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CHAPTER SEVEN

Unmarried Motherhood 1830–1990: A Genealogical Analysis

Jean Carabine

Introduction

This chapter uses the example of illegitimacy and unmarried motherhood in the early decades of the nineteenth century to demonstrate how to undertake a Foucauldian discourse analysis. The aim is to show how we can apply Foucault's genealogical approach – his concerns with power, knowledge and discourse – through the example of an analysis of historical social policy documents. The chapter draws primarily on an analysis of the 1834 New Poor Law Act and Commissioners' Reports and, in particular, the Bastardy Clauses within them, in order to trace the ways that sexuality – specifically unmarried motherhood – is spoken of and with what effects – through what I refer to as the discourse of bastardy.

My reason for choosing to undertake a discourse analysis of social policy documents written over 160 years ago arose out of my interest in trying to understand and explain the relationship between sexuality and social policy both as a discipline and as practice. Analyses of sexuality, such as this, are rarely, if at all, included as either an integral or even marginal part of social policy work on historical or contemporary work on poverty. In particular, one aspect not yet examined in social policy studies of discourse and poverty is the role played by sexuality discourses in poverty policies and debates in constituting welfare subjects and eligibility for benefits. This is not surprising given that the relationship between sexuality and social policy, as practice or discipline, is also largely ignored and under-researched (Carabine, 1996a and b). Within the field of social policy, the role of sexuality in social policies and analyses continues to be ignored despite its prominence in public debates about homosexuality, teenage pregnancy, unmarried motherhood, the decline of marriage, the age of sexual consent and sex education, to name just a few. My project has been to argue that ideas about sexuality, particularly heterosexuality, play a significant role in social policy whether as a discipline or as practice.

1 Foucauldian concepts

To answer the question 'what is a Foucauldian discourse analysis?' we need first to address what Foucault means by discourse, and second to consider two key concepts – **power** and **knowledge** – at the heart of his work. Indeed, as we shall see, **discourse/power/knowledge** are an interconnected triad. Next, the chapter will consider Foucault's methodology for examining this triad – **genealogy** – before going on to

consider how it can be used to analyse social policy discourses. However, before doing this perhaps I should make it clear that there are no 'hard and fast' rules which set out, step by step, what a genealogical analysis is. What Foucault's genealogy offers us is a lens through which to undertake discourse analysis and with which we can read discourses. As we shall see this lens means that we read discourses as, on the one hand, being infused with power/knowledge and, on the other, as playing a role in producing power/knowledge networks. Because Foucault didn't provide us with a 'how to' guide to genealogy, the method adopted by individual researchers varies. What is common to all, however, is the application of Foucault's concepts of discourse/power/knowledge and therefore the lens through which they read their data. My particular approach takes what Foucault says about discourse/power/knowledge and combines it with what he has to say about a specific knowledge – sexuality – as a lens for interpreting the relationship between sexuality and social policy. How this works will become apparent later in Section 2 on applying genealogical discourse analysis. Let's look first at Foucault's notion of discourse.

1.1 Discourse

Foucault's interest in discourse has been on a number of levels. It is:

sometimes ... the general domain of all statements, sometimes as an individualizable group of statements, and sometimes as a regulated practice that accounts for a number of statements.

(Foucault, 1972: 8)

My interest in discourse is less with the way that discourse is structured and governed by internal rules, which are a feature of the discourse itself i.e. the linguistic analysis of the nature and processes of discourse (as described in the latter part of the above quotation), and more with the idea of discourse as defined in the first two parts of the quotation. That is, the idea of discourse as consisting of groups of related statements which cohere in some way to produce both meanings and effects in the real world, i.e. the idea of discourse as having force, as being productive. Let me explain further what I mean by 'cohere', 'effect', 'force', 'productive', etc.

Let's begin by thinking of discourse as the ways that an issue or topic is 'spoken of', through, for example, speech, texts, writing and practice. These various different and sometimes contradictory ways of speaking about a topic or issue come together – that is 'cohere' – to build up a picture or representation of the issue or topic. For Foucault, discourses are productive. They produce the objects of which they speak – sexuality, madness or, in the case of this research, unmarried mothers. In other words, they are constitutive; they construct a particular version of unmarried motherhood as real. Discourses are also productive in that they have power outcomes or effects. They define and establish what is 'truth' at particular moments. So in the case of my research, the discourse of bastardy operates to produce a particular 'truth' of unmarried motherhood which seeks to invalidate other accounts of bastardy and unmarried motherhood. As we shall see, the

constitution of unmarried motherhood through the discourse of bastardy produces particular effects – it constitutes unmarried mothers as immoral and as undeserving of poor relief except through the workhouse, more widely, it contributes to a stigmatizing of unmarried mothers which extended into the twentieth century.

Discourses are also fluid and often opportunistic, at one and the same time, drawing upon existing discourses about an issue whilst utilizing, interacting with, and being mediated by, other dominant discourses (about, for example, family, femininity, morality, gender, race, ethnicity, sexuality, disability and class, etc.) to produce potent and new ways of conceptualizing the issue or topic. This is another sense in which discourse is productive. In so doing, discourses 'hook' into normative ideas and common-sense notions, say, about sexuality (that heterosexuality is natural and normal, that homosexuality is abnormal and deviant), morality or motherhood. This produces shortcut paths into ideas which convey messages about, for example, 'good' and 'bad' (mothering, sexualities, etc.), morality and immorality (behaviours and relationships), and acceptable and inappropriate behaviours. These representations or ways of speaking not only convey meanings about the topic, they also have material effects.

To illustrate this, take for example the way lone motherhood was 'spoken of' in Britain in the early 1990s.

Activity 1

Read through the following extracts. As you do so try to identify the ways in which lone/single mothers are 'spoken of', that is, what discourses of motherhood are evident in the examples? Think about what picture of lone/single motherhood is being created. What do the extracts tell us about lone/single motherhood?

It might help here to consider what the extracts say about the relationship of lone/single mothers to

- the family
- welfare
- communities, society, Britain
- their children
- crime.

Extract 1

the family is the foundation stone of a free society ... But today family life is breaking down ... growing illegitimacy and family breakdown, the reduction in the work ethic and rising crime are signs of a general malaise affecting British culture

(Green, 1992: vii)

Extract 2

... the disintegration of the nuclear family is the principal source of so much misery and unrest. The creation of an urban underclass, on the margins of society, but doing great damage to itself and the rest of us, is directly linked to the rapid rise of illegitimacy. The past two decades have witnessed the growth of whole communities in which the dominant family structure is the single-parent mother on welfare, whose male offspring are already immersed in criminal culture by the time they are teenagers and whose daughters are destined to follow the family tradition of unmarried mothers ...

(*Sunday Times*, 28 February 1993)

Extract 3

Does my hon. Friend agree that family stability comes best from children being born of a loving relationship between a man and a woman? The strong movement towards girls and very young women to have babies to get flats and houses is damaging to them and to the children, because those children do not have the proper background that they should have. Will my hon. Friend consider that point and do all that he can to encourage proper family stability, because it is the bedrock of the nation? (Mr. Harry Greenway)

...

... expenditure on benefits for all lone parents has increased from £2.4 billion in 1981–82 to £6 billion in 1991–92 at constant prices. (Mr. Burt)

...

Those are pretty incredible figures. Does my hon. Friend agree that, when the welfare system encourages young women to have babies out of wedlock so that they can qualify for council houses and benefits, perhaps the system has gone too far? Will he confirm that the Government will take action to extend and encourage parental responsibility, particularly paternal responsibility? (Mr. Riddick)

...

Will the Minister take this opportunity to condemn unreservedly not only the question put by the hon. Member for Colne Valley (Mr. Riddick) but the speech made by the Secretary of State for Wales over the weekend, which quite outrageously alleged that young women deliberately make themselves pregnant to benefit from housing and social security benefits, when the Minister knows, as do Conservative Members, that there is absolutely no evidence whatever to support those scurrilous allegations? (Ms Glenda Jackson)

(*Hansard* (Commons) 5 July 1993, Column 11)

Discussion

Discourses of 'lone' motherhood

Here are some of the ways that single/lone motherhood is spoken of that you might have identified:

- as a problem (because of their increasing number and their dependency on state benefits)
- as a threat to marriage and the traditional family (because they are unmarried and bringing children up outside marriage and the traditional family)
- as irresponsible – having children without adequate means of support
- as deliberately getting pregnant to obtain council housing and benefits
- as dependent on and/or undeserving of welfare
- as 'bad' mothers responsible for producing delinquent and disaffected youth, especially boys, and young girls who themselves become single mothers dependent on welfare
- homogeneously – implying that all single mothers are the same and become so for the same reasons; and that *all* single motherhood is problematic and a threat
- you might also have identified a '**counter-discourse**' (from MP Glenda Jackson) challenging the representation of single mothers as deliberately getting pregnant so as to obtain benefits.

In the discourse – which I refer to here as the 'discourse of "lone" motherhood' – unmarried mothers, lone mothers (through divorce, death or separation), and young single mothers tend to be grouped together and treated as homogeneous. In the extracts above we can see how a variety of discourses were called upon to produce a discourse of lone motherhood specific to the early 1990s period. These included discourses about family, marriage, morality, the underclass, desert, dependency, and parenting. All of which came together to constitute lone mothers as a problem and a threat with particular effects. Some commentators have described the media and mainly Right-wing political responses to increasing numbers of never-married mothers and lone parents in the early 1990s as a 'moral panic' (Roseneil and Mann, 1996: 92). In 1994 lone mothers constituted 21 percent of all families with dependent children compared to 7.5 percent in 1975 (Kiernan *et al.*, 1998: 23). During the early 1990s, these women were vilified as both a problem and a threat to the traditional nuclear family and to the nation. In part, they were seen as a problem because of their increasing numbers and the signal that this was thought to convey about marriage and the traditional family. Through not marrying and by having children outside marriage the increasing numbers of never-married mothers were presented as a threat to the stability of marriage and the traditional family, both of which were seen, by the then Conservative government and others, as the backbone and conduit of the nation's morals.

