Conclusions
CHAPTER ELEVEN

A CHILDREN’S CHARTER?

On 29 August 1918, the attorney-general, W. B. Propsting, moved the second reading of the Children’s Charter. According to its penultimate clause, the underlying principle was that “the care and discipline of a child of the State should approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance”.

The Act’s name indicates that it was concerned with children’s rights. Its language of nurture and gentle guidance suggests that those rights, now extended to poor working-class children, entailed nurtured and carefree childhoods, for which adults took responsibility, rather than civil liberties. Such beliefs had been enhanced by the national efficiency movement’s focus on the needs of every child. Its emphasis on good health as a necessary precursor to moral, physical or intellectual training also led the framers of the Act to address some of the miseries of impoverished childhoods. Concern about childish irrationality and a propensity to sin, especially amongst working-class children, remained, even though the responsibility for it no longer lay with the child. According to Propsting, the control and reformation of neglected and destitute children was as important as their protection or maintenance.

Moreover, while it was becoming increasingly preferable to achieve control through kindness, whipping and caning, as a last resort, remained acceptable to many people. This compromised the safety and self respect of children. The Department’s name was changed to the Children of the State to avoid the stigma of neglect, which, reformers believed, retarded state children’s reformation.

This was principally Propsting’s Act and the accompanying notes to it which he sent to the premier, W.H. Lee, are still available in the chief secretary’s records. However, it was also a response to the experiences of those involved in the Neglected Children’s Department: public servants, social reformers, foster mothers, employers, adoptive parents, natural parents and the children themselves. The way in which each category of people’s voices was heard and acted upon reflects their social standing. To address the

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1. Children’s Charter (1918) 9 George V. No. 15.
2. Mercury, 30 August 1918.
limitations of the definition of neglect in the *Neglected Children and Youthful Offenders Act* the *Children's Charter* contained ten new categories of neglect and widened others.

The political influences on the *Children's Charter* were similar to those of the *Neglected Children and Youthful Offenders Act*. W.H. Lee, who introduced the bill into the House of Assembly, was a Methodist lay preacher who supported the six o'clock closing legislation of 1916. By 1918, he had joined the National Federation, but politically his sympathies lay with liberalism. As has been noted, W.B. Propsting had been concerned about children's welfare for some time. His government passed the 1903 *Public Health Act* which contained the first measures for infant life protection. In 1908, he was responsible for the establishment of the committee of clergy, public servants, members of the Children's Protection Society and doctors which discussed changes to the *Neglected Children and Youthful Offenders Act*.

The *Children's Charter* attracted one editorial, otherwise press attention was confined to reporting the debates. The lack of interest was because the impetus for reform came from public servants who had worked with Children's Protection Society to develop recommendations. The Society's inclusion meant that there was little reason to enlist media assistance. The necessity for change was well established by the committee which Propsting appointed in 1908 and which reported in 1909. Plans to act on its recommendation to widen the definition of neglect were made in 1911 and 1913 but not realised, presumably because of financial shortfalls, and the intervention of World War I.

Public opinion had already been moulded to accept wider definitions of neglect. The concerns expressed in 1896 about the civil liberties of poor children and their parents did not surface in 1918, apparently because, in public opinion, the care and control of neglected children had superseded the rights of parents. The *Infant Life Protection Act* had signalled the importance of the health and physical safety of children, as had the work of the Children's Protection Society, the Women's Health Association, and the Health Department. While these groups were moralisitc of their own

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3Marilyn Lake, *A Divided Society: Tasmania During World War I*, Melbourne, 1975, p. 44.
4For a discussion of this committee's activities see "The Effect of Financial Constraints on Departmental Definitions of Neglect" in Chapter 4.
accord, the resurgence of temperance influences during the War, culminating in a successful referendum campaign in 1916 to close public houses at six o’clock, ensured the perpetuation of temperance and moral purity provisions. The national efficiency movement’s attempts to prevent venereal disease sometimes assumed a moral dimension also. For years, Education Department directors had drawn attention to the problem of school truancy, so that its inclusion in the Children’s Charter was uncontroversial. In addition, the press had helped foster interest in truancy through its occasional discussions of the matter. An allied issue, that of street children, had been kept alive during the campaign for a curfew in 1910, initiated by the Children’s Protection Society. Concerns about race suicide, reinvigorated by the War, kept anxieties about the health and welfare of children alive. Since the Children’s Charter consolidated already existing legislation, it did not need a ground-breaking media blitz as the Neglected Children and Youthful Offenders and Infant Life Protection Acts had done. Politically the Children’s Charter was not controversial and most Parliamentary debate centred on the provision to create women magistrates, the plan to transfer Police Department babies (those who came under the Infant Life Protection Act) to the Children of the State Department and a whipping clause, which was removed.

The Women’s Health Association had been conducting a campaign for a greater role for women in the administration of justice, to reduce gender biases in cases pertaining to women and children. Propsting opposed women sitting on juries for sex offences, in case their sensibilities were offended, but surprised the Association by making provisions in the Children’s Charter for women magistrates to officiate in children’s courts. In parliament, there was some opposition to the move especially in the Legislative Council. H.A. Nicholls opposed female magistrates because he thought that they “would be more severe than a man in dealing with illegitimate children”. Propsting retorted that the facts of the case, not illegitimacy, were the court’s concern. Ellis Dean, more conservative, opposed female magistrates because he “objected” to the presence of women officials in police courts. However, Tasman Shields, a lawyer, replied that the system had worked well in South Australia and that feminine knowledge would “assist the children’s court in coming to a wise

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6 Launceston Examiner, 30 August 1918; Mercury, 30 August 1918.

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The provision was passed, but while the Association’s wishes were met in that instance, their request for a women’s advisory committee to make suggestions about legislation pertaining to women and children was refused. Lee thought that deputations provided them with enough access to government. 8

Under the Children’s Charter, Police Department babies were transferred to the Children of the State Department. This proved the most controversial issue. In 1917, the Child Welfare Association, believing that the high death rate of ex-nuptial babies was a medical, not a social problem, asked the premier to place them in the Health Department so that foster mothers had access to free medical advice. The Association thought that the premier had agreed, but when the bill was introduced, they discovered that the babies were to become state children. 9 In a letter to the press, Mrs. Waterworth argued that, unless the babies were placed in the Health Department, their foster mothers could not use the Association’s baby clinic to get advice, and immediate treatment. She thought it foolish for child welfare nurses to become familiar with individual babies when they lived with their mothers, only to lose track of them if they were placed in a foster home. She believed that placing the babies with the Children of the State Department was an administrative efficiency, characteristic of men:

We, as women, put the interests of the baby first, and even if there were departmental difficulties in the way... we should still expect the arrangements to be made to fit the baby, not the baby to fit the arrangements. 10

The Association were also concerned that, located in the Children of the State Department, ex-nuptial babies would suffer from the stigma of neglect. In a letter to Lee, Mrs. Waterworth said that:

the stigma which Mr. Addison and Mr. Seager have both personally deplored to me as resting upon State Orphans will be greatly intensified. They are of an entirely different class from these babies it is proposed to place under the same

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7 Mercury, 30 August 1918.
8 Mercury, 4 September 1918.
9 NS 500/1.
10 Mercury, 10 October 1918; World, 1 October 1918.
management and will inevitably be classed with them by the general public
which does not trouble to make distinctions.\textsuperscript{11}

In the \textit{Children's Charter}, Propsting tackled the problem by differentiating
between ex-nuptial and state children. Although ex-nuptial babies' homes
were administered by the Children of the State Department, the children
remained in their mothers' control and so technically were not neglected.
Bringing the babies under the \textit{Charter} addressed the concern of the
Children's Protection Society that their inspections continue after their fifth
birthdays.

