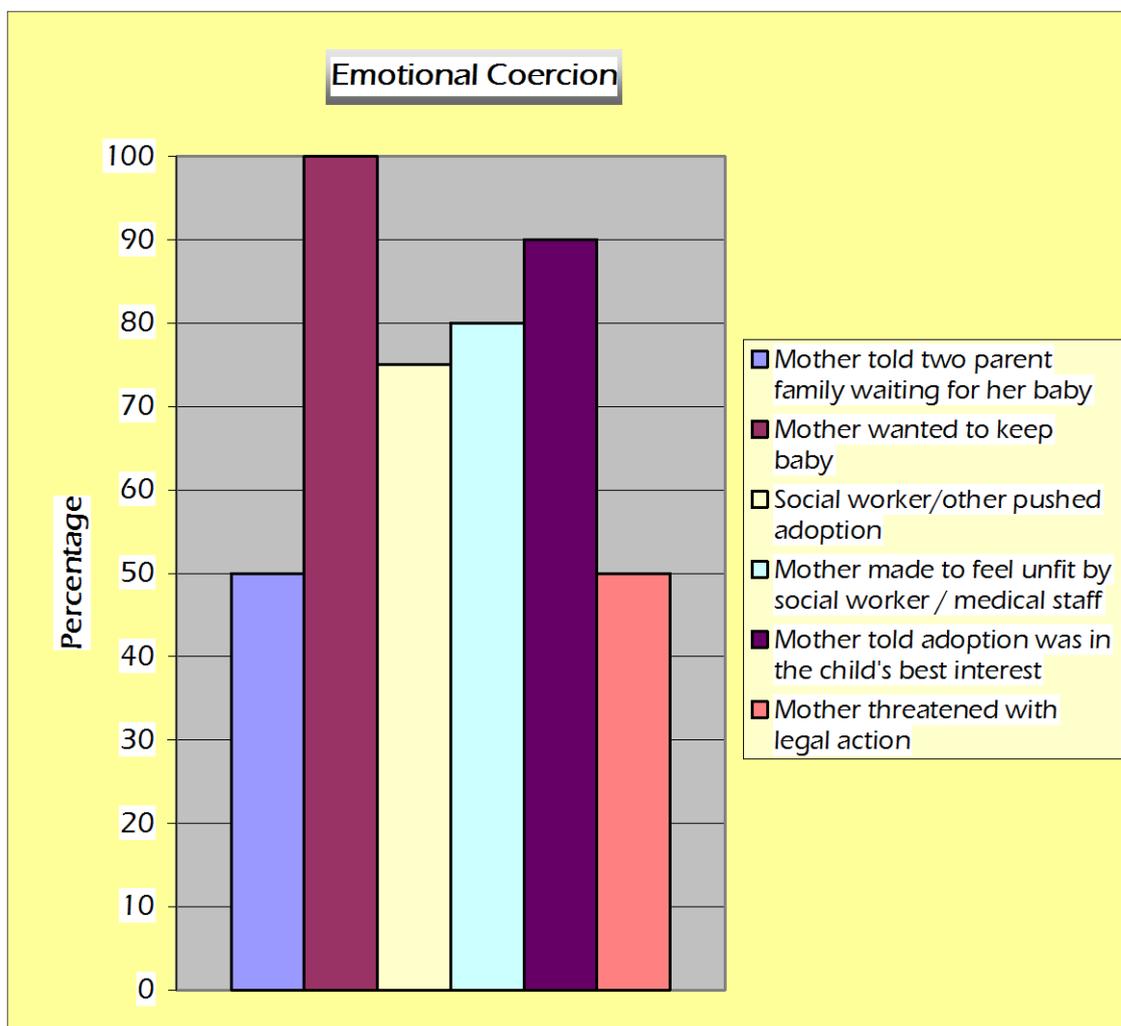
Figure 3: Physical coercion

### 3.5 Quantitative Findings

**3.6 Physical coercion:** 100% of the participants strongly agreed that they were not allowed any access to their babies after the birth and either a sheet or a pillow was placed in front of them so they could not see their baby at the birth. 100% of the participants stated that they strongly agreed that they were not allowed to leave the hospital until they signed the consent to adopt. 75% of the participants said they were drugged after the birth up until they signed the consent. (It must be noted that 25% of the participants have never accessed their medical files therefore could not determine if they had been drugged). 20% of the participants were told they could see their babies if they agreed to sign the consent whilst 80% of mothers never saw their children.

50% of the cohort tested gave birth at Crown Street and 90% of these participants were taken to an annex of the hospital, and hence separated by a physical distance of several miles from their children. The remainder of the participants, who gave birth in various other hospitals, were denied access to the nursery where their children were kept. 75% of participants had no access to either their money or clothes until after they had signed the consent. 60% of participants were physically restrained in some manner during the birth. For example, one participant was handcuffed to the bed during her entire labour, whilst another participant kept pushing the pillows away that had been placed on her chest to obstruct her view of the birth only to have them put back by the medical staff.

100% of participants stated that they had some object placed between themselves and their child at the birth.



**Figure 4: Emotional coercion**

**3.7 Emotional coercion:** 50% of the participants stated that they were told that there was an infertile couple waiting to receive the baby they was carrying. 100% of participants stated that they were bullied into signing the consent when they had expressly requested that they either wanted to keep their child or alternatively had no intention to proceed with adoption. 75% of participants felt bullied by either their social workers, maternity medical staff or their parents, either separately or in combination. 90% of participants were told that adoption was in their child's best interests and if they kept their baby they were being selfish. 80% of participants

reported that the social worker asked them questions such as, “Can you give a child everything a two parent family can give”? Participants stated that this line of questioning left them feeling unfit to mother their own children and further this feeling was compounded by the punitive attitude of the medical staff in the maternity hospital. If participants refused to sign consents 50% were either threatened with having their child made a ‘state ward’ or alternatively if they tried to leave the hospital were threatened with legal action for child abandonment. When asked to what degree they felt the adoption was based upon their own, personal decision, 100% of the participants reported feeling that they had no choice in the relinquishment process

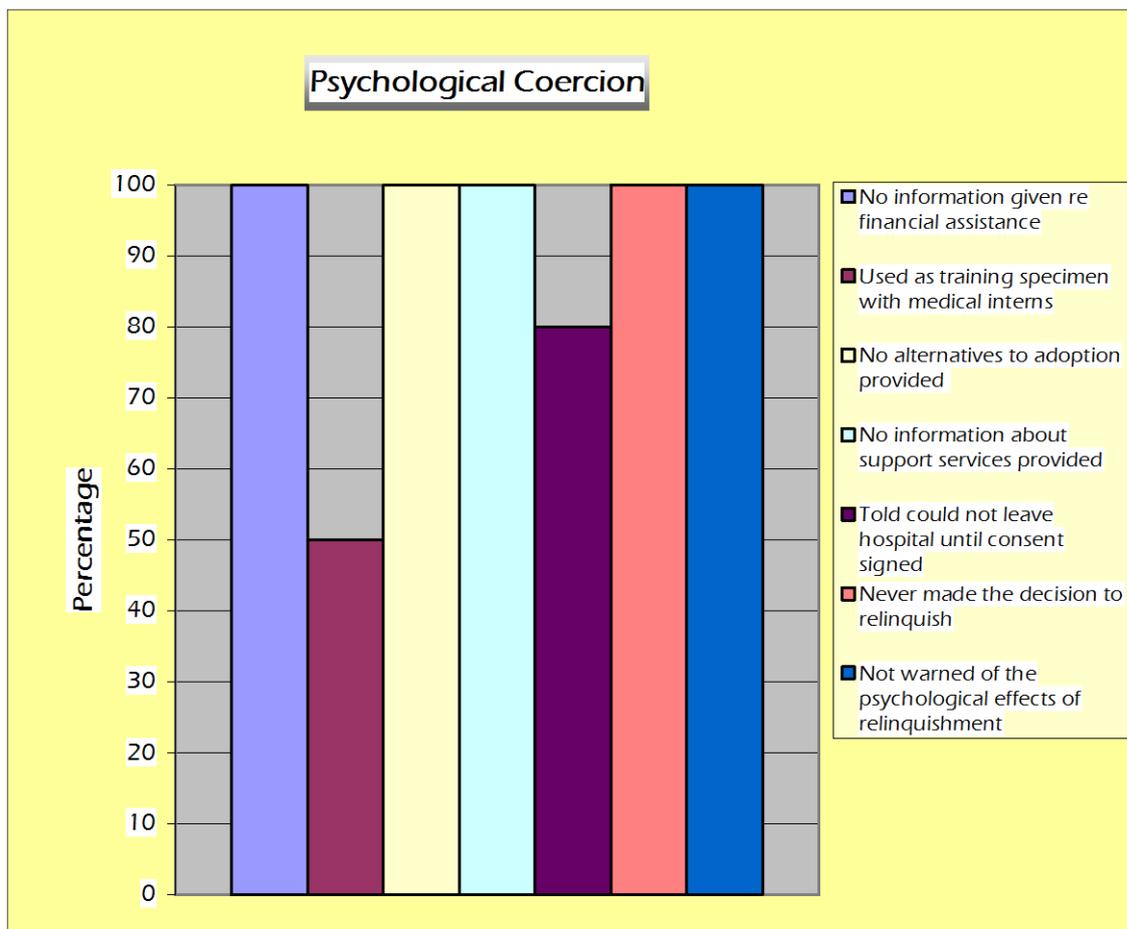


Figure 5: Psychological coercion

**3.8 Psychological coercion:** 100% of the participants were not warned of any psychological consequences that might develop because of the relinquishment process. 50% of participants were used as specimens for training purposes for young interns, either by being undressed and examined, whilst pregnant, in front of a group of trainee doctors or giving birth with these doctors as an audience, in all instances without permission. 100% of the participants stated that they had no opportunity to read any papers before having to sign them. 100% of the participants stated that there was no information given about any support services. 100% of the participants were not given any information about alternatives to adoption. 80% of the participants were told that they could not leave the hospital until after they had signed the consent to adopt. 100% of participants said they did not make the decision to relinquish.

Note: 100% of participants were not given any information about financial assistance, but neither did anyone of these participants list lack of financial assistance as the reason for relinquishment.

### 3.9 Qualitative Findings

| Levels               | Main Themes            | Sub-themes   |
|----------------------|------------------------|--|
| <b>Physical</b>      | <b>Powerlessness</b>   | <ul style="list-style-type: none"> <li>• Physically restrained</li> <li>• Chemically restrained</li> <li>• No freedom of movement</li> </ul>                         |
| <b>Emotional</b>     | <b>Rejection</b>       | <ul style="list-style-type: none"> <li>• Unfit mother – (pregnancy)</li> <li>• A surrogate – (at birth)</li> <li>• Non mother – (the residual experience)</li> </ul> |
| <b>Psychological</b> | <b>Not my decision</b> | <ul style="list-style-type: none"> <li>• No information – alternatives/services</li> <li>• Social worker’s decision</li> <li>• Other’s decision</li> </ul>           |

**Table 1. Thematic Analysis: Enforced Surrogacy**

The thematic analysis of the data supports the quantitative findings and suggests that participants were coerced into relinquishing their children, in all three categories.

The overall theme gained from the analysis was one of ‘Enforced Surrogacy’.

Participants experienced the relinquishing process as one in which they were merely carrying the baby for someone else. The major sub-themes were physical powerlessness, emotional rejection and total lack of psychological autonomy. The physical and psychological sub-themes corresponded to the time period during which the participants were in the hospital. The emotional sub-themes, corresponded to the subjective experience of participants during three different periods: the pregnancy (unfit); the birth process (a surrogate); and the period after leaving the hospital until present (a non-mother). These findings support the previous research undertaken by Dr. John Condon (1986), who found that any perception of autonomy by unwed

mothers to exercise consent was a “charade to obfuscate society’s guilt at having forced them to surrender their children”.

The sample of 25 participants may be criticised as too small to be reflective of an overall population, but Dr. Condon’s (1986) research sample consisted of only twenty women and he notes in his discussion that his findings had a marked similarity with the finding of another study, Winkler and van Keppel (1984) which consisted of 400 women. The findings of both studies were further supported by Judy McHutchison’s (1986) study, which consisted of 75 participants. The reason this sample was small was the researcher was restricted on ethical grounds from advertising extensively. The ethics committee was concerned that participants may become distressed because of the type of data elicited by the questionnaire.