Through invoking a discourse of welfare dependency (a discourse that was particularly influential in the early 1990s and still is powerful today) it was also possible to present lone mothers as irresponsible and undeserving of welfare. After all, it was argued, they were irresponsibly having children without any adequate means of support (husband/marriage/work) and were a drain on the state's finances. They were also blamed for producing children who themselves were likely to be irresponsible and to become welfare dependent. In 1988, Margaret Thatcher, the then Prime Minister, spoke of the problem of young single girls who were deliberately getting pregnant in order to obtain benefits and jump council housing queues (*The Guardian*, 23 November 1988). And we can see from extracts 1–3 above that this still had potency almost five years later. In the early 1990s, debate in the media was also dominated by concerns about the cost of lone mothers to the state (Kiernan *et al.*, 1998: 1) and their role in producing an underclass (see Roseneil and Mann, 1996). These ideas were more forcibly endorsed in the run-up to the 1993 Conservative Party Conference. It was clear that welfare services and benefits should be available only to respectable married mothers.

Discourses about the underclass and 'good' and 'bad' mothers were also utilized in the 1990s discourse of lone mothers. Roseneil and Mann show how, for example, debates about lone parents/unmarried mothers drew upon discourses about the underclass which 'dichotomised women along age-old lines – good women who do the right thing, get married and then have children, versus bad women, who have children, don't get married and depend on state benefits' (1996: 192). In invoking the underclass discourse, unmarried mothers were blamed for all sorts of ills – teenage motherhood, delinquent children, juvenile crime, a crisis in masculinity, and social and educational failure in fatherless boys (see for example, Dennis and Erdos, 1992; Roseneil and Mann, 1996). Another aspect of the discourse (although not evident in the extracts above) was concerned with issues of morality. This focused on the increasing number of women who were failing to marry, and who were having sex and giving birth to children outside marriage. Many social commentators (such as Dennis and Erdos, 1992; Morgan, 1995) and politicians found these shifts in family and marriage practice indicative of: 'a crisis in traditional authority relations and moral codes which [need] to be addressed. From this standpoint lone mothers become both the cause and effect of this crisis in traditional morality and thus [were] constructed as a social problem' (Lentell, 1999: 252–3). We can see from the above discussion that several discourses cohere to constitute the 'truth' that was the discourse of lone motherhood in the early 1990s.

Effects

I have suggested above that discourses have effects. What can be identified as some of the effects of the discourse of lone motherhood? One effect arising out the idea that lone mothers were a drain on the state and that young single mothers, in particular, were deliberately getting pregnant in order to get benefits has been to make access to benefits more difficult or conditional. In the case of young single mothers, local authorities no longer have a legal responsibility to prioritize them when allocating council housing. Also, the Child Support Agency was introduced in 1993 in an

attempt to get separated and absent fathers to pay child maintenance. Similarly, in another attempt to reduce the financial burden of lone motherhood on the state, the lone parent payment was abolished in April 1997. More recently, government policies have emphasized the need for lone mothers to work (also an example of a shift in the discourse on lone motherhood) – through the New Deal for Lone Parents – as a way of reducing their dependence on the state. Discourses can also influence the way that people understand or think about an issue. For example, when people were asked about their attitudes to unmarried mothers, 30 percent agreed that 'unmarried mothers who find it hard to cope have only themselves to blame' and only 26 percent agreed that 'unmarried mothers get too little sympathy from society' (1995 British Social Attitudes Survey quoted in Lentell, 1999: 250). A combined effect of these discourses is to convey messages about what is appropriate behaviour, not only for lone mothers but for all mothers. In suggesting that discourse influences how we think and behave, I want to stress that we should not think of discourses as 'all powerful' and individuals as submissive recipients of discourse. Instead, we should think of discourses as constantly being contested and challenged and therefore not necessarily always omnipotent.

What this example of the discourse of lone motherhood shows is that discourses are variable ways of 'speaking of' an issue which cohere or come together to produce the object of which they speak. The example also shows that discourse interacts with, and is mediated by, other discourses to produce new, different, and forceful ways of presenting the issue. Our example of lone motherhood shows that discourses also produce effects – discursively and through practice – which influences the way we understand, experience, and respond to the issue or topic.

Tracing a history of lone motherhood

If we were to trace the ways that lone motherhood has been 'spoken of' throughout history we would find that these ways varied at different historical moments and in different social and cultural contexts, that is, the idea of discourse as historically variable ways of speaking. Thus, if we were to take again the British example, we would see that, from the mid-1830s, such mothers, particularly poor working-class women, were constructed as immoral and undeserving of welfare. From the start of the twentieth century until about the 1940s, single mothers were likely to be seen in terms of mental deficiency – as being inherently mentally deficient/feeble-minded – and as producing feeble-minded offspring and as a threat to the purity of the British race. For their and society's good, many were still incarcerated in Poor Law institutions until the 1980s and 1990s. In the 1950s, women who had children outside marriage were often pathologized and their single motherhood explained in terms of some psychological lack or problem. (For more detailed information and discussion of constructions of unmarried/lone motherhood see Gill, 1977; Kiernan *et al.*, 1998; Phoenix, 1991; Smart, 1996.)

Looking back, the history of discourse of lone motherhood illustrates, first, that discourses are not continuous or unchanging over time. Indeed, it shows that discourses are historically variable ways of 'speaking of' lone

motherhood. Second, each of these different constructions of lone motherhood is significant in conveying specific messages about lone motherhood at any given time and has certain effects and outcomes. Third, whilst this brief history or genealogy of lone motherhood reveals the different ways it has been constructed, it also shows how certain themes – the unacceptability of unmarried motherhood, lone motherhood as a moral, social, and/or economic issue, as a threat (to family, nation, society) – reappear, albeit in different forms at different times. This ‘tracing’ of the history of unmarried motherhood, through the examination of discourses about it, is central to Foucault’s genealogical method which will be discussed in Section 1.3.

Discourses are historically variable ways of speaking, writing and talking about, as well as practices around, an issue. They have outcomes/identifiable effects which specify what is morally, socially and legally un/acceptable at any given moment in a culture.

Implicit in the discussion about different constructions of lone motherhood is the idea of knowledge and its relationship to discourse.

Activity 2

Look back over the history or genealogy of lone motherhood presented in the discussion following Activity 1. Can you begin to identify, albeit on the basis of somewhat sketchy information, the knowledges which framed or informed the construction of lone motherhood in each period?

Discussion

You might have identified:

- 1830s: ideas about morality and desert
- 1900–1940s: ideas about mental deficiency/feeble-mindedness as inherent in certain groups, ideas about race purity (eugenics)
- 1950s: ideas about unmarried motherhood as a pathological state, interpreted in psychological terms
- 1980–90s: moral and economic issues, ideas about the underclass.

A more detailed and in-depth genealogy of lone motherhood might reveal other influences.

Discourses at one and the same time draw upon and sometimes transform existing knowledge to produce new knowledge and new power effects. The following comment from Kiernan *et al.* (1998: 123) sums up neatly this relationship between discourse and knowledge: ‘It is striking that the problem of unmarried motherhood has, over what is a relatively short period of time, been so completely reconstructed time and again with touching faith that each successive construction constituted truth’.

1.2 Power/knowledge

As we have seen, discourses are historically variable ways of specifying knowledges and truths, whereby knowledges are socially constructed and produced by effects of power and spoken of in terms of ‘truths’. Foucault (1990; 1991) argues that power is constituted through discourses. Thus, power is important in the construction of knowledge and what counts as knowledge. It may help to think of discourses as functioning as sets of socially and historically constructed rules designating ‘what is’ and ‘what is not’. In his book *The History of Sexuality* (1990), Foucault investigates the ways in which sexuality has come to be seen and spoken of; the development of knowledges about sex, as a means of understanding the operations of power. His analysis in *The History of Sexuality* challenges the universality of sexuality, showing it, instead, to be socially and culturally constructed, thereby questioning the popular belief of sexuality as ‘natural’, fixed and/or biologically determined. In his unravelling of sexuality throughout history, Foucault reveals how sexuality has been produced differently at specific historical moments through the operation of discourse (see Hall, Reading Seven in Wetherell *et al.*, 2001).

Discourses can be powerful because they specify what is and what is not. Not all discourses have the same force. Some discourses are more powerful than others and have more authority or validity. In the case of sexuality, dominant discourses are the means by which what we know to be the ‘truths’ of sexuality are established. These knowledges or ‘truths’ about sexuality tell us what is ‘normal’ and ‘natural’ whilst establishing the boundaries of what is acceptable and appropriate. For example, the discourse of heterosexuality is awarded validity and authority as the only natural and normal sexuality. Although what we know to be heterosexuality at any given time is historically, culturally and socially specific and subject to redefinition and transformation, it is heterosexuality that persists as the benchmark of ‘normal’ and ‘natural’ sexuality. In this way, ideas about heterosexuality become naturalized in commonplace thinking with the effect that heterosexual relationships are taken for granted as the norm. Knowledge about sexuality permeates all aspects of society, at the level of the institutional, professional, expert and personal, and influences how sexuality is understood and experienced, as well as the boundaries of what is possible.

To understand discourse we have to see it as intermeshed with power/knowledge where knowledge both constitutes and is constituted through discourse as an effect of power. If our study of discourse is to be more than a study of language, it must look also at the social context and social relations within which power and knowledge occur and are distributed.

1.3 Genealogy – a history of the present?

I have already indicated that Foucault’s primary concern in *The History of Sexuality* (and also in *Discipline and Punish*) was with understanding the operations of power through examining the development of discourses and knowledges about sexuality. Genealogy was the name given to the methodological approach he used to study discourse to reveal power/knowledge networks.

Foucault's genealogy is more about methodology than method. We can use it as a lens through which to read discourses. Although genealogy is very much a methodology for analysing history, it does not adopt a traditional historical methodology. It is not concerned with seeking the truth, or with finding the *real* sexuality or the *real* unmarried mother, nor is it concerned with unity or with presenting a correct and full picture of what went before. In the words of Bell, it does not:

... seek to record the progress and continuity of societies. It avoids the search for depth, avoids the search for what 'really happened' underneath historical events, and locates its analysis instead on the surface, on the details; it is 'meticulous and patiently documentary' ... Genealogy is opposed to the totalizing effects of 'superhistories' [such as Marxism] ... that see one great plan unfolding as time progresses.

(Bell, 1993: 46)

Rather, genealogy is concerned with describing the procedures, practices, apparatuses and institutions involved in the production of discourses and knowledges, and their power effects. For me this is not simply about exposing the processes through which discourses are produced, but also about establishing the ways that those discourses are practised, operationalized and supported institutionally, professionally, socially, legally and economically. In his examination of the past, Foucault sought to trace the development of knowledges and their power effects in order to reveal something about the nature of power/knowledge in modern society. Genealogy is concerned to map those strategies, relations and practices of power in which knowledges are embedded and connected.