In the Legislative Assembly, the Child Welfare Association was supported
by James Ogden, Labor, because "illegitimate children were an equal asset to
the state, and they should receive as much care". Although he thought that
the boarding-out system produced excellent results, ex-nuptial babies needed
particularly skilled nursing because their death rate was so high.\textsuperscript{12} He
moved that they be placed in the Association's care until they were five-
years-old.\textsuperscript{13} However, Lee was unmoved; the boarding-out system had
"excellent results" and in the last four years there had been no deaths.\textsuperscript{14}

The bill had a clause to allow parents, at the court's direction, to punish sons
who had committed an offence, by whipping them with a birch cane or rod.
The court would adjourn until the punishment had been administered and,
if it was satisfied, the boy could be dismissed without a conviction.\textsuperscript{15} The
provision met some vigorous opposition. In the Legislative Assembly, R. J.
Sadler, a government supporter, said that he disliked corporal punishment
and had brought up seven children without it.\textsuperscript{16} He was supported by three
Labor members. W.E. Shoobridge depicted whipping as a return to the
flogging of the convict days.\textsuperscript{17} Ogden believed that it was "brutal and
unavailing to flog children", suggesting facetiously that "the Government
should have provided for something with boiling oil in it". J.H. Cleary
preferred "more lenient and effective modes of chastisement".\textsuperscript{18} Lee claimed
that Ogden was "more sentimental than logical" and that there was "no

\textsuperscript{11}CSD 22/242/179/1/18.
\textsuperscript{12}\textit{Daily Telegraph}, 27 September 1918; \textit{Mercury}, 27 September 1918.
\textsuperscript{13}\textit{Launceston Examiner}, 9 October 1918.
\textsuperscript{14}\textit{Launceston Examiner}, 27 September 1918.
\textsuperscript{15}CSD 22/231/38/12.
\textsuperscript{16}\textit{Launceston Examiner}, 27 September 1918; \textit{Mercury}, 27 September.
\textsuperscript{17}\textit{Mercury}, 30 August 1918; 27 September 1918.
\textsuperscript{18}\textit{Mercury}, 30 August 1918; 27 September 1918.
suggestion of brutality”. However, the clause was struck out, as it was in the Legislative Council. There, Ellis Dean favoured “the more extensive practice of thrashing recalcitrant boys”, but was overridden.\textsuperscript{19}

The \textit{Children’s Charter} reinforced the provisions of the \textit{Neglected Children and Youthful Offenders Act} which focused on children’s moral purity. Intemperance, as a cause of ineffective parenting, now emerged in several clauses. A child who, because of “the neglect or drunkenness, or other vice, of its parents”, was “growing up without salutary parental control and education” or was exposed to “an idle or dissolute life” or whose home was a source of “depravity” was neglected. So too was a girl who “solicits men, or otherwise behaves in an indecent or improper manner, or habitually wanders at night without sufficient cause in a public place”.

Under the old Act, a child who was “found wandering” and was without a home or “proper” guardianship could be committed to the Department. In the \textit{Children’s Charter}, the scope of “wandering” was widened to include a child who “habitually wanders about public places, being in no ostensible occupation, or sleeps at night in the open air in any public place”. Police could now categorise uncontrollable children as neglected, to circumvent parents who refused to surrender them. However, children could still be committed as “uncontrollable” on application by their parents, a relative or “person of good repute”, as long as maintenance was paid.

The minimum age for children’s street trading was raised from twelve to fourteen to comply with the \textit{Education Act}. Propsting was especially concerned about street trading, suggesting in his notes, that it had “a baneful effect upon young people at any time” and that, during school hours, it caused irregular attendance. He wanted a truant officer appointed to stop drivers and tradesmen from encouraging boys to accompany them on their rounds because, “If the bill seeks to safeguard young folks health and morals, then the kiddies who are ‘slaves to the milk can’ should be provided for”.\textsuperscript{20} Truancy became a category of neglect, whereas under the \textit{Neglected Children and Youthful Offenders Act} such children had to be surrendered as “uncontrollable” by their parents or described as “found wandering” and forcibly committed.

\textsuperscript{19}Mercury, 30 August 1918.
\textsuperscript{20}CSD 22/231/38/12.
Under the *Neglected Children and Youthful Offenders Act*, it had been impossible to commit children solely on the grounds of destitution, a problem that secretaries soon recognised. Most destitute children were surrendered as "uncontrollable" by their parents but, if they refused, attempts might be made to prove parental alcoholism or prostitution, because these were grounds for forcible committal. In 1909, the committee appointed by Propsting had recommended that the definition of neglect be widened although they still did not see destitution as a category of neglect.\(^{21}\)

Even so, public servants and reformers remained aware of the problem. In 1918, T. E. Long, Launceston's City Missioner, probably spoke for many when he told Propsting that:

> Men who are fathers of families are neglecting to properly clothe, feed & control their children & in some cases the mother is to blame. In the present Act before the House of Assembly dealing with neglected children if you could arrange for an interpretation of a neglected child, being one who has not sufficient food, clothes or parental control whether the child has a home or not.\(^{22}\)

The *Children's Charter*, addressed the problem through a clause providing for the committal of children living with a person who has "no apparent lawful means of support". A child without adequate food nursing, clothing, medical aid or lodging could also be committed. In recognition of the poverty of unmarried mothers, ex-nuptial children whose mother was dead or could not maintain them were classified as neglected.

The *Prevention of Cruelty to and Better Protection of Children Act* provided some minimal protection for children who were physically abused but, although victims could be placed in the care of the Department, physical and sexual abuse were not categories of neglect. As a result, few children were committed for abuse and those that were might be released to their parents with few safeguards. Now the definition of cruelty was widened and a child living in a home where there was cruelty, or who "by reason of ill treatment, continual personal injury, or grave misconduct, or habitual intemperance of its parents, or either of them, is in peril of loss of life, health or morality" was neglected. In a similar vein, children who were

\(^{21}\)CSD 22/128/75/1/09.  
\(^{22}\)CSD 22/231/38/12/18.
exploited through public performances which endangered "life or limb" could also be committed to the Department.

