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A Child for Keeps: the History of Adoption in England, 1918-45

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Jenny Keating?s *A Child for Keeps,* based on her excellent doctoral study of the subject (1), is a welcome addition to the social history of 20th-century Britain. Despite the importance of child adoption in relation to a number of social and cultural concerns in this period ? changing views on illegitimacy, constructions of parenthood and childhood, and the roles of the state and the voluntary sector, to name a few ? this marks the first published book-length study of the subject.(2)

In part, this historiographical neglect is likely to be a result of severe problems accessing relevant records. In the first place, given the shame associated with illegitimacy, it is impossible to tell how many children secretly born out of wedlock were adopted within the family unit, or by sympathetic friends and neighbours. Secondly, since legalised child adoption was a practice introduced much later in Britain than the United States or many Commonwealth countries and the initial laws dealing with this were permissive rather than mandatory (p. 2), informal child adoption continued well into the 1930s. More seriously, however, those scholars hoping to examine either detailed legal documents dealing with child adoption, or records of this process held by any of the charities which assisted unmarried mothers or focused on child welfare, are guaranteed to be disappointed. As Keating observes, ?even when records still exist the data protection laws and confidentiality rules are strict and rigorous, and, if anything, seem to be getting tighter? (p. 9).

Given these restrictions, there is little possibility at present of finding a way to examine the historical reasons

that particular couples or individuals might have chosen to try and adopt a child, how the children experienced life after adoption, or even what prompted the biological parents to give up their child when we know other single mothers and fathers struggled in the face of immense hardship to keep their children with them. Inevitably, this means that any attempt to engage with the history of child adoption is substantially a top-down exercise: heavily reliant on both published and unpublished governmental and administrative records, such as Home Office or local authority files. It is to Keating?s credit that despite these limitations in the available evidence she has managed to create a sophisticated and engaging analysis of the shifting discourses of child adoption, and the impact of legislation on the practice, between 1918 and 1945.

Child adoption had no legal status in Britain (including under the separate legal system of Scotland) until 1926, when the first Act was passed which regulated this in England and Wales. Until then, child adoption was an informal and generally secretive procedure which gave the adoptive parents no rights whatsoever: a biological parent could (and in some cases, did) appear at any time and demand custody of a child they had neither seen nor contributed to the care of for years at a time. The first chapter of *A Child for Keeps* provides essential context and the historical background to the study, examining how the subject of child ?adoption? was discussed and dealt with in the late 19th and early 20th century. This sets out a valuable overview of a number of related issues before the First World War: the stigma surrounding illegitimacy; child custody, parental rights and duties, and the introduction of new laws against child cruelty. It also engages with late 19th-century debates over so-called ?baby farming?, a pejorative term used to encompass a broad range of activities which included respectable foster care but was generally associated in the Victorian and Edwardian imagination with child abuse (and even outright homicide) by malevolent working-class women committed on a grand scale.(3) These are huge subjects in their own right, and so any attempt to cover them in a single chapter forces the author to make hard choices about what must be regrettably left out. Nevertheless, I was surprised to find no reference here to key research by Richard Collier (4) and Megan Doolittle (5) on 19th-century child custody debates, or Ruth Homrighaus? important (though unpublished) doctoral thesis, which remains the only book-length analysis of baby-farming in England.(6) While there are no omissions here in terms of important issues or concepts, Keating is noticeably weaker on the subject of baby-farming (and in later chapters where the matter is also touched upon), despite the fact that it was frequently considered synonymous with informal child adoption until 1918.

Chapter two explores the ways in which the voluntary sector began to deal with the increased public interest in ? and demand for ? child adoption in the wake of the First World War. The focus is on the creation and early years of three societies that took the lead in dealing with child adoption from 1918 onwards: the National Child Adoption Association (NCAA), founded by Clara Andrew; the National Adoption Society (NAS); and the National Council for the Unmarried Mother and her Child (NCUMC). All three philanthropic organisations, created between 1917 and 1918, were concerned that adopted children should only be taken by respectable people who were committed to providing a stable home. The NCAA and NAS were sufficiently similar, both in name and their work, to generate much confusion about the difference between them in the public mind, although the NCAA ultimately became larger and proved more successful, perhaps in part due to having received the official patronage of Princess Alice, Countess of Athlone, in 1919. While the NCUMC was initially suspicious of child adoption, fearing it undermined their work with unmarried mothers where the goal was always to keep their children with them, the growing demand for child adoption in the interwar period meant it was an issue the society was forced to engage with right from the outset.