Thus, we might use genealogy to interrogate present discourses about teenage or unmarried motherhood, say, with the aim of tracking their history and the regimes of power/knowledge involved in that history (see the example of constructions of unmarried motherhood discussed in Section 1.1). One way of understanding genealogy is to see it as a way of reading history through discourse to find out how power/knowledge circulates. In the box below, Dreyfuss and Rabinow (1986) explain how Foucault applied his genealogical approach to an examination of the confession.

A genealogy of the confession – an example

In *The History of Sexuality*, Foucault isolates the confession as an important ritual of power in which a specific technology of the body was forged. As this is genealogy one is not going to find a simple unity of meaning or function or changeless significance. The confession, as Foucault demonstrates, did not have the same meaning in the thirteenth century, the seventeenth, or the nineteenth century as it does in the present ... Foucault is not attempting to give a complete picture of, say seventeenth century society. He is not trying to give a traditional history and then pose the question: Given that history, what does the confession mean to us today? Rather, he is saying that the confession is a vital component of modern power ... Foucault writes the history of the con-

fession in the seventeenth century for the purposes of writing 'a history of the present' ... he asks what it was in earlier periods and what it has become today.

(Dreyfuss and Rabinow, 1986: 119)

Genealogy is about tracing the history of the development of knowledges and their power effects so as to reveal something about the nature of power/knowledge in modern society. It does this through the examination of discourses and by mapping the strategies, relations and practices of power in which knowledges were embedded and connected.

Reconceptualizing power through genealogy

Through the application of his genealogical method (in *The History of Sexuality* and *Discipline and Punish*) Foucault challenges traditional conceptions of power.

He argues that many social theorists continue to base their understandings of power solely on a model based on a notion of sovereign power that is no longer appropriate (1979; 1990). Sovereign power is juridico-discursive, final and ultimate. It operates through laws and rules which carry with them the threat or practice of violence, torture or physical punishment, even death. However, as Foucault demonstrates in both *Discipline and Punish* and *The History of Sexuality*, not all power is exercised or enforced through the threat of death or physical force. In *The History of Sexuality*, Foucault outlines an alternative and contemporary mechanism of power. He argued instead that power circulates and operates at all levels of society (see Hall Reading Seven in Wetherell *et al.*, 2001). He identifies **normalization** as one way that power is deployed.

1.4 Normalization

The relationship between normalization and discourse is that discourses convey messages about what is the norm and what is not. In effect they establish the norm.

In this section I will outline Foucault's concept of normalization and explain how I have adapted it to understand the relationship between social policy and sexuality.

Defining sexuality and social policy

I use social policy in this context to refer broadly to those policies (social, economic, fiscal, legal) and practices (social work, medicine, law, psychiatry, education, etc.) concerned with the formal and informal provision of welfare by the state (local and national), markets, families,

groups and individuals. Of particular interest is the way that these social and legal policies implicitly and explicitly convey messages about appropriate and acceptable sexualities, that is, their role in constituting sexual norms.

My interpretation of sexuality is somewhat ambiguous as it embodies identity, behaviour, acts, desires, relations and relationships. I take it to refer to a category of person (heterosexual, homosexual, lesbian, queer, bi-sexual, etc.) the focus of their desire (same-sex, opposite sex, child) and as embracing all sexual behaviours, acts and relationships (cohabitation, partnering, marriage or otherwise) as well as the meanings attached to those acts and behaviours. It also refers to a system of knowledge that encompasses what we know as sexuality and what dominates as the 'truth' of sexuality at any moment in time, and power relations – heterosexuality. For me, sexuality is socially, historically and culturally constructed.

Foucault has shown that through normalization individuals are compared and differentiated according to a desired norm. In *Discipline and Punish*, through the application of his genealogical method, Foucault maps the various methods and procedures used to judge, measure and compare individuals. Therefore, normalization establishes the measure by which all are judged and deemed to conform or not. This normalization process produces homogeneity through processes of comparison and differentiation. However, we should not think of normalizing judgement as simply about comparing individuals in a binary way – as in good/bad, mad/sane or healthy/ill. It is also a 'norm' towards which all individuals should aim, work towards, seek to achieve, and against which all are measured – 'good' and 'bad', sick and healthy, 'mad' and 'sane', heterosexual and homosexual. In his notion of 'norm', Foucault did not conceive power as being imposed by one section, class or group of society on another.

I just want to sound a note of caution here in case I'm giving you the impression that the effect of normalization is overwhelming. As with discourse, we must not conceive of normalizing strategies as uncontested nor as leading to successful and complete regulation or outcomes. Instead, we need to envisage a continual, if uneven, and contradictory process, whereby we as individuals are in the constant process of reassessing, establishing and negotiating our position in relation to the norm. Normalization is a means through which power is deployed. It is a dynamic of knowledge, practised and learned, dispersed around various centres of practice and expertise. Both social policy and sexuality can be understood as such centres of expertise and practice.

Normalization, sexuality and social policy

I have adapted Foucault's notion of normalization and applied it to the social policy context where I suggest it operates in three main ways. First, in constituting appropriate and acceptable sexuality. Second, as operating

in a regulatory capacity through which not only is heterosexuality established and secured but also bodies and sexuality are disciplined and controlled. This regulatory function can be seen to operate explicitly through legislation and statutes and implicitly through:

- normative assumptions about (hetero)sexuality as 'normal' and 'natural' underpinning and informing social policy
- linking of notions of eligibility for welfare to ideas about appropriate and acceptable sexuality.

We have to be careful here, because although discourses may have regulatory intentions, this does not mean that they ultimately result in regulatory outcomes. Individuals are active agents and discourses are themselves in a state of constant reconstitution and contestation. Nor do discourses exist in splendid isolation but, rather, are themselves also mediated by other dominant, sometimes more powerful, discourses. Third, the normalization process produces differentiating effects and fragmented impacts being variously regulatory, penalizing or affirmative in respect to different groups, of, for example, women.

Perhaps an example of this would help. One way normalizing ideas about appropriate sexuality inform and influence social policy and welfare is through an explicit relationship between ideas about 'appropriate' sexuality and access to, and eligibility for, welfare. Take the claims made by the Conservative government (and others) in Britain in the late 1980s and early 1990s that teenage mothers deliberately became pregnant in order to obtain benefits and council housing. The implied message contained in such attacks was that welfare benefits and housing should be available only to 'respectable' married women. Similarly, it was reported in 1993 (*Independent*, 7 October 1993) that in some states in the US, Norplant, a contraceptive implant, was being targeted at teenage women and poor women from racial minorities. In Baltimore, women in receipt of benefits were offered cash payments and extra benefits as an incentive to have the Norplant contraceptive implant. Those refusing to have the implant were threatened with removal of benefits (*World in Action*, ITV, October 1993), as were unmarried mothers considering becoming pregnant again whilst in receipt of welfare. US politicians supporting this approach made it clear that women should only be able to have children that they were in a position to support. By implication, sex and pregnancy outside marriage is only acceptable for those who have sufficient means of support (husband/work/independent income).

We can use Foucault's genealogical methodology alongside his concept of normalization to interrogate, first, sexuality as a discourse which is constituted, amongst other things, through social policy, and second, social policy as practice and discipline as one means by which sexuality itself is constituted. This shows that not only are discourses of sexuality 'played' through social policy as an effect of normalization but also that sexuality discourses interact with and traverse other discourses central to welfare and social policy and in so doing are mediated by those discourses.

Summary of Section 1

The following concepts are key to undertaking a Foucauldian genealogical discourse analysis.

- The idea of power as operating and circulating at every level of a society.
- Normalization as one method of deploying power.
- The notion that power/knowledge/discourse are intricately intermeshed: 'it is in discourse that power and knowledge are joined together' (Foucault, 1990: 100).
- The need to account for social context and relations so as to situate the power/knowledge realm.
- Discourses are constitutive.
- Discourses have a normalizing role and regulatory outcomes.
- The idea of discourse as uneven, contradictory and contested.
- The idea that knowledge, truth and discourse are all socially constructed and historically specific.

2 Applying genealogical discourse analysis

So far we have looked at Foucault's concepts of power/knowledge, discourse, normalization and genealogy, and how we might begin to apply these to social policy analyses. Having set genealogy up as a historical method for tracing discourses and their effects, I want to explain briefly the way I apply genealogy to the study of sexuality and social policy, and to suggest that we can use genealogy to provide a 'snapshot' of a particular moment without resorting to tracing its history, and that this will still tell us something about discourse/power/knowledge. Perhaps an example of how I apply genealogy to my work might help. I do this on two levels. The first is nearer to Foucault's original intentions for genealogy, that is, I use it to explore and trace the power/knowledge networks evident in social policy, specifically, the 'building up' of a picture of the ways that ideas and knowledges about sexuality have constituted social policy and welfare discourses and practices (and vice versa) throughout history, and ask 'with what effect?' My second approach looks at a specific sexuality issue and how it is dealt with at a particular moment. The aim is the same, however, that is, to identify how sexuality is constituted through social policy and with what effects. It's just that the concern is with looking at a specific moment – as with the 1834 New Poor Law or with constructions of teenage pregnancy in the Government's 1999 'Social Exclusion Report on Teenage Pregnancy' – rather than with tracing the history of a discourse. The usefulness of this second approach is two-fold. First, although it is a 'stand-alone' project, it can contribute to understandings of power and/or

knowledge at any given moment. Second, it can also be used to contribute a genealogy of sexuality and social policy, that is, to the 'building up' of the different ways sexuality is constituted through social policy over time.

Guide to doing Foucauldian genealogical discourse analysis

- 1 *Select your topic* – Identify possible sources of data. If you were undertaking a social policy analysis then sources might include policy documents, discussion papers, parliamentary papers, speeches, cartoons, photographs, parliamentary debates, newspapers, other media sources, political tracts, and pamphlets from local and national government, quangos, and political parties. You might also wish to include an analysis of counter-discourses and resistances; here you might use material from campaigning and lobbying groups, activists and welfare rights organizations, etc.
- 2 *Know your data* – read and re-read. Familiarity aids analysis and interpretation.
- 3 *Identify themes*, categories and objects of the discourse.
- 4 Look for evidence of an *inter-relationship* between discourses.
- 5 Identify the discursive strategies and techniques that are employed.
- 6 Look for *absences* and *silences*.
- 7 Look for *resistances* and *counter-discourses*.
- 8 Identify the *effects* of the discourse.
- 9 *Context 1* – outline the background to the issue.
- 10 *Context 2* – contextualize the material in the power/knowledge networks of the period.
- 11 Be aware of the *limitations* of the research, your data and sources.

