CASE STUDY: HUMAN DIGNITY AND FORCED ADOPTION IN AUSTRALIA

“We deplore the shameful practices that denied you, the mothers, your fundamental rights and responsibilities to love and care for your children. You were not legally or socially acknowledged as their mothers. And you were yourselves deprived of care and support.”
- Julia Gillard, 21 March 2013

In Australia, in the 1950s, 60s and 70s, an estimated 225,000 babies,\(^1\) from around 150,000 unwed mothers\(^2\) were forcibly removed from their mothers and given up for adoption. Watch this **BBC News report** (or read the **transcript**), which relates the stories of Monica Jones and Maureen Melville, who, as young, unmarried women, were forced to give up their babies, leaving behind a lifetime of pain and bitterness. This **ABC News report** (or read the **transcript**) outlines some the common practices used to force and coerce mothers to put their babies up for adoption.

In the lead up to the presentation of findings from the 2012 Senate enquiry into the “Commonwealth Contribution to Former Forced Adoption Policies and Practices,”\(^3\) these women called for a National apology. This apology was made on 21 March 2013, when then Prime Minister Julia Gillard formally apologised to Australian mothers who were coerced into giving up their children for adoption, to those who were adopted in this way, to the fathers of the children and to other members of their families who were also affected.\(^4\) Watch the **full apology and speech**, (or read the transcripts of the **apology** itself and Gillard’s **speech** which followed).

The former practice of using coercive means to pressure mothers into offering up their newborn babies for adoption took place mainly in the context of post-WWII Australian society.\(^5\) A common scenario was one where a young, unmarried woman had fallen pregnant, but was deemed unfit to care for her child by medical, religious and civil authorities, sometimes even her own parents. Pressure would be applied to the new mother to offer up her child for adoption, to a married, well-off couple believed to be able to offer the child a “better” upbringing.\(^6\) Sometimes the mother would not be informed that her newborn child was being sent for adoption, and would have her access restricted.\(^7\)

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\(^3\) The Senate, Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption Policies and Practices,” February 2012, §1.15.


would then be expected not to speak of her pregnancy, but resume her life as though this had never happened.8

Behind this scenario lies a gradual change in societal attitudes to adoption throughout the 20th century. In the early twentieth century, adoption was an uncommon alternative to the 19th century practice of placing destitute children into orphanages and institutionalised homes.9 Any prospective parents for these children were often warned to check their “genetic background” (this was largely due to the influence of the eugenics movement).10 However, eugenics fell out of favour after World War II, and was supplanted by Freudian developmental theories which portrayed the newborn baby as a “clean slate.”11 A corollary of these psychological theories was that if a child was born to a mother who supposedly could not provide a good upbringing,12 the best practice was to place that child in the care of married, financially better-off adoptive parents.13 One approach which influenced adoption practice in the English-speaking world during this time was “attachment theory,”14 pioneered by John Bowlby, combined with “security theory” by Mary Ainsworth.15 In a report written for the World Health Organization in 1952, John Bowlby argued that a child who is to be adopted should be given to his or her adoptive parents as soon as possible after birth.16 This would allow the child to make a “clean break” from his or her natural mother, and to form a new bond with his or her adoptive parents.17

However, when the Senate Inquiry heard stories of mothers’ experiences of being pressured into adoption for their children, a radically different picture emerged.18 Submissions from

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12 A prejudice which existed among medical professionals in the 1960s and 70s: see the comments of Drs. Ferry Grunseit and Donald Lawson, Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption Policies and Practices,” §§2.22-23.
18 In addition to the inquiry submissions referenced below, see also the perspective of forced adoptee Wesley Rush, “The Other Stolen Generations: Forced Adoptions,” Australian Rationalist 88 (Spring 2011): 49-52.
these mothers expressed memories of being “unjustly abused, betrayed and punished by all
governments, hospital staff, welfare workers, religious hierarchies and society,”19 of “the
shame of having a child out of wedlock,”20 “of isolation from everything and everybody”21
and of being “socially isolated and treated harshly.”22 Some recalled being forced to do
heavy manual labour while staying at maternity homes during pregnancy.23 Others
remembered the intense pressure family members placed on them to put their child up for
adoption, because of the shame which an unwed mother brought to the immediate and
extended families.24 One phrase which was repeated to unmarried, pregnant women was:
“If you love your baby then you will give it up for adoption.”25

The Senate inquiry noted the issue of identifying the element of coercion in forced
adoptions. The absence of consent came in different forms and different degrees. One form
of coercion was familial and societal pressure.26 Another form was when “consent” was not
informed consent, in the sense that the mother was not informed of other options, welfare,
or the contents of the papers she was signing.27 Alternatively, consent was only given under
duress, ranging from manipulation through harassment to open hostility.28 In other
instances, consent was given, but the mothers were not informed of their legal right to
revoke their consent until it was too late.29 A higher degree of force occurred when children
were illegally removed, without any consent form being signed by the mother.30 Many
young, unmarried mothers, on the other hand, “chose” adoption because it was the “only”
choice they saw available to them.31