## **Chapter Four.**

**Mother's stories: up close and personal – (taken from research data collected)**

### **4.1 Life in the maternity home**

Mary Francis made the comment that her process of separation began when she told her parents she was pregnant. She was packed off to a maternity home. In the home there was a heavy reliance on sacrifice as redemption. Bible readings began after breakfast and the young mothers were told that it was “God’s will that you surrender your offspring to Him for placement with more deserving flock” (cited in research data collected). Hence it seems the combination of evangelical ideology and secular/adoption orientation of the Cleveland homes of the 1950s (Morton, 1988) were perfectly replicated and transposed to Australia in the 1960s.

Mary Francis stated that she told the Superintendent that she was getting married and had no intention of parting with her child. She said the Superintendent’s response was bewildering. Mary said she treated me as if wanting to keep my child was a betrayal of her. Every time Mary, who was 21 years old, tried to leave the grounds of the maternity home, she was admonished by the staff for being a problem as she “might get lost”, or that “she might be embarrassed if her waters broke while out!” Or was warned that the boys from the local high school might call her names or make fun of her.

Mary was required to work within the home for no pay. It was punitive, but Mary stated she accepted that because she knew she was in the home to be punished<sup>32</sup>. On top of that her father gave the matron a gift of cash for a “job well done” when she left the place. Mary noted that the matron received quite a few cash gifts during the time she was incarcerated in the home.

Before being sent to the home Mary had worked as a teacher, even so, once there, she stated she felt trapped and unable to assert herself. If she persisted in telling the matron that she intended to keep her child she was told “You can’t, welfare will take your child because you are single”. This was not true, but it was possible for the state to remove a child without the mother’s consent if it was deemed to be in the child’s best interests.<sup>33</sup> Unfortunately for unwed mothers those involved in the adoption industry had already decided that the best interests of the child lay with married non-relatives.

A theme running through the data is the use of mothers as surrogates. 75% of participants, and 100% of those who had social workers, or were in maternity homes, were told whilst pregnant, that they were carrying the baby for a couple who “could give the child all the things they could not”. In Mary Francis’s case she was not only told the adopting mother’s name, whilst only four months pregnant, but the adopting parents saw Mary’s baby in the hospital just days after being born, before Mary had signed any consent. These occurrences seem to imply that Mary Francis’s role was one of a surrogate – except in her case it was enforced and without remuneration.

---

<sup>32</sup> Mary Francis’s experience is not unique to Australia it was referred to in *Half a Million Women* (Howe, Sawbridge & Hinings, 1992, p. 52)

<sup>33</sup> Section 31(1)(g) *Adoption of Children Act 1965* (NSW): where the interests and welfare of the child will be promoted by having the consent dispensed with (criticised by Law Reform Commission’s Report No 81 (1997) because of the immense power given to the courts over parents)

Mary believed that she was placed under greater psychological pressure because the Matron knew she had no intention of relinquishing her child. For instance the Matron taunted Mary by saying that her fiancée would probably back out of the marriage, and to disprove paternity he would get all his mates to stand up in court and say they had sexual intercourse with her as well. Mary was a captive audience within the home and consequently very vulnerable to this type of psychological abuse. Mary stated that she never received any pre-natal care whilst staying in the home.<sup>34</sup>

The abuse wasn't restricted to the home, it continued in the hospital. Mary believes that because she was adamant about getting married and keeping her child the Matron had warned the medical staff ahead of time to be cautious in case, in Mary's words, "she did a runner". Mary stated that she was drugged and handcuffed to the bed throughout an induced labour that lasted 24 hours. Mary said that during the final stages of labour she became so distressed and delusional because of the drugs, the pain of child birth and the restriction of the handcuffs that she thought the nursing staff were going to kill her and take her child, as a result she passed out only to wake up as they "were sewing me up". Mary's baby had apparently been whisked away by the waiting maternity staff and Mary never, ever got the opportunity to see, or touch, her baby.

## **4.2 Working for nothing**

Many young women who became pregnant and either did not want to get married or the fathers did not want to marry them would be sent either to a home for unmarried

---

<sup>34</sup> Differential medical treatment based on marital status violates Article 25(2) of the UDHR which accords all mothers special care and assistance. It is a violation for which the state is responsible. Public hospitals are organs of the state, Articles 5, 6, 7 on State Responsibility: Sherry, 1992.

women, as Mary Francis, or the social worker would find her a job as a live-in domestic for a family. Both in the unmarried women's home and in the live-in job the mother would be expected to work long hours right up until her baby was born.

One mother, Kim, describes a typical experience that was repeated in the *Releasing the Past Report* (2000; and this research data, 2004), "I was worked like a slave. It was ironic, really, I would see my social worker, once a month, and she would be forever telling me that I did not have what it takes to bring up my own baby. Yet I was expected to clean this family's house from seven o'clock in the morning until seven at night, six days a week and look after their three children, two of whom were under five. The woman worked, so I had complete responsibility of two babies all day! I wasn't allowed to leave the house without permission. I was not even allowed to make any phone calls. My boyfriend was only allowed to take me out one night through the week, but I had to be back by 11 p.m. and I was only allowed to see him for a few hours on a Sunday, I felt like I was a prisoner, in fact when I look back now, I was!"

Deidre Grusovin when a Member of Parliament for the seat of Heffron, in a private Members' Statement (Hansard Articles 51<sup>st</sup> Parliament, 27/11/97) stated "I can speak at first hand from observations I made when undertaking work experience in a Sydney hospital. Many of these girls acted as house maids and as part of the cleaning staff while awaiting the birth of their children. Other young women were sent out to act as housekeepers for families and performed mostly menial work. I can assure the House that these young women were treated in an appalling fashion. They were treated as

non-persons. Their presence was not acknowledged, as if they were an embarrassment.”

Dr Weisberg, giving evidence at the Inquiry into Past Adoption Practices, reflected on the four girls she employed as domestics, “Looking back on it now, I think it was the most shocking exploitation and I am really ashamed of my part in it...But it was the accepted practice at the time and a number of my friends also had *these girls*” (Report 22 – Dec 2000, ).[Italics added].

### **4.3 BFA – The Social Worker’s Secret Code**

Before an unmarried mother was allowed to be booked into a hospital she had to visit the social worker. The social worker began the process that led directly to the babies’ removal. She would mark the young woman’s file with either UB- or BFA: Baby for Adoption, before the mother was legally able to make any decision. According to Ms Pamela Roberts (1994) head Social Worker at Crown Street, this was to guide the obstetric staff on how the mother was to be treated. The code (secret to any non-medical person) according to Ms Roberts, had three purposes.

1. To alert medical staff that this mother would not be allowed to view her baby at the birth
2. Various types of barbiturates would be administered to sedate the mother
3. The mother would be removed, from the hospital, by ambulance soon after the birth, and taken miles away to an annex of the hospital, where she would be sedated and kept until she signed the consent to adopt<sup>35</sup>.

---

<sup>35</sup> Differential medical treatment on the basis of marital status amounts to a violation of article 25(2) of the Universal Declaration on Human Rights (UDHR)

Each month the mothers were compelled to visit with their designated social worker, who would then proceed to ask the same questions, “Can you give ‘the baby’ all the things a married couple can give?” “Don’t you think the baby would be better off in a two parent family?” Mothers reported that this line of questioning left them feeling humiliated, and failures, devoid of any rights to their children.

#### **4.4 Beware of Young Doctors**

Once the young woman was admitted to the hospital she would be treated differently from the other mothers. One young woman, Patricia, related a story of her experience at Crown Street Women’s Hospital. Patricia’s baby was overdue so she was admitted to the hospital approximately two weeks before its birth. There was a section at the back of the hospital where unwed mothers were kept whilst awaiting their babies’ birth. Patricia was allowed no visitors, her clothes were locked away and she was forbidden to leave the hospital. Patricia related an incident that occurred whilst she was in this section of the hospital.

“I was talking to another girl who I had become very friendly with when a nurse came in and demanded that I go with her. She said doctor wants to see you. I obediently got up and followed her. She took me to an empty ward where there was only an older doctor surrounded by a group of younger ones, about nine or ten, I think. The doctor in charge told me to lay on the bed. I was terrified. The nurse who had got me had already disappeared and I was all alone with this group of strangers. I did what I was told and lay on the bed. The older doctor proceeded to lift up my nightie and started poking at my tummy. He then squeezed my nipples, hard, until my milk run down my chest. He commented to the others that this was normal for a mother at my

stage of pregnancy. He never once spoke to me. I remember looking down at his fat fingers as he poked and prodded my body, but I felt too helpless to do anything. I couldn't even speak. I don't know why I never reacted. I guess I didn't feel that I had a right to. I didn't feel like I was in charge of my body anymore. I was a child being sexually abused. After all, I was only fifteen, and this man was doing things to me without my permission, against my will and I felt so powerless and humiliated".

Many mothers shared similar stories. They spoke of medical students observing them in the throes of labour or using them to practice certain medical procedures, such as performing epidurals (Releasing the Past, 2000; Sherry, 1992; Chisholm, 2000)

#### **4.5 The Birth or 'My worst nightmare'**

Many mothers had their babies induced to suit the doctor's schedules. In the maternity ward there was a definite system. Once the baby was delivered, the doctor would hand him or her to a nurse and s/he would be whisked out of the delivery room. A pillow or a sheet was placed in front of the mother so she could not see her baby (Crown Street Centenary Committee, 1994). It must be emphasised that the mother was still the guardian of her child<sup>36</sup>, and at this stage no formal decision to relinquish was supposed to have been made.

Many mothers wished to see their children, one young mother, Anne, describes poignantly her complete lack of autonomy in the maternity ward.

---

<sup>36</sup> Bromley P M (1966) *Family Law* London; Butterwoths pp 387-389; *Ex parte Vorhauer*; *Re Steep* (1968) 88 WN (Pt 1) NSW at 136; See also historical discussion in *Youngman v Lawson* [1981] 1 NSW LR at 439

“I was told that I was to go up to the maternity ward at 10 a.m. to be induced. I was all alone and very frightened. I was sixteen at the time and knew nothing about having a baby. I had never been to any ante natal classes and the social worker had been of no help in this regard. I was told to lay on the bed and the hospital staff proceeded to inject something into my arm. I immediately began to feel myself losing consciousness, I panicked. I was terrified. I didn’t have a clue what was going on. What’s happening to me, I begged. My eyes must have been as round as golf balls. I felt my body tremble all over. Then one kind doctor said to me, “just go with it, don’t try and fight it.” I remember he was a young Asian doctor. Before I lost consciousness, the doctor looked at my files and said, “Why are you having the baby adopted, you’re married?” I looked at him, I replied, “No I am not.” He said, “but you are wearing a wedding ring?” I replied, “My mother gave me that ring to wear.” I could see disappointment on his face. Then I slipped into unconsciousness”.

It was obvious from Anne’s description and the stories of so many other mothers interned at Crown St. (Report 22, 2000) that the maternity staff were following a procedure or a system that was well established and which indicated the manner in which single mothers were to be treated. Legally all mothers had the right to be treated equally. Law dictated that a pregnant women should not in any way be coerced out of her baby nor should she have made a decision to relinquish her child until at least five days after the baby was born. This was obviously not the accepted practice of maternity staff in their treatment of unwed mothers.

Anne goes on, “I slowly began to regain consciousness. I could feel the most excruciating pain. I thought I was going to die. I was thrashing around in agony

when I accidentally hit one of the nurses, she retaliated by punching my arm and growling, "Don't touch me." My eyes locked onto hers in utter disbelief. The other nurse standing beside her must have also been shocked because she said, "Don't do that, she is only a baby having a baby." The other nurse replied haughtily, "Well she shouldn't have touched my pocket!"

I had been given so many drugs in the days leading up to the birth that when my child was born she did not cry. I could not see my baby because one of the nurses had placed a pillow on my chest. I heard the doctor smack her and still nothing, he smacked her again. I still heard nothing. Then I sat up, terrified there was something wrong. I asked, is my baby alright, is it alright, not knowing whether I had delivered a boy or a girl. Three nurses grabbed me by my shoulders and forced me back onto the bed. Another nurse shouted roughly, "This has nothing to do with you!" Finally the baby cried and then nothing, only silence.

A few minutes later two nurses came in and stood beside my bed. I lay there shocked, unable to fully comprehend what had just happened. One nurse said, "There is a little girl out in the corridor that just looks like you. I looked up at her unable to speak, and then the other nurse said, "Don't tell her anything she is having the baby adopted."

