

# Private Women and the Public Good

*Charity and State Formation  
in Hamilton, Ontario, 1846-93*

Carmen J. Nielson



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# *Introduction*

## Gender and the Public Sphere

*PRIVATE WOMEN AND THE PUBLIC GOOD* is a case study about a charity institution established by forty-six white, middle-class, Protestant women in Hamilton, Canada West, in 1846. This examination of two separate but jointly administered associations, the Ladies' Benevolent Society (LBS) and Hamilton Orphan Asylum (HOA), reveals tensions within nineteenth-century conceptualizations of private charity and the multitude of ways in which public institutions, from municipal councils to provincial legislatures, financed and governed charitable endeavours. Added to and overlapping with these tensions were gender ideologies that assigned the public world to men and sought to restrict women's access to the domestic sphere only. The book's title alludes to a paradox that is this study's principal focus: although nineteenth-century women's charitable work was nominally private because it was both voluntary and feminine, these efforts were sustained by public monies, legitimated by law, and served the so-called public good. The book's main argument is that while the complexity and extent of charitable associationalism's political significance has been underestimated, the challenge that women's charitable endeavours posed to the ideology of separate spheres has been overestimated.

The phenomenon of voluntary associationalism emerged with the development of civil society in the post-Enlightenment West. These associations represented a novel form of social interaction that was separate from family, church, or market wherein individual men and women came together as a group on their own accord. Associations were established for charitable, fraternal, educational, patriotic, and myriad other purposes.<sup>1</sup>

In British North America, immigrant aid or employment societies were among the first voluntary associations established during the settlement period.<sup>2</sup> Charitable associations tended to arise out of these often failed attempts to cope with destitute immigrants, particularly women and children who had been left to fend for themselves when their male protector

succumbed to disease en route to the colonies. Since the Poor Laws had not been established in Upper Canada, those who could not provide for themselves had no rightful claim on the state for support.<sup>3</sup> Churches took on the responsibility to provide for destitute members of their congregations, and local boards of police or the courts sometimes meted out meagre bits of aid in crisis situations.

A combination of local demand for services, the existence of precedents elsewhere, and a cultural expectation that upstanding women of means would provide for the poor combined to bring the Ladies' Benevolent Society in Hamilton into being. Throughout the nineteenth century, these women, and those who followed, managed and administered one of the most important social welfare institutions in the region. The LBS's female volunteers contributed their own time and money, canvassed for funds, and provided outdoor relief to the sick and destitute, including a soup kitchen. In 1848, the LBS began operating a day school and orphan asylum. Although the day school was closed in 1853, the work of the Hamilton Orphan Asylum and Ladies' Benevolent Society (HOA/LBS), as the association was renamed in 1852, carried on. In 1875, the HOA/LBS added an Aged Women's Home (AWH) to their enterprises. By the early 1890s, admissions to the orphan asylum were in steady decline, as other kinds of childcare models were developed, and this branch of work was eventually abandoned in 1914. The AWH continued to provide residential care for elderly women; in 1958, the Aged Women's Home was renamed Idlewylde Manor, which exists to this day as a long-term care facility for seniors.<sup>4</sup>

This case study relies principally on the HOA/LBS's voluminous and meticulously kept records. For the entirety of its institutional history, the association's activities were recorded in the minutes of monthly and bi-monthly meetings. Volunteer members, designated as "visitors," were obligated to submit reports at regular meetings about the aid they distributed in their wards, and these too have been preserved. Visitors who were assigned to oversee the affairs of the Orphan Asylum and later the Aged Women's Home also submitted reports that were kept in the minute books. The HOA/LBS published annual reports that presented the association's accomplishments, challenges, and financial statements to the general public. These sources provide the basis for a richly detailed institutional history.

This book's aims are more ambitious, however. *Private Women and the Public Good* is a micro-historical analysis that creates an aperture through

which transnational phenomena can be glimpsed. Since this book's central focus is a women's association, gender themes of course run throughout. The HOA/LBS's history is also interwoven with other processes that evolved in Canada and elsewhere over the course of the nineteenth century: the emergence of a public sphere, transplantation of liberal political ideologies, and state formation. While its institutional and geographical focus is narrow, the book's themes are not.