Select your topic

There is no one starting point for doing genealogical discourse analysis. It will depend upon your chosen topic or particular interest. When I first began doing my historical analysis I had no definite idea of the specific topics or policies that I would research except that these had to fit within what I saw as sexuality (very loosely defined) and social policy (widely defined).

I began the project with a visit to my local university and city libraries where I spent the next weeks, possibly even months, reading through

copies of parliamentary papers, reports and legal statutes on a range of issues including nineteenth century reports from factory inspectors, and reports on pauper lunatics and asylums. Next I read the *Reports of His Majesty's Commissioners on the Administration and Practical Operation of the Poor Laws and Assistant Commissioners' Reports 1834 with Appendices, Parts I, II, & III Reports from the Assistant Commissioners (1834 (44) vol. xxvii-xxxviii)*. The version of the documents used was the 1971 *British Parliamentary Papers Series* (vols. 8-18) published by the Irish University Press. I could just as easily have selected a report on crime or civil disturbance or transport. In a way it didn't matter because I was interested in any representations of sexuality in any social policy materials. The Commissioners' Reports on the Poor Law turned out to be something of a goldmine. Other documents might also have been equally rewarding but I haven't managed to get around to looking at those – yet!

The 1834 New Poor Law was chosen for a number of reasons. First, it is considered to have been significant in its impact on the form of welfare provision provided in this country for a period lasting over one hundred years. Some would argue it influenced the foundations for welfare in the UK through to the present day: 'Its organizing assumptions cast a continuing shadow over the attitudes towards social obligation and dependency ... [It] touched almost every aspect of life and labour in Victorian Britain. Employment and wages, housing and rents, migration and settlement, medicine, marriage, charity and education ...' (Englander, 1998: 1). This is particularly so not just in terms of the organization and administration of welfare, but also in terms of ideas, for example, about deserving and undeserving welfare subjects, and about eligibility for welfare services and benefits.

Know your data

The next months (I'm afraid to say years in case I put you off) were spent immersing myself in a range of secondary and original sources on the Poor Laws (Old and New) and eighteenth and nineteenth century sexuality, gender relations, working class and family life, marriage, fatherhood, illegitimacy, and other related topics. Initially, I read and re-read, and read again (whilst taking photocopies and making detailed notes as appropriate) the many volumes of the Commissioners' and Assistant Commissioners' reports. I did this primarily to get a 'sense' of what the documentation was about and secondly to establish where sexuality entered the discussion, that is, to identify the instances, occurrences and ways and means that sexuality was 'spoken of' in the reports, at which points, and to identify the objects of the discourse.

Identify themes, categories and 'objects' of the discourse

A reading of the whole of the Poor Law Commissioners' and Assistant Commissioners' Reports revealed that sexuality was 'spoken of' in a number of ways, for example:

- fears about population growth
- marriage, especially early and improvident marriages

- the need for celibacy
- the irresponsibility of the labouring classes in having large families they could not support
- the relationship between population, marriage and the provision of poor relief
- proposed segregation of the sexes, including married couples, in the workhouses
- the immorality of men and women working together in the mines and factories
- sexual immorality of the labouring classes
- bastardy
- unmarried mothers and female immorality
- women's responsibility for sexuality
- disadvantages of being a single man (lower wages/levels of poor relief, less work).

In an annex to the Main Report known as the Bastardy Clauses, the focus is confined entirely to bastardy, female immorality and unmarried mothers. It is these three areas that are the focus of this case study. Once I had decided to focus on the issue of illegitimacy, that is, on the sections known as the Bastardy Clauses, I widened my search to include the *Hansard* records of the parliamentary debates on the amendment of the Poor Laws. I also reviewed working-class newspapers such as the *Owenite Pioneer* and *The Poor Man's Guardian* to see if they concerned themselves with bastardy and unmarried motherhood. This was to get a sense of how widespread the discourse was and to what extent it was supported or contested.

Having decided to focus on the Bastardy Clauses, the ways bastardy was spoken of was analysed. The approach adopted was not a content or micro-discursive analysis (though this is not to suggest that such an approach would not reveal valuable insights about social policy), rather, my aim here was to get an overall 'feel' for the data. (You can see why repeated reading is an important part of this process.) I also began to identify various themes, categories, representations in, and objects of, the discourse. This process of interpretation and analysis becomes more finely tuned and nuanced as the analysis develops. In practical terms this means that I noted down every instance where bastardy was discussed, identifying the different contexts, the way the problem was 'framed', how it was presented and discussed, and the solutions that were recommended. For example, initially, the Commissioners indicated that their concern was with:

- the support of illegitimate children
- the relief afforded to mothers

- attempts to obtain payment from fathers.

But, as we shall see, their concerns about these three became expressed through a discourse of bastardy, which focused on unmarried mothers and their lack of sexual morality. The existing bastardy laws were presented as disadvantaging men and the illegitimate child was almost absent.

Reading the Bastardy Clauses, themes and categories began to emerge, and I next did a general sweep of the material and gathered together everything said on the following (the sections in brackets indicate the different ways each category was 'spoken of'):

- **Women** (as unmarried mothers, widows, wives, their immorality/sexuality, as seducers, as profiting from poor relief, bad mothers, men, marriage, as deceiving and lying, as deserving and undeserving, and so on)
- **Men** (as fathers, as victims, non-payment of maintenance, their sexuality/morality, as innocent, and so on)
- **Marriage** (good marriage, improvident and early marriage, as a premium, bundling, prenuptial pregnancy, etc.)
- **Bastardy**
- The **illegitimate child**
- **Population** (poor relief and bastardy as responsible for an increase in population)
- **Class** (and morality, attitudes and values about the labouring classes, unmarried mothers, illegitimacy, etc.)
- **Morality** (different contexts including sexual, financial, perjury/honesty, etc.)
- **Sexuality** (female immorality, illegitimacy, marriage, population, prostitution, bundling, etc.)
- **Poor Relief** (as responsible for bastardy, women's immorality and men's oppression, improvident marriages, women profiting from unmarried motherhood).

And so the list goes on. The formation of categories etc. developed mainly from a reading of the bastardy sections. However, these were later refined and added to in the process of context building and analysis. In an attempt to understand and map the power/knowledge networks existing and operating in the eighteenth and nineteenth centuries, I read:

- general texts on eighteenth and nineteenth century social, political, and economic history – this helped to identify specific areas to be focused on and specialist texts to be read
- texts on the Old and New Poor Laws covering the period 1500–1930s

- texts on eighteenth and nineteenth century sexuality and sexual morality, illegitimacy, family, fatherhood, medico-moral politics, gender and class relations and political activism, civil protests, etc.)
- original nineteenth century pamphlets, newspapers, and parliamentary documents.

Absences and silences

I also looked for absences and silences, that is, what is not present or not spoken of that you might expect to be. For example, the concern of the Commissioners was with increased levels of illegitimacy, yet the bastard child was rarely mentioned, nor occurrences of illegitimacy amongst the middle or upper classes: female sexuality was discussed but male sexuality was not.

Inter-relationship between discourses

There was also a process of cross-referencing. Often categories/themes were interrelated. For example, what ideas about poverty, gender, class and marriage, family, rights and responsibilities informed the bastardy discourse? Another important thing for this research was to continually be looking at the data through the lens of sexuality. What ideas about sexuality informed the construction of the problem of illegitimacy in the report? What ideas about sexuality informed the constructions of men and women in the reports and with what effects? What was the role of sexuality in determining eligibility for poor relief? For example, one key influence in the Poor Law reports was Thomas Malthus' ideas about population.

Context

It is also important to know the context for the issue, topic or document that you are researching. So my concern was to establish the background to the policy or issue, and to ask, 'What are the key influences'? This was partly developed through a reading of relevant recent and historical text and analyses as outlined above in the sections on 'Know your data' and 'Identifying themes and categories'.

A final point

It is difficult to identify the different stages step by step as though following a recipe because, in practice, some processes occur simultaneously and at other times different bits of information get added to the picture later on. So analysis is often a dynamic process of interpretation and reinterpretation.

3 The 1834 New Poor Law and the discourse of bastardy

The bastardy sections of the Reports and the subsequent 1834 New Poor Law Amendment Act are particularly significant for what they say about sexuality (especially women's sexuality) and marriage, and for what they

can tell us about the relationship between sexuality, poor relief and social policy. In these sections women are dealt with in a qualitatively different way to men. Unmarried mothers, not fathers, are constituted as sexualized subjects and a normative construction of them as morally corrupt welfare recipients is established. In contrast, men are portrayed as victims, aggrieved and oppressed by women and, significantly, with their morality intact.

To illustrate this, and by way of providing a context to the issue of illegitimacy in the 1830s, I will first look at the reasons for the establishment of the Royal Commission on the Poor Laws and 1834 Act. Then I will outline the evolution of the discourse of bastardy and of attitudes towards unmarried mothers in the decades leading up to the 1834 New Poor Law. Third, I will illustrate the ways in which a discourse of bastardy was constituted which took women as its central focus. Fourth, I will argue that the discourse played a normalizing role in reasserting female virtue through constituting unmarried mothers as undeserving welfare subjects. The final section explores what this analysis tells us about discourses of poverty.

3.1 Context

The Old Poor Law

The Commissioners were appointed to look into the operation and administration of the Poor Laws which had been in existence since 1601 (herein referred to as the Old Poor Law). The system provided support for the destitute, sick, orphaned, disabled, unemployed, mentally ill and the aged, etc., paid from local rates. Dissatisfaction with the existing system centred upon a belief that it was too generous, too expensive and corrupt. The old system was criticized for encouraging men and women to believe that poor relief was theirs 'as a right' and for discouraging individuals from making provisions for their future needs. Those critics, influenced by the work of Thomas Malthus, argued that poor relief combined with the allowance system encouraged the poor to marry early and to have large families which they could not, or would not, support. Such criticisms, combined with fears about rapid population growth (especially amongst the labouring classes), industrialization, increased social mobility, the increasing cost of poor relief, the increasing numbers of poor claiming relief, along with a fear of social unrest, led to the establishment of the Royal Commission on the Poor Laws (1832–34).

Membership of the Royal Commission comprised a group of influential politicians, economists and clerics. According to Dunkley (1982: 179) the New Poor Law took 'its shape from the efforts and views of a relatively small group of individuals at the centre of power and events'.