THREE MAIN PERSPECTIVES

19 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
Policies and Practices,” §3.9.
20 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
Policies and Practices,” §3.10.
21 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
Policies and Practices,” §3.22.
22 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
23 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
24 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
25 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
Policies and Practices,” §§3.22, 86 see also §3.87
26 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
Policies and Practices,” §3.75.
27 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
28 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
29 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
30 Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption
31 Browne, “Reflections on Former Forced Adoption Policies and Practices,” 63; Swain, “Adoption, Secrecy and
the Spectre of the True Mother,” 196; Community Affairs References Committee, “Commonwealth
Contribution to Former Forced Adoption Policies and Practices,” §3.76.
Below are three perspectives on this issue, each grounded in human dignity, but each appealing to a different understanding of what it is that gives dignity to the human person.

**Perspective 1:** The practice of forced adoption makes a false distinction between the capacity of young, largely unwed, mothers to raise their own children, and the capacity of married, more financially secure, mothers, to do the same. The practice of forced adoption hindered these young mothers from demonstrating their innate dignity.

**Perspective 2:** The shame and guilt, felt by women who found themselves pregnant out of wedlock and were forced or coerced into give up their babies, resulted in their loss of dignity. The national apology was intended to restore this lost dignity.

**Perspective 3:** Social mores in the 1950s, 60s and 70s deemed women in particular situations to be unfit mothers. The perceived immoral actions of unmarried pregnant women led them to be treated without dignity.

As you read the articles in the links below, analyse the understanding of human dignity that underpins the arguments and consider how this understanding of human dignity is being brought to bear on the issue of forced adoption. Note that you may find two authors of different ethical positions explaining dignity in a similar way or in more than one way, such that it could fit into the same quadrant as another author, or into several quadrants. Look carefully for the nuances and underlying assumptions that further qualify the understandings of human dignity.

In some of the articles linked to this case study, the authors also refer to other authors who offer perspectives on dignity different from their own in relation to the question of forced adoption. If you choose to complete your project on this Case Study, you may wish to use the references in the articles provided to trace these additional perspectives.

**REQUIRED READINGS**

In the first article, Shurlee Swain argues that the strengthening of secrecy provisions in Australian adoption legislation in the 1960s was not the fault of the cohort of mothers who had their babies adopted. Instead, it was the unintended consequence of a few natural mothers who challenged the adoption of their child in highly publicised court cases. Swain illustrates how in the social context of the time, this led to a “demonization” of mothers who had their children out of wedlock, as being morally unfit to bring up their infant, making adoption appear to be in the child’s best interests.


In the second article, Denise Cuthbert and Marian Quartly place Julia Gillard’s then forthcoming apology in the context of Kevin Rudd’s two national apologies, to the Stolen Generation (February 2008) and the Forgotten Australians (November 2009). They analyse
the campaign of “mothers separated from their children by adoption” for an inquiry and an apology, run on a human rights basis (in particular, the right to grieve for the loss of their child, and have that grief acknowledged). Cuthbert and Quartly argue that although a national apology to mothers who experienced forced adoption would have the context of earlier apologies to “innocent” children, such an apology would need to be couched in different terms to deal with the added complexity of gender and guilt.


In the third article, Elspeth Browne, a social worker who began practicing in the 1950s, reflects on the social conditions behind the adoption practices in the 1950s-70s, where pregnancy out of wedlock was condemned and a pall of shame hung over single mothers. She also recalls the complicity of the government in not providing the necessary financial support to these mothers (before the Whitlam reform which provided Supporting Mothers’ Benefit in 1973). This led to the perception of adoption as the “only” choice for single mothers.


**ADDITIONAL READINGS & RESOURCES**

Finally, we have provided references to additional articles for you to find yourself, bearing in mind that being able to locate relevant information goes towards meeting the requirements of Graduate Attribute 8. These resources can be located either in the ACU library database or online. You should access these resources if you choose this case study for your final assessment.

Commonwealth of Australia, The Senate, Community Affairs References Committee, “Commonwealth Contribution to Former Forced Adoption Policies and Practices,” February 29, 2012, (Note: This is a very large document - use the contents page to navigate to sections you are particularly interested in).


Origins Australia, “Wake up little Suzie,” Origins SPSA Inc. (You will find this in the Origins Australia website).


SOMETHING TO PURSUE IF YOU HAVE AN INTEREST

If you are interested in pursuing this issue further, at a later time you may wish to look at the following PhD Dissertation (Christine Cole is interviewed in the ABC News report linked above):