The principal contribution this study makes is to the historiography of female voluntary associationalism. British, American, and Canadian historians have identified scores of voluntary associations in which nineteenth-century women were involved, and this has spawned a similarly large number of interpretations about their meaning and significance. These interpretations have been largely dominated by debates about "separate spheres." In 1974, anthropologist Michelle Rosaldo argued that women's status was lowest in societies where women's and men's spheres of influence were most separate and rigidly defined. According to Rosaldo, women could improve their status in these societies either by entering men's domain or creating a supportive and empowering women's culture separate from men.<sup>5</sup> The twin notions that women's relegation to a separate sphere was the source of her unequal status in society and that women could resist this marginalization provided women's historians with a framework for studying women as active agents capable of challenging patriarchy.

For second-wave feminists writing in the 1970s and 1980s, nineteenth-century women's involvement in charity, moral, and social reform associations seemed to fulfill the promise of separate spheres: these women expanded their spheres of influence beyond the domestic realm and created a supportive female culture that could stimulate a sense of shared oppression and ultimately lead to agitation for political rights.<sup>6</sup> The idea that an empowering women's culture developed out of associationalism was, however, challenged later by historians who argued that divisions between and among women in associations along class, racial, and religious lines undermined any possibility of female solidarity. These women, who were primarily white, middle-class, evangelical Protestants, tended not to challenge status quo inequalities, and only rarely did their activism in associations lead to feminist political engagement.<sup>7</sup>

In the late 1980s and 1990s, the separate spheres paradigm was challenged on another front; namely, men's and women's spheres were rhetorical constructions that did not accurately describe lived experiences.

Feminist historians were enjoined to resist reifying dichotomous spheres, turn their attention away from women's domestic activities, and look for women's activities in other domains.<sup>8</sup> The history of nineteenth-century associationalism offered up numerous examples of white, middle-class, evangelical Protestant women in extra-domestic settings. Charity, moral, and social reform work took women volunteers out onto the streets, into general meeting places, and put their activities onto the pages of the press and governments' agendas. The general conclusion of these studies has been that voluntary associationalism empowered the women involved and provided opportunities for politicization because it gave them access to the "public sphere."<sup>9</sup> The public sphere, according to these analyses, refers to extra-domestic spaces that, it has been assumed, were available for political appropriation by marginal social groups.

This interpretation is problematic in several ways. First, the public sphere as it is deployed in these studies simply reconstitutes the basic premise of the separate spheres paradigm, which is that women's activities outside the domestic sphere ipso facto challenged asymmetrical gender relations. It therefore ignores a more significant critique that separate spheres were epiphenomena of other social, political, and discursive processes that functioned to organize Victorians' worlds in particular ways, which need to be explained and understood.<sup>10</sup> The argument that separate spheres was merely a rhetorical construction and thus easily countered by women's acts also fails to account for the power that the discourses that divided the world between men and women, public and private had for Victorians. Lastly, to assume that the public sphere was formally egalitarian ignores the complexity of the political meanings attached to "publicness," as well as their social consequences.

I argue here that the social, political, and discursive processes that gave meaning and power to the ideology of separate spheres effectively contained the political implications of associational women's activities despite their agency. This case study also shows that divisions between public and private spheres were fundamental to protecting particular interests at the expense of others. Upholding these distinctions was essential to maintaining the inequalities that many Victorians believed provided stability and order in their society. Using Jürgen Habermas's explication in *The Structural Transformation of the Public Sphere*, I contend that the public sphere functioned to consolidate rather than mitigate asymmetrical social and political relations in the nineteenth century.

Habermas's interpretation of the public sphere is pertinent to a feminist analysis of separate spheres, in general, and an examination of women's charitable associationalism in nineteenth-century Hamilton, in particular, because it offers a systematic analysis of the political and ideological bases of the private/public division in Western societies. Habermas's work, which has been the subject of considerable debate amongst feminists,<sup>11</sup> has also been misappropriated to substantiate the claim that nineteenth-century associations provided women with access to the public sphere.<sup>12</sup>

According to Habermas, the public sphere was a historical phenomenon that evolved out of a confluence of liberal political philosophy, *laissez-faire* capitalism, and a proliferation of print culture in the post-Enlightenment West. The public sphere was neither a place nor space, as some have argued, but rather a discursive process whereby issues of common concern were debated by members of civil society. According to liberal theory, these debates ideally generated a rational consensus that was designated as "public opinion." In this context, public opinion came to be regarded as a legitimate expression of political will that ought to be brought to bear upon civic affairs.<sup>13</sup>

