Social services for unwed mothers and their children

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"Voluntary Work and Social Services for the benefit of single parents".

Introduction

In traditional human society, a long-term stable cohabitation of two persons of the opposite gender was considered essential for providing the necessary care to any offspring that arise from the reproductive activities of that couple. This was biologically and socially important primarily because of the relatively long formative period required for the human child to reach full maturity and self-sufficiency. This cohabitation was formalized with the institution of marriage, also called matrimony or wedlock, which can be defined as the legally or formally recognized union of a man and a woman as life-long partners in a relationship. This union established rights and obligations between the couple, between the couple and their offspring and their in-laws, as well as society in general.

In the early Christian era, matrimony was considered a private affair requiring no formal religious or legal ceremony. Until the middle of the 16th century, Christian marriages in Europe were still contracted by mutual consent requiring only a declaration of intention to marry and the subsequent physical union of the parties. The presence of a priest or witnesses was not required. Contrary to general misconception, the Catholic Church did not consider marriage as being solely contingent to producing offspring. Therefore, while annulment of the marriage was allowed if a man could not have penetrative intercourse with his wife, the marriage contract was binding even if the couple could not conceive. In Maltese history, a case for marriage annulment on the basis of inability to have intercourse by the spouse was presented to the Ecclesiastical Court in 1542. The court appointed two experts – Drs Giuseppe Callus and Rayneri de Bonellis – who examined the male partner in the marriage and confirmed that consummation of the marital act was impossible owing to genital organ malformation described as severe hypospadias.¹

A similar recorded case was again brought to the attention of the Ecclesiastical Court in 1756. In this instance, the court appointed four experts who decided that in spite of the abnormality of the male genitalia, this was more than sufficient to enable consummation of the marital act.²

¹ Paul Cassar. A medico-legal report of the sixteenth century from Malta. Medical History, 1974, 18:p.354-359

² Archiepiscopal Archives Melitensis – Super Divortio Inter Alicunda Vella e Alessio Vella. Unclassified documents.

Out-of-Wedlock sexuality

The ideal circumstances under which to practice sexuality and procreate were therefore considered to be within an environment of a stable cohabiting relationship legally-supported by the institution of matrimony. However man and women have not always constrained their sexual activities to the marital act. Sexual activity was carried out outside wedlock or with professional sex workers. Historically, civil and religious governmental bodies have addressed extramarital sexuality and prostitution in a number of ways. The Codex Justinianus promulgated in 529 AD defined the status of a child borne out of wedlock to a prostitute as being sine patre, without a father and no claim made for the demand of a marriage portion. The Codex Justinianus was a compilation of all the extant imperial constitutions from the time of Hadrian. It used both the Codex Theodosianus and private collections such as the Codex Gregorianus and Codex Hermogenianus.³ Since the Maltese Islands fell under the jurisdiction of the Justinian Empire, there is a strong likelihood that the *Codex* was applicable to the Maltese community.

Medieval Society in Malta appears to have been based on the principles of feudalism that resulted in a subdivision of society in several strata with differing obligations and rights, some of the differences being established by law. The *Liber Augustalis* promulgated in 1231 by Emperor Frederick II for the Kingdom of Sicily and applicable to the Maltese Islands codified many of the obligations and rights of the various strata. This same codex regulates the punishment for prostitution and adultery, which regulations reflect a strong sense of honour and shame - "The penalty against adulterers who attract the wives of others must no longer be the sword. Rather we introduce the penalty of confiscation of their property if they have no legitimate children from the violated marriage or another..... But a woman must not be handed over to her husband who would rage against her until he killed her. Instead, the slitting of her nose, which is more severely and cruelly introduced, should pursue the vengeance of the violated marriage. But if her husband is unwilling to give her punishment, we will not allow such a crime to go unpunished but

O.J. Thatcher (ed.). The Library of Original Sources (Milwaukee: University Research Extension Co.,1907), Vol. III: The Roman World, pp. 100-166. Scanned in and modernized by Dr. Jerome S. Arkenberg, Dept. of History, Cal. State Fullerton. This text is part of the Internet Medieval Source Book.

will order her to be publicly flogged." Anyone who simply solicits the loss of chastity of another was to be considered to have committed adultery and punished accordingly. The charge of adultery was to be tried by the Ecclesiastical rather than the Civil Court. "A woman who has exhibited her body for sale far and wide cannot be accused of adultery. But we prohibit violence to be done to her, and we forbid her to dwell among women of good reputation."