That was when I knew I had given birth to a baby girl. I at no time ever mentioned the word adoption. I never intimated to anyone in that maternity ward that I was not keeping my child. They had collectively made that decision for me. They had made it in their treatment of me, I felt totally and utterly helpless. Someone came in and gave me another injection, again I fell unconscious and did not wake up until many hours later, back in a ward where other women were feeding their babies.

I fell in and out of consciousness up until the next day. When I woke up and realized that the other mothers had their babies and I did not, I began to cry hysterically, a woman in the ward asked, “Where is your baby, is it sick.” “No, I replied, I am not married, I have to have her adopted.” This woman responded, “But this is your baby, you can keep her”. That was the first time, during the whole of my pregnancy that someone had said that to me. Previously when I had told my social worker that I wanted to keep my baby she had replied that it was not in my baby’s interests. Every time I had mentioned it to her she would only dismiss what I was saying and point out that I could not give the baby all the things that a two parent family could give. I had been sent away from home, and for months had no contact with any of my friends or other family members. The only person I had to talk to about my baby was the social worker who had told me I couldn’t keep her. So when this woman said that to me it was as if a light had gone on. I thought to myself, yes why can’t I keep my baby, it is my baby, after all. It seems strange now, but when you are sixteen and all alone, and you have been sent away from home and during the whole of your pregnancy you have been told your unfit to mother your own child, even worse if you keep her you will be causing her damage, you feel so disempowered, even more, I thought that I was being punished for breaking a law and that part of my punishment was having my child removed and given to strangers. I never for once believed it was my decision, I always knew I was paying a price for having a baby outside of marriage, even back then.”

#### **4.6 Locked up in the Annex**

If an unwed mother gave birth at Crown St., within 24 hours, she was removed by ambulance, without her consent, and taken to an annex of the hospital, usually to

Lady Wakehurst, a private hospital, located at Birrell Street, Waverley. Lady Wakehurst was located several miles away from the hospital. Consequently, the mother had no way of accessing her baby. The mother's belongings were locked up, and she was continually sedated over the next five days. At no time, was she permitted to see her child, a fact that would have been physically impossible because her baby was locked up back at the hospital nursery, and she was forbidden access. On the fifth day the relinquishment papers would be brought to her by an Allotment Officer from the Department of Child Welfare, whom she had never met. She was then expected to sign papers which she had not previously sighted and without receiving any independent legal advice. If she refused, she would be told that she could not leave the hospital until she did sign, if she still persisted, she was forced to leave the hospital without her baby and told her child would be made a ward of the state and she could be charged by police with abandonment<sup>37</sup>. The baby was then removed to another facility located at Bondi, Scarba House. Pamela Roberts, who oversaw many adoptions during her time at Crown Street, admitted that coercion was a common practice when eliciting mothers' consents<sup>38</sup>.

Mothers were drugged, confused and traumatised. After they had signed the papers, they had "Socially Cleared" written on their medical records. This was a code that indicated the mother had signed the relinquishment papers (paid for her sins) and was now free to leave the hospital (cleared to resume her place back in society). If socially cleared was not written on her file the mother was not permitted to leave.

---

<sup>37</sup> Abandonment was grounds for dispensing with the mother's consent pursuant to s 31 (1)(c) *Adoption of Children Act 1965* (NSW)

<sup>38</sup> Pamela Roberts stated in the minutes of a meeting at Queen Victoria Hospital 27/5/1975 about practices in maternity homes during the 1960s "strong but subtle pressure to have baby adopted. Very difficult for girl who hadn't fully resolved the issue before admittance to hostel"

A twenty year old mother, who was in a de facto relationship had gone into hospital fully expecting to leave with her baby. She and her partner had already purchased baby clothes, the cot etc. She was told by her social worker that her daughter had been born with a serious medical condition and that the necessary medical treatment was very expensive. The young couple had little money. The social worker told the mother that if she agreed to relinquish her daughter the hospital would carry out the necessary treatment, if she did not they would withhold the treatment and her daughter would die. The mother, traumatised and not knowing what to do, refused to sign and left the hospital to discuss the matter with her partner. Her records were marked - Do not call the police, mother has promised to return on Monday. In order to save their child's life the mother relented and signed. A few months later she and her partner realized that they had been duped and that the hospital had an obligation to perform the necessary treatment whether the couple had money or not. Subsequently the couple married and spent the next decade trying to reclaim their daughter back through the courts, an endeavour that was ultimately futile (Bonheur, 1972).

After being discharged mothers had 30 days in which to revoke their consents. Many mothers admitted to the Inquiry of having done this, but when they went back to the hospital to reclaim their child they were told, "Sorry too late, your baby has already left the hospital and we cannot tell you where he/she is!" (Chisholm, 2000). Most mothers were never informed of where they might go to revoke their consents or the manner in which to proceed. An important oversight when one is young, alone and vulnerable and does not know their way around the system.

#### **4.7 Post-relinquishment counselling**

One mother, Joanne, told of how she had gone back to her social worker, three months later and begged her for some information about her baby, saying she was not able to get on with her life as the worker and promised her she would. The worker said, “Well your the only one who hasn’t got on with your life, dear, all the other girls have! There is nothing you can do about it now.” Joanne said that later in her life, when she joined a support group for mothers who had gone through a similar event, she found out that many grieving mothers had returned to the hospital and were told the very same thing.

#### **4.8 Conclusion**

Pamela Roberts (1994) described the procedure that social workers were supposed to follow:

- (a) advice on sources of financial assistance
- (b) accommodation available for herself and the baby up to birth;
- (c) the finality of adoption, and the legal consequences
- (d) the possible affects on her of relinquishing her child

She added that failure to carry out above would be perceived as a failure of duty.

Mothers were entitled to full access of their children up until they surrendered them, not only an ethical fact, but a legal one<sup>39</sup>. A circular, was sent around to all the hospitals in 1982, following court action by a mother, which stated that:

“Refusing the mother permission to see or handle her child  
prior to signing the consent, or putting obstacles in the way

---

<sup>39</sup> Justice Chisholm stated that removing the child and placing it in a room away from the mother and not allowing the mother to have access to her child constituted the criminal act of False Imprisonment of the child. It has been a principle of the common law that a contract is not enforceable against a party whose assent was procured by the threat or actual fact of deprivation of liberty of a parent, spouse or child: *Saxon v Saxon* [1976] 4 WWR 300

her asserting this right, may readily be interpreted as duress if the validity of an adoption consent is being contested.

Anyone found exercising undue pressure is liable to prosecution under Section 51 of the *Adoption of Children Act 1965* (Health Commission of New South Wales, 1982).

## *Chapter Five*

### **5.1 Discussion**

The overall theme of the data collected is the complete denial of the participants' right to make their own decision with respect to the relinquishment of their children.

The women's answers were consistent with the stories already reported in the *Releasing The Past Report* (2000), the Law Reform Commission's findings (1997) and in other studies conducted (McHutchison, 1986; Condon, 1986). The author can only infer by this phenomenon that the abuses were systematic,<sup>40</sup> and with reference to the data collected in this study, ranged at least over a eleven year period from 1962 until 1973.

75% of the participants reported (25% had no social worker), being asked the same question, "Can you give this baby all the things a two parent family can?" This question is of itself interesting. It has two parts, the importance of the nuclear family (patriarchy) and the importance of the economic system - 'things' (capitalism). The question reflects the value system of the social work profession generally, one that based its practice on the principles of scientific patriarchy-eugenics and capitalism. The eugenic component of the question reflects the social worker's preoccupation with the promotion of 'normal' motherhood within the patriarchal family, with its rigid structure of two parents and two children (the postwar conception of the 'perfect family' model). Lerner's (1986) patriarchal theory explains that, in the past, within patriarchy, women only had rights to their children through the person of their

---

<sup>40</sup> This assertion supports Cathleen Sherry's paper which she states was stimulated by research she undertook on the *Adoption Information Act 1990* (NSW) – she states she read the stories of many women which revealed "a pattern of abusive treatment" which was a "systematic violation of human rights" (p. 1)

husband. Walby's (1994) dual system's theory, explains the white stolen generation phenomenon as complying with 20<sup>th</sup> century consumerist principles, which dictated that women must pay for their 'sin' and were only allowed a second chance by giving their baby up to an infertile family. In this way they were economically productive, having provided a child to constitute a new family, and then, having paid their debt, could go on and have their own family (National Association of Social Workers, 1964<sup>41</sup>). Eugenically speaking "the best interests of the child" were seen to be with a middle class, married couple.

Laws were in place in Australia to protect the unwed white mother, but, as Barbalet (2000) states, if individuals are not educated about their rights, or the state, in the person of the social worker, is silent about any social benefits that were available then they may as well not have existed because women had no access to them. For instance there was a financial benefit available to single mothers from 1927, but most mothers were not made aware of that fact until Gough Whitlam announced the unmarried mothers benefit in July, 1973 (McHutchison, 1986; Releasing the Past, 2000, p.40; Child Welfare Manual, 1958).

Walby (1994), as explained previously, criticised the universal, genderless notion of citizenship, and stated that women have a differential access to its institutions than do men. It seems also that married mothers had differential access than their unmarried sisters.

---

<sup>41</sup> "As for the problem of the unmarried mother herself, if she has by her own efforts or with help been able to give away the living symbol of her sin or mistake and pick up where she left off, she is solved as a social problem. If she keeps her child, but needs no economic support, she is lost to public view. So far as is known, she is no problem. The assumption is she is paying for her transgression, and this is a morally satisfying assumption. If, however, she keeps her child, she is not paying. Indeed, it commonly appears that perhaps she is being paid for her sins, and by such payment, even encouraged to further sexual irresponsibility"

75% of the participants, (25% did not have access to their medical files), answered that they had received continuous daily amounts of barbiturates. These drugs were given to mothers both before and after the birth of the baby. They were given up until the consent to adoption was signed. This not only raises ethical and moral considerations, but also legal ones<sup>42</sup>. One of the cornerstones of citizenship, and on which Marshall (1950) argues the nation state and capitalism was built, is the ability of free citizens to make valid contracts. In the data gathered the mothers ranged in age from 15 years to 21 years old. The age of majority up until 1970 was 21 years old. Under contract law minors are not permitted to enter into contracts and it is considered unconscionable to allow someone to sign a legal document under the influence of any drugs<sup>43</sup>. None of the mothers, nor their parents, gave permission for the administration of these drugs. It must be noted, that it is illegal to administer drugs with the intent of taking (abducting) a child.<sup>44</sup>

Laws were broken (Report 22, 2000, p. 104) yet up until now, as far as the author is aware, no-one has been made accountable, this is further testimony to the lack of citizenship rights these women had/have. As stated previously there was an Inquiry in 1998-2000, but this arose out of the effected women's agency. It did not arise

---

<sup>42</sup> The person giving the consent must be in a fit condition at the time: *Adoption of Children Act 1967* (NSW) s31(1)(d)

<sup>43</sup> *Blomley v Ryan* (1956) 99 CLR 362: An unconscionable contract will be set aside where the victim is unfairly abused by absence of consideration and the victim's weakness (includes intoxication), is taken advantage of.

<sup>44</sup> *Crimes Act 1900* (NSW) No. 40, s38: Using chloroform etc. to commit an offence  
Whosoever unlawfully applies or administers to, or causes, to be taken by, or attempts to apply or administer to, or cause to be taken by, any person, any chloroform laudanum or other stupefying or overpowering drug or thing with intent in any such case to enable himself, or another person, to commit, or with intent to assist another person in committing an indictable offence, shall be liable to penal servitude for 25 years.

spontaneously out of society. To illustrate this point I briefly describe my participation in the process of gaining the inquiry in the Appendix (p. 94).

It is four years since the Inquiry handed down its findings and twenty recommendations (Report 22, 2000), yet in that time only one recommendation has been partially fulfilled. Walby (1994) explains that it is often only women's activism within a system of capitalism and patriarchy that stops it from being doubly exploitative. It seems that it will take women's agency to have the other nineteen recommendations implemented.

The systematic denial of mother's rights over such an extended period of time had the tacit approval of more than one agency. This study demonstrated that it not only involved the connivance of the social work profession generally, but the legal system, the police, medical system, and the media. I would argue that for there to be so many divergent agents who participated in this abuse there must have been a unifying, underlying system. I would argue therefore that the patriarchal base of society is the most useful explanation for this phenomenon. It was from this base that arose the notion of postwar motherhood as being defined by the institution of marriage, and subsequently divided women into two categories the 'fit'/married and 'unfit'/unmarried mothers. During World War II women had got out of their patriarchal cells and moved into the workforce, there was a backlash and women were being violently pushed back into the kitchen.