1834 New Poor Law

The 1834 New Poor Law was fundamentally about reducing the costs of poor relief, the desire being to replace it with a more economical, more efficient and less generous system of relief. These objectives were to be achieved through centralization, the principle of reduced eligibility, a

system of deterrence – the workhouse – and the restoration and reaffirmation of the work ethic. The main part of the Poor Law Commissioners' Report, which resulted in the 1834 New Poor Law, was entirely directed at the management, for relief purposes, of the adult able-bodied male labourer and with the family that was dependent on him. Women in their own right in terms of their poverty, failed to get anything but a passing mention either in the Reports or in the subsequent Act. However, where women came into their own and became the focus of the Commissioners' attention was as mothers of illegitimate children in the Bastardy Clauses.

Bastardy

The purpose here is to set the scene for what was happening prior to the appearance of the discourse of bastardy in the New Poor Law. In the 1830s, under the Old Poor Law, bastardy itself was not illegal but having an illegitimate child that was chargeable to the parish was. Bastardy was therefore seen as an offence against the Poor Laws (Marshall, 1926: 207). Under pre-1834 New Poor Law legislation, both unmarried mothers and putative fathers were legally financially responsible for their illegitimate children. This is not to suggest that both men and women were treated the same under the law. They were not. Indeed, the duties and circumstances under which they could be punished were different. If a woman was unable to provide support for an illegitimate child and requested poor relief, she could be imprisoned for a period of no less than six weeks and up to 12 months in a house of correction. Women were imprisoned for the crime of having being a lewd woman rather than for bad debt. For women, having an illegitimate child, when it was seen as a crime, was a sexual crime. Where the mother was unable to support the child and sought parish relief, men were held to be financially responsible for any offspring. Those unable or refusing to pay or marry could be imprisoned for up to three months. Men who were unable or unwilling to provide maintenance were imprisoned for bad debt.

In practice, men rarely paid maintenance and usually only as little as between a fifth and a third of maintenance was ever repaid. Some men were able to exert sufficient influence with the overseers and churchwardens to be able to avoid payment altogether (Marshall, 1926: 219). Women were seldom imprisoned because magistrates were reluctant to do so, thus supporting the Commissioners' view that single women were insufficiently punished for becoming pregnant.

In the decades prior to the Bastardy Clauses illegitimacy was generally tolerated and many people sympathized with the plight of unmarried mothers: 'Formally, a female having a bastard became an outcast of society; now such a circumstance adds little or no taint to her character.' (Mr Chapple, Devon, in Mr Villiers' Report, Appendix A in *British Parliamentary Papers, Poor Law*, vol.9, 1971: 9)

During this period, premarital pregnancy was common amongst the working-classes. Under the Old Poor Law an informal but strict moral code concerning premarital pregnancy and illegitimacy existed which was variously enforced and involved forms of public shaming (Weeks, 1981: a

22). What mattered more to communities was the potential economic burden of illegitimate children rather than any immorality associated with premarital sex (see Gill, 1977: 204–10; MacFarlane, 1980; Weeks, 1981: 22). However, as a result of industrialization, urbanization, housing shortages, and labour market and economic insecurities, marriage did not always follow pregnancy.

The Commissioners were unhappy that illegitimacy was rising, leading to increased demands for parochial relief, and, further, that the existing bastardy legislation was ineffectual in either stopping illegitimacy or in ensuring that parents supported their illegitimate offspring. Worse still, they believed the bastardy laws and poor relief provision were significant in encouraging women to have illegitimate children. In focusing on bastardy, the Commissioners stated they were principally concerned with three aspects:

- the support of illegitimate children
- relief awarded to the mother by the parish
- attempts to obtain repayment for maintenance from fathers.

3.2 The discourse of bastardy

At the core of the Commissioners' concerns with illegitimacy was a triad – the single pregnant woman/unmarried mother, the father and the bastard child. Yet, significantly, of these three, the bastard child is absent in the discourse and the father is absolved of any moral, sexual or financial liability or responsibility for his actions. It is the woman who is its central concern, a concern articulated through the conduit of female sexuality as a set of anxieties about, first, female morality, particularly women's sexual immorality, and second, women's power over men. The following section illustrates how the discourse of bastardy constituted unmarried mothers in this way.

Discursive strategy

A **discursive strategy** refers to the ways that a discourse is deployed. It is the means by which a discourse is given meaning and force, and through which its object is defined. It is a device through which knowledge about the object is developed and the subject constituted. So, in this example, it is a device through which unmarried motherhood is put into discourse.

Three discursive strategies can be detected operating through the discourse of bastardy.

The first discursive strategy, is the construction of women as immoral subjects through a process of negative depiction and through the representation of men as victims of women's immorality. The second strategy is achieved through the absence of male responsibility. The final

discursive strategy is the attempt to distinguish unmarried mothers from other recipients of poor relief through notions of who is 'deserving' and who is 'undeserving'. These three interdependent discursive strategies, separated here for the purposes of clarity, are considered below.

3.3 Discursive strategy 1 – Constituting the immoral subject

Negative representations of unmarried mothers

The aim of this section is to demonstrate the role of discourse in constituting unmarried mothers as immoral subjects. Let's begin first with looking at how the Commissioners 'speak' of unmarried mothers.

Activity 3

Read through Extracts 4–7 below, which provide some examples of how the Commissioners refer to unmarried mothers. Consider how unmarried mothers are 'spoken of' or are constituted in the extracts.

It might help to consider:

- whether unmarried mothers are presented in a positive, neutral or negative way
- who is identified as being responsible for unmarried motherhood/pre-nuptial pregnancy
- how premarital sex and pre-nuptial pregnancy is presented
- the language used to refer to unmarried mothers
- the tone of the Commissioners' comments.

Extract 4

... the female in the very many cases becomes the corruptor

(*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 94)

Extract 5

... continued illicit intercourse has, in almost all cases, originated with the females

(Mr Richardson, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 96)

Extract 6

... the women, ... feel no disgrace, either in their own eyes, or in the eyes of others, at becoming mothers of bastards, have still less reluctance in allowing the claims of a husband to anticipate the marriage ceremony, in fact they are almost always with child when they come to the church

(Mr Richardson, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 96)

Extract 7

I met with a striking instance, which proves that the female in these cases is generally the party most to blame; and that any remedy, to be effectual, must act chiefly with reference to her

(Mr Walcott's evidence, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 97)

Discussion

Discursively the language and tone adopted by the Commissioners towards unmarried mothers is judgmental, moralistic and often damning. Unmarried mothers of illegitimate children are characterized, as the extracts illustrate, as deceiving, lying, promiscuous, and immoral – for example “the female in the very many cases becomes the corruptor” (Extract 4). And “continued illicit intercourse has, in almost all cases, originated with the females” (Extract 5). The women have no shame – they “feel no disgrace” (Extract 6). It is they who are blamed for illegitimacy (see Extracts 4 and 6). Indeed, throughout the sections of the Report dealing with bastardy, unmarried mothers of illegitimate children are presented and treated in a negative manner.

We begin to see a particular representation of unmarried mothers developing in the bastardy sections. These are all examples of the different ways the Commissioners ‘speak’ of unmarried motherhood. These come together – cohere – to constitute unmarried motherhood as immoral. The Commissioners strengthen their claims – their ‘truth’ of unmarried motherhood – about women as immoral and deceiving by including apposite accounts. An extract from the reports of the Assistant Commissioners is given below.

Extract 8

A woman of Swaffham was reproached by the magistrate, Mr Young, with the burdens she had brought upon the parish, upon the occasion of her appearing before him to present the parish with her seventh bastard. She replied, ‘I am not going to be disappointed in my company of men to save the parish’ ... The premium upon want of chastity (sic), perjury and extortion, is here very obvious;

(Mr Cowell, ‘Report on Norfolk’, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 95)

In this extract the Commissioners select a more ‘extreme’ example of unmarried motherhood – first a woman who is unmarried and unable to support herself (she is a burden on the parish) and she has seven illegitimate children. Worse still, the example presents her as being unconcerned that she is a burden to the parish and as being prepared to continue to pursue her liaisons with men. Thus, “I am not going to be disappointed in my company of men to save the parish”. Reading the

extract again we also note the absence of the father or fathers of the seven illegitimate children and the lack of reference to his/their failure to support the children or to a lack of chastity on his/their part.

The construction of unmarried mothers as immoral subjects was further supported through claims to ‘mischievous and immoral consequences’ as the extract below shows.

Extract 9

[t]he charge of bastardies is accompanied by a very large share of mischievous and immoral consequences. The disgrace, such as it is, is the only punishment which awaits the mother

(Mr Power's evidence, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 96)

Unmarried mothers are also presented as bad mothers selfishly concerned with securing their own financial gain and as women who ‘don’t in reality keep the children; they let them run wild, and enjoy themselves with the money’ (Mr Wilson, Sunderland, Appendix A in *British Parliamentary Papers, Poor Law*, vol.9, 1971: 136). When not being presented as bad mothers, unmarried mothers are portrayed as voluntarily, even deliberately, choosing to get pregnant, seeking to profit for personal gain either financially or to obtain a husband, as shown in the extracts below.

Extract 10

An unmarried mother has voluntarily put herself into the situation of a widow: she has voluntarily become a mother, without procuring for herself and her child the assistance of a husband and a father.

(*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 196)

Extract 11

At present a bastard child, instead of being an incumbrance (sic), is a source of profit to the mother

(*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 196)

All these different discourses, which present unmarried mothers as promiscuous, lying, selfish, greedy, irresponsible, as bad mothers and as deliberately getting pregnant, come together to present a negative picture of unmarried motherhood which confirms their immorality.

Women as predatory, men as victims

This process of characterization of women as immoral subjects is further developed through constructions of women as predators and men as victims, as can be seen in the extract overleaf.

Extract 12

The consequence is, that a woman of dissolute character may pitch upon any unfortunate young man whom she has inveigled into her net, and swear that child to him: and the effect of the law, as it now stands, will be to oblige the man to marry her.

(Mr Walcott's evidence cited in *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 98)

The articulation of the Commissioners' anxieties about bastardy through a focus on women can be seen in the way that men were generally presented in the Bastardy Clauses as being at the mercy of women, susceptible to women's dishonesty and immorality. Wider research into the other nineteenth century materials about and dealing with the 1834 New Poor Law, such as the *Hansard* record of parliamentary debates, can be a useful means of cross-checking the accuracy of your interpretations of both the language and meaning of discourses. So for example, we find that a similar observation was also made by the Bishop of Exeter, Henry Philpotts, in a speech on the Poor Law to the House of Lords in 1834. He pointed out how, in the Reports, emotive language was used: 'in which the fathers of bastard children were uniformly spoken of as "unfortunate persons" while whenever the mother was mentioned allusion was made to "vice". The language of the report was "The female is most to blame"' (*Hansard* (Lords) 28 July 1834).