There is no evidence that the above laws relating to adultery were rigidly adhered to in Malta, however 15th century Maltese society still had a strong sense of honour and shame in matters pertaining to adultery.⁵ Cuckolded husbands often took matters into their own hands with disastrous outcomes. In 1406, Johannes Statrillo of Catania was sufficiently provoked to kill his adulterous wife. As punishment for his crime, he was exiled to Malta for a period of five year, which sentence was reduced by King Martin to an exile of 1-2 years since he provided proof of having been gravely provoked. Similarly in 1410, the knight Franciscus Gatto caught his concubine *in flagranti* with a baptized Jew and other men. In a rage, he slit her nostrils and cut away her genitals with a sword. He further flogged to death one of his servants who had abetted the Jew.

He appealed to Queen Bianca for clemency which was granted overriding all court decisions to the contrary. The queen further forbade the woman any recourse to the law. In 1426, Philippus de Malta residing in Piazza fled from justice after killing his adulterous wife caught *in flagranti*. His property had been siezed by the Capitano of Piazza leaving Philippus' minor children in abject poverty. After pleading his case with the Viceroy, he was granted a full pardon.⁶

Some cases, especially those involving individuals belonging to different social strata, were settled amicably. The notarial deeds belonging to notary Giacomo Zabbara record that on the 10th April 1487 Michael Farruge of Zebbug forgave both his wife Antonia and the Noble

The Liber Augustalis or Constitutions of Melfi promulgated by the Emperor Frederick II for the Kingdom of Sicily in 1231 [translated by J.M. Powell]. University Press, Syracuse, Title LXXIV - LXXXV, p.145-148

⁵ Godfrey Wettinger. Honour and Shame in late fifteenth century Malta. Melita Historica, 1980, VIII:p.65-77

Stanley Fiorini (ed.). Documentary sources of Maltese History. Part II Documents in the State Archives Palermo No.2 Cancelleria Regia: 1400-1459. University of Malta, 2004, item.94, 137

Peri Johannes de Mazara the injury done to him by way of adultery. He renounced all further rights to accuse them and declared himself to have reconciled completely with his wife. The reasons recorded for this renouncement of civil and criminal rights were divine precepts that promoted unconditional forgiveness. In spite of being married since 1434, De Mazara appears to have been quite an amorous fellow since nearly two months later, on the 27th June 1487, he reconciled himself with Stephanus Seychell over a similar matter. The contract records that Stephanus' wife Laurencza had prior to her marriage been living in concubinage with de Mazara. After her marriage to Stephanus, she again entered de Mazara's household as a concubine during her husband's absence at sea. It was alleged that in her husband's absence, Laurencza started living a shameless life having carnal relations with several men. Allegedly de Mazara took Laurencza back in his household to save her from the shameless life she had embarked upon. Stephanus acknowledged de Mazara's actions and thanked him for the care given to his wife. He forgave de Mazara and his wife all fault, offence and injury committed by the adultery and concubinage, renouncing all civil and criminal rights. He further declared that he was ready to take his wife back and treat her well as if nothing had happened. The cuckolded husband Stephanus may have had second thoughts or alternatively Laurencza may have continued her affair with de Mazara, since on the 11th September 1487 Stephanus is recorded as having considered prosecuting de Mazara for adultery but had again opted to pardon him and take back his wife. 7 Eighteenth century midwives were obliged to make the mother of an illegitimate child name the father, in order that he might not evade his duty to maintain his offspring, nor escape the punishment that could be inflicted for his offence in fathering it.8 In 1783, a midwife swore before the Bishop's Court that a newborn illegitimate child resembled the named father. He was fined by the Court, and made to pay for the expense of the delivery and to contribute to the child's upkeep.9

Professional sex practice or prostitution was an ongoing concern. Santo Spirito Hospital at Rabat, Malta founded by the fourteenth century