The function of the political public sphere, according to Habermas, was to subject domination – by the state or other interest groups – to "standards of reason."<sup>14</sup> In theory, only the rationality of arguments rather than the subjective identity of speakers ought to influence public opinion and affect decisions about issues of common concern.<sup>15</sup> Therefore, no one person's or group's interests could dominate public opinion because only those whose rational arguments passed the test of public debate could represent themselves as "the public."<sup>16</sup> This was not a process whereby marginal interest groups could articulate their political concerns. On the contrary, the *modus operandi* of the public sphere was to "overcome particular social expression."<sup>17</sup>

An argument, for example, that a particular civic arrangement ought to be endorsed because it benefited women, politically or otherwise, would be disregarded as subjective, interested, and particular.<sup>18</sup> Any attempt to represent women's interests *qua* women would vitiate claims to speak on behalf of the public and therefore lack legitimacy in debates that constituted the public sphere. Of course, claims made by men that shored up masculine political privileges were not perceived as subjective or interested since the universal political subject of liberal political theory was embodied as male.<sup>19</sup>



Women were excluded from participation in a political public sphere on other grounds as well. Habermas goes on to explain that in spite of the premise that the public sphere was inclusive and therefore theoretically accessible to anyone who could articulate rational arguments, in practice, participation was possible only for those whose education and property ownership qualified them as citizens.<sup>20</sup> According to liberal theory, the public sphere's principle of inclusivity was not threatened insofar as everyone had an equal opportunity to become a property owner and educated. "If," Habermas writes, "everyone ... had a chance to become a 'citizen,' then only citizens should be allowed into the political public sphere, without this restriction amounting to an abandonment of the principle of publicity."<sup>21</sup>

Lack of access to property was a significant political barrier for women in British North America. Property ownership was the *sine qua non* of nineteenth-century liberal citizenship, and individuals without property were believed to lack both a stake in society and a legitimate interest in the public good. In other words, only property owners' private interests (protection of property) converged with the common interest (protection of the property order).<sup>22</sup> Also, according to liberal ideology, only property owners were at liberty to exercise their political duties according to conscience rather than compulsion. The dependence of women, children, and slaves, who relied on others for their livelihood and could therefore easily be coerced, was a foil to property-owning men's independent status.<sup>23</sup>

During the nineteenth century, most women in Canada West/Ontario were the legal dependants of their husbands or fathers. Since wives generally lacked rights to property brought into or acquired after their marriage as long as their husband was alive until 1872, most women lacked the right to participate in politics and, therefore, the political public sphere.<sup>24</sup> Property-owning widows sometimes slipped through a legal loophole and exercised their vote, until provincial legislatures amended the franchise laws during the 1830s and 1840s and specified that only *male* property owners had this right of citizenship.<sup>25</sup>

Even if we were to concede the tendentious claim that everyone had equal access to an education and property, clearly not everyone had a chance to become a man. Women's exclusion from the political public sphere was rooted in a liberal political ideology that insisted that maleness was fundamental to political belonging.

The challenges that ultimately prevented HOA/LBS women from leveraging their charitable activities into an effective resistance to their

subordinate status is perhaps most clear in comparisons between how these women represented their work in annual reports (Chapter 2) and how they were represented in public debates by men who were deemed capable of speaking on behalf of the public (Chapter 4). Although HOA/LBS annual reports avoided rhetoric that called attention to the managers' particularity as women and instead invoked gender-neutral language to make claims on behalf of a "Christian public," women were powerless to resist particular property-owning men's representation of their work as "natural" to their sex, politically benign, and fundamentally private in the debates that constituted the public sphere.

Feminist historians' commitment to a narrative of women's progressive incorporation into liberal society through their active agency has led them to ignore what is perhaps most fascinating about Habermas's explanation, which is that despite the public sphere's superficial basis in egalitarian rhetoric, it functioned to transform property-owning men's interests into a nominally legitimate consensus (public opinion) whilst excluding competing interest groups from debates about common concerns. In other words, the public sphere was instrumental in the negotiation of hegemonic social relations.

That the public sphere functioned in this way opens up other analytical possibilities – namely, an examination of its interconnectedness with an evolving liberal project of rule in nineteenth-century British North America. This is a second historiographical issue with which this study engages. In his 2000 article, "The Liberal Order Framework," Ian McKay invited historians of Canada to study the introduction, transplantation, and transformation of "a certain politico-economic logic," which can be broadly defined as liberalism, on political practice and public discourse.<sup>26</sup> While liberalism's central premises are relatively stable and thus identifiable, the specific variants that liberal practices took in particular times and places were highly contingent. Therefore, the study of political ideology and cultural transformation can be brought together to explore the unique historical forms into which liberalism evolved in northern North America.