An amendment to the Neglected Children and Youthful Offenders Act in 1905, had provided for charges against children to be heard away from the court room used by adults and at different times. People not directly involved were removed and the charge was recorded in a different charge book.23 Such measures were intended to foster rehabilitation by avoiding notoriety, and contact with adult offenders. Under the Children's Charter these provisions remained, with the added precaution that the proceedings could not be published. Unless they had committed homicide, rape or murder, children could no longer be tried at the Supreme Court, although, if the parents had allowed the offence to occur by deliberate absence of control, the case would be heard there.

Prison and death sentences for children were abolished. Propsting disagreed with the death sentence for children because he believed they could be reformed. According to his notes, "one child who committed murder some years ago was placed in the care of the Department and has developed into a steady and reliable lad. He is now over eighteen years of age & earning his own living".24 He undoubtedly referred to Phillip, the eight-year-old boy who had murdered his little brother in 1908, been tried in the Supreme Court, committed, and boarded-out. By 1918, his foster mother's daughter had apprenticed him to a blacksmith where he was earning 20s a week and said to be "getting on very well".25 Dean did not want to see the death penalty removed because he thought that it had a deterrent effect on would-be killers. Propsting responded that children, and many adults, never thought about the consequences when committing a crime.26

The Children's Charter provided for voluntary probation officers to investigate complaints and give the court information about children's habits, conduct and way of life. They could visit and supervise the children, before and after the hearing, and help them to find work. The officers' essential role was to "advise, assist, and befriend" the children in their

23 Youthful Offenders, Destitute and Neglected Children Act (1905) 5 Edward VII No. 39.
24 CSD 22/231/38/12.
25 SWD 1/12/791; for a discussion about this child "Advising and Monitoring Foster Mothers" in Chapter 5.
26 Mercury, 30 August 1918.

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charge. Instead of committal, a child could be placed under a probation officer who, if necessary, recommended the child's removal from its home. At little extra cost, the provision opened more working-class homes to middle-class advice about child rearing.

Under the *Children's Charter*, children's civil liberties remained a low priority, compared to the concern for their control and protection. The *Neglected Children and Youthful Offender's Act*, had suspended state children's right to habeas corpus by placing them in the secretary's guardianship, a situation that remained unchanged. Under the old Act, children could be arrested without a warrant by a member of the public and brought before a magistrate for committal. Some restrictions were placed on this provision by the *Children's Charter*. Now a summons had to be issued before the police or a probation officer apprehended a child, or a home was searched. However, entry could be made by force to remove a child who was mistreated, or thought to be living in a brothel, opium den, or with a thief. With the secretary's approval, anyone could apprehend a child living in those conditions without a warrant although it is not clear whether this was a general approval or if it had to be sought in individual cases. Absconding children could still be apprehended by the Department, or police, without a warrant.

All foster mothers were now regulated according to the requirements of the *Infant Life Protection Act*. Employers also became foster parents to encourage them to accept a duty of care for their apprentices. As well as being of good character and able to care for infants, foster mothers had to be "in good health and free from any constitutional disease or complaint". With the secretary's consent, they could indenture a foster child. Adopted and apprenticed children were inspected three monthly, instead of annually, to ensure that treatment, education and care were satisfactory and boarding-out homes continued to have weekly inspections. At a departmental officer's request, a child had to be produced or an absence explained satisfactorily. Clothing, accommodation and food must be available for examination and the foster parent had to allow the child to be questioned out of hearing. Many of these stipulations were the practice in the Neglected Children's Department, but there had been no legal requirement to carry them out. The fine for mistreating a state child was increased from £10 to £20 but there was no longer a prison sentence. Bringing Police Department foster mothers into the Children of the State Department meant that their
payment was now guaranteed, an unstated acknowledgment of the difficulties biological mothers faced in supporting ex-nuptial infants.

Disciplinary measures against parents were tightened. The provisions for the collection of maintenance were reinforced. If a court suspected that a parent or relative would evade payments, a security had to be offered. A warrant could be issued for arrears of one month and the penalty for refusing to comply with a maintenance order was increased to six months imprisonment. It was still a punishment to contact a ward without permission and although the fine remained £10, the prison sentence was increased from fourteen days to three months.

A charter is usually seen as a document that confers rights and privileges on citizens which reflect their wishes and aspirations in some way. However, children presented special problems, particularly since childhood had been increasingly constructed as a period of dependence, without public voice or visibility, so that children's views were not likely to be directly acknowledged in a public document. The growing emphasis on nurture and care must have produced benefits, especially for young children, but the emphasis on control, especially when coupled with an expectation of quiet obedience, was dangerous, because it limited the potential for children at risk to protect themselves. So whose views did the Children's Charter serve and to what extent did it meet the needs of children?

During F.R. Seager’s years especially, employees within the Neglected Children’s Department felt a justifiable anxiety about status and security. The Children’s Charter met these concerns by laying the foundations for an enlarged and more prestigious Department. By widening the category of neglect, increasing the number of state children and making a commitment to provide better funding, the legislators enhanced the Department’s importance. Although, at first, it remained within the Chief Secretary’s Department, it had its own secretary. In 1902, R. M. Johnston had argued that specialised departments required their own heads and now he was vindicated. These changes presaged a greater autonomy for the Department and, incidentally, for the consolidation of Seager’s ambition for his son, Charles. In 1923, he became secretary after the resignation of J.F. Daly.27 In

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27 Record of Services of Daly, John Francis, PSC 24; CSD 22/271/9/3/22; 22/284/7/2; R. L. Wettenhall, A Guide to Tasmanian Government Administration, Hobart, 1968, p. 209. For a
1924, the Public Service Economy Board decided that, since charitable work had become expensive and was so unlike the under-secretary's other work, the charitable departments should be placed outside the Chief Secretary's Office.\textsuperscript{28} It was acting on the advice of Seager who believed that the amalgamation with the Chief Secretary's Department had worked badly because the under-secretary could not supervise the charitable divisions enough.\textsuperscript{29} Seager now became the secretary of an autonomous department, retiring as director of Social Services in 1941.\textsuperscript{30}

The influence of female social reformers on the Act was patchy. Since, about 1900, the work of the Children's Protection Society, the Women's Health Association and the Child Welfare Association had laid the foundations for an Act which increased the state's involvement in children's protection with an emphasis on moral purity, especially for girls. The appointment of female magistrates had pleased the Association. On the other hand, it was disappointed by the premier's refusal to appoint an advisory council of women and by the placement of infant life protection babies in the Children of the State Department. If the women of 1918 had less influence on legislation than those of 1896 and 1907, it was probably due to the increasing role of public servants in developing welfare policy. Even so, the women's influence was considerable and their version of maternalism, with its focus on the protection and guidance of children, meant that, as the public voices of female reformers grew stronger, children's dependence on adult protection was emphasised, while their traditional rights to a public presence, and other civil liberties, were reduced.

Foster mothers remained tightly regulated. However, the provision that allowed them to find apprenticeships for their foster children gave them a new autonomy over the care of adolescents. Many of them felt entitled to the financial assistance, loyalty and affection of a child they had raised and the provision confirmed that right. It also recognised the distress, expressed by some, and perhaps felt by many others, over parting with children who were about to be apprenticed. The relative success of informal adoptions by foster mothers probably encouraged legislators to take this step.