Stanley Fiorini (ed.). Documentary sources of Maltese History. Part I Notarial documents. No.1 Notary Giacom Zabbara R494/1(I):1486-1488. University of Malta, 1996, item.165, 206, 284

F. Ciappara. Marriage in Malta in the Late Eighteenth Century. Associated News (M) Ltd., Malta, 1988, p.19-32

⁹ CEM. AO696, f.286r-367r

catered for the care of poor infirm individuals, foundlings and patients. The patients mentioned in the 1494-96 records include an unnamed *peccatrichi* or prostitute, underlining the existence of these women in the community. The existence of *peccatriche* or *meretrici* is further attested by specific mention in the sixteenth century Baptismal Records kept by the Mdina Cathedral. During the period 1542-1576, infants were born to a number of named prostitutes including Isabella ta Hapap, Ioanna Iordaina, Agatha ta Sihaytira, Margarita Pauli Vella Sandar, and Luchia ta Xiffi. The respectable community may have been reluctant to allow women of ill-repute to live in certain quarters. This reluctance may have been the reason why the prostitute Clara in August 1537 was ordered to change residence under pain of a birching and a fine. 12

Prostitution persisted right through the hospitaller period. Numerous accounts of the second half of the 16th century attest to the exceptional abundance of international courtesans in Grand Harbour region. The German scholar Hieronymus Megister who visited Malta in 1588 reported that "there are also many courtesans and mistresses. Among them there are the most beautiful Italian, Spanish, Greek, Moorish and Maltese women". ¹³ In 1595, Grandmaster Martino Garzes founded the Magdalen Asylum for the reception of penitent women. The funding of the Asylum was augmented by the donation of a fifth part of the estate of every prostitute whose will was declared illegal and invalid unless containing a clause for such a legacy. ¹⁴

In 1631, prostitutes were prohibited from living in specified streets in Valletta, a provision that remained in force with modifications well into the twentieth century. ¹⁵ In spite of the various restrictions on courtesans in Valletta, the city in 1677 was noteworthy for the remarkable number of destitute women and for the libertinism in which the people

MCM Archivum Cathedralis Melitae [ACM] Misc. 438 N. 1 (1494-96): fol.30-31v. In. S. Fiorini. Santo Spirito Hospital at Rabat Malta. The early years to 1575. Department of Information, Malta, 1989, p.39

Achivum Archipresbyteri Cathedralis Melitae Lib. Bapt. I (1.xi.1542) fol.46; (22.xi.1546) fol.64; (6.iv.1547) fol.67; (3.ii.1561) fol.137; (29.ii.1576) fol.224. In: S. Fiorini, 1989: ibid.

¹² National Library of Malta [NLM] Univ. 13 (4.viii.1537) fol.144. In: S. Fiorini, 1989, ibid, p.40.

H. Megiser. Propugnaculum Europae. Henning Gross d.J, Leipzig, 1606. In: A. Friggieri and T. Feller. Malta. The Bulwark of Europe. Gutenberg Press, Malta, 1998, p.149

¹⁴ Christine Muscat. Magdalene Nuns and Penitent Prostitutes, Valletta. Book Distributors Ltd, Malta, 2013

Ordinationi Capitulari, 1631. F.89t [ms. Originally in holding of Chev. J. Galea as reported by P. Cassar. The Medical History of Malta. Wellcome Hist Med Libr, London, 1964, p.225]; Malta Government Gazette 20. vii.1923, p.666; 12.xi.1928, p.800; 1.viii.1930, p.600

lived. 16 Further legal provisions to attempt curb commercial sex were incorporated in the 1724 De Vilhena code of laws. Any married man of means who frequented donne meretrici was liable to a fine in the first two instances, but was banished from the Island since he was considered to be incorregibile. Those from the lower classes were punished by whipping or for later offences a period of hard labour. The meretrici were punished at the discretion of the Grand Master. ¹⁷ The statutes were re-codified by the De Rohan Code in 1784. Foreign courtesans were barred from entering the country, while the Maltese ones were subject to a number of social and legal restrictions. They were prohibited from opening their doors between sunset and sunrise, and were prohibited from frequenting taverns and inns. Punishment for legal infringements was appropriated at a different scale to courtesans and prostitutes as compared to other female offenders with the former being sentenced to a flogging or exile in contrast to a fine in the latter for similar offences.¹⁸ Periodical examination of prostitutes to identify infected individuals was introduced.