By the early 1920s both the NCAA and NCUMC had begun to call for new legislation to be introduced on child adoption, arguing that since ?adoption? was occurring in any event legislation would provide better safeguards for the children involved. Chapter three examines the pressure placed on the government by these and other interested organisations to pass an adoption law. In fact, despite national conferences being held on the subject in 1918 and 1919, and a meeting on the matter arranged in 1920 with the Home Office by the National Council of Women, neither the civil service nor the government were convinced that any measure designed to regulate child adoption was actually necessary. Although the 1921 Committee Child Adoption Committee headed by Sir Alfred Hopkinson found that ?Every witness felt that adoption should be legalised

in some form? (p. 85), in practice both Parliament and the civil service were unhappy with this idea. These objections by civil servants were not confined to the Home Office, but complaints on various different aspects of the proposed legislation were raised from within the Lord Chancellor?s Office, Ministry of Pensions, Board of Education, and Ministry of Health, all of which feared that amending the law to give adoptive parents greater legal rights might interfere with their work (and, crucially, with their authority in individual cases). Since it was agreed by officials that the Hopkinson Report?s claimed urgent need for legislation was unconvincing, Bills to introduce an adoption law were repeatedly blocked between 1921 and 1924.

However, these behind-the-scenes delaying tactics could not be used indefinitely, and the events immediately preceding the introduction of the Adoption of Children Act in 1926 are the subject of Chapter four. In 1924, responding to a new Bill in the House of Lords introduced by the Duke of Atholl, the Home Office arranged for a second Committee on Child Adoption to be convened. Headed by a High Court judge, Mr Justice Tomlin, this eventually delivered three reports and called more witnesses than had been heard by the 1921 Committee. It was substantially less enthusiastic about the need for a child adoption law than the Hopkinson Committee had been, but nevertheless recommended that one should be introduced. Importantly, the Tomlin Committee (and indeed the civil service) felt that any uptake of such adoption legislation would be relatively small, and were keen to avoid a situation whereby laws were rushed through and created unforeseen complications. Instead, what became the 1926 Act was intended as ?a way of introducing the practice gently to English society? (p. 114).

In fact, as Keating points out, even after the backlog of cases brought by parents who had been involved in informal adoptions before 1927 was cleared, the numbers of those applying for adoption orders continued to rise and had reached more than 5,000 a year in 1936 (p. 117). Chapter five examines the first years of legal adoption in England, and the issues this presented to the courts and those organisations (such as the National Association for the Prevention of Cruelty to Children and the London County Council, as well as the NCAA and NCUMC) which dealt with the adopted children and their families. While the majority of adopters were married couples, there were also a small number of unmarried parents who adopted their own illegitimate child in order to legitimise them, and until the policy on this changed shortly after the Second World War, a number of single childless men and women also adopted children.

Chapter six explores the increasing regulation of adoption societies in the wake of the 1926 Act. Even the most respectable and successful of these organisations, such as the NCAA and NAS, had been occasionally suspected of conducting lax checks on potential adopters or being out of step with the best practice in child welfare. Generally, the NAS and NCAA were prestigious enough to be able to shrug off such criticisms, but some of the smaller societies were increasingly thought during the 1930s to be a marginally more respectable (and definitely perceived as less homicidal) version of the ?baby-farming? which had so exercised British commentators on child welfare in the late 19th and early 20th century. In response to these concerns, the Departmental Committee on Adoption Agencies was appointed in 1936, headed by Florence Horsbrugh, the Member of Parliament for Dundee. Crucially, this covered not only legalised child adoption and the societies which arranged this, but also investigated the informal adoptions which fell outside the 1926 Act. The recommendations of the Horsbrugh Committee formed the basis of the 1939 Adoption of Children (Regulation) Act, which required a local authority to be notified of any informal adoption by anyone of any child under nine years old. Perhaps most significantly, the Act finally made illegal both the advertising of children for adoption or adoption for financial reward save by a local authority.