Extreme patriarchy, articulated through the discourse of eugenics, with its ideology of 'improvement of the race by better and more economical breeding practices', was

given scientific respectability by the psychiatric/ psychological profession (Mahler, 1997). Eugenic discourse was taken up by the medical profession (Mahler, 1997; Lawson, 1960), embraced and disseminated through social policy by the social work profession (Morton, 1988; Solinger, 1992), and subsequently infiltrated society generally (Mahler, 1997; Black, 2003) to be routinely practiced on unwed mothers.

All of the participants stated that they did not willingly consent to relinquish their children. They stated that the coercion was not subtle but, intense and prolonged. They had no independent legal advice before signing the consent, even if they were a minor, and they were not given any papers to read before the day they had to sign. All of the participants stated that they had signed the consent form whilst still incarcerated within the hospital and whilst under the influence of barbiturates<sup>45</sup>. The participants were told that they could revoke their consent if they did so within 30 days, but none were informed where they had to go to revoke it.

100% of the participants were given stilbestrol (a carcinogenic drug) within half an hour of the birth, without their consent or even forewarning, to dry up their milk even though by law, they were still the guardians of their children, and legally no decision to adopt should have been made yet<sup>46</sup>.

---

<sup>45</sup> Dr. Geoff Rickarby stated in the Inquiry (2000) that “the Crown St files of relinquishing mother had more in common with Chelmsford files than they do with the files of other relinquishing mothers. Drugs were also used for control in the ante-natal period, for many days usually, but sometimes drug control went on for many weeks. Chloral Hydrate, Sodium Pentobarbitone, Amytal were all used. A 200 mg dose of Sodium Pentobarbitone was given intramuscularly within some hours of the birth, this was often repeated during the first five days, but often backed up by oral doses of Pentobarbital or Amytal. Those barbiturates were relatively quick acting, caused extreme sedation, stuporous states and delirium was frequent, sometimes due to withdrawal as much as intoxication”

<sup>46</sup> Consent should not be taken before the birth of the child: *Adoption of Children Act* s 31(2)

None of the participants were allowed to see their babies at the birth. Their children were spirited away by a waiting nurse. Pillows or blankets had been (intentionally) placed between the mothers and their children, effectively blocking their view<sup>47</sup>.

100% of the participants had tried in one way or another to see their child. One participant had tried to sit up because her baby had not cried when first born. Three nurses grabbed her shoulders and threw her back onto the bed. Another had pushed the pillows away, and each time a nurse had replaced them. Another was handcuffed to the bed, because they thought she might 'escape'. All of the births in this sample had been induced, without the participant's consent.

100% of the participants stated that they had been discriminated against by the medical staff, and felt exploited and betrayed by the social worker who had presented herself as their advocate. 75% of the participants felt that they had been punished for being pregnant out of wedlock and 25% believed that the adoption social worker saw their babies as commodities to supply the adoption market. The justification, for such atrocities, was framed in eugenic terms, removing thousands of children was therefore legitimated by simply stating that it was done, "In their best interests".

## ***5.2 Conclusion***

If these mothers lived in a mother loving country, they would never have been treated this way. Gerda Lerner's (1986) thesis explains their treatment as being the result of a misogynist patriarchal society that, was founded on the ownership and subjugation of

---

<sup>47</sup> Amounts to cruel and inhumane treatment thus violating UDHR Art. 5: Defined in the case of *Ireland v United Kingdom* - something which- 'caused intense physical and mental suffering...[leading] to acute psychiatric disturbances' and aroused 'feelings of fear, anguish and inferiority capable of humiliating and debasing...and possibly breaking...physical or moral resistance'. Putting obstacles between mother and her child was contrary to domestic law, under which the mother was the sole legal guardian & constituted duress per: *Adoption of Children Act 1965* (NSW) s31(b)

women's reproductive labour. Women who are without a male partner, particularly ones that have violated the societal norm of having a baby unattached to a male, have the lowest status in society (Lerner, 1986). Without the ability to access their rights of citizenship, they are effectively non-citizens, or aliens in their own country (Sherry, 1992, p. 4).

As previously explained, Australian citizenship is not defined in either the Constitution or a Bill of Rights, therefore citizens are very much dependent on the implementation of laws to provide them with rights and are then reliant on the legal system to ensure that those rights are protected and those that violate them are made accountable. In a patriarchal society, though, the legal system reflects the patriarchal ideology and values of society's base (Davis, 1998). Therefore, the legal system, like the other institutions of citizenship, generates laws and social policy that sustains and reproduces the patriarchal order. As Fineman (1995) explains, the legal system, has up until present, been at the forefront of supporting heterosexual, patriarchal marriage. It has only been through intense activism by feminists that the misogynist culture within patriarchal institutions is changing (Davis, 1998; Fineman, 1995).

The mother's release from hospital relied on her having 'socially cleared' on her files, not whether she made a free and informed consent. As stated above Reid (1957) suggested that any notion that a single mother should be autonomous was "fallacious". The data collected in this sample supports Reid's (1957) assertion. 50% of the participants had socially cleared written on their files before they were released from hospital. The data collected seems to indicate that the procedure of stamping

the files with socially cleared began after the implementation of the *Adoption of Children Act 1965*.

The concept of Marshallian Citizenship (1950), equality for all, is not supported by data collected in this research. The women were all Australian citizens yet they had no access to any substantive rights of citizenship. In other words, they could not access any social rights such as welfare. They could not assert their civil right to make an equitable contract, they could not assert their civil right of freedom of movement, they could not assert their civil right to bodily integrity (freedom not to be used as a medical specimen by young interns for training purposes<sup>48</sup>, or to be given medical treatment without consent, and against their will). Finally they were not given, what Held (1991) referred to as the ‘cornerstone of democracy’ and hence citizenship, the right to make a free and informed consent. The fact that these illegally obtained consents (Report 22, 2000, p.104) are still allowed to stand is testament to the invisibility of these women’s rights both then and now. Non-mother was the apt label given by social workers (Solinger, 1992) for the role in which they were forced<sup>49</sup>.

It is hoped that this thesis opens up the debate for substantive citizenship rights for all Australian citizens.

---

<sup>48</sup> Such treatment would arouse ‘feelings of fear, anguish and inferiority capable of humiliating and debasing...’ This treatment amounts to what the European court has defined as degrading – Judg. Court, 18 Jan 1978, Case of *Ireland v United Kingdom*, 162 Publ. Court A, Vol. 25 at 66. It also violates Article 7 of the ICCPR

<sup>49</sup>Sherry states “these violations formed part of a widespread social and medical policy that affected all women who came into contact with it to varying degrees (1992).

## Bibliography

Atwood, B. & Markus, A. (1997). 'The reality behind the referendum' (Ed.) Helen Trinca In 'Opinion' *The Australian* May 27, 1997 p. 13

Australian Bureau of Statistics (2000). *Australian Social Trends 1998: Family – Family Formation: Adoptions* Canberra: ABN

Australian Government: Dept. of Immigration and Multicultural and Indigenous Affairs *Australian Citizenship* (Accessed 29/6/2004)  
<http://www.citizenship.gov.au/why.htm#commitment>

Australian Government: Dept. of Immigration and Multicultural and Indigenous Affairs *Australian Citizenship* (Accessed 29/6/2004)  
[http://www.citizenship.gov.au/pdf/fact\\_2003\\_3.pdf](http://www.citizenship.gov.au/pdf/fact_2003_3.pdf)

Barrett, M & McIntosh, M. (1979). 'Towards a materialist feminism?', *Feminist Review*, 1

Barbalet, J. (2000). Vagaries of Social Capital: Citizenship, Trust and Loyalty (Ed.). Ellie Vasta In *Citizenship, Community and Democracy* Great Britain: Macmillan Press Ltd

Barbalet, J. (1988). *Citizenship* England: Open University Press

Bell, W. (1965). *Aid to Dependent Children* New York: Columbia University Press

Bernstein, R. (1960). 'Are We Still Stereotyping the Unmarried Mother?' *Social Work* Vol 5, pp. 22-28

Bernstein, R. (1966). 'Unmarried Parents and Their Families' *Child Welfare* 45 pp. 185-193

Bernoth, A. (1997). Practice of 'stolen white babies' resurfaces to haunt authorities' *Sydney Morning Herald* 19/11/1997

Bonheur, L. (1972). 'Couple Battle with State for their Child' *Daily Telegraph* 12/12/72

Briney, R. (1927). Sterilization of Defective, Aim *Richmond Courier Journal* 27/5/1927

Britannica Online

<http://www.britannica.com/ebc/article?tocId=9362403&query=citizen&ct=>

Brown, C. (1981) 'Mothers, Fathers and Children: From Private to Public Patriarchy' in Lydia Sargent (Ed.) *Women and Revolution* Boston: South End Press pp. 239-267

Burton, C. *Women in Public and private Sector Senior Management* A research paper for the Office of the Status of Women Department of the Prime Minister and Cabinet August 1997 Accessed 9<sup>th</sup> April  
[www.osw.dpmc.gov.au/mc.burtm.cfm](http://www.osw.dpmc.gov.au/mc.burtm.cfm)

Bridges, The Hon. C.A.F., *Legislative Council 1965*, Hansard p. 3056

Burn, J & Reich, A. (2001). *The Immigration Kit: A Practical Guide to Australia's Immigration law 6<sup>th</sup> Edition* Sydney: Federation Press

Byrne, J. (1997). 'Birth Rights' *ABC Lateline*

Castle, S. & Davidson, A. (2000). *Citizenship and Migration: Globalisation and the Politics of Belonging* Great Britain: Macmillan

Carey, J. (1992). *The Intellectuals and the Masses: Pride and Prejudice Among the Literary Intelligentsia, 1880-1939* London: Faber and Faber

Cattell, R.B. (1937). *The Fight for Our National Intelligence*. London: P.S. King and Son

Chesterman, J. & Galligan, B. (1999). *Defining Australian citizenship : selected documents* Victoria: Melbourne University Press

Chesterman, J & Galligan, B (1997). *Citizens without rights : Aborigines and Australian Citizenship* Cambridge, Melbourne: Cambridge University Press

Chaskell, R. (1967). 'The Unmarried Mother Is She Different?' *Child Welfare* Vol 46

Corea, G. (1985). *The Mother Machine* New York: Harper & Rowe

Chesler, P. (1990). *Sacred bond : the legacy of Baby M* London: Virago

Chesterman, J. & Galligan, B. (1997). *Citizens Without Rights: Aborigines and Australian Citizenship* Melbourne: Cambridge University Press

Chisholm, R. (2000). 'Transcript of Evidence 25<sup>th</sup> October 1999' In *Report 21 Report on Adoption Practices: Second Interim Report Transcripts of Evidence 16 June 1999- 25 October 1999* Legislative Council Standing Committee on Social Issues pp.177-188

Clothier, F. (1943). 'Psychological Implications of Unmarried Parenthood' *American Journal of Orthopsychiatry*, 13

Condon, J. (1986). Psychological disability in women who relinquish a baby for adoption *The Medical Journal of Australia* Vol 144, February 3, 1986

Coulson, M, Branka, M & Wainwright, H. (1975) 'The housewife and her labour under capitalism' *New Left Review*, 89, 59-71

- Cornell, D. (1992). *The Philosophy of the Limit* New York: Routledge
- Crock, M. (1998). *Immigration & Refugee Law in Australia* Sydney: Federation Press
- Crock, M. (1998). *Immigration & Refugee Law in Australia* Sydney: Federation Press
- Crown Street Centenary Committee (1994). *The Women's Hospital (Crown Street) 1893-1983; a family remembers* Ultimo: Crown Street Centenary Committee
- Curthoys, A. (1988). *For And Against Feminism: A personal journey into feminist theory and history* Sydney: Allen & Unwin
- Delphy, C. (1984). *Close to home: A materialist analysis of women's oppression* London: Hutchinson
- Dickey, A. (2002). *Family Law Fourth Edition* Sydney: Lawbook Co.
- Dodson, M. (1996). 'First Fleets and citizenships: The Citizenship Status of Indigenous Peoples in Post-Colonial Australia' in S. Rufus Davis (Ed.), *Citizenship in Australia: Democracy, law and Society* Melbourne: Constitutional Centenary Foundation
- Eichler, P. (1988). *Nonsexist Research Methods: A Practical Guide*. London: Allen & Unwin
- Fagan P. (1995). 'Why Serious Welfare Reform Must Include Serious Adoption Reform' *The Heritage Foundation Backgrounder No. 1045 July 27<sup>th</sup>, 1995*. [www.frc.org/heritae/library/categories/healthwel/bg1045.html](http://www.frc.org/heritae/library/categories/healthwel/bg1045.html) (Accessed 19/6/1997).
- Fineman, M. (1995). 'Images of Mothers in Poverty Discourse' M. Fineman & I. Karpin (Eds.) In *Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood* New York: Columbia University Press pp. 205-223
- Fineman, M. (1995). *The Neutered Mother The Sexual Family: and other twentieth century tragedies* New York: Routledge
- Firestone, S. (1972). *The dialectic of sex : the case for feminist revolution* London: Paladin
- Fraser, N. & Gordon, L. (1994). Civil Citizenship against Social Citizenship? On the Ideology of Contract-Versus-Charity (Ed.). Bert van Steenberg In *The Condition of Citizenship* London: Sage Publications
- Furstenberg, F. P. 'Birth Control Experiences Among Pregnant Adolescents: The Process of Unplanned Parenthood' *Social Problems* Vol 19, pp. 192-302