The advent of British dominion in the beginning of the nineteenth century placed the Maltese islands in a central role in British maritime affairs, a situation promoting the role of professional sex workers in spite of the rather prudish attitude towards sex, particularly pre-marital sex, during the Victorian era. In 1859, it was realised that the traditional periodic examination of prostitutes was not sanctioned legally, and prostitutes resisted further examinations and failed to present themselves. This resistance culminated in the enactment of Ordinance IV of 1861 that legally established the compulsory periodic examination of prostitutes and allowed for provisions so that those found to be infected to be detained in hospital until treatment was effective. In 1865, the registered professional sex workers population numbered 120.19 The post-Second World War period brought about a drastic change of attitudes towards sexuality throughout Europe, a change that slowly but gradually permeated into Maltese society. Unlike the Victorian and post-Victorian era where sex was considered a disruptive force, sex in the 1960s started being looked at

¹⁶ G. Semprini. Malta nella seconda meta` del seicento. Archivio Storico di Malta, 1934, 4:p.97

¹⁷ Leggi e Costituzioni. Malta, 1724

Del Dritto Municipale di Malta. Nuova compilazione con diverse altre cosituzione. G. Mallia, Malta, 1784, p.159, 182, 254, 258, 276

¹⁹ P. Cassar, 1964: op. cit., p.229

as good fun. This of course promoted a rise in the adverse consequences of promiscuous sexuality including a rise in venereal disease and out-of-wedlock pregnancies.

Out-of-Wedlock pregnancy

One consequence of the sexual act is the generation of offspring. When conceived outside the marital environment, these innocent players were often considered an inconvenience and abandoned to the care of the state or religious authorities. Formal provisions to care for unwanted babies and foundlings were introduced in Malta during the late Medieval period, when the *Universita*' established a system at Ospizio Santo Spirito for the receipt and catering for the well-being and upbringing of these child. In 1518, two mammane or wet-nurses were being paid by the Ospizio to care for the foundlings at Santo Spirito. By 1554, 13 mammane were caring for 15 foundlings.²⁰ By 1615, a system of anonymous deposition of foundlings was erected at the hospital, this consisting of a wooden cot that revolved on it vertical axis ringing a bell during the process. About eight foundlings were received annually. 21 With the arrival of the Knights of Saint John in Malta, foundling care services were augmented at the Birgu Sacra Infermeria with two women being employed to bring up these children, these eventually being transferred to Valletta. These services continued to be offered right up to the end of the 18th century.

The Casa delle Alunne in Valletta offered similar services for the care of foundlings. The overall out-of-wedlock baptismal rate in Malta during 1750-1800 was 5.1%. It appears that the out-of-wedlock baptismal rates were particularly high in the the capital city parishes (Valletta 3.2 - 25.7%), and in main towns and harbour villages (Mdina/Rabat, Balzan, 2.4 - 3.1%; Vittoriosa, Senglea, Cospicua 2.6 - 6.0%). The rates were generally low ranging 0 - 1.6% in the outlying villages. The excessively registered high out-of-wedlock baptismal rate at the Parish of Our Lady of Porto Salvo in Valletta may in part be accounted for by foundlings presented for baptism from the deposited foundlings at the Casa delle Alunne and the births in the Casette delle Donne. Approximately half of the baptisms at Porto Salvo came from diverse localities other than Valletta suggesting the possiblity that women from the other harbour cities and outlying villages went to the city during the latter part of their pregnancy to deliver anonymously there.

²⁰ S. Fiorini, 1989: op. cit., p.35

²¹ Savona-Ventura C. Hospitaller activities in Medieval Malta. Malta Medical Journal, 2007, 19(3):p.48-52

The same pattern was evident in Gozo which during 1750-1800 registered an overall out-of-wedlock baptismal rate of 2.1%. The rate was much higher in Rabat (4.3%) suggesting a similar migration from the outlying villages to the capital which was also served by foundling care services in the *Hospitale San Guiliano*. ²² The comparatvely lower out-of-wedlock baptismal rates in the outlying villages in Malta and Gozo may suggest more rigid attitudes towards virtue in the outlying villages. It could also reflect resorting to a hurried marriage in the presence of an out-of-wedlock pregnancy.