Activity 4

The aim of this activity is to identify how men and women are 'spoken of – constituted – in Extract 13, 'Exeter Lad'. The text in the extract is part of a lengthy commentary on bastardy provided by the Commissioners in the Main Report in which a case is being made for the repeal of the existing bastardy laws.

Read carefully through the text – you may have to do this several times so as to get a 'sense of it'.

It might help you to:

- first identify the main arguments being made
- consider the main arguments being made in the text specifically about the bastardy issue
- look at how women are referred to in the text
- look at how men are referred to in the text
- consider the ways in which the Commissioners differentiate between men and women in their discussion of the problem of illegitimacy

- look at the tone and language used by the Commissioners in the text and the imagery they invoke
- consider the way that the bastardy issue is presented
- consider what case is made for the repeal of the existing bastardy laws.

Extract 13 'Exeter Lad'

If there were no other objection to these laws, than that they place at the mercy of any abandoned woman, every man who is not rich enough to give security or to give sureties, that they expose him to be dragged without previous summons, on a charge made in his absence, before a tribunal which has no power to examine into the merits of the case; if these were their only faults, we should still feel it our duty to urge their immediate abolition. What can be conceived more revolting than a law which not only authorizes but compels the oppression thus detailed by Captain Chapman.

'At Exeter, an apprentice under 18 years of age was recently committed to the house of correction for the want of security. It was admitted that there was no chance of his absconding, but the overseers said he had been brought for punishment. The woman stated that she was only three months gone with child; and thus the boy is taken from his work, is confined five or six months among persons of all classes, and probably ruined forever, on the oath of a person whom he has not confronted, with whom he denied having had any intercourse.'

The overseers, it seems, said, "that he had been brought for punishment." For what was he punished? for (sic) having committed the act with which he is charged? That act was an offence not punished by the English law. Whether punishable or not, he denied having committed it; and the tribunal which sentenced him, though competent to punish, was not competent to hear his defence; he was punished simply for his youth, poverty and friendlessness, for not being able to give security or find sureties, and his punishment was five or six months imprisonment, a punishment severe even to hardened criminals, but absolutely ruinous to a boy of eighteen.

But these are not the only, they are not even the principal, objections to the enactment of which we have stated the substance. The mode in which they oppress the innocent, revolting as it is, is far less mischievous to society than that by which they punish the guilty. Without recurring to the proceedings that may take place during the mother's pregnancy, we will consider those which follow the birth of the illegitimate child. The mother, as a matter of course, requires the parish to support her child. The overseers apply to the magistrates, who make an order that the woman, and the man whom she swears to be the father, shall each pay to the parish a weekly sum for the child's support. The sum charged on the woman is scarcely ever

enacted as she is supposed to earn it by nursing the child. If the man on demand refuses to pay the sum charged on him, he may be imprisoned for three months, and so from time to time while the order remains in force. What ever is received from the man is paid over by the parish to the woman, and in almost every case the parish pays to the woman the sum, whatever it may be, that has been *charged* [original emphasis] on the man ... To the woman, therefore, a single illegitimate child is seldom any expense, and two or three a source of positive profit. To the man indeed it is a burthen, unless as is frequently, perhaps we might say most frequently, the case, he avoids it by flying to some part of the country where he is unknown, or so distant from the scene of his delinquency as to make the expense of endeavouring to enforce payment a sufficient motive to leave him unmolested.

(*British Parliamentary Papers, Poor Law*, vol.8,
Main Report, 1971: 93)

Discussion

You may have identified some of the following.

- 'Exeter Lad' is 'spoken of' in terms of his innocence, friendlessness, youth and poverty, as honest, as being harshly and unfairly punished, as corrupted by prison; illegitimacy is presented as a burden to men.
- It is implied that the mother is lying, guilty, profits from illegitimacy and is of bad character.
- The bastardy laws are criticized because they punish the innocent (men) and reward the guilty (women). They give women power over men. The laws place men at the mercy of women. The laws result in the parish having to support the child.

In the narrative above, the young man is positioned as both innocent (of any offence) and as victim (of the law and of the woman swearing him to be the father). The Commissioners frame the 'Exeter Lad' account so as to invoke our sympathy by describing him as young, friendless and poor. Similarly, prison is presented as "a punishment severe even to hardened criminals, but absolutely ruinous to a boy of eighteen". Also, he is the one imbued with the capacity of moral integrity; he is believed when he claims he did not have 'intercourse' with the woman (the implication of this is that the woman is therefore lying) and it is also he who risks his morality/innocence being compromised, even corrupted, through imprisonment. As a consequence he is presented as the one who is 'duped', presumably made easier by his youth, rather than as the seducer. This is not to suggest that we should be unsympathetic to the imprisonment of a young man, particularly for six months, prior even to the birth of the child for lack of financial security. Indeed, one might also wish to agree with the Commissioners that it was foolhardy to take him away from his work – his one possible means of finance. However, when looked at within the

overall context of the treatment of women in the Report, it is evident that the Commissioners applied different criteria to men from those they applied to women.

The Commissioners use this section of the Report and the 'Exeter Lad' example as a basis for a lengthy commentary on the operation of the Bastardy Laws. In the text they develop their case for the abolition of these laws which allow an unmarried pregnant woman to swear a man to be the father of her child. Once sworn, the magistrates would place an order of maintenance upon the putative father in respect of the child. Let us look at the case they develop. First they argue that: "If there were no other objection to these laws, than that they place at the mercy of any abandoned woman, every man who is not rich enough to give security or to give sureties, that they expose him to be dragged without previous summons, on a charge made in his absence, before a tribunal which has no power to examine into the merits of the case".

In this short extract is expressed a concern about a woman's power over a man to swear him to be the father of her child. They criticize the legislation for placing men, especially poorer men, at the 'mercy' of women. The Commissioners then go on to present the unfairness of the law to men who are "dragged ... before a tribunal which has no power to examine into the merits of the case" – the latter referring to the absence of a legal right to question the woman's claims. And they continue: "but these are not the only, they are not even the principal, objections to the enactment" – having two or more illegitimate children is a "source of positive profit" for a woman.

Whilst some women may have resorted to the strategy of swearing an 'innocent' man as the father, it is significant that men – those who usually instigated such false swearing – were not blamed. Indeed, 'it is a matter of general notoriety that the persons receive money from those with whom they may have had intercourse to induce them not to affiliate upon them, but to swear some poor man who is frequently paid, and from whom nothing can be recovered' (Captain Chapman quoted in *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 94). When a 'respectable' man regrets that he did not encourage his partner to falsely swear another man this is neither commented upon nor is it condemned by the Commissioners.

However, it is unlikely that all women behaved in this way. Henriques (1967: 126) suggests such false accusations 'were probably associated with the more sophisticated village or town prostitute' rather than the majority of unmarried mothers. In close-knit communities, people would usually know who was the father. Indeed, many overseers opposed to the New Poor Law argued that their local knowledge 'enabled them to know the deserving from the undeserving poor', and that on this basis they should be allowed to exercise their discretion in determining poor relief (Rose, 1970: 84). Additionally, in evidence provided to the 1844 Commission of Inquiry for South Wales, that was established to investigate the Welsh Rebecca Riots against the 1834 New Poor Law, claims that women falsely accused men to be fathers were

firmly denied – ‘it is not so here; not one woman in ten thousand will take a false oath’ (Evidence of Rev. Henry Davies and others, *Narbeth: Minutes of Evidence, 1844: 203*). Again we see here how the use of other material helps to construct a picture of the particular way that unmarried mothers were constituted at this time, as well as beginning to reveal the power/knowledge processes involved in this. Reference to the reports on the Rebecca Riots shows to what extent the discourse was contested and the way it operated to silence other accounts of unmarried motherhood.

Returning to the ‘Exeter Lad’ extract, as we have already seen, prison is presented as damaging to men. However, if we look to other parts of the Report we can see that for women imprisonment is presented as an ‘easy number’. For example, ‘[a] very sensible overseer in Norfolk expressed to me a strong opinion of the absolute uselessness of punishing mothers by sending them to gaol, where they are well-fed and moderately wrought’ (Henry Stuart, Norfolk & Suffolk, *British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 629*). Also, ‘[i]f a woman gets into trouble she is probably taken into the workhouse, where she is better lodged and fed than at any period in her former life, and maintained perhaps for a year in perfect idleness; it is not wonderful then that she comes back under the same circumstances’ (Mr Majendie quoted in *British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 94*, emphasis in original). The ‘Exeter Lad’ example is not an isolated case and further references are made in the Reports to the ‘victimisation’ of men who are referred to as ‘unfortunate persons’ and ‘innocent’ victims (*British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 198*).

What the above examples show is the different devices used to constitute unmarried mothers as immoral subjects solely responsible for illegitimacy. This is achieved by presenting them as promiscuous, lying, shameless and greedy, etc., and through presenting men as innocent victims of female sexuality.

3.4 Discursive strategy 2 – The absence of male responsibility

At the beginning of this chapter I said that absences and silences can be as important as what is said. In this section we shall see how the representation of women as immoral is strengthened through the absence of a morality discourse in discussions of men in the reports. If we examine the way that men are represented in the Reports, what do we find? We find that men are treated differently from women. It is only women who were subject to a morality discourse in the bastardy sections and the tone and language dealing with men appears relatively neutral and descriptive by comparison.

Activity 5

Read through the extracts below which deal with provision of poor relief following the non-payment of maintenance. The aim of this activity is to:

- establish how men and women are constituted within the texts
- compare the different ways each is dealt with
- identify the relationship between poor relief and illegitimacy
- consider the effects of the way each is constituted
- identify any absences.

Extract 14

In some districts ... the custom prevails of overseers paying over to the mother of a bastard the sum directed by the order of maintenance whether it be recovered from the father or not, and this comes under the denomination of ‘Pay’ in pauper language. The sum allowed to the mother of a bastard is generally greater than that given to the mother of a legitimate child; indeed the whole treatment of the former is a direct encouragement to vice.