\textsuperscript{28}PSC 2/17/7.
\textsuperscript{29}PSC 2/17/7.
\textsuperscript{30}Wettenhall, p. 209.

brief discussion of Daly's dismissal see "The Under-Secretaries' Administration" in Chapter 4.
To tackle the abuse and unkind treatment of apprentices, the *Children's Charter* enabled the Department to conduct more frequent inspections of apprentices and adopted children. In 1920, under the *Adoption of Children Act*, in recognition of the extra burden of intrusive inspections, and so that exemptions could be legitimately offered, adoptive parents were enabled to adopt their foster children legally. The Act also fulfilled the aspirations of couples who wanted the full legal parentage of a child.\(^3\) Considering the mistreatment that had taken place of some children adopted out under the Neglected Children's Department, this legislation took considerable risks with their well-being.

The natural parents of neglected children wrung few concessions from the *Children's Charter*. The placement of Police Department babies in the Children of the State Department was a recognition that unmarried mothers had, given the stigma and their economic difficulties, understandable reasons for deserting their children. However, the measure was counterbalanced by imposing a penalty of six months imprisonment for unlawfully deserting a child. The requirement that parents appear on behalf of their child in cases of neglect or uncontrollability was a recognition of both their rights and duties. The attempt to force parents to exercise more control, by making them culpable, if their lack of control led to children committing offences, also reinforced their responsibilities. By allowing them to commit their 'uncontrollable' children the authority of parents, who were, sometimes erroneously, considered responsible, was given added support.

Provisions to discipline parents who did not pay maintenance or attempted to see their children without permission, were toughened through increased penalties. By reinforcing provisions for maintenance collection, the government refused to acknowledge that the principle reason for neglect was poverty, imposed by the casual nature of the male work force and women's low, erratic incomes. Policy framers knew this, but easing the obligation to pay maintenance would, they believed, encourage parents who lacked a sense of responsibility. Some of the categories of neglect in the *Children's Charter* reflected the moral judgements social reformers and public servants made about parents who wanted to support their children.

\(^3\) *Adoption of Children Act* (1920) 2 George V No. 5.
and implemented survival strategies under difficult economic conditions. Alternatively, the number of parents who surrendered their children because of destitution suggests that they did not want them raised in poverty. The widened definition of neglect addressed this concern, although most would probably have preferred adequate financial assistance to the committal of their children.

This thesis suggests that children wanted kindly treatment, respect and contact with, or at least some knowledge, of their parents. To some extent, the Children's Charter met these aspirations. The emphasis on nurture, gentle guidance and good physical care would, if carried out by foster parents and employers, enhance children's lives. Moreover, the state undertook to intervene more forcefully between parents and children in cases of physical abuse. The further recognition of childhood as a separate, less socially responsible condition, than adulthood, led to the removal of prison and death sentences, as well as anonymity in court, which were also better for children. In addition, the mistreatment of state children in rural areas was acknowledged by an increase in the number of inspections and the Department's concern that they voice their problems was given legislative force through the stipulation that inspectors question children away from their employers. The removal of the whipping clause shows that beating, as a form of control, was losing favour. A better funded and more prestigious Department was potentially in a better position to protect its charges.

However, although the Children's Charter appears more gentle than the Neglected Children and Youthful Offenders Act, poor children still represented a problem of control. The Charter's emphasis on the control of children could lead to physical abuse, especially since caning remained acceptable departmental policy. While the Charter attempted to protect apprentices by encouraging their employers to take a parental interest in them, this could lead to the non-payment of wages, as was usually the case with natural children, with no compensatory participation in the family's good fortunes. Inclusion in a family's life offered children no protection against employers who believed that discipline involved beatings. The emphasis on state girls' sexual morality remained, which could encourage predators, some of whom were their employers, to see them as potential victims. Finally, there was no sure way of legislating for the kindness and gentle treatment of state children.
Although inspection was increased, children's training was designed to make them respect, even fear, authority, so that questioning might be met with silence. While employers were not allowed to be present at interviews, threats made by them at other times could still be effective. Inspections were relatively short and problems might be fixed up for their duration. Employers could still interfere with letter writing and other attempts by children to seek help. The three monthly intervals between inspections meant that children in vulnerable situations remained dependent on a neighbour's willingness to speak for them, and they were often not believed, in case there was a neighbourhood disputes or the neighbour wanted the child. Children, faced with inadequate protection from the Department, defended themselves, often by rebellious behaviour, which compromised the goal of producing working-class adults who felt inclusion in the wider society.

In exchange for increased protection and control by adults, poor working-class children lost some elements of self-protection, the right to earn a living, to occupy public spaces, to have a public voice, to live with their families and retain their original identity. For many, the last was an important issue, even when their passage through the Neglected Children's Department was fairly trouble free. However, it had a low priority for the framers of the Children's Charter for whom the focus was reformation, away from the influences of the child's family. Legislation like the Children's Charter ran the risk of teaching children that they were weak, thus lessening their capacity to defend themselves in vulnerable situations. Forcing children's obedience when their instincts told them that compliance was wrong undermined their ability to judge situations. With hindsight it has been widely recognised that for self-protection children need voices, yet training of state children emphasised compliance, deference and politeness. Finally, emphasising the dangers of the streets, meant that the home and family, where modern research shows most abuse takes place, was overestimated as a place of safety, even though the experiences of apprentices could have warned legislators otherwise.

However, the ability of state children to protect themselves, even under adverse circumstances, should be taken into account. Under the care of the Neglected Children's Department they had driven their foster mothers, employers and adoptive parents to despair by telling lies, stealing, breaking crockery, going slow at work, absconding, giving cheek, being "troublesome
and bad tempered", and, if girls, seeing boys without permission. In the next era of state protection, begun by the Children's Charter, these behaviours were likely to continue.
CHAPTER TWELVE

THE CHILD IN WELFARE HISTORIOGRAPHY

Child Welfare histories usually focus on adults rather than children. However, the files of the Neglected Children's Department contained data which offered the possibility of writing about the experiences and agency of children, as well as their parents, and other adults involved in child welfare policy. Thus while much of this thesis is concerned with adults, the historiographical problem became how to write about children. Histories that incorporate, or even focus, on children's experiences have been written but do not go on to discuss their agency explicitly. This represented one challenge because, while it is easily argued that adults should have control over their lives, this is not always true for children, especially when they are young. The other challenge was that in 1890s Tasmania, the conjunction of the passage of the Neglected Children and Youthful Offenders Act with the Woman's Christian Temperance Union's campaign for female suffrage, as well as the socio-economic dislocation of the 1890s, and prospect of federation, seemed to suggest that the presence of street children had political implications which could be explored.