- Gardiner, J (1975) 'Women's Domestic Labour' *New Left Review*, Vol 89, No. January-February
- Galton, F. (1904). Eugenics: Its Definition, Scope, And Aims *The American Journal Of Sociology* Vol X, 1, July 1904, pp. 1-6 (Accessed 30/6/2004)  
<http://www.mugu.com/galton/essays/1900-1911/galton-1904-am-journ-soc-eugenics-scope-aims.htm>
- Galton, F. (1905). Restrictions in Marriage *American Journal of Sociology*, Vol 11, 1, July 1905, pp11-25 (Accessed 30/6/2004)  
<http://www.mugu.com/galton/essays/1900-1911/galton-1905-am-journ-soc-studies-eugenics.htm>
- Gesell, A. (1939). 'Child Adoptions in Connecticut' Arnold Gesell Papers, Box 45, Folder: "Adoption," *Library of Congress, Manuscript Division*
- Gilbert, C. (1968). 'These children need parents (But adoption's a slow business)' in Background *The Sydney Morning Herald* 18.2.68
- Goff, W. (1970). *The Sun* 11/11/70
- Herzog, E. (1966). 'Some Notes About Unmarried Fathers' *Child Welfare* 45, pp. 194-197
- Loesch, J. G. & Greenberg, M. D. (1982). 'Some Specific Areas of Conflicts Observed During Pregnancy: A comparative Study of Married and Unmarried Pregnant Women' *American Journal Orthopsychiatry* 46, pp. 352-357
- Hartman, H. (1981). The Unhappy Marriage of Marxism and Feminism: Towards a more progressive union' In Lydia Sargent (Ed. ). *Women and Revolution: A discussion of the unhappy marriage of Marxism and Feminism* Boston: South End Press
- Hawkins, M. (2004). *Personal correspondence* Email 12/10/04
- Health Commission of New South Wales (1982) *Health Commission Policy of Adoption* File No: C.1081, Circular No: 82/297 issued: September 1, 1982
- Held, D. (1991) 'Citizenship and autonomy' D. Held & J Thompson (Eds). In *Social Theory of Modern Societies - Anthony Giddens and his Critics* UK: Cambridge University Press pp. 163-184
- Held, D. (1996). *Models of Democracy* Standford, Calif: Standford University Press
- Held, D. (1999). *Global transformations: politics, economics and culture* Oxford: Polity
- Heiman, M, & Levitt, E,G. (1960). 'The Role of Separation and Depression in Out-Of-Wedlock Pregnancy' *American Journal of Orthopsychiatry*, 30 pp. 166-167

- Herman, E. (2004). 'Birth Parents' *The Adoption History Project* (Accessed 29<sup>th</sup> July, 2004).  
<http://darkwing.uoregon.edu/~adoption/index.html>
- Hickman, L. (1972). 'Mothers Who Do It Alone' *The Australian Women's Weekly* April 5<sup>th</sup>, 1972 pp. 2, 3,6,86
- Horsfall, J. (1995). 'Madness in our methods: nursing research, scientific epistemology' *Nursing Inquiry*, 2, 1, pp. 2-9
- Howe, D., Sawbridge, P. & Hinings D. (1992). *Half a Million Women: Mothers who lose their children by adoption* London: Penguin
- Human Rights Commission Report No. 23 *Review of the ACT Adoption of Children Ordinance 1965 November, 1986* Canberra: Australian Government Publishing Service
- Hume J. (1996). Disability, Feminism and Eugenics: Who has the right to decide who should or should not inhabit the world? *Women's Electoral Lobby National Conference, University of Technology, Sydney, 26th January 1996*  
<http://www.wwda.org.au/eugen.htm> (Accessed 12/04/2004).
- Kirby, M. (2004). "Are we all nominalists now?" 30th April 2004, Leo Cussen Institute *High Court of Australia Publications*  
[http://www.hcourt.gov.au/speeches/kirbyj/kirbyj\\_30apr04.html](http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_30apr04.html)
- Keller, Fox E. (1986). *Reflections on Gender and Science* New Haven : Yale University Press
- Kewley, T. H. (1973). *Social Security in Australia 1900-72 2<sup>nd</sup> Edition* Sydney: Sydney University Press
- Kuzel, A. J. (1992). 'Sampling in qualitative inquiry' in B. F. Crabtree and W. L. Miller (Eds.). *Doing Qualitative Research* Newbury Park, CA: Sage, pp. 31-44
- Lawson, D. F. (1960). The R. H. Fetherston Memorial Lecture: The Anxieties of Pregnancy *The Medical Journal Of Australia* Vol II, 47<sup>th</sup> Year, 5 July 30, 1960 pp. 161-166
- Lerner, G. (1986). *The Creation of Patriarchy* New York: Oxford University Press
- Link-Up (2000) *Report on Adoption Practices: Second Interim Report, Transcripts of Evidence 16 June 1999-25<sup>th</sup> October 1999*, p. 224
- Lister, R. (1997). *Citizenship: Feminist Perspectives* London: Macmillan
- Lombardo, P. Sterilisation Laws Topic: *Buck v Bell Trial* (Accessed 30/6/2004)  
[http://www.eugenicsarchive.org/eugenics/topics\\_fs.pl?theme=39&search=&matches=](http://www.eugenicsarchive.org/eugenics/topics_fs.pl?theme=39&search=&matches=)

- Ludbrook, R. (1994). 'Submission 10th September, 1993' *Discussion Paper 34 Review of The Adoption of Children Act 1965 (NSW)* Sydney: New South Wales Law Reform Commission
- Marshall, T. H. (1950) 'Citizenship and Social Class' in T.H. Marshall and Tom Bottomore, *Citizenship and Social Class* London: Pluto Press, 1992, p. 8.
- Marshall, T. H. (1965). *Social Policy* London: Hutchinson
- Marshall, T. H. *Sociology At The Crossroads And Other Essays* London : Heinemann
- Mech, E. (1986). *Child Welfare Magazine* Vol LXV, 6, November-December
- Mech, E. V. (1992). Pregnant Adolescents: Communicating the Adoption Option *Child Welfare* (LXV) 6 November-December 1986 (Child Welfare League of America)
- Mehler, B. (1997). *Genetica* 99, pp. 153-163
- Merchant, C. (1980). *Death of nature: women, ecology, and the Scientific Revolution* New York: Harper & Rowe
- McLean, D. (1956). *Children In Need* Sydney: Government Printers, A. H. Pettifer
- Mills, M. (1967) 'Who is the Unadoptable Child?' *Australian Journal of Social Work* February, 1967
- Moon S The Business of Being A Business Women in the Next Millennium employment.com Accessed (4/3/2002) [www.employment.com](http://www.employment.com)
- Mouffe, C. (1992). Feminism, Citizenship and Radical Democratic Politics (Eds.). Judith Butler & Joan Scott In *Feminist Theorize The Political* New York: Routledge
- Morton, M. (1988). 'Fallen Women, Federated Charities, and Maternity Homes, 1913-1973' *Social Services Review* March 1988 pp.61-82
- Murray, C. (1995). *The Bell Curve* Pioneer Press: New York
- McHutchison, J. (1986). *Relinquishing a Child: The Circumstances and Effects of Loss* Thesis submitted for the Degree of Bachelor of Social Science (Honours) University of New South Wales Sydney
- McHutchison, J. (1984-1985). *Adoption in NSW: An Historical Perspective* Unpublished paper
- McDonald, M & Marshall A. 'The Many Sided Triangle' Melb, Victoria: Melbourne University Press

- Najman, J. M., Morrison, J., Keeping, J. D., Anderson, M. J. & Williams, G. M. (1990). 'Social Factors Associated with the Decision To Relinquish a Baby For Adoption' *Community Health Studies Vol XIV, 2*
- National Association of Social Workers (1964) 'Social Work and Social Problems' in *Releasing the Past Report 22 Dec 2000* p. 16
- New South Wales Law Reform Commission *Review of the Adoption Information Act 1990* (NSW) (Report 69, July, 1992). pp. 127-8
- New South Wales Law Reform Commission *Review of the Adoption of Children Act 1965* (NSW) (Discussion Paper 34, April 1994)
- New South Wales Law Reform Commission *Review of the Adoption of Children Act 1965* (NSW) (Report 81, March 1997)
- NSW Department of Child Welfare & Social Welfare (1959). *Child Welfare in New South Wales* p. 30
- Official Year Book of NSW* No 63, 1974, p. 577
- Pascall, G. (1997). *Social Policy: A New Feminist Analysis* London: Routledge
- Pateman, Carole, (1989). *The Disorder of Women: Democracy, Feminism, Political Theory* Cambridge: Polity Press
- Pannor, R. & Baran, A. (1984). 'Open Adoption as Standard Practice' *Child Welfare League of American Vol LXIII, 3* May-June, p. 248
- Pauker, J. D. (1969). 'Girls Pregnant Out of Wedlock' in *Double Jeopardy:- The Triple Crisis, Illegitimacy Today* New York: National Council on Illegitimacy
- Parker, S., Parkinson, P. & Behrens, J. (1999). *Australian Family Law in Context: Commentary and Materials Second Edition* Sydney: LBC Information Services
- Petchesky, R. P. (1985). Abortion in the 1980s: Feminist morality and women's health. In E. Lewin & V. L. Olsen (Eds.). *Women health and healing;; Toward a new perspective*, p.p. 139-173 London: Tavistock
- Petchesky, R. P. (1985). *Abortion and Women's Choice: the state, sexuality and reproductive freedom* London: Verso
- Pepperell, R. J., Hudson, B. & Wood, C. (1980). *The Infertile Couple* New York: Churchill Livingstone
- Plucker, J. A. (Ed.). (2003). *Human intelligence: Historical influences, current controversies, teaching resources*. Retrieved 13/10/2004 from <http://www.indiana.edu/~intell>

- Popenoe, P. (1934). Progress of Eugenic Sterilization *The Journal of Heredity, American Genetic Association* Vol XXV, 1
- Public Service Board of NSW (1962). *Progress* Vol 2, 1, p. 24
- Public Service Board of NSW (1964). *Progress* Vol 3, 2, p. 15
- Reid, J. H. (1957). Principles, values and assumptions underlying adoption practice *Social Work (USA)* vol. 2, no. 1, January 1957 p. 28
- Rickarby, G. (1998). 'Transcripts of Evidence: Wednesday, 2 September 1998' In *Interim Report on Inquiry into Adoption Practices: Transcripts of Evidence From 27 August to 19<sup>th</sup> October 1998 Report No, 17* Parliament of New South Wales Legislative Council Standing Committee on Social Issues pp. 62-73
- Rickarby, G. (2004). *Personal telephone conversation* 4/10/2004
- Roberts, P. 'The hospital's responsibility to the unmarried mother and her child' *Hospital Administration* Vol 16, 12 December 1968, p. 10
- Roberts, P. (1967). 'The Child' *Australian Journal of Social Work* February, 1967
- Roberts, P. 'Statement of Pamela Thorne, nee Roberts, 30 September, 1994' in the matter of *Judith Marie McHutchison v State of New South Wales* No. 13428 of 1993
- Roberts, P. Minutes of a Meeting of Representatives of the Queen Victoria Hospital (27/5/75)
- Roche, M. (1992). *Rethinking Citizenship: Welfare, Ideology and Change in Modern Society* UK: Polity Press
- Rodwell, G. (1998). "If the feeble-minded are to be preserved..." Special education and eugenics in Tasmania 1900-1930. *Issues in Educational Research*, 8(2), 131-156. <http://education.curtin.edu.au/ier/ier8/rodwell.html> (Accessed 12/04/2004).
- Rogan, P. (1997) Letter to the Premier of New South Wales, Mr. Bob Carr
- Rogan, P. (1997). 'Private Members' Statement' 12/11/1997 LA Hansard Articles 51<sup>st</sup> Parliament / 513pa015/38
- Stoker, L. (1985). 'Reflections on Crown Street' *Australian Social Work* June, 1985 Vol 38, No. 2
- Rowan, M. & Panor, R. (1959). 'Work with Teen-Age Unwed Parents and Their Families' *Child Welfare* December 1959 pp. 16-21
- Royal Commission On Human Relationships (1977). *Final Report Volume 4: Part V The Family* pp. 99, 223