(Mr Majendie, *British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 94*)

Extract 15

The allowance made to the mother for the support of her child, *and secured to her by the parish in the case of the putative father failing to pay the amount awarded*, is an encouragement to the offence; it places such women in a better situation than many married women.

(Captain Pringle quoted in *British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 95*, emphasis in original)

Extract 16

The certainty of women obtaining care and provision for themselves during pregnancy and birth of children born in bastardy, as well as parish allowance for the maintenance of their children so born, tends to remove those checks to irregular intercourse which might otherwise operate were they in such cases left more dependent upon the honour of the men to support them in such difficulties. No restraint is now imposed by necessity of circumstances to influence women to observe caution or forbearance, or even decent scruples in their choice.

(Colonel A’Court, JP, Castleman’s, near Maidenhead, June 1832 cited in *British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 93*).

Discussion

You might have identified the following:

- men and women were treated differently
- men are rarely criticized for non-payment of maintenance
- bastardy is a burden to men and a benefit to women
- poor relief paid in lieu of men's non-payment of maintenance is seen as encouraging women to be immoral
- an absence of either a sexuality or morality discourse in relation to men
- the idea that women are somehow responsible for illegitimacy and should be punished is strengthened and that this should be reflected in social policy and practice.

We can see in the extracts from the bastardy sections above that there is little moral condemnation of men's behaviour: men are rarely, if at all, criticized for non-payment of maintenance. When the men don't, can't or won't pay and the parish must, it is the women who carry the blame. In the extracts above, any criticism or condemnation of the men for non-payment of maintenance for their child is absent. In Extract 16 there is passing reference to men's honour, as in "tends to remove those checks to irregular intercourse which might otherwise operate were they in such cases left more dependent upon the honour of the men to support them in such difficulties". The implication here being that men are unlikely to support a woman whose child they have fathered outside marriage. The way that this is phrased suggests a certain 'taken for granted' acceptance of men's behaviour. Again, there is no criticism or comment about men's behaviour. Instead, the focus of the extract is upon the relationship between the payment of relief and its effect on women's morality. The payment of relief is presented as encouraging women to have intercourse before marriage. For example, neither the speaker nor the Commissioners criticize the possible role of poor relief in encouraging men to have sex outside marriage and in encouraging them to ignore their financial and legal obligations to maintain their illegitimate offspring. In the extracts, the mothers are not only presented as benefiting but also as being better off than a married mother with a legitimate child: "The sum allowed to the mother of a bastard is generally greater than that given to the mother of a legitimate child" (Extract 14) and "is an encouragement to the offence; it places such women in a better situation than many married women" (Extract 15).

The idea that men ought not be held responsible for their illegitimate offspring is strengthened through the presentation of bastardy as a burden to men. Thus, 'To the men indeed it is a burden (Main Report, 1834: 93) and [a] further evil lay in bastardy ... the result was often *grievously unfair* to men so accused, but they had no recourse' (Checkland and Checkland, 1974: 36, see also 261, emphasis added).

ignored in the Reports. In Extract 6 (p.289), it is the woman, not the husband/man, who is the responsible party, it is the woman who is criticized for feeling 'no disgrace' and she who is responsible for sex and pregnancy before marriage, not the husband. One exception is in the report from Stephen Walcott in North Wales who comments in a section devoted to bastardy, '[t]he man is never punished for the offence against morality' (*British Parliamentary Papers, Poor Law*, vol.9, Appendix A, 1971: 179). However, this is not referred to in the Main Report.

In the following extract from Mr Simeon, which was quoted by the Commissioners, there is a sense of men having an active sexuality but this is elided rather than explicit.

I feel convinced that three-fourths of the women that now have bastard children would not be seduced, if it were not for the certainty that the law would oblige the men to marry

(*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 98)

The Commissioners go on to point out that '[t]he guidance of nature has been neglected, the task of resistance has been thrown upon the man instead of the woman' (*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 98), articulating women's responsibility for male sexuality and sexual restraint. Similarly, there was no recognition that some men may have seduced and even raped the women swearing them to be the fathers of their child, despite the existence during this time of ideas about men sexually exploiting women. Indeed, according to Mr Villiers (*British Parliamentary Papers, Poor Law*, vol.9, 1971: 10): 'cases of seduction of which mention is made are less founded on fact than it is usual to suppose'.

One effect of this process of presenting men and women differently is the apportionment of blame. The Commissioners displayed a reluctance to accept that two parties, the man and the woman, were involved in producing an illegitimate child. Instead, the woman was repeatedly represented as the guilty party. Consequently:

the female in these cases is generally the party to blame; and that any remedy, to be effectual, must act chiefly with reference to her.

(Mr Walcott, Wales, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 97)

We shall never be able to check the birth of bastard children by throwing the onus upon the man ... the getting of bastard children will never be checked ... I would throw the *onus* entirely upon the woman

(Mr Simeon, House of Lords Committee on the Poor Laws 1831: 361–2, cited in *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 97 and 98; emphasis in original)

3.5 Discursive strategy 3 – Deserving and undeserving recipients of relief

A third discursive strategy adopted by the Commissioners in the bastardy sections was to distinguish between deserving and undeserving recipients of relief. This can be understood as part of a process of normalization, in which individuals are contrasted, compared and differentiated according to a desired norm. What is happening here is that unmarried mothers are being constituted as falling outside the norm of married motherhood. An example of this can be seen in the way unmarried mothers are characterized as undeserving, taking relief from those with an unquestioned and earned right to it, such as the elderly and widows. As this comment shows, unmarried mothers were 'defrauding of the relief of the impotent and aged *true poor of the same parish*' (*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971, vol.8: 92, emphasis in original). Another example of this can be seen in the way that unmarried mothers were presented as living in the lap of luxury in comparison to their neighbours, but particularly, in relation to widows who were husbandless and therefore dependent on poor relief through no fault of their own.

Extract 17

... so the sum the woman receives with the whole of her children, and what the mother can earn, enables them to live as comfortably, or indeed more so, than most families in the neighbourhood

(*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 95)

Widows were seen as possessing an unquestionable right to relief simply by virtue of having been married unlike unmarried mothers who did not – this was 'one of the many premiums on marriage' (*British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 196). The Report went on:

Extract 18

[an] unmarried mother has voluntarily put herself into the situation of a widow: she has voluntarily become a mother, without procuring for herself and her child the assistance of a husband and father

(Eighteenth Recommendation, Remedial Measures, *British Parliamentary Papers, Poor Law*, vol.8, Main Report, 1971: 196)

The tenor of the language of the Report does not suggest that the Commissioners were seeking equity, as perhaps this comment might suggest. 'There can be no reason for giving to vice privileges which we deny to misfortune' (Eighteenth Recommendation, Remedial Measures,

British Parliamentary Papers, Poor Law, vol.8, Main Report, 1971: 196). The Commissioners wanted to see unmarried mothers being punished and such women's right to poor relief withdrawn.

The device of comparing unmarried mothers with others and singling them out as undeserving of relief on the basis of a) not having a husband and b) immoral behaviour and deception, was employed to stigmatize them as a group and to punish them by marking them out as less deserving, and therefore as not eligible for relief. Their eligibility for relief was thereby determined on the basis of their sexual behaviour. Consequently, through this discursive process, their right to relief was withdrawn and their sexual behaviour became the means by which they could be denied poor relief. In practice, post-1834, this meant that unmarried mothers were given poor relief but only through the workhouse where they were subjected to punitive practices and hard physical labour.

The Commissioners' employment of the deserving/undeserving device was not new. Indeed, the device was central to the principles informing the main part of the Report and subsequent Act. What was novel, however, was the way it functioned in relation to women. Women were deemed undeserving on the basis of their sexuality whereas men, if able-bodied, were considered undeserving on the basis of being idle or unwilling to work.

4 Acceptable sexualities, family and middle-class values

It is one thing to identify a discourse and its objects and to begin to identify its effects. But to fully appreciate its impact and the extent to which it draws upon existing power/knowledge networks and/or creates new ones, we need to embed it within the social, political, cultural and economic context of the time. We need also to consider what force the discourse had. How potent was it? Was it **resisted**? To what extent was it put into practice? We can only begin to answer these questions through undertaking the kind of context analysis I refer to in the 'Guide to doing Foucauldian genealogical discourse analysis' in Section 2 (p.281). We can understand this part of the research as part of the analysis process. So what does a wider reading reveal? To find out we return to two concepts, normalization and power/knowledge, first covered in Sections 1.2 and 1.4.

4.1 Normalization

As I have suggested above, the discourse of bastardy was not simply about illegitimacy, nor was it just a discourse of poverty or even simply a negative discourse about women. It can also be understood as part of a process whereby what we know as sexuality, or at least, acceptable and appropriate sexuality, was discursively produced; it was part of a process of normalization and constitution in relation to sexuality.

Through the identification of pregnant single women and unmarried mothers with illegitimate children as undeserving, predatory and immoral, a 'norm' of what was seen as appropriate and acceptable moral and sexual

behaviour was being established and a process of 'othering' introduced. In the Reports and the subsequent Poor Law Act, appropriate and acceptable sexuality was presented as either sexual relations within an economically viable marriage (although not discussed in the examples above) or celibacy until an economically viable marriage was possible. This became the 'norm' by which all women would be measured and judged to be moral or immoral, to be deserving (or not) of poor relief. Acceptable moral behaviour was rewarded through eligibility to relief as a *right*, unacceptable moral/sexual behaviour was to be punished, and eligibility to relief as a right denied. In this way, single pregnant women and unmarried mothers were measured against widows and the 'true poor' of the parish. The effect of the discourse went beyond those women claiming relief, impacting on all women with illegitimate offspring. The influence of this discourse can also be seen in later responses to unmarried motherhood right through to the early 1990s. Indeed, Carol Smart (1992: 23) identifies the nineteenth century as a highpoint in a continuum in the historic condemnation of unmarried mothers. The discourse of bastardy can, therefore, be read as part of a strategy for producing historically-specific acceptable and appropriate heterosexualities – i.e. appropriate and acceptable sexual behaviour and relations, and, as such, can be seen as an attempt to regulate sexuality.