This historiographical discussion begins with a brief overview of child welfare historiography. It then explores histories of childhood and families to see how the methodology of these could be fruitfully applied to a child welfare history. Relevant feminist historiography and its application to children is also discussed. At the turn of the century, although there were analogies between the situations of Tasmanian women and children, there was an important difference in that, while women's disadvantages in the public sphere were entirely created by their social, economic and cultural position, children were also limited by particular biological factors. However, the growing emphasis on their helplessness prolonged this period of dependence which undermined children's capacity for self-protection. Since the methodology was not clear cut, the reading of secondary materials for this thesis has been eclectic rather than comprehensive.

Children and Child Welfare Histories

Some historians, usually amongst the first to write about child welfare, focus on its administration. Sources are mostly taken at face value and
although a good, thorough overview of the story may be produced it can be whiggish in approach. More recently, neo-Marxist and Foucauldian models, with their deconstructions of the state, have been used to challenge these themes of progress although they remain focused on the activities of the elite. This approach presents some problems. For instance, Richard Kennedy, writing from a social control perspective in order to expose the mechanics of a social system indifferent to children’s needs, criticised his own work because it placed the recipients of poor relief in a passive role by disguising their “liveliness, humour and struggle”. Even so, his book contains a brief, sympathetic portrayal of poor working class children’s experiences.

Because of its tendency to produce craven images of the working class, other historians have tried to jettison social control theory altogether. For instance, Brian Dickey and Robert Van Krieken argue that although the middle class was influential in developing child welfare policy, the working class, through the trade union movement and the Labor Party, had an important input into it. Dickey believes that even if the elite attempted to manipulate the behaviour of the poor through welfare delivery, the recipients’ acceptance of its conditions undermines notions of social control. Similarly, Van Krieken suggests that, since the majority of parents seemed to surrender their children willingly, they must have accepted child welfare policy. He suggests that the state acted:

not as a bourgeois gardener or social engineer, restructuring working class families, but in an alliance with the working class’s ‘struggle for

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respectability'. That many would resist that move to respectability, especially children and youth, and that men and women defined it differently, does not detract from its overall strength within the movement as a whole.  

In Tasmania, there was some ambivalence amongst labour sympathisers to official child welfare policy. The *Clipper*, for instance, thought that child neglect was caused by poverty, and advocated an adequate family wage for men, rather than the introduction of the *Neglected Children and Youthful Offenders Act*, to deal with it. Later, through women like Alicia O’Shea Petersen and Edith Waterworth, as well as the labour paper, the *Daily Post*, state child welfare policy was endorsed and attempts made to improve it. However, their views were not necessarily representative of the full range of working class opinion. Van Krieken acknowledges, but could have pursued further, that resistance to child welfare policy came from some sections of the working class.  

In not doing so, he (as does Dickey) plays down the coercion implicit in the child welfare system; it was that which parents disliked. In Tasmania, while many of them agreed with the Department’s views about respectability, they could not accept the loss of control over their children, who were state wards. This led to resistance; the parents’ agency shows the inability of the state and society to force conformity. However, as Van Krieken suggests, parents made use of the Department in their own ways, sometimes to the exasperation of its officials. Van Krieken’s and Dickey’s histories illustrate a fundamental dilemma for social historians, in that, while social control theory is dismissive of individual agency, attempts to avoid it can underestimate the inequalities of power. Smaller studies in terms of place, scope and time, with attention to individuals’ reactions to their situations can help ameliorate this difficulty. Agency will be further explored later in this chapter.

Over about the last fifteen years, purely class analyses of welfare histories have been disrupted by feminist historiography, which demonstrates that

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6 Van Krieken, p.108.
women were involved in the formation of the welfare state. Since their lives were centred on the home, middle-class women were restricted in what they could do in the public sphere but in mid-nineteenth century England, their philanthropic activity became acceptable, although societies were managed by men. A similar pattern emerged in Australia. According to Jill Roe, by the 1890’s, women’s image as philanthropists was established, and this provided a basis for claims to citizenship based on maternalism. To further both causes, feminists adopted and promoted nationalist/imperialist concerns for social efficiency and a higher birth rate. Similarly, Marilyn Lake asserts that the population decline, and concern that more white babies be born to bolster a white Australia, refocussed attention on motherhood and justified women’s political activity. In the “Politics of Respectability”, she argues that, in the 1890s, feminists used maternalist arguments as a tool in a struggle between men and women for ownership of the national culture. Such work has been crucial to breaking down the myths that political change, including the development of the welfare state, was driven by men. Drawing on this

7In Tasmania, while Vicki Pearce relates women’s philanthropic activity to a fairly vigorous campaign for the vote, Alison Alexander tends to minimise the influence and initiative of female political activists. She does not associate women’s welfare activity with the campaign for the franchise. In this thesis it is argued that although the WCTU did link their concern for welfare issues with obtaining the vote, under Emily Dobson’s influence women’s interest in civic rights diminished. This was not the case with Edith Waterworth, however, who believed that equal opportunities for women could only be obtained through greater political participation. Vicki Pearce, “‘A Few Viragos on a Stump’: The Womanhood Suffrage Campaign in Tasmania, 1880-1920”, Tasmanian Historical Research Association: Papers and Proceedings, No. 4, December 1985; Alison Alexander, “The Public Role of Women in Tasmania, 1803-1914”, unpublished PhD Thesis, University of Tasmania, 1989, pp. 250-60; Stefan Petrow, “Boiling Over: Edith Waterworth and Criminal Law Reform in Tasmania, 1917-1924”, Tasmanian Historical Studies, Vol. 4, 1994.


9Elizabeth Windshuttle, “Feeding the Poor and Sapping their Strength”: The Public Role of Ruling Class Women in Eastern Australia, 1788-1850” in Elizabeth Windshuttle (Editor), Women, Class and History, Melbourne, 1980, pp. 53-68.


13Alternatively, Jane Lewis argues that in Britain, women had little influence over the development of the welfare state. Instead their activities and influence was locally based and even then, they ameliorated, rather than fundamentally changed, a system that was
analysis, I have argued that maternalism, with its new focus on children, while offering them much in terms of nurture and care, also led to an increased emphasis on their protection by adults, especially the mother, which undermined children's initiative, mobility, visibility and voices; safeguards in situations where adult protection failed.\(^\text{14}\)

These analyses complicate class (and social control) perspectives of the development of the welfare state by making gender the central organising category. However, they remain focused on the activities of the middle class. Other historians have argued that poor women forced to rely on state or charitable relief have also been able to influence policy. In *Heroes of Their Own Lives*, Linda Gordon attempts to complicate social control theory by showing how victims of domestic violence in Boston sought help from middle-class social workers in child protection agencies. In doing so, they tried to redefine problems and influence policy, with some success.\(^\text{15}\) By combining a history of the poor with one of welfare administration, Christina Twomey argues that state officials and politicians took notice of poor women's requests for charity to support their children and formulated a policy to address their needs, albeit according to middle-class masculine values. The result was Victoria's 1864 *Neglected and Criminal Act* which enabled the state to remove children from their homes.\(^\text{16}\) Like Van Krieken and Dickey, Twomey avoids social control theory by arguing that there was an input to policy from below. However, because the scope of her study is smaller, and employs cultural

Based on deterrence instead of need. In Australia, since the welfare system was initially formed at the state, or local, level, the opportunities for women's involvement in policy making was greater. In Tasmania, however, it seems to have diminished once state bureaucracies were in place to deal with various child welfare issues. Jane Lewis, "Gender, the Family and Women's Agency in the Building of 'Welfare States': the British Case", *Social History*, No. 1, January 1994, pp. 42-8.