- Ryan, M., *Beyond the Glass Ceiling: women leader in education* (1993) Victoria: Collins Dove
- Sarantakos, S. (1998). *Social Research: Second Edition* South Yarra: Macmillan
- Sauber, M. & Rubinstein, E. (1963). *Experiences of the Unwed Mother As Parent: A Longitudinal Study of Unmarried Mothers Who Keep Their Babies* New York: Community Council of Greater New York
- Sawicki, J. (1991). *Disciplining Foucault: Feminism, power, and the body* New York: Routledge
- Schlesinger, B. (1973). 'Unmarried Mothers in Australia: A Review' *Australian Journal of Social Issues* Vol 8, 1
- Secombe, "W. (1974). 'Housework under Capitalism' *New Left Review*, 83, No. January-February
- Shawyer, J. (1979). *Death by Adoption* Auckland, NZ: Cicada
- Short, S., Sharman E. & Speedy, S. (1998). *Sociology of Nurses: An Australian Introduction Second Edition*. South Yarra: Macmillan
- Sherry, C. *Violations of women's human rights: births and adoption* Unpublished paper
- Slingerland, W. H. (1919). *Child-Placing in Families: A Manual for Students and Social Workers* New York: Russell Sage Foundation 69, 74-76
- Social Work Department (June 1982) *Crown Street Annual Report 1981-1982* The Women's Hospital, Crown Street, Sydney
- Solinger, R. (1992). *Wake Up Little Susie: Single Pregnancy and Race Before Roe v Wade* New York: Routledge
- Solomon, C. M., Cracks in the Glass Ceiling Workforce, Sept 2000 Accessed 3/5/2002
- Solomon C. M. 'Women are still undervalued: bridge the parity gap' *Workforce* May 1998 Accessed 3/5/2002  
[http://web6.infotrac.galegroup.com/itw/infomark/103/440/21322114w6/purl=rc1\\_EI\\_M\\_0\\_A2](http://web6.infotrac.galegroup.com/itw/infomark/103/440/21322114w6/purl=rc1_EI_M_0_A2)
- Stacey, M. (1969), *Methods of Social Research*. Oxford: Pegamon
- Standing Committee on Social Issues Report Number 17 *Interim Report on Inquiry into Adoption Practices: Transcripts of Evidence From 27<sup>th</sup> August 1998 to 19<sup>th</sup> October 1998* Sydney: Government Printers

- Standing Committee on Social Issues (1999). *Inquiry into Adoption Practices: In Camera* Tuesday 27<sup>th</sup> July 1999 Sydney: Government Printers
- Standing Committee on Social Issues (1999). *Inquiry into Adoption Practices: In Camera* Tuesday 29<sup>th</sup> July 1999 Sydney: Government Printers
- Standing Committee on Social Issues (1999). *Inquiry into Adoption Practices: In Camera (In-confidence Evidence)* Tuesday 20<sup>th</sup> September 1999 Sydney: Government Printers
- Standing Committee on Social Issues Report 22 (2000). *Releasing the Past: Adoption Practices 1950-1998 Final Report* Sydney, NSW: Government Printers
- Strode, A. Letter to Dr. Arthur Estabrook December 6<sup>th</sup>, 1924 *Topic: Buck v Bell Trial* (Accessed 30/6/2004)  
[http://www.eugenicsarchive.org/eugenics/topics\\_fs.pl?theme=39&search=&matches=](http://www.eugenicsarchive.org/eugenics/topics_fs.pl?theme=39&search=&matches=)
- Summers, A. (1975). *Damned Whores And God's Police: The Colonization of Women in Australia* Victoria: Penguin Books Ltd
- The Daily Telegraph* 'A thought for the unmarried father' 5.2.1967
- Theis, van Senden S. & Goodrich, C. (1921). *The Child in the Foster Home, Part 1, The Placement and Supervision of Children in Free Foster Homes, A Study Based on the Work of the Child-Placing Agency of the New York State Charities Aid Association* New York: School of Social Work, pp. 13-16
- Turner, B. (1990). Outline of a Theory of Citizenship *Sociology*, 24 2, 189-217
- Turner, B. (1986) *Citizenship and Capitalism: The Debate Over Reformism* London: Allen & Unwin
- Turner, B. (1993) Problems in the Theory of Citizenship In *Citizenship and Social Theory* (Ed.). Bryan S. Turner London: Sage Publications
- Turner, B. (1993). Outline of the Theory of Human Rights In *Citizenship and Social Theory* (Ed.). Bryan S. Turner London: Sage Publications
- Turner, B. (1996). *The Body and Society: Second Edition* London: Sage Publications
- United Nations (1948) *UN Annual Report on Child & Youth Welfare*
- Urlich, L. T. (1990). *A Midwife's Tale: The Life of Martha Ballard Based on Her Diary 1785-1812* New York: Knopf
- Vaughan, G. M & Hogg, M. A. (1998) *Introduction to Social Psychology Second Edition* Sydney: Prentice Hall
- Vincent, C. E. (1961). *Unmarried Mothers* USA: The Free Press of Glencoe Inc

- Vincent, C. E. (1963). 'Illegitimacy and Value Dilemma' *Christian Century* 80 June 19, 1963
- Vogel, U. (1994) Marriage and the Boundaries of Citizenship In *The Condition of Citizenship* (Ed). Bart van Steenberg London: Sage Publications
- Voet, R. (1998). *Feminism and Citizenship* London: Sage Publications
- Walby, S. (1994). 'Is citizenship gendered?' *Sociology*, 28, 2, pp.379-396
- Walby, S. (1986). *Patriarchy at Work* Cambridge: Polity Press
- Walby, S. (1990). *Theorizing Patriarchy* Oxford: Basil Blackwell
- Walby, S. (1992) 'Post-Post-Modernism? Theorizing Social Complexity' in Michele & Anne Philips (Eds). *Destabilizing Theory: Contemporary Feminist Debates* Cambridge: Polity Press
- Walby, S. (1997). *Gender Transformations* London: Routledge
- Wilkinson, M. (1986). Good Mothers – Bad Mothers: State Substitute Care of Children in the 1960s (Eds.) H. Marchant & B. Wearing *In Gender Reclaimed: Women in Social Work* pp. 93-103
- Woodward, L. (2004). 'Midwives tell their stories' *James Cook University* 4<sup>th</sup> June, 2004 (accessed 14/9/2004) <http://media.jcu.edu.au/story.cfm?id=290>
- Whitford, M. (1991). *Luce Irigaray: Philosophy in the Feminine* London: Routledge
- Wyndham, D. (1996). *Striving for National Fitness: Eugenics In Australia 1910-1930s*
- Young, L. (1954). *Out of Wedlock* New York
- Yuval-Davis, N. (1997). *Gender and Nation* California: Sage Publications
- Winkler, R. & van Keppel, M. (1984) Relinquishing Mothers in Adoption: Their long-term adjustment *Institute of Family Studies Monograph No 3* Melbourne

## Cases

- Barnado v McHugh* [1891] A. C. 388
- Blomley v Ryan* (1956) 99 CLR 362
- Chen Shi Hai v The Minister for Immigration and Multicultural Affairs* [2000] HCA 19 (13 April 2000) at para 73
- Chignola v Chignola* (1974) 9 SASR 479 per Bray CJ at 483

*Cuncliff v Commonwealth* (1993) 182 CLR 272

*Ex parte Vorhauer; Re Steep* (1968) 88 WN (Pt 1) NSW at 136

*Ex parte Walsh; In Re Yates* (1925) 37 CLR 36

*Ireland v United Kingdom*, 162 Publ. Court A, Vol. 25 at 66

*Lehr v Robertson* 463 U.S. 248 (1983)

*Lim* (1992) 176 CLR 1

*McLarnon v McLarnon* (1968) 112 Sol J 419

*Puo On v Lau Yin Long* [1980] AC 614 at 635

*Saxon v Saxon* [1976] 4 WWR 300

*Youngman v Lawson* [1981] 1 NSW LR at 439

### **Legislation**

*Adoption Information Act 1990* (NSW)

*Adoption of Children Act 1965* (NSW)

*Australian Citizenship Act 1948* (C'th)

*Child Welfare Act 1939* (NSW)

*Children (Equality of Status) Act (NSW) 1976*

*Crimes Act 1900* (NSW)

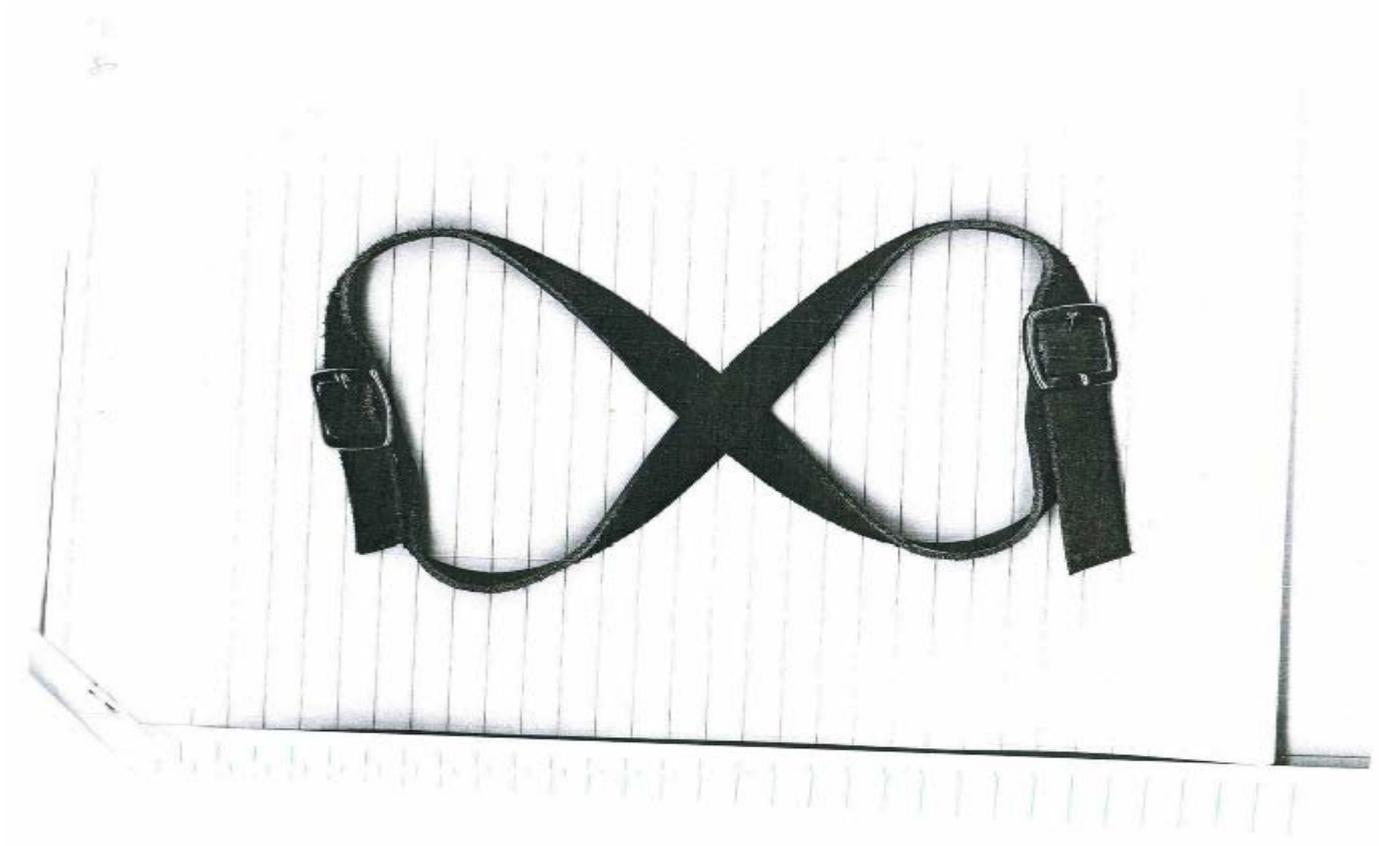
*Nationality and Citizenship Act 1948* (C'th)

### **International Treaty**

The Universal Declaration of Human Rights

# APPENDIX

**Participant sent the researcher a picture of a leather strap that was similar to the one used to constrain her whilst she was giving birth.**



## *Women's Agency*

I joined a women's self-help and activist group in 1994, Mothers for Adoption and in 1995, because of differences within the group, I initiated the formation of another group, Origins. In 1997, whilst chairperson for that group, I approached my then local member, Mr. Pat Rogan, MP for East Hills, who was a great supporter for the underdog and fighter for those who had suffered injustices, and requested that he call for an inquiry. He and his secretary, Ms Margaret Como, teamed up with myself and other group members, and we spearheaded a very successful campaign, which concluded with the ministerial announcement on the 2<sup>nd</sup> of April, 1998, by the then NSW Minister for Community Services, Mrs. Faye Lo Po, that a parliamentary inquiry into Past Adoption Practices would be held. Mrs. Skinner, MP for North Shore, also went on record for the NSW Liberal Party stating that, "The coalition supports the inquiry by the Standing Committee on Social Issues into stolen white babies" (LA Hansard Articles 51<sup>st</sup> Parl/513pa031/11, 2/4/1998).