4.2 Power/knowledge

Further, the discourse of bastardy reveals concerns about wider issues of power and sexuality in society. By the 1830s, the middle class ideal of the family had become firmly embedded in dominant English culture as the only proper and correct way to live (Hall, 1992: 91). The evangelicalism of the period demanded a new national moralism, aimed initially at the aristocracy, but after the French Revolution this was extended to 'putting the houses of the poor in order' (Hall, 1992: 79; Weeks, 1981: Chapter 2). Central to achieving this new morality was the home, marriage and the family, and women had an important role to play as 'moral regenerators of the nation' (Hall, 1992: 85). Hall identifies this as a part of an ideology of domesticity (see also Weeks, 1981) through which ideas about appropriate morality, social and sexual roles, marriage and family were played out. The middle-class model of the family and marriage, which the 'good' mother, wife and the widow encapsulated in the Bastardy Clauses, was used as a device to reinforce unmarried mothers' 'otherness' through emphasizing the absence of marriage. Consequently, unmarried mothers were compared to and judged against their married counterparts and were found to be 'living in the lap of luxury' and were criticized for benefiting from the parish in the same ways as widows who had 'earned' their right to poor relief through marriage. In this way, marriage, or rather its absence, is used to stigmatize unmarried mothers. Their 'lack' of a husband, together with their immoral sexual behaviour – as evidenced in the illegitimate child – was constituted as the means by which they could be denied poor relief, except through the workhouse.

Linked to this, Mitchell Dean has argued that the poverty discourse of 1834 constituted men as breadwinners where the 'able-bodied *man* [w]as economically responsible for themselves, their wives and children by depriving this group of assistance outside the deterrent institution of the workhouse' (Dean, 1991: 96, emphasis in the original). In this way, women's access to poor relief is possible only through their dependency on men through marriage, thereby reinforcing the middle class institution of marriage further. As a result, rights and respectability could only be successfully gained by women through a financially secure marriage or through celibacy. The Bishop of London (one of the Commissioners) strongly opposed irregular marriage and saw it as 'calculated to desecrate the holy estate of matrimony' (*Hansard* (Lords) 28 July 1834: 597). Within and through the discourse, we see the emergence of a process which marginalized and stigmatized unmarried mothers whilst at the same time creating a discursive hierarchy – in which marriage was central – and which privileged married mothers over married women, married women over widows, widows over separated and deserted wives, and all of these over single pregnant women and unmarried mothers.

4.3 Contesting the Bastardy Clauses

If we read outside of the Bastardy Clauses we find that there was widespread hostility and opposition to the 1834 New Poor Law which was 'rejected by working people as a thoroughly heartless attack on the comfort, dignity and customary rights of the poor' (Dinwiddy, 1986: 72). According to Henriques (1967) the Bastardy Clauses were the most unpopular part of the 1834 Act. Protests focusing specifically on the provisions contained in the clauses criticized them for dealing with women unfairly, operating a dual standard of morality and for allowing men to seduce women with impunity (see Henriques, 1967: 112; 1979: 52–8; Rendall, 1985: 197; Taylor, 1983: 201–4). Indeed, the Bastardy Clauses were hotly debated in the House of Lords (see *Hansard* (Lords) 28 July 1834: 586–94,) and they were only just approved by 93 to 82 votes (see *Hansard* (Lords) 8 August 1834: 1096–7).

Summary

In the case of the 1834 New Poor Law, the poverty discourse utilized other discourses concerned with immorality and sexuality through the discourse of bastardy with a number of effects. First, through constituting appropriate and acceptable sexuality as economically viable marriage – the acceptable context for reproduction to take place. It does this by categorizing/identifying sexual behaviours which are not acceptable. In the discourse of bastardy it is both sex and reproduction outside marriage and economically insecure marriage which are unacceptable. Second, the discourse differentiates between men and women and plays a role in the construction of **gendered welfare subjects**. The discourse takes women as its concern and as the focus for regulation. Third, the discourse reflects and monopolizes concerns of the time, that is, fears and anxieties about social change, class, increasing immorality as a result of industrialization,

urbanization and population growth, and also women's developing economic and political independence. Finally, the discourse has regulatory implications for women with respect to their sexual behaviour and relations, and material implications with respect to their eligibility for poor relief.

4.4 What does the analysis tell us about sexuality and social policy?

At the beginning of this chapter I indicated that one of my aims was to examine the relationship between sexuality and social policy, specifically the role played by sexuality in poverty discourses. Analysing the 1834 New Poor Law and related Reports through the lens of sexuality reveals, first, that poverty discourses can be understood as a means of categorizing the poor into the deserving with rights (the elderly and widows) and the undeserving poor with duties and responsibilities, and that sexuality plays a role in this process. Second, the research illustrates that the constitution of welfare subjects are the outcome of the interaction of multiple discourses. Further, the constitution of welfare subjects, whilst clearly powerful and influential, often bears little resemblance to individual experiences and 'realities'. In and through the discourse, all unmarried mothers become constituted as a problem – sexually immoral and undeserving; as a group worthy of stigmatization.

This has left us with a legacy of single unmarried mothers as stigmatized, albeit in different ways. This research shows that social policy played a significant role in this process. It has also left us with a legacy of differentiated gendered rights and responsibilities. Men have not, until recently at least, tended to be the focus of social policy in this area (see Williams, 1998). This is in part due to the way that male and female sexuality have traditionally been perceived and the operation of the sexual double standard. This analysis also illustrates that poverty discourses are concerned with much more than simply poverty. Not only are other dominant discourses 'played through' poverty discourses but poverty discourses play a part in constituting those other dominant discourses. Thus, in this case, ideas and discourses about sexuality, morality, gender relations, the family and marriage are embedded in poverty discourses. Correspondingly, poverty discourses become a means by which appropriate sexuality, gender relations, morality, the family and marriage are spoken about. This process, albeit historically specific, is evident in contemporary analyses of social policy. In this example, it can be seen that 'sexuality' is produced through social policy. This is not a one-way process because what we know to be the 'truths' or knowledges of sexuality also constitute social policy in a specific way which reflects the existing power-knowledge relations centred on sexuality, as well as other discourses, such as class, 'race', gender, politics and welfare.

5 Limitations

Activity 5

Having been taken through the process of doing a Foucauldian discourse analysis of social policy in the 1830s, what do you consider to be the limitations of this approach?

It may help to think about the following.

- What are the drawbacks of using historical sources: are they easy to access? Is all the information available? What records exist? Which perspectives do they represent? How reliable are our sources?
- How reliable can our interpretations be of material that is over 150 years old?
- Do the words and language used then have the same meanings as today?
- Is it appropriate to assume that the concepts (poverty, the poor, bastardy, sexuality) and practices (marriage, poor relief) of the 1830s have the same meanings etc. today?

5.1 Sources

When undertaking historical research the only sources that you can use are those which exist. This may sound like an obvious statement to make, but it is an important one, because you are dependent upon those records that were made at the time or have survived. Such sources are likely to be partial, reflecting particular interests especially if they are official documents or the accounts of the rich and powerful. According to Checkland and Checkland (1974: 30):

There can be little doubt that the Commissioners shared the new ethos of self-help, strongly biasing them against liberal provision for the poor. They expected to find certain evils rampant: they were fearful of the indigent and debauched working class.

Another difficulty when undertaking research such as this is obtaining the accounts of 'ordinary' people. So one limitation in this research is that there is an absence of accounts which reflect the experiences and views of the unmarried mothers themselves. This can make it difficult to assess the extent to which unmarried mothers accepted or challenged the construction of them contained in the New Poor Law. It may also be difficult to obtain accounts reflecting counter discourses or resistances.

5.2 Interpretation

Historical texts may be difficult to interpret or understand. There is the problem of interpreting what was happening in the 1830s through the lens of the twenty-first century. So, for example, ideas about sexuality or marriage will not be the same as they are today. We have to be careful therefore to contextualize the material in the beliefs, values and ideas of the time in which it was created, taking care not to make judgements based upon our own assumptions, about, for example, sexuality or gender. Additionally, being written in a specific 'moment', the language use may be distinct with different phrasing, sentence construction and word usage. Some words may be archaic and no longer in common usage or may now have a different meaning. Take for example, 'moral', 'morality' and 'immorality'. Mort, who has researched the same period, explains:

Morals ... condensed a plethora of meanings all jostling for attention. The term served as a synonym for culture, or cultural lack, to impute blame. Under its rubric were subsumed the terrifying catalogue of barbarous habits ... the collapse of family life, drunkenness, prostitution and political sedition. It was through this nexus of concerns that a specific domain of sexuality was produced.

(Mort, 1987: 26)

Not surprisingly, therefore, the loose and expansive use of the term 'moral' often makes it difficult to deconstruct its fields of reference ... leaving it subject to a wide number of connotative meanings.

(Mort, 1987: 37)

However, within the context of the bastardy sections, we can be reasonably sure that the use of morality and immorality refers in the main to sexual im/morality. One clue to this is the context in which the words are used. In the bastardy sections im/morality is used in the context of sex and pregnancy outside marriage. Having said this there are indeed other occasions where im/morality is used differently or more expansively to include perjury, deceit and financial dishonesty but again the context in which it is used helps in understanding the meaning. Another way of checking the meaning of words at the time they were used or of finding the meaning of archaic words is to check their meaning in the Oxford English Dictionary.

5.3 Selectivity

A possible criticism of any work such as this is that the analysis is selective, drawing upon apposite extracts to support the argument. This is a difficult criticism to refute and in doing research such as this you have to be careful not just to collect information on those aspects which support your argument. Instead, look for discontinuities or examples that challenge your claims. Similarly, the research could be criticized for being 'just one

person's account'. One way of dealing with this is to situate the interpretation within other historical accounts and analyses of the period in an attempt to immerse and contextualize the ideas, beliefs, values and practices of the time. So it's a way of checking that your interpretation is not totally 'off the wall'.

5.4 Current policy discourse analysis

Can we adopt the approach described above to doing a Foucauldian discourse analysis of more recent social policy documents? The approach to doing current policy discourse analysis is similar and in some respects it can sometimes be easier. For example, it is usually much easier to obtain data, documents, and materials from a range of sources – government and non-governmental, and to establish information about the background to the topic or policy and, therefore, to understand the context. Being a current policy issue/topic means that it is usually also easier to understand the language used and there is less risk of misinterpretation. There are, however, some drawbacks to doing current policy discourse analysis. The most significant is the difficulty of 'stepping outside' the data. It is sometimes difficult to identify discourses within which we ourselves are immersed, or that we agree with, or which we accept as 'taken for granted' or common sense.

Further Reading

The texts below all provide different examples of work which draws upon genealogical analysis, sometimes explicitly, sometimes implicitly. These texts, with the exception of Bell, also provide further contextual information about the 1830s – about culture, politics, sexuality and poverty. Bell's book uses Foucault to look at the ways different understandings of incest have informed legal policies and responses to incest.

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