\(^\text{14}\) Jan Kociumbas makes a similar argument; see *Australian Childhood: A History*, Sydney, 1997, p.91-3.

\(^\text{15}\) Gordon has been criticised by Joan Scott for remaining enmeshed in a social control perspective and thus portraying the interactions between social workers and poor women as one of opposition - domination and resistance - whereas she believes that the relationships were more complex than that. Scott suggests that employing a discursive approach would reveal these complexities. Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960*, New York, 1988; Joan W. Scott, in *Signs*, Summer 1990; see also Gordon's reply to Scott in the same issue.

insights, the lives of poor women are more clearly drawn so that their contributions to policy formation are demonstrated.

Despite a concern for adult agency in welfare histories, there has been a reluctance to take the next step and demonstrate children’s experiences in, and contribution to, the history of their welfare. This can result in omissions about their role in influencing policy decisions and give the impression that children lacked individuality and were easily manipulated by adults. Margaret Barbalet’s *Far From a Low Gutter Girl*, alone places children’s experiences, along with considerations of class and gender, at its centre. In general, the historiography of childhood is limited: that is probably why children do not feature much in welfare histories. However, children’s histories do suggest some ways in which child welfare methodology might go beyond its current, adult bounded perspectives.

**Children’s Historiography**

The writing of children’s history has been greatly influenced by the publication, in 1960, of Phillipe Aries’ *Centuries of Childhood*. He argued that childhood was not a timeless, biologically determined and unchanging phenomenon, but a social construction produced in relation to other socio-economic changes. Aries equated the rise of the middle class in the western world with the growing child centredness of the family and the portrayal of childhood as a time for the protection of innocence and the administration of discipline and instruction by adults. His book incorporates vivid descriptions of children’s experiences and activities. While Aries has been criticised for failing to show how socio-economic forces shaped perceptions of childhood, his fundamental thesis, that constructions of it by adults change over time, is unquestioned, providing an important tool for historians to write about an otherwise ahistorical subject.

Yet although Aries describes the experiences and activities of children, this aspect of his work has not been widely adopted, mainly because of the

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difficulties presented by the physiology of childhood. Children's smallness, developing motor, language and emotional skills, as well as their inexperience in dealing with the adult world, seems to make them better subjects for nurture, protection and kindly discipline than agency. In addition, children's experiences seem to have a timeless quality about them that is ahistorical and therefore apparently not worth exploring. As Jan Kociumbas points out, Aries evaded this issue by taking only a sketchy look at the lives of babies and toddlers in medieval society and in so doing underestimated their care and protection. Some attempts to write about children in psychological terms have been made but because of the cultural specificity of that discipline they have lapsed into ahistoricity.

Because of these difficulties, Kociumbas prefers to write about the formation by adults of constructions of childhood and the socio-economic forces behind them, as well as identifying groups involved in these constructions, their motives and how these related to the distribution of power and wealth, rather than trying to focus on the experiences of childhood. Although she does include some childhood experiences in Australian Childhood, a central theme is its construction by adults. Hugh Cunningham's Children of the Poor adopts a similar methodology. He shows, amongst other things, how representations of poor childhoods in England produced child welfare legislation.

Representations of childhood and its construction is central to an understanding of children's social position and extensive use of this

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20 Kociumbas, "Childhood History as Ideology", pp. 12-3
21 David Hunt attempts to deal with the ahistoricity of early childhood by employing psychological insights but he acknowledges the difficulties of reconciling psychology, which focuses on the innate qualities of the individual, with history which is concerned with the socio-economic and political contexts of change. By drawing on Erik Erikson's work, with its psycho-social approach, he hoped to evade the problem. However, as Kociumbas points out, in his conclusion he is forced to criticise the universality of psychological models. In another example, Mark Poster uses Freudian analysis to describe the family structure according to its emotional patterns, which results in a similar ahistorical effect. David Hunt, Parents and Children in History: The Psychology of Family Life in Early Modern France, London, 1970, pp. 3-19, 23-5, 34-49, 190; Mark Poster, Critical Theory of the Family, New York, 1978; Kociumbas, "Childhood History as Ideology", pp. 3-4.
22 Kociumbas, "Childhood History as Ideology", pp. 3-4, 13-14.
methodology has been made in this thesis. Children need to be written about in conjunction with adults, since their experiences and attitudes shape those of children. However, the files of the Neglected Children's Department offered the possibility of discussing children's experiences too, although as Kociumbas suggests, this was easier to do with older children.25

Children's experiences are most commonly discussed in family histories. Early ones, drawing on Aries, centred on the development of the conjugal and private middle-class family and did not address children's experiences at all.26 However, including children's experiences in history writing enhances its richness, depth and accuracy.27 More recently, work on working-class family life has shown how this might be done. In Struggletown, by using oral histories, Janet McCalman recreates the lives of early twentieth century working-class families in Richmond, Victoria, in part, through the experiences of children. Discipline, contributions to the work of the home, attitudes to respectability, childhood illness, school, and so on, are discussed. In addition, the vitality of Richmond is partly conveyed by the activities of its street children.28 Similarly, in Love and Toil, Ellen Ross's use of sources pertaining to children, diaries, autobiographies and oral histories, results in a study which is deeply evocative of its period. While the central focus of her work is the mothers, children, because of the part they play in the kinship structures and economy of the family are an integral part of the study.29 Studies of children's contribution to the family economy, in particular, have shown the advantages of positioning them more centrally. Michael Gilding produces a well-rounded account of poor families' economies in Sydney by showing how children contributed to them through their domestic and paid work.30

In these histories, children are not the central focus, although in others they have been. For instance, Kerry Wimshurst argued, in the South

Australian context, that although social reformers depicted street children as idle and disorderly, they were really engaged in casual labour. As a result of their parents' requests, school attendance laws were designed to allow for this and most children complied with the minimum requirements.\textsuperscript{31} Anna Davin's study of food consumption amongst the London poor at the turn of the century, places children at its centre. This has the effect, not of marginalising the parents, but of highlighting their gendered contributions to the family economy, without minimising those of children.\textsuperscript{32} Children's experiences can also highlight the hierarchies of power within the family. In Phyllis Garrick's discussion of child sexual abuse in colonial West Australia she demonstrates how the language and shame of child witnesses in sex abuse cases highlights the attitudes of society as a whole.\textsuperscript{33}

An example of a welfare history which incorporates the lives of poor families is Anne O'Brien's \textit{Poverty's Prison}. In it, she sought to recreate the lives of poor people and their relationships with the welfare system in New South Wales between 1880 and 1918. The family is taken as her central focus because it was considered the dominant socio-economic unit. Although O'Brien discusses the family as an entity, she also addresses the various experiences of fathers, mothers and children, arguing that historical forces shaped their lives differently; gender and age were as important for determining self-sufficiency as class. O'Brien believes that the state responded in an ad hoc way to the casualties of economic development and seeks to show, amongst other things, how these policies affected the lives of each category of people differently.\textsuperscript{34}

In the 1980s, Kay Daniels warned that confining women's history to the domestic without bringing a feminist analysis to it, threatened to downplay the oppression of women.\textsuperscript{35} There is a similar danger that

\textsuperscript{31}Kerry Wimshurst, "Child labour and School Attendance in South Australia, 1890-1915", \textit{Australian Historical Studies}, No. 76, 1981.
\textsuperscript{33}Phyllis Garrick, "Children of the Poor and Industrious Classes in West Australia, 1829-1880", from Penelope Hetherington (Editor), \textit{Childhood and Society in Western Australia}, Perth, 1988, pp. 13-27.
\textsuperscript{35}Kay Daniels, "Feminism and Social History", \textit{Australian Feminist Studies}, No. 1, Summer 1985, pp. 27-40.
children's experiences could become an interesting side issue, even though, as most of these histories show, their contribution to the family economy could be crucial. To understand both the vulnerability of children and their sources of protection, a concept of how ideologies and constructions of childhood both enhanced and endangered their well being is required.

**Children’s Social Position**

Recent work on gender, class and the ideology of separate spheres, by Leonore Davidoff and Catherine Hall, provides a historical context for traditional concepts of agency and so offers a way from which an explanation of children’s social position can be drawn. Agency, according to liberal constructions of it, is a characteristic of elite men, engendered by the possession of their own person and property along with the ability to protect themselves in public. This was an ideology that grew in nineteenth century Britain, as the middle class consolidated its power base. Middle-class power consisted of a nexus between political rights and a manliness predicated on the difference between masculinity and femininity. English middle-class men and women endorsed these differences and worked together, each in their own sphere, to promote the middle class’s interests in public.

Liberal perceptions of agency originated with social contract theorists, particularly John Locke, who saw the development of rationality as dependent on a split between a masculine public world and a feminine private one. In the public sphere, contracts were made, reason predominated, and individuals were free, as well as equal, whereas the private world was characterised by passion and desire. As a result, women’s characters became associated with the life of the emotions, and their appearance in public had a disordering effect so that families had to be represented by husbands and fathers. Children, like women, were

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37 Catherine Hall, *White, Male and Middle Class: Explorations in Feminism and History*, London, 1992, pp. 94-106.
believed to lack the capacity for self-government, so that they belonged to
the private sphere too, unless they were under the close supervision of
adults at school.

The market place was where men’s independence was made visible
through the sale of both property and labour. Independence was proved by
the ability to support dependents and this gave working-class men an
opportunity for public status. Working-class respectability came to be
defined by the ability of the man to support his family. This had
implications for the self-determination of both women and children.
Since women were supposed to belong to the head of the household, they
did not have the same freedom to sell their labour, so that although men’s
skilled work acquired an economic value, women’s skills came to be seen
as natural and were poorly paid. During the nineteenth century, the
concept of citizenship was framed around the idea of the economically
independent man so that women were excluded from earning a living
and civic rights. At the same time, children were being withdrawn from
the labour force and sent to school instead. This ended much exploitation
of youthful vulnerability in terms of low pay, long hours and poor
working conditions, but for some children it also meant the loss of
independence, and perhaps pride in their ability to contribute to the
family’s income.

Davidoff argues that domesticity, family, kinship, marriage and
parenthood should be central to debates about the public and private
because they are “the crucible” within which individuals learn the
language of their identity in terms of gender, ethnicity, race, nationality
and sexuality. The ways in which such knowledge was processed was
crucial to the social order of the next generation. What happened to
children had deep significance for the nation’s political order, which
explains the growing emphasis on children’s welfare and training. It
suggests why state care was further entrenched, at some expense in
Tasmania, during the 1890s, a time of economic crisis and social instability.

40 Davidoff, pp. 229-257.
41 Davidoff, p. 229. Hetherington made a similar point in a recent article. Penelope
Hetherington, “The Sound of One Hand Smacking: History, Feminism and Childhood” in

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Carole Pateman uses similar arguments to link women's civic status to their vulnerability within the home. Located within the home, women needed the protection of the male head of the household (Pateman calls the protection of women by men "the polite way to refer to subordination"). However, protection was not always a guarantee of safety because it was conditional on the protector's good will. Confinement to the home, with a resulting economic dependence, placed women in the power of protectors who might be abusive. Since women were not in possession of their bodies in the way that men were, their vulnerability to violence or sexual abuse was even greater. The male heads of the households spoke for women who learned to see themselves as weak, voiceless and incapable of self-protection. Such arguments can also be applied to children because of their economic and emotional dependence on adults.

These works provide a theoretical background to the difficulties that poor Tasmanian women found in supporting and protecting their families at the turn of the century. They also raise questions about the ambiguity of the public presence of other individuals who lacked manly independence; men who could not sell their labour because of economic downturns or their own physical limitations, or people who, because of mental illness were believed to act irrationally. Children too, because of their inexperience, smallness and unpredictable behaviour, came into these categories. Such people's natural vulnerability, and need for protection by others, with the dangers inherent in that, was greatly increased by cultural perceptions that relegated them to the private sphere. Moreover, since they were socially marginal and relatively powerless, they were often considered a threat to full citizens' property or peace of mind, and so were believed to need control. However, socio-economic and political powerlessness did not preclude individuals from exercising agency, and children were no exception.

Children's Agency
A difficulty of discussing children's agency is that, given their special needs, it can seem to imply rights which advocate permissive, even

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irresponsible, parenting. Aries has been criticised for his belief that because of their freedom, medieval children were better off than their coddled, protected counterparts of today. Yet, since historians accept constraints on adult agency, the existence of children’s agency can be accepted without suggesting that they do not need guidance.

One problem with writing about women’s (and children’s) agency is that traditionally, it has been constructed in terms of masculinity and the public world. E.P. Thompson, the historian of the English working class, believed that agency was dependent on the ability to understand rights and to demand them in a logical and coherent manner. Ultimately, this translated into a working-class understanding of its relationship with the means of production and the development of working-class consciousness. An advantage of Thompson’s approach is that he saw identity formation as a matter of process and, in this way, he shows how historical change occurs through human agency. However, his concept of agency, rather male orientated, and dependent on participation in the work force, has been criticised for its narrowness.