McKay contends that liberalism's most fundamental tenet is "a belief in the epistemological and ontological primacy of the category 'individual.'"<sup>27</sup> The notion that the individual is prior to and therefore ought to be served by society rather than vice versa is liberalism's first principle. A logical sequence follows from this first principle, which is composed of three elementary parts: liberty, equality, and property.<sup>28</sup> A liberal order

arranges these parts hierarchically. Property, specifically an individual's right to own property freehold, is of first-order importance, and indeed both liberty and equality are impossible to achieve without it. Liberty is defined largely in relationship to property, that is, individual freedom from constraint to dispose of and use private property. Equality in liberal terms refers not to equality of station but rather equality of opportunity. Liberal discourses of equality were meant to empower men of so-called talent and virtue rather than high birth. These fundamentals are the basis upon which the panoply of other liberal precepts is built.

The public sphere's theoretical basis in liberal philosophy is evinced in the premises that "man" is capable of rationality, consensus arises out of rational debate, civil society is composed of citizens coming together as equals, and so forth. In terms of praxis, its rootedness in liberal ideology is clear: the public sphere operated as a discursive process whereby property-owning men's prerogatives to define the public good were legitimated, contested, and, ultimately, normalized. Thus, studying the public sphere can illuminate how liberalism's central principles, as well as its more amorphous elements, were implanted, adjusted to local conditions, and affected social and political relationships.

In Hamilton's case, ethnoreligious identity was centrally important to the operation of political power dynamics within a liberal public sphere. Notwithstanding liberal precepts that equated separation of church and state with liberty of conscience, and despite considerable lip service paid to the importance of nonsectarianism in public affairs, Roman Catholic property owners were not accorded equal status in debates that constituted the public sphere. Nor did they share equally in the disbursement of power or privileges by the local state. This is particularly clear in debates about the distribution of public funding to charitable institutions in Hamilton at mid-century (Chapter 4).

Protestant men used their formal and informal power, within the city council and in the realm of public opinion, to protect public funding for the HOA/LBS, which was, despite claims to the contrary, a sectarian institution. This is an example of how interrogating the particulars of liberal governance can reveal its historical variants: the context of large-scale Irish Roman Catholic migration to Canada West during the 1840s created fractures within the category of liberal citizen along ethnoreligious lines. These fractures had very real consequences for how, to whom, and under what conditions both charity and power were distributed in Hamilton.

A third historiographical contribution that this study makes is to the history of state formation, in particular by considering its connectedness to the public sphere and an evolving liberal order. State formation scholars have identified a progressive enlargement of state apparatuses and a concomitant expansion of its capacity to regulate and intervene into the everyday lives of the populous especially during the modern era. This is significant insofar as particular sets of values were able to be promulgated somewhat more systematically and effectively than had been the case previously. State formation facilitated a process of moral regulation whereby state and state-sanctioned bodies could, through both legitimation and discipline, circumscribe the extent to which individuals and groups could either conceptualize or act out political, social, and economic alternatives.<sup>29</sup>

The process of state formation is particularly relevant to the provision of charity in Canada West. In Britain and those parts of British North America where the Poor Laws were enacted, the connections between the state and charity are fairly clear. In their absence, as in the case of Upper Canada/Canada West, charity was nonetheless rarely left to private initiative entirely, despite the impression that the state was uninvolved. Political rhetoric that insisted that voluntary initiative was superior to public social welfare programs helped create the illusion that charities actually operated autonomously from the state.<sup>30</sup>

Whether its intervention came in the form of direct subsidies or in the provision of laws governing charities, the state facilitated a coordination of its representatives' and constituents' interests with charitable institutions capable of embodying those interests. Moreover, property-owning men's prerogative to define the public good, according to a shifting set of liberal principles, and their capacity to speak on behalf of the public and marshal public opinion in support of their definition, also could and did affect the extent and nature of both private and state support for charitable endeavours.