During the Second World War, child adoption remained an issue of concern on the Home Front, and the continuities and changes resulting from this period are examined in chapter seven. Just as in the First World War, the issues of war orphans and a rise in rates of illegitimacy prompted a reassessment of adoption policy and practice. In part, this was spurred on by the fact that the outbreak of war meant that the implementation of the 1939 Act was delayed. By 1942, however, despite the Home Office?s lack of enthusiasm for enforcing it, there were increasingly vociferous worries raised by the press; the general public and the infant welfare sector that the sort of abuses which the 1939 Act had been designed to stamp out were actually on the rise. As a result, the Act was finally introduced in June 1943. It is important to note, as Keating points out, that

even in the early months after the Act was enforced ?the initial procedure was not a mere formality? (p. 180). Councils could ? and did ? withhold registration from adoption societies which did not meet with their approval until they felt that the guidelines for child adoption were properly complied with. Two further changes in legislation, the 1949 Adoption of Children Act and a consolidating Act passed in 1950, were not concerned with the criticisms of adoption practice which had been made by the 1945 Curtis Committee, but instead reflected in law a cultural and policy shift which placed ?much more emphasis on the new family than on the birth mother trying to make her lonely decision? (p. 190).

The years 1918 to 1945, as Keating demonstrates, saw profound and dramatic changes in the discourse and practice of child adoption in England. At the end of the First World War, child adoption was still an informal process set outside the law and looked at askance, while after 1945 ?it was an established way of setting up a family? (p. 195). The final chapter, which reviews the arguments presented here and briefly outlines shifts in the policy and discourses of child adoption since 1950, illustrates that the subject of adoption continues to reverberate across discussions of the family, the ongoing debate over ?nature versus nurture?, and the seemingly eternal question in cases of child adoption as to what degree secrecy should play in the process.

Arguably, the most striking thing about child adoption in 20th century England is how far removed, in some ways, it has been perceived to be from the experiences of the ?normal? family. Despite repeated calls for changes in legislation throughout the period discussed by Keating (and indeed after that time), until well after the Second World War adoption was regularly perceived as a side-issue compared with other aspects of family life or child welfare, requiring very little state intervention. Yet the debates about how adoption should work, who should adopt children, and (from the 1940s onwards) the belated question of what was in the best interests of the child, have always influenced ? as well as been influenced by ? social constructions and perceptions of what family life could and should be like. In writing the first monograph on the history of adoption in England, Keating has opened up a significant new aspect of our understanding of family life in the 20th century for further exploration.

Notes

1. Jennifer E. Keating, ?Chosen children? The legalisation of adoption in England and its aftermath, 1918-1939? (Unpublished PhD thesis, University of Sussex, 2005).Back to (1)
2. A small number of book chapters and articles on the history of child adoption in England have been published: see variously George K. Behlmer, *Friends of the Family: The English Home and Its Guardians, 1850?1940* (Stanford, CA, 1998) pp. 272?315; Stephen Cretney, *Law, Law Reform and the Family* (Oxford, 1998) pp. 184?202; Katherine Holden, *The Shadow of Marriage: Singleness in England 1914?60* (Manchester, 2007) pp. 140?163; Pamela J. Walker ?Adoption and Victorian culture? in *History of the Family*, 11, 4, (2006), 211?21.Back to (2)
3. For a wider discussion of Victorian baby-farming see Margaret L. Arnot, ?Infant death, child care and the State: the baby-farming scandal and the first Infant Life Protection legislation of 1872? in *Continuity & Change*, 9, 2 (1994), 271?311.Back to (3)
4. Richard Collier *Masculinity, Law and the Family* (London, 1995), pp. 175?200.Back to (4)
5. Megan Doolittle, ?Fatherhood, Religious Belief and the Protection of Children in Nineteenth-Century Families?, in *Gender and Fatherhood in the Nineteenth Century*, ed. Trev Lynn Broughton and Helen Rogers (Basingstoke, 2007) pp. 31?42.Back to (5)
6. Ruth Ellen Homrighaus, ?Baby Farming: The Care of Illegitimate Children in England, 1860?1943? (Unpublished PhD thesis, University of North Carolina at Chapel Hill, 2003).Back to (6)

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