Foundlings abandoned to the care of the state were accommodated in the foundling hospices until the age of eight years. They were then transferred to dedicated *Conservatori*, the boys being sent to Fort Ricasoli and apprenticed to several artisans until the age of 16 years; the girls being cared for in a number of asylums being taught a handicraft until the age of 20 years. By the end of the 18th century, there were a number of *Conservatori* catering for about 250 girls. There was also the *Conservatorio di Santa Maria Magdalena* in Valleta which served primarily as a refuge for repentent women of loose morals and for women and girls who were in danger of falling into prostitution, including unwed and unsupported pregnant women.²³

The 19th century saw a dropping trend in out-of-wedlock birth rates reaching about 1.2 - 1.6% total births during the period 1871-1900.²⁴ The Victorian era heralded a prudish attitude towards sex, while the Roman Catholic Church considered pre-marital intercourse or cohabitation a "reserved sin" with the penalty of excommunication. Amorous adventures were perhaps not uncommon, but any mischief arising was many times remedied by a hasty marriage. Unmarried girls sometimes even sought a pregnancy to force a marriage. A large proportion of unmarried mothers delivered their infants in the hospitals. In 1868 more than one-half of the maternity cases delivering at the Central Hospital at Floriana were unmarried young women.²⁵ These social facilities were mirrored during the 19th century under British management, though sited in different localities. The foundlings were in 1804 transferred from the *Casa della*

²² F. Ciappara, 1988: op. cit., p.84-86

²³ Report by Dr. Vincenzo Caruana made to the Commission of Government on 6th July 1798. AOM 6523, f.109-119

²⁴ C. Savona-Ventura. Illegitimacy in the Roman Catholic Community of Malta. Planned Parenthood in Europe, 22(2):p.30-32, 1993

²⁵ P. Cassar, 1964: op. cit., p.457

Alunne to the Ospizio at Floriana; and in 1833 to the Casa d' Industria at Floriana. The concept of the *ruota* used for the anonymous deposition of foundlings introduced by the Knights was abolished. However, infants were still being deserted in the streets and in churches. The population was urged to give instant assistance to any child found deserted before being taken to the police. The service was again in 1852 transferred to the Orphan Asylum set up in the old Magdalene Asylum at Valletta. This asylum housed a total of a hundred children of each sex. The children were cared for until the age of 18 years when they were given an outfit of clothing and the earnings gained from their apprenticeship. The Orphan Asylum was destroyed by enemy action during the Second World War. when the service was transferred to the St. Joan Antide Institute at Sliema. Other services were set up by religious institutions, sometimes supported by government funds. These included the Créche, the Casa di San Giuseppe, the Conservatorio Vincenzo Bugeja, and the Jesus of Nazareth Institute. The foundlings remained at the Orphan Asylum at Valletta until these abandoned infants were transferred to the Poor House at Mghieret. In 1937, these infants were placed in the creche run by the Ursoline Nuns 26

In Gozo, abandoned foundlings were rare, though *Hospitale San Guiliano* had facilities to receive them. Fathers, from motives of conscience, generally maintained their unwanted or out-of-wedlock children. During the period 1876-93, the out-of-wedlock birth rate of 8.6% in Victoria Hospital in Gozo was apparently higher than that in the general population estimated at 1.7%. These "unknown father" births were generally registered in unmarried women, but a few were from widowed (11.8%) or married (8.8%) women. The mean age of the mothers having out-of-wedlock pregnancies was 25.6 years, approximately seven years lower than their counterpart married women. The majority (77.8%) were having their first child. ²⁷ The advent of the twentieth century in the Maltese Islands continued to exhibit a relatively low out-of-wedlock rate approximating 1% in 1901-1910. The social upheaval of the First and Second World Wars did not appear to affect the out-of-wedlock birth rate adversely, this probably reflecting the strong Roman Catholic moral standards in force at the