Joan Scott, for example, criticises Thompson for assuming that legitimate protest has a rational perspective on which women (and children?) can only have destabilising effect. Influenced by Michel Foucault, she argues that historians must make use of a more diffuse and all pervasive definition of power which focuses on ever changing processes. Challenging representations of power, through its symbols, which are often contradictory, and its norms, which are usually expressed in polar opposites, reveals human agency. Since she argues that people can only

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44 Kociumbas, ‘Childhood History as Ideology’.
46 Joan Wallach Scott, Gender and the Politics of History, New York, 1988, pp. 75-9; for a similar comment, although she takes the psychological, Lacanian approach, rather than the linguistic one, see Sally Alexander, Becoming a Woman and Other Essays in 19th and 20th Century History, London, 1994 , pp.103-7.
use linguistic constructs to give experiences meanings, and so reveal instances of agency, Scott has been accused of denying it any meaningful existence. Moreover, because individuals can only move between discursive constructs, it is difficult to see how this methodology can explain historical change. Scott, and others who rely solely on discursive techniques, have also been criticised for refocusing historians’ attention away from questions of power. A danger with analysis derived from Foucault, is that power will appear so diffuse that there is no oppression and no agency.  

Such problems have been resolved by embedding cultural constructs in their social and economic contexts. For instance, Kathleen Canning argues that when individuals live through particular historical moments, the experience gives rise to a cultural reappraisal of their world, new meanings are formed to explain events and in this way, agency is exercised. Judith Walkowitz argues similarly, that the material world acts as a destabilising force on the cultural one and that although individuals cannot fully create their cultural world, they can alter it. In this thesis, the view has been that people, including children, exercised agency, as far as possible, given the constraints of their cultural, economic and social context.

Sherry Ortner suggests that the consciousness of an act of resistance is not as important as the transformative processes that it puts in train. This is useful for discussing children’s agency since much of their behaviour is seemingly instinctive, especially when they are very young. However, the danger is that the analysis seems to deny individuals meaningful agency. Ortner, herself, is cautious because she believes that a concept of

Gareth Stedman-Jones is another important convert to a linguistic approach. However, he disapproves of Foucault’s methodology because he believes that it is too influenced by its Marxist origins and, as a result, is equally reductive. Gareth Stedman Jones, “The Determinist Fix: Some Obstacles to the Further Development of the Linguistic Approach to History in the 1990’s”, History Workshop, Issue 42, 1996, pp. 19-35.


Walkowitz, “Patrolling the Borders”.

intentionality demonstrates the presence of power in most human activities. In addition, an action that is not originally resistant, might become so as the individual begins to see its possibilities. Ortner also observes that, since the dominant group always has much to offer to the subordinate group, albeit in return for retaining power, there is often a reluctance to resist, which is why subordinate groups often accommodate the dominant one. Moreover, people might believe in representations that contribute to their own oppression and, at the same time, preserve beliefs that enable them to see through them.52 This range of behaviours was readily observable amongst the adults and children who came into contact with the Neglected Children’s Department. In particular, as individuals unwillingly caught up in a system that did not meet their needs in a way of their own choosing, many children resisted, resorting to behaviour that was sometimes strategic, and based on their power as actual or potential workers. At other times their behaviour was seemingly irrational, although a further exploration of it often reveals a strategy.

Some convict histories provide good working models for writing about these behaviours, especially amongst apprenticed children. In some cases, children knew their rights and acted on them, but this can be difficult for individuals faced with an unequal balance of power to do. As a result more subversive tactics might be adopted. For instance, drawing on lingusitic approaches, Joy Damousi shows how convict women turned representations of themselves back on to middle-class authorities by behaving in “unseemly” ways.53 Alternatively, economic power can be used as a bargaining point by those who are in the labour force. Kirsty Reid, keen to move away from victim models induced by an over-emphasis on convict women’s sexual exploitation, shows that the dependence of employers on the women’s labour provided a negotiating point. Representations of them in contemporary material as “naughty” or “refractory” have disguised that power from historians. In this thesis, similar analogies have been made between children’s protest and portrayals of it as disobedience.54 Kay Daniels criticises Damousi for not

52 Ortner, pp. 283-290.
drawing the little world of convict protest together with the larger one of policy and political change, because it suggests that although the women made a small space for themselves, they could not alter a system which apparently remained oppressive, humiliating and unresponsive.\textsuperscript{55} Reid can be criticised on similar grounds, although she anticipates it by arguing that large scale change was an impossible goal for assigned convict women and that at least they were able, as individuals, to improve their quality of life.\textsuperscript{56} As my thesis suggests, individual children too, could not change the system, although they might be able to improve their own situations. However, their protests probably did contribute to the employment of more inspectors and the inclusion of violence to children in the \textit{Children's Charter} as a category of neglect. Ortner's suggestion that the important thing was the changes that people's actions put into progress, rather than their intent, seems helpful here.

By drawing on the social, material and cultural contexts of their lives, this history has discussed the experiences and agency, as well as the constraints on it, of the men, women, and children involved with the Neglected Children's Department in Tasmania. In order to explain the structures of power which offered the children and their parents such meagre socio-economic portions, their situations have been related to their political status. However, while many of the people in this history suffered as a result of their marginality, they were not the pawns of the Neglected Children's Department, but individuals who sought to retain control over their lives in whatever ways they could.

\textsuperscript{55}Kay Daniels, \textit{Convict Women}, Sydney, 1998 p. 47.
\textsuperscript{56}Reid, pp. 118-9.
APPENDICES
Infant Mortality Rate (per 1000 live births)

Figure I

Source: Statistics of Tasmania, 1898-1918
Annual Committals to the Neglected Children's Department

Figure II

Source: Neglected Children's Department (Tasmania) Annual Reports, 1897-1918; Children of the State Department Annual Reports, 1919-1924
Source: Neglected Children's Department (Tasmania) Annual Reports, 1897-1918; Children of the State Department Annual Reports, 1919-1924
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CSD/22: Chief Secretary's Department, 1897-1946: contains most of the official correspondence between the Chief Secretary's Department and the rest of the public service, as well as members of the public. Since the Neglected Children's Department was included in the chief secretary's portfolio of responsibilities and directly administered by the under-secretary for nearly eight years, the records have provided invaluable background information about the administration, staffing and policy concerns of the Neglected Children's Department.

SWD/1: Social Welfare Department, 1896-35: correspondence relating to the care and custody of children under the Neglected Children and Youthful Offenders Act, and subsequent legislation up to 1935, is contained in this series. Each child had a file and SWD/1 in the footnotes refer to the box and then, the file number.

PSC/2: Public Service Board: contain the general correspondence of the Public Service Board between 1905 and 1975. In combination with PSC/24, which is the personal history cards of Public Service officers, they are a useful source of information about staff appointments and dismissals.

POL/5, 43, 174, 386, 571, 694; AC 462 Police Department: records kept by the police in rural municipalities. The Police Occurrence Books have been particularly useful sources for grass roots policy on infanticide. The Archives Office is currently transferring the prefix for Police Department files from POL to AC.
SC 195/IN 16115 Supreme Court Inquest: final figures refer to the number of
the inquest.

HSD/273 Health Department: selected reports prepared by the Department
between 1904 and 1905.

HSD/15 Health Department: documents related to infant mortality from 1931-2
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