The case of charitable provision in mid-nineteenth-century Hamilton bears these general principles out. The HOA/LBS's success or failure depended on its capacity to calibrate its work to the interests represented by the local state and to secure favourable public opinion. Its attempts to do so (Chapter 2) and its partnership with the Hamilton City Council (Chapter 3) show how extensive the connections were among private charity, the state, and the public sphere. The difficulties that the association faced

when its claims to serve the public good were challenged (Chapter 4) illustrate how state sanction and the particular constitution of the public sphere worked to legitimate the claims of Protestant property-owning men and marginalized, denigrated, or ignored the interests of Roman Catholic property owners, women, and non-property owners.

Private charities such as the HOA/LBS also operated within an Act of Incorporation, which was a legal mechanism that, once assented to by the provincial parliament, transformed an association of individuals, in this case, a male board of trustees, into a single legal individual, capable of holding property, suing and being sued, signing contracts, and so on. This state sanction protected “actual” individuals from suits and other claims on personal property for debts or liabilities incurred by the association. Incorporation also granted legal powers to pursue particular ends, along with certain conditions that made it accountable to the state and/or its stakeholders.<sup>31</sup>

In the case of charities that involved dependent children, acts of incorporation delegated state power to committees of management, often composed of women, that enabled them to abrogate parental rights to any child in the care of the institution and, therefore, empowered these committees to intervene into private life to a degree that has not been widely acknowledged by historians (Chapter 5). These prerogatives were, however, subordinated to the authority of male trustees and conditional upon making the association’s management and financial affairs available to public scrutiny. By granting or not granting acts of incorporation, the state could regulate putatively private charitable institutions and thereby empower those that served the so-called public good while leaving ultimate control to particular interest groups, in this case, property-owning Protestant men.

A final historiographical theme addressed here relates to the study of children and childhood. Generally speaking, late-nineteenth-century developments in the regulation and administration of children and families by the state, reformers, and experts have dominated English Canadian scholarship. A plethora of evidence about the 1880 to 1920 era, more than a dearth of evidence about the 1840 to 1875 period, could leave the impression that the advent of the “modern” child was a late-century phenomenon.<sup>32</sup> Several studies have identified shifts during the mid-nineteenth century toward regarding children as emotional rather than economic assets, as innocent and susceptible to influence, and in need of specialized

care.<sup>33</sup> The idea that state intervention into intact families and the doctrine of “the best interest of the child” were late-century phenomena has, however, gone largely unchallenged.

The case of the Hamilton Orphan Asylum provides additional evidence that considerable continuity existed in child welfare practices and ideologies from the mid-nineteenth century to the beginning of the twentieth century. The techniques used by the Committee of Management to care for children – namely, institutional care, apprenticeship, and adoption – reflected typically modern notions about children and childhood (Chapter 6). A principle of environmentalism that assumed children were naturally innocent prevailed. Institutional care was used only when children could not be placed back into their own homes or provided with a substitute home. Managers expected that children ought to have opportunities for play and work, religious and academic education, as well as training, and to receive both affection and discipline.

Although the technique of apprenticing children took for granted their economic value, the HOA managers devised policies and strategies to guard children, especially young children, against economic exploitation and to ensure decent treatment, an education, and at least some financial compensation for their labour. Adoption, in contrast to apprenticing, was treated as a strictly affective relationship based on an expectation that non-biological children could and should be raised by parents as if the child was “their own.” It is important to remember that these were ideal scenarios. Perhaps children in the HOA’s care actually experienced and benefited from these arrangements; surely some did not.

The asylum’s cooperative relationship with Hamilton City Council and its Act of Incorporation, as mentioned above, show that precedents for interventions into parental rights and state support for child welfare institutions were established by the 1850s. The local and provincial state implicitly or explicitly delegated its powers of *parens patriae* to the HOA’s Committee of Management, who then could and did choose either to preserve parental rights or to act in a child’s apparent best interest according to its own judgment (Chapter 5). During the last quarter of the nineteenth century, undeniably, the degree of state involvement increased and its powers enlarged significantly. Intervention techniques and modes of regulation were not however created *ex nihilo*. Nor were child savers’ and reformers’ practices and principles as innovative and revolutionary as they claimed (Chapter 7).

*Private Women and the Public Good* travels over varied ground: politics, gender, charity, the state, religion, civil society, childhood. These are linked by locale (Hamilton) and institutional focus (HOA/LBS). A conceptual framework also binds these elements together. This framework asserts that a discursively constituted public sphere, an evolving liberal order, and an ongoing process of state formation were interwoven in complex ways. The results of setting these elements – politics, gender, charity, and so on – into this framework demonstrates the fundamental interconnectedness of ideas and experiences.