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LESBIANISM AND

CHILD CUSTODY

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INTRODUCTION

In November 1975, a lesbian mother won custody of her two children in a court in Alberta, Canada. In November 1976, in England, Jean Whitfield won custody of her children.¹ Out of hundreds of lesbians fighting for child custody, these were two of about a dozen publicly lesbian women who have won. A growing number of defense groups in Canada, the United States and Europe are raising money and publicizing these cases as widely as possible. This public emergence of lesbian wives and mothers shatters the myth that all lesbian women are single and childless, and shows how many millions of us there are!

The battle of lesbian mothers goes well beyond the courthouse. We face a barrage from husbands, families, schools, employers and the psychiatric profession. Lesbian mothers fighting for their own sexual life and the custody of their children are attacking the hold those institutions have over all women making a bid for more independence.

Lesbian mothers at war with the 'system' are part of a world-wide movement of women who are fighting for the power to choose in *every area* of our lives. This pamphlet tries to show the connection between women fighting for the power to have children—if, when, how, and with whom we want—and the fight of all women against our unpaid servitude in the home, which is the root of our powerlessness everywhere.

Wages Due Lesbians Toronto is publishing this pamphlet to show that when a lesbian mother wins custody of her children it's a victory for *all* women, and to open the discussion of *how to win more*. Some of us in Wages Due Lesbians are personally fighting custody battles, some of us are forced to be childless by our lack of money, and some of us have fought to remain independent of children altogether. But all of us want more time, money and choices.

In the two years we've been organizing in the Wages for Housework Campaign, we've connected with lesbian women across Canada, the U.S., England and throughout Europe. In Canada we've spoken publicly at many rallies against Government cutbacks, organized actively in the successful Family Allowance Protest, and held an international conference on lesbianism in July 1976, in Toronto. In our recent organizing around child custody, we've spoken out in the media, authored articles, and co-sponsored a benefit for a lesbian mother whose case was in court.

In England, Wages Due Lesbians have used the media, street events and public meetings to make visible the existence of lesbian women in many different situations; and have defended our right to money in their Family Allowance Campaign and by defending our right to come out at work without being sacked. With the London Wages for Housework Committee, they co-sponsored a national conference in October 1976. Ruth Hall of Wages Due London spoke at the International Tribunal of Crimes Against Women in Brussels, 1976, about the crime that divides lesbian women from straight women.

At every point in the Campaign we have found other lesbian women organizing themselves and anxious to win more. We are campaigning to win the power to come out in millions—out of shattered lives and into the relationships with women, children and men that we want.

Wages Due Lesbians Toronto, 1977

Mother and Child

While we are growing up most women dream about having children, just as we look forward to a 'good' job and/or a happy marriage. Later we find—with jobs, friendships, marriage and motherhood—that our expectations are constantly doing battle with other forces trying to mold our lives differently. In the end, what we may want for ourselves and our children is not what this society wants.

Being a 'mother' for example means a woman is burdened with the complete responsibility for her child's care, training and discipline. She is the person who will sacrifice herself for the production, over years, of a new worker to replace her husband when he is too old to work in the factory, field or office. Or if the child is a girl, to replace *her* when *she* is too old to make children and service a man.

That sole responsibility means that if the child doesn't succeed in the terms society sets down for it the *mother* is at fault. We are guilty of having sacrificed too little. *All* mothers are guilt-ridden, because we have always refused to sacrifice everything. We have insisted, increasingly, that we have some time to be away from our children, and that the time we spend with them not be spent in disciplining them.

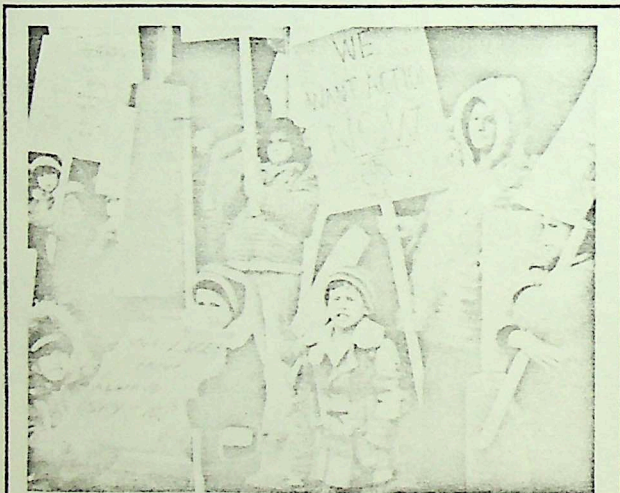
But because we ourselves haven't enough money or time of our own, and because our children must be taught, for their own survival, that in order to eat they must work, we cannot begin to raise them as we might like, but, rather, always with reference to *what kind of worker* capital requires us to make.