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P. Cassar, 1964: op. cit., p.354-355

time.²⁸ The low rates apparently persisted through the first two-thirds of the 20th century with reported out-of-wedlock rates averaging 0.7% live births during 1959-62.²⁹ After 1980 there was a definite rise in out-of-wedlock pregnancies, with a sharp rise occurring after 1994. The rate has increased significantly to account for about 30% of all deliveries by 2010. By the second half of the 20th century, the responsibility of furnishing care to orphaned and needy children had devolved to the Church; the authorities supporting child social welfare by monetary inducements to families. In 1974, a scheme of Children's Allowances was introduced as part of the National Insurance Act. These supplemented the Milk Grant allowances given to needy women with infants. A Maternity Benefit Scheme was introduced in 1981; this being augmented by Maternity and Parental leave of absence from work.³⁰

²⁸ C. Savona-Ventura. Reproductive performance on the Maltese Islands during the First World War. J.R. Army Med. Corps, 1995, 141:p.107-111; C. Savona-Ventura. Reproductive performance on the Maltese Islands during the Second World War. Medical History, 1990, 34:p.164-177

²⁹ C. Savona-Ventura, 1993: op. cit.

³⁰ Savona-Ventura C. Contemporary Medicine in Malta [1798-1979]. P.E.G. Ltd, Malta, 2005, p.164-165, 185-189.

Social Services for the unmarried pregnant woman

It would appear therefore that unmarried and unsupported women who found themselves pregnant due to an amourous adventure were during the Hospitaller Period entitled to receive legal protection through recourse to the Ecclesiastical Court enforcing the responsible male partner to marry the woman or to provide financial support to the child. The state and church further provided facilities for the reception of unwanted foundlings in the hospitals they managed. Support to pregnant unmarried women was also available at the *Conservatorio di Santa Maria Magdalena* in Valletta, while medical provisions for assisting the delivery were made available at the *Casetta delle Donne* in Valletta. In Gozo, facilities to care for unmarried pregnant women and unwanted foundlings were available at *Hospitale San Guiliano* at Rabat, Gozo set up in 1787 and managed by the Church authorities. San Guiliano

The unsupported unmarried pregnant women during the 19th century had the option of seeking admission in the governmentmanaged maternity hospitals in Malta and Gozo for the last months of their pregnancy sometimes contributuing towards their keep. Six of the 34 mothers delivering out-of-wedlock infants in the Gozo hospital during this period came from Malta, three of whom were admitted by the Comptroller's or the Assistant Secretary to Government's authority residing in the hospital for an average stay of about 84 days when the average hospital stay for other women was 16 days. These included an 18-year old unmarried "domestic" of British parentage normally residing at Sliema admitted as a paying patient to the hospital for 52 days with the Comptroller's authority, and another 18-year old unmarried "domestic" from Valletta admitted as a paying patient to the hospital for 94 days on the recommendation of the assistant Secretary of Government. Another case of out-of-wedlock pregnancy from Malta was a 36-year old widowed "servant" from Mdina who resided in the hospital for 14 days.33

It would appear therefore that unmarried women finding themselves pregnant availed themselves of a long hospital stay in the latter months of pregnancy. Similar provisions for accommodating unmarried pregnant

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³¹ F. Ciappara, 1988: op. cit., p.19-32

J. Bezzina: The Sacred Heart Seminary. The heart of Gozo. Bugelli Publ., Malta, 1991, p.13

³³ C. Savona-Ventura. Giving birth in 19th century Gozo 1876-1893. Storja 2001, p.52-66

women in the latter months of pregnancy were also available in the hospital in Malta. This facility slowly came into disuse in the twentweith century, though correspondence dating to the mid-20th century does suggest that unwed mothers were still being referred to hospital for a prolonged antenatal stay the Gozo Hospital. Social Support reliance in the latter part part of the twentieth century became more dependent on monetary support from the Government's Social Services Department. The Education Department also provides services for continuing education for school-aged unwed mothers Ghozza' – formerly known as the 'Schoolgirl Mothers' - for those young mothers who make a prolife choice. Dedicated services to care for unwed mothers, named Dar Giuseppa Debono, were opened in Gozo in 1986.³⁴

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