MEMBER FOR EAST HILLS

Padstow 2211  
Tel: (02) 772 2774  
Fax: (02) 792 1718

24 November 1997

The Hon. R. J. Carr, M.P.,  
Premier,  
Minister for the Arts & Ethnic Affairs,  
Parliament House,  
SYDNEY.

Dear Premier,

Please find attached a speech which I delivered in State Parliament on 12th November, 1997 regarding babies removed from their natural mothers at birth; in many cases by illegal means but also through threats, coercion, intimidation and the use of drugs.

My speech resulted from the a tragic experience of one of my constituents, Mrs. Christine Cole, 26 years ago when she gave birth at 16 years of age to a baby girl who was taken from her and illegally adopted.

My speech outlines a most horrific and shameful chapter in N.S.W.'S and Australia's history.

It has been alleged that some 300,000 babies were illegally adopted over the past forty years throughout Australia.

Some 150,000 of these illegal adoptions occurred in N.S.W. with as many as 4,000 babies being removed from their mothers in 1972 alone which has become known as the "bumper year" for children removed from their natural parents.

As outlined in my speech, mostly young unmarried mothers fell prey to social workers, hospital administrators, doctors, government bodies, and adoption agencies in

being coerced, deceived drugged and bullied into giving up their babies for adoption.

Mothers' and babies' human rights were taken away in what would appear to have been an exercise in supplying babies for the adoption market.

Adoption "in the best interest of the child" should only have occurred when mothers -unable to care for their baby -were able to give informed consent for an adoption to proceed. do not believe the best interest of the babies or mothers were served or ever considered by those persons involved in these particular illegal adoptions.

-2-

Questions need to be answered -the truth needs to be exposed.

Without the truth, there will no healing of the mothers whose babies were stolen and exploited; nor of the children who in a great number of cases believe they were unwanted, unloved and abandoned.

In Victoria, an inquiry has been called for into these illegal adoptions by the Member for Pascoe Vale, Shadow Minister for Family Services and Shadow Minister for Women, Mrs. Christine Campbell, M.P.

In N.S.W. we also need to put the record straight.

The Government has a responsibility to the mothers, babies and the community to make those responsible for the removal of these babies being made accountable.

Following my speech in Parliament there has been media reporting, particularly as a result of an interview conducted with myself by Mike Carlton, Radio 2BL on Thursday, 13th November, 1997.

This interview led to a significant number of callers to 2BL and as a result the subject of stolen children was again raised the following day which continued to attract a large number of callers.

The trading of those babies will not go away and accordingly I seek a full judicial public inquiry to uncover the truth and reconcile mothers and babies.

As outlined above, a full inquiry is necessary to enable those babies who are now adults to understand they were not rejected by their natural mother together with enabling mothers of stolen children to give their story thus enabling much of the emotional trauma associated with these stolen babies to be ventilated and finally peace of mind given to these mothers.

The healing process necessary for both mothers and babies who were removed can only commence when the truth is made public.

This will not go away and it is my intention to pursue this human emotional problem with same commitment as I pursued the Chelmsford scandal.

-3-

The scale of the problem is such that I would additionally request that you raise this matter with the Prime Minister for the purpose of also establishing a National Inquiry to be conducted in tandem with a State inquiry.

Yours faithfully,

**PAT ROGAN, M.P.,**  
**MEMBER FOR EAST HILLS.**

## **Stolen White Babies**

### **Private Members' Statements**

11/12/97

Page: 57

### **STOLEN WHITE BABIES**

**Mr ROGAN** (East Hills) [5.05 p.m.]: I refer this afternoon to the white stolen babies scandal. These were babies violently snatched from their mothers at birth to supply the adoption market during the past 40 years, particularly from 1965 to 1973. These adoptions were illegal and contravened the Adoption Act. The former head of the New South Wales Law Reform Commission, Justice Richard Chisholm, said in his 1992 report No. 69 dealing with the Review of the Adoption of Children Act that mothers were forbidden to see their babies and transported to other hospitals, and that in some cases mothers were told their babies were dead. He stated these practices were illegal.

Dr Simon Hazelton, former resident psychologist of the Training School for Boys, Mittagong, wrote to the Editor of the *Daily Telegraph* in 1996 saying, "The churches and government generally connived at that time in the theft, through forced adoption, of the children of single girls." Young unmarried mothers, women in de facto relationships and deserted married women were deceived, coerced, drugged and bullied into giving up their babies for adoption. Mothers had pillows placed over their heads so they could not see their babies, were restrained during labour and their babies were whisked away with them even being denied the right to hold their babies. One can only speculate on the trauma and unbelievable feelings of these young mothers.

Page 58

There was no informed consent regarding adoption, information concerning alternative options or financial assistance was not offered, mothers were often made to sign adoption papers in a drugged state, were not told of the 30-day period for the revocation of adoptions, and fathers ignored. Some mothers and babies were also subjected to trial drugs. What a blatant abuse of the United Nations Charter on Human Rights for both mothers and babies! These horrors happened not in some third world country but here in Australia and, particularly, in New South Wales. In New South Wales the worst offender was the former Crown Street Hospital for Women, where the consulting psychiatrists were former Chelmsford doctors Herron and Bailey. These notorious psychiatrists were responsible for the psychotropic drugs administered to mothers.

The drugs were given before, during and after birth in dangerous doses. They included sodium pentobarbitone, chloral hydrate, sodium amytal, Sparine, pethidine and Doriden. Other hospitals used morphine, heroin and Valium. Stilboestrol, a carcinogenic drug, was administered to mothers in doses three times the legal dose to suppress lactation. Many mothers received inadequate medical treatment while others recall being threatened with sterilisation, slapped, shouted at, verbally abused and called sluts. One mother, who was in danger of dying if she did not receive a caesarean section, heard the doctor saying, "If she dies, that's the price she pays for bringing another bastard into the world." Some babies of non-English speaking mothers were adopted without written consent. Other mothers who escaped from smaller hospitals with their babies were hounded like criminals by police and social workers, and forced back to sign adoption papers.

Pregnant girls who were State wards were simply told that their babies would be taken from them for adoption. At Crown Street Hospital for Women unmarried mothers were not allowed to leave the hospital until their records were stamped "Socially Cleared", indicating that they had signed adoption papers. Were these poor young women with no voice or power being punished for their mistakes or was this is a Nazi-style social cleansing exercise, stealing babies from undeserving, unwed mothers and supplying them to deserving infertile couples? These mothers have

since lived in hell. They suffered from post-traumatic stress disorder, pathological grief, chronic depression and anxiety. And what about the fate of the stolen babies? Many were sexually and physically abused, many were given back and lost in the foster care system, and many had identity problems.

Research into adoptions shows high suicide rates. Brother Alex McDonnell, Jesuit priest and youth worker with the homeless in St Kilda, said in an article published in the *Melbourne Age* on 30 June 1993 that out of 147 suicides involving drugs from 1983 to 1993, 142 came from adoption backgrounds. In law, adoption occurs in the best interests of the child when a mother is unable to care for her baby and gives informed consent for an adoption to proceed. I do not believe the best interests of the babies or mothers were served by adoption.

I call on the Government to undertake a full judicial commission of inquiry into white stolen babies. I demand a full and sincere public apology and compensation where deemed justified on the basis of damage caused to this generation of mothers, sons and daughters. We seek an apology from government agencies and authorities, social welfare groups, medical staff, churches and all those who unwittingly, deliberately or callously caused much hurt, damage and ongoing trauma to so many mothers, sons and daughters. These people are now adults, and many of them are elderly. This matter affected thousands of children. *[Time expired.]*

Business Type: Private Members Statements  
Keywords: PRIV  
Speakers: Rogan, Mr  
Database: LA Hansard Articles 51st Parl / 513ga015 / 40

11/25/97

[Next Page](#)  
[Previous Page](#)

**COPY**

Ms. Jill Davidson  
President,  
Australian Association of Social Workers

**Re. Proposal for Apology from AASW regarding Social Work responsibility in the treatment of birth parents**

Dear Jill,

As per our phone conversation on 20th December, the idea that someone of note should apologise regarding social workers involvement in the adoption process came to my mind during the 1994 Adoption Conference in Sydney. Needless to say, emotions ran high at this Conference and the raw pain of many was evident. (If you would like, I could send the conference proceedings, for you to get a better idea of the issues covered)

On several occasions, women who had “surrendered” children spoke out about how they needed an apology from Social workers, regarding the way that they were treated.

Now there were many social workers present - many of whom no doubt had been involved in facilitating or taking adoption consents and many who had worked hard advocating for much needed changes to reform the adoption process. More than a few no doubt wore both hats.

As a social worker and founding committee member of our Far North Coast Adoption Triangle Support Group. my heart went out to these women as I have seen and heard this pain so many times before. As a social worker, I also squirmed in my seat.

Since graduating in 1984, although I have had a handful of clients who were considering having their children adopted out, as yet none have decided to proceed with this option. Nonetheless, I squirmed, for I was still part of a profession that obviously had failed so many women and their children both by acts of commission and omission. For example by too often failing to tell individual women what their full entitlements were and for too long collecting a salary by participating in and failing to challenge a system that inflicted so much pain.

And so I thought, yes a Social Work apology would be appropriate but from who? From individual social workers to individual Women or to women *with* whom they had no worker/client relationship? How appropriate or meaningful can *this* be? How can individuals be held personally accountable for the personal and very real pain of so many? Many of the social workers who these Women had involvement with, where would they be now? How would they feel? Too threatened to apologise? That they did their best with the system as it was and as they knew **it?**

THEN CAME MURRAY RYBURN and *what* has been described in the June 1995 “Mothers for Contact Newsletter” as “The *highlight* of the National Australian Adoption Conference ‘94”.

Although Murray delivered a paper at the Conference this “highlight” was read as a speech from the floor and as such is not included in the Conference Proceedings.

Murray’s apology (attached) from the floor was emotion shattering. For *his* honesty, *his* bravery and sensitivity, he received a resounding Sound of applause from the Conference participants He was also given a big hug by more than one birth parent, who in tears managed to get out a profound “thank you”.

Although a keynote address given by Social Worker Margaret McDonald at the beginning of the Conference acknowledged some of the cruelties of hindsight, such as “We can acknowledge the cruelties and injustices that have occurred\_ we can accept responsibility for the limitations of practice based on limited knowledge, imperfect skills “and also “We can acknowledge the disasters and tragedies that have occurred and grieve with those who are suffering” her paper fell short of an apology and TOO SOON moved on to the perceived positives of adoption and “advances in practice (which) occurred as a result of the determination and tenacity of adoption workers...”

While it is important that social work not be used as a whipping post for the collective sins *of others* -the district officers who seemed not to care if the adoption consent taken was informed or otherwise, the nurses who held pillows over the mother’s faces; the matrons who wrote *in* the medical records “on no circumstances is this woman to see her child”; nonetheless, and without going into detail here (See attached) the social work contribution to people’s misery was significant, even if in the end it did act, after its Conscience was pricked or educated by the many brave people who had been the victim of such a system, spoke out.

It needs to be kept *in* mind however that one can learn to live with the pain of adoption, the pain does however last a lifetime and is passed down the generation<sub>s</sub>. It does not necessarily become less significant with improvements in adoption or social work practice.

Without a true apology therefore many felt their pain was still not adequately acknowledged even swept under the carpet by (the tide of long fought for reformations *that* have followed in recent years.

This being the case, Margaret's hope for a "move beyond blaming and mutual recrimination" in a "creative partnership" is made that much more difficult. It is, after all, difficult to participate in a partnership when one half feels they are not being listened to.

If we really listen, what is being asked for and has in fact been asked for, for a long time, is an apology from Social Work for their part as individuals and as part of the system that failed its duty to care. An apology, not because it will take away the pain or undo what has been done - this can never be. But an apology as official acknowledgment of what has been done, as for many, without this, healing or reconciliation are still just not possible.

This is where Murray Ryburn's speech from the floor hit the mark. Yet sadly it was unofficial, unincluded in any conference papers and came from a social worker who works and resides outside this country. Therefore, regardless of the impact, I was left feeling that what was now needed was an official apology from Australian social work.

The question was of course "How?" And the matter has since then sat somewhat uneasily in my 'too hard for now' basket. I say uneasily, as I am often reminded it is there when I have clients with adoption issues, and when women tell their stories at support group meetings or send them in to groups such as Adoption Triangle, Mothers for Contact, Origins or Jigsaw to be published in their newsletters or when I have contact with the Committees of these organisations.

Thus being all too aware of some of the shortcomings of social workers and social work, when the 50th year celebrations were underway, one half of me quite disappointed that there was not more critical evaluation taking place amongst all the backpatting - while the other half was starting I fully appreciate that the AASW is indeed our professional organisation, our voice and public representative on issues pertaining to social work.

Then it all seemed to come together. The advertising for the June '97 Adoption Conference in Brisbane and the 50th year of the AASW closing with an absolute demonstration of maturity - an apology to the Aboriginal people for social work's involvement in the systematic removal of their children. A possible resolution was in sight.

After discussions with *the* organisations Adoption Triangle, Origins and Jigsaw who represent women who have lost children to adoption, it was decided that I should bring the matter up with the local AASW Northern Rivers Interest Group with a view to the AASW also issuing an apology regarding social work involvement with individual women and a system whereby non indigenous women also lost their children (and children their families).

Locally, the proposal was well received, hence my 'phone call to you and this follow up letter.

Birth mothers have long wanted an apology. As a social worker, I really do not want to sit through another Adoption Conference and 'squirm' along with my colleagues while the apology issue continues to be unresolved.

The address given by Jo Gaha as reprinted in the December, 1996 information bulletin is of course to the point:

"We have not always analysed policies as discriminatory or harmful and have participated in events that with hindsight we can only deplore. (The example given early of the unmarried mother's experience would fit this description".

It does however, fall short of an apology which can be accessed by those who most need to hear it.

Therefore, on behalf of 'social workers who wait' and the organisations whose letters are attached, I would like the AASW to give its full consideration to presenting an apology on behalf of social work and social workers to be presented at the Adoption Conference in Brisbane in June.

I realise that this is not much notice, but I am assured that something as crucial as a social work apology can definitely be given a space.

Hoping to hear from you soon.

Yours sincerely

Maggie Camp  
MAASW  
13th March 1997.

MC:SB

18/10/1999

**New South Wales Parliament  
Standing Committee on Social Issues**

***Inquiry into Past Adoption Practices***

Final address by Dr G.A.Rickarby which was to be given on 18/10/99

The practices subject to this inquiry are such as to shock and beg belief. That Parliament could enact protective law that could be treated with such contempt seems like something that would happen in another country or another century.

Nevertheless, our society must be aware and then face the issue that an educated elite from 'the caring professions' and the 'Charitable organisations', (in this instance) when subject to the law made by Parliament would take their own actions when there are no 'signposts' and no 'policemen'. Even today there is very little law taught in medical, nursing, social work, or religious studies courses. In these sub-cultures there is frequently little interest, respect, or knowledge of the law, its principles and role in the regulation of society. This is particularly so in areas where they think they know best.

In this instance a sub-culture of New South Wales society held that it was right and necessary for babies to be taken from single mothers and given to couples who were married and met superficial criteria along the general lines of fitting current cultural mores (house, church, income). They developed their own myths about The Act and used or ignored The Act as they chose with the end of taking each individual baby. There was organisation and conspiracy at every turn mediated by theft culture and the use of symbols on the case histories such as BFA and UB- (Unmarried, Baby for Adoption).

Their actions have adversely affected hundreds of thousands of Australians. This is not only the severe damage to mothers I have delineated in my first written submission (copy attached), but the developmental and identity disorders of adoptees, as well as the unhappiness and insecurity of adoptive families who were sent on an impossible course with little help or education.

In the course of taking each baby, The Act was flaunted repetitively and in many different aspects. There were specific assaultive, abductive and coercive actions at birth and before consent was taken. The prevention of the use of the thirty day period was done with every aspect of power and obfuscation available. The use of brain-washing, isolation, potent sedative drugs, cheap synthetic lactation-suppressing hormones, and abduction of the baby at birth were done in the manner of a totalitarian State with no regard to law or ethics. The perpetrators hide behind the excuse that it was in accordance with the mores of the times: surely the law of the times reflected the current level of humanity and social wisdom.

In preventing such a social calamity occurring again it is patent that it is not sufficient to have a good Act of Parliament, If there were meant to be 'signposts' or 'policemen' to enforce the 1965 Act, they were not there or unbelievably ignorant and negligent. It is important that that there is wide public knowledge of what occurred, The grief of numerous mothers will not be helped without this. They are still beset by fear instilled by their own society. As well, many adoptive children were led to believe they were not wanted, or their mother "made a decision", "their mother was unable to care for them", let alone the more pejorative myths that arose around their separation and that are actively used to blight their reunions.

***Geoffrey A. Rickarby FRANZCP***

*The Daily Telegraph (Sydney, Australia) October 19, 2000, Thursday*

Copyright 2000 Nationwide News Pty Limited  
The Daily Telegraph (Sydney, Australia)

October 19, 2000, Thursday

**SECTION:** LOCAL; Pg. 12

**LENGTH:** 209 words

**HEADLINE:** Cash 'no recompense' for **stolen generation**

**BYLINE:** RACHEL MORRIS

**BODY:**

SEEKING compensation through the courts was not an appropriate way to address "horrific injustices" such as the stolen generation, Premier Bob Carr said yesterday.

It was impossible to compensate people for terrible events in their life by just "handing over cash" and would create precedents for others to follow, Mr Carr said.

He said monetary compensation in particular was not a way to address the stolen generation of Aboriginal children removed from their homes and placed with white families or in homes.

"I don't believe we'll ever solve the problems left behind by adoption practices forced on Aboriginal families in the past by setting up a system of compensation," he said. "I don't think you can compensate for horrific injustice by handing over cash.

"Nor do I think that you can confine that to one group in our society so European descended Australians who suffered injustices in the adoption process would be entitled under anti-discrimination law to say that they ought to be able to go to a compensation tribunal or to follow with approaches to the court."

Mr Carr was speaking at the launch of *Uncertain Justice* by NSW Solicitor-General Michael Sexton, a memoir of his experience in the state's legal system.

**LOAD-DATE:** December 3, 2001

> News > Australian Newspapers Date/Time: Wednesday, October 27, 2004 . 6 : 03 AM  
EDT

# Stolen babies?

**AGGRIEVED** mothers who were coerced to surrender their babies for adoption claim that the practice represented one of the greatest abuses of human rights committed in Australia. They want an apology from the Prime Minister and a national inquiry into what they call a generation of “stolen white babies”. It is clear these mothers see what happened to them as the equivalent of what happened to Aboriginal families who suffered the loss of their “stolen generation”. The comparison, however, does not entirely stand up. Aborigines make the assertion that the driving force behind the forced removal of their children was cultural genocide. No such assertion can be made about the forced adoption of white children.

There was widespread opposition among Aboriginal communities to the policy of removing their children from their homes. It is not clear, however, how many young women who had their babies adopted resisted the process and how many acquiesced, either grudgingly or willingly. There is evidence that some mothers did resist. Barbaric methods were used, including placing pillows over their heads to prevent them from seeing their newly born child, to force some mothers to give up their children. The forced adoption policy was applied with varying degrees of intensity from the 1940s up to the 1980s. It is claimed that 80,000 unmarried mothers in NSW hospitals were confronted with coercion. The claim that an inquiry is needed to establish what happened and the extent of the trauma for thousands of individuals and families is valid. The Minister for Community Services, Mrs Lo' Po, is right to ask the NSW Parliament's Standing Committee on Social Issues to hold the inquiry. Claims like those made by the aggrieved women who lost their babies are going to become more frequent as **the** fall-out of the social engineering experiments of the **1950s** and **1960s** reveals itself. Within a decade, for instance, there will probably be an inquiry into the effects of divorce. The theory behind the social engineering was inspired generally by liberal notions. Unmarried mothers, in this particular instance, were considered to be incapable of providing a stable environment for their children. There were perceptions too, that it was shameful to have a child outside of marriage. It is important to know how families were damaged by these assumptions.

# *BabyTaken*

## *Young Mother Flees*

A 17-YEAR-OLD unmarried mother fled from a child welfare home at Arncliffe today, with her baby daughter. *The* baby, a fortnight old was to be adopted. Police began a search when they were reported missing from the "Myee" home in Forest Road, early this afternoon. A Child Welfare official told police the girl had not wanted the baby adopted. The parents had insisted on the adoption Police were told.

### *TOOK CHILD FROM WARD*

The girl was not noticed when she entered the baby's ward, took the child and then walked from the home.

She dressed before leaving the home. She is wearing a white skirt, jumper and cardigan, gold sandals and is carrying a blue bag.

Police in the search were told she is 5ft 4in tall with dark hair and brown eyes. They do not have any fears for the safety of either the child or the young mother. Sgt. J. H. Johnstone (Rockdale) is in charge of inquiries.  
(Sun 19/6/1965)

*Legislative Assembly Article 02/04/98 Adoption Practices  
Corrected Copy*

02/04/98

Page:3656

ADOPTION PRACTICES

Ministerial Statement

Mrs LO P0' (Penrith - Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [2.15 p.m.]: I am pleased to advise the House that late yesterday afternoon I referred to the Legislative Council Standing Committee on Social Issues the following reference:

That the Standing committee on Social Issues inquire into and report on the professional practices in the administration and delivery of adoption and related services, particularly those services relating to the taking of consents, offered to birth parents and children in New South Wales from 1950 to 1988.

Whether adoption practices during this time involved unethical and unlawful practices and/or practices that denied birth parents access to non adoption alternatives for their child; and

If so, what measures would assist persons experiencing distress due to such adoption practices.

I advise the House that shortly after I assumed this portfolio I agreed to meet a delegation of individuals and members of Parliament who had raised concerns about this issue. I found their stories both harrowing and moving. I do not wish to pre-empt the inquiry; however, I, and plainly other members of this House, have been approached and impressed by the depth of feeling that these women have for this issue. I will not take the time of the House now to relate a cross-section of their stories, which appropriately will be the subject of the committee inquiry, but it certainly seems as though these are not isolated incidents. I have been told that many hundreds, if not thousands, of women are to this day experiencing emotional distress as a result of their experiences.

It is incumbent on governments to deal with this important matter. These people approached the Commonwealth and other State governments appealing for an inquiry but their pleas have fallen on deaf ears. Consequently, I agreed to their request for an inquiry into all matters surrounding the alleged removal of children during the adoption process. This is a further example of the Carr Government listening to people. It will give many of these women the chance for the first time to air their grievances publicly or in private, according to their individual preference, and to be heard and acknowledged by a parliamentary committee.

Mrs SKINNER (North Shore) [2.18 p.m.]: Stolen white babies is an important social issue. Those on whom it impacted came from diverse social, economic and religious backgrounds, but they have all suffered in their own way. These children were not only taken from their families; in the process they lost their rights as individuals. It not only affected the children; it affected the mothers who were forced to sign adoption papers to give up their children. During the period when this occurred - from 1965 to 1973 - women who had their children taken were offered no information on adoption. The mothers did not give informed consent and were not offered alternatives or financial assistance. Some mothers were even forced to sign adoption papers when they were in a drugged state. The coalition supports the inquiry by the Standing Committee on Social Issues into stolen white babies.