If our child is a girl she learns to put others' needs before her own, to serve others—men, children, the old, the sick—and to find satisfaction ('fulfilment') in this servitude. She learns to do this emotional housework and to wash dishes and diapers [nappies] without identifying what she is doing as work, without complaining, without being paid. And she learns the importance of being able to attract and hold a man.

whose wage will ensure her own and her children's survival as it enforces her work. She learns to be a mother to the working class.

If our child is a boy he learns to live by bells in school and in the factory, and to be more independent than the girls, because his life will, by and large, be led outside of the home. He is raised to expect payment for his work and to command with that wage the work of a woman—the emotional, sexual and physical housework that enables him to go out to work the next day. He learns to accept that the dependence of that woman and 'her' children on his wage will rivet him to his job for thirty, forty or fifty years.

And if our child is black she must learn to accept that she



Toronto, Canada, 1975. Demonstration of the Mother-Led Union (organization of Welfare mothers) at the Provincial Legislature.

will do the most menial work for less money than white workers, or she will go altogether without.

None of this learning happens by accident, nor does it happen 'spontaneously'. To be a mother is to teach—to transmit our own powerlessness to our children. They become forced labour, and we see in our children not individuals to whom we can relate freely and creatively, but the *objects of our work*. They become the embodiment of the work we perform as women—in isolation and without a wage—to prepare new workers to be exploited.

But children also represent the investment of women's struggle against our unwaged work. We are forced to bring them up to be workers, but within that context, we fight to enjoy being with them, which always means fighting for time and money for ourselves. While we transmit directly to our children our own lack of power, we also instill in them the power of our fight against our weakness and dependence. As mothers we constantly deny our own needs in order to help our children get more out of life than we have gotten, but *our struggle against that self-sacrifice is what children learn best*. When we say no to our husbands, when we escape from the house for a night at the bingo, when we demand a bigger share of the man's paycheque for ourselves, when we insist that the children and the man do some of the housework, when we fight for higher Welfare or Family Benefits, our children learn to make a fight in their own right from where ours leaves off.

The double investment in children—of our work and of our fight against that work—means that our involvement with them goes deeper than any other relationship in which we're engaged. And it means that in no other respect are we women more vulnerable to capital's terrorism to enforce on us the workload we are fighting to get out from under.

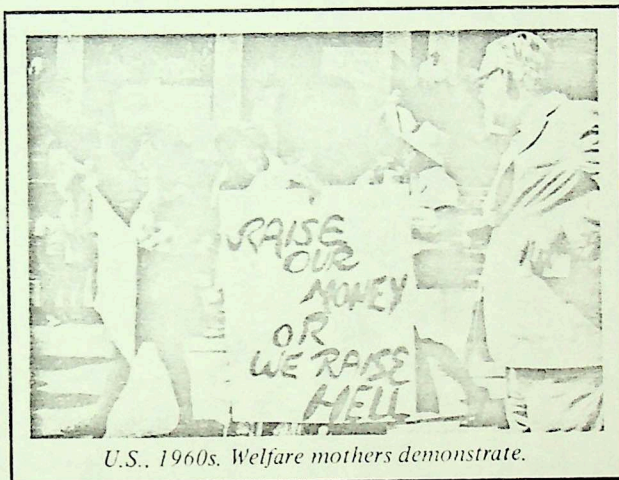
Our wagelessness forces us into and ties us to relationships with men—relationships mangled by our dependence on their wages. If we are mothers our dependence is greater; we cannot get out because we cannot afford to support our children

on our own. Many of us who find our marriages so intolerable that we must end them are forced to leave our children behind—only the men have the money to keep them. And those of us who do try to escape with our children risk losing them in a court battle. One way or another, because we are poor, every mother faces the possibility of losing her children when she makes a fight against dependence on men, for her own autonomy.

Fighting Back

And women everywhere are in rebellion against the situations of powerlessness that unwaged housework puts us in:

- * A massive Welfare movement—led by black women—exploded in the '60s in the United States. Their fight for more money from the government for their work—housework—was a fight to be able to have and raise their children without having to submit to the domination of the male wage, to the double exploitation of the second job, or to the poverty capital wants to be able to impose on women who do not live with and look after men.
- * An international movement of women demanding free, safe abortion on demand erupted at the same time, expressing women's need to be able—without risking our lives—to refuse the years of unwaged work in our homes that having children means as long as we have no money of our own.
- * Black and Native women have led a movement against forced abortion and sterilization. Capital is attempting to prevent women from having children when those women and children are increasingly refusing to be the international pool of cheap labour on which industry depends.
- * On an unorganized but global scale we women are refusing to let capital consign us to unpaid child-rearing. The birth rate is collapsing in the industrialized countries at a rate that goes beyond capital's plans for the number of children we are



U.S., 1960s. Welfare mothers demonstrate.

supposed to produce. Capital is alarmed less by the loss of future workers than by the fact that this drop in the birth rate is not being engineered by them.

In the Third World, of course, they are bribing women to be sterilized. Last year in Zambia, women demonstrated outside a birth planning clinic with placards that said, "We want safe contraception *and* the right to have a child every year". We are challenging their power to plan for our uteruses and our lives.

- * There are unprecedented increases in the number of divorces, runaway wives, and of 'illegitimate' children that single women are keeping, both in the West and in countries like Russia. These trends point to a widespread refusal by women to put up with the working conditions of marriage.
- * Women are increasingly refusing the work of enforcing the discipline on our children that is expected of us. Their refusal

to take physical or verbal punishment from their teachers, and the rise in school absenteeism, juvenile crime, teenage alcoholism and runaways are an index of the level of rebellion among children. Our fight against being consumed by the work of disciplining, and against the distortion by that work of our relationships with our children, has resulted in the refusal by our children to be the kind of workers capital wants;

All our struggles against housework and for autonomy from men, have created what the newspapers and television are calling a "crisis of the family". Capital is less and less able to depend on us women to spend our time and energy raising children and piecing men back together for work. The family is our factory, and we are subverting it despite the blackmail of "love". We are refusing to be chained to that work. We are increasingly reclaiming our time, our energy, our bodies, our minds and our sexuality.

Unfit Mothers

Capital depends on the wage-labour of men who are charged with the responsibility of disciplining and raising children and who are called "fathers". We are refusing to be the kind of workers capital wants; we are increasingly reclaiming our time, our energy, our bodies, our minds and our sexuality.

The feminist movement - which has accused an ever-widening circle of men, whether we are lesbian or straight, female or male, of the repression of our sexual and social capacities. Our needs and desires have all been moulded from birth to fit us for unwaged homework. In refusing to sleep with and look after men, we undermine the power of men to command our

sexual labour. And in undermining the power of men over women, we threaten the family, without which capital cannot continue to function.

By threatening capital so profoundly, we are subject to one of the heaviest counter-attacks levelled against any section of workers. We are isolated from other women, expected to show ourselves only in a few bars and clubs, we are called sick and perverted, forbidden to speak about our lives except with shame; and we are impoverished. Those of us who have been able to leave relationships with men have to live without access to their (higher) wages, and to depend entirely on Welfare (Social Security) or on the low women's wages we get if we are lucky enough to find a job. We are always in danger of being fired from those jobs and evicted from our homes for being lesbian, and we have no legal recourse. It is against the law in many countries for us to cross international borders, and in Canada we can be arrested and jailed for an indeterminate amount of time for kissing in the street.

By the biggest price we pay our lesbianism - the most

we can afford to lose the little security that straight

In the case of a legal separation most of us give up our children without a fight. We cannot afford a costly court battle. Nor, in the unlikely event that we win custody, can we

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'Unfit' Mothers

Capital *depends* on being able to tell us who we should sleep with and when, which of us should have children and who will be sterilized, how many children we should have, and under what conditions they will be brought up. Some of us are denied birth control and abortion, while others of us have childlessness imposed on us by forced sterilization and abortion, child custody laws and poverty. But whatever our situation, we are fighting for the power to control our own sexuality and our reproductive capacities.

The lesbian movement—which is massive and growing—attacks head-on the heterosexual control of our sexuality that affects all of us, whether we are lesbian or straight, female or male. In our refusal of the work of relating to men, we wrest our sexuality out of the context of those relationships, and we attack capital's power to dictate what is natural to us. We attack the repression of our sexual and social capacities. Our needs and desires have all been molded from birth to fit us for unwaged housework. In refusing to sleep with and look after men, we undermine the power of men to command our

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But the highest price we pay for our lesbianism—the most effective weapon in capital's arsenal—is *the loss of the custody of our children*. Lesbian women have such a degree of powerlessness that almost anyone who comes along—parents, relatives, husbands, the Children's Aid—can lay claim to our children and win.

Because the consequences of being lesbian are so drastic, most women never even contemplate the possibility of sleeping with another woman. Most of us cannot afford to *be* lesbian—we cannot afford to lose the little security that marriage offers, especially if we have children. Some of us have secret lesbian relationships, but the strain of trying to conceal them from our husbands drives us crazy and drives the relationships into the ground. Many of us who are not trapped in relationships with men have had to give up our children or *the possibility of having children* in order to be lesbian.

In the case of a legal separation most of us give up our children without a fight. We cannot afford a costly court battle. Nor, in the unlikely event that we win custody, can we

afford to support our children without a lot of hardship. Often we are forced to choose between having our children or having a little time, money and energy to call our own. If we *do* decide to fight, our chances of losing are high.

Lesbians, like prostitutes, Welfare women, women 'criminals' and 'mental' patients—and there is a lot of overlap among these categories!—automatically come under the heading of 'unfit mother' in the courtroom. We are 'guilty' by virtue of our refusal to sleep with men and our consequent poverty.

Prostitutes are 'guilty' of refusing to sleep with men on capital's terms—for free, and as part of a package deal that includes cooking, cleaning and mending socks as well as sex on command.

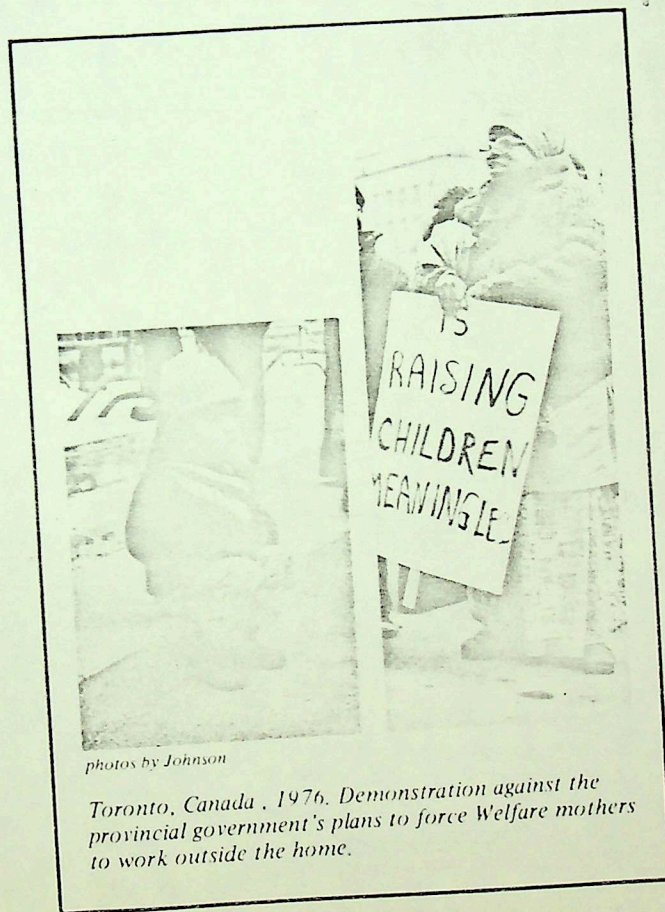
"The worst thing about being inside is that your kids are on the outside. I can't have any contact with my kids. They locked me up with no thought about them. I really worry. It's hard. My daughter was a good student. She's smart. They want to put her in some home where she doesn't know anyone."

—Gwen, being held in San Francisco County Jail for prostitution. From *L.N.S.*, June, 1976.

Women 'criminals' and 'mental' patients are sent to institutions, at times hundreds or even thousands of miles away from our children, and deprived on the spot of custody. When the children do not go to relatives, they may become wards of the State if our terms in jail/hospital are longer than two years.³ Then we face a much harder fight for our children when we get out, but in many cases our pennilessness and bleak job prospects militate against our regaining custody.

Sole-support mothers on Welfare—especially black and Native women—often lose our children to the Children's Aid Society.⁴ C.A.S. reaches in to take over the work of

disciplining the children of those mothers who refuse to be used as policemen. This is what we get for making ends meet on the starvation 'charity' we get from the government!



photos by Johnson

Toronto, Canada, 1976. Demonstration against the provincial government's plans to force Welfare mothers to work outside the home.

Up Against the Law

"One reason why I hesitated to 'come out' was because my divorce wasn't through and I didn't have final custody. I'm sure there must be hundreds of women who don't 'come out' because of the fear of losing their children—not an irrational fear but many lesbian mothers' reality." Susan Symonds, November 1975.⁵

Very little information—court records, statistics, etc.—about lesbian custody cases is available to us, because in large part that information does not exist officially. Most custody questions involving lesbian women never get as far as the courtroom. In the process of many separations or divorces there is no *open* quarrel about custody. In some instances the husband does not want the children and has no interest in punishing his wife for her lesbianism by preventing her from having them. More often, we are the ones to give up the children. We know we can seldom afford the costs involved in fighting it out in court, and that we are very likely to lose. But most importantly, we know we cannot afford to keep our children, and that without a man's wage we cannot hope to give them all the things we think they are entitled to.

Of the custody decisions that are made through the courts we simply do not know how many have involved lesbian women. Like the woman quoted above, we conceal our lesbianism throughout the proceedings in order to improve our chances of winning. Then, if we are awarded custody, we face years of secrecy and anxiety, since a *custody decision is never final*. At any point until the child is eighteen someone might find out about our lesbianism and challenge the original decision.⁶ Then the fact of our prior concealment will be used against us, if it can be proven.

Family Law everywhere functions for the preservation of the nuclear family. It aims to enforce the dependence of a woman and the children she raises on the wage of a man, by imposing a fine (maintenance) on the man if he leaves his

family, or by withholding custody from the woman if she leaves him. Although it has become a formality since the massive increase in the number of divorces over the past twenty years, the courts always make some effort to reconcile a husband and wife before allowing them to undertake divorce action. More powerful deterrents are the difficulty and expense of a divorce, and the prospect of total impoverishment for the woman.

More and more mothers are trying to come out as lesbians without losing our children, and are fighting openly for both. We are refusing to trade custody for the sexual life we want, or to gamble on being able to keep our children for a few years at the expense of our sanity. In recent years women have organized lesbian mothers' defense funds all over North America. They have raised money to cover court costs and have publicized cases, making available to one another the information we need. But because of our struggle for autonomy, *more men are now fighting us for, and winning, custody*. And more and more, the State through its various agencies is directly intervening to take away our children.⁷

In deciding which parent will be granted custody, the courts examine the "fitness" of each with respect to

"Judge Albert Caris, a retired judge who heard the case by special assignment, said that if Larraine had indicated that she would abandon lesbianism while the children are young, 'the court might have been tempted to experiment' with giving her custody. He said there was no doubt that Larraine and Vicky 'intend to continue the relationship they began. They intend to live together. They intend to engage in lesbianism . . . I would think for the sake of the children a lesbian would abandon the practice . . . Orgasm means more to them than children or anything else.'"

—From *Mom's Apple Pie*, June 1975, Lesbian Mothers' National Defense Fund Newsletter, Seattle, Washington.

particular criteria:

- 1) Who already *has* the children.
- 2) The age and sex of the children . . . Infants and girl children have traditionally been awarded to the mother, and the courts are reluctant to separate siblings.
- 3) The conduct of the parents . . . This includes the question of "wilful misconduct" of either parent. The parent deemed the more innocent of causing the marriage breakdown has tended historically to be given custody.⁸
- 4) The provision of a stable home environment . . . Under this heading, which is being given more and more import, the question of which parent can better provide financial and emotional security, education, and moral and religious training is weighed.

The courts also assess, along with present "fitness" in these areas, the question of which parent is *potentially* better equipped. Since men have greater access to training courses, promotions, etc. our prospects of winning dim with the increasing emphasis on financial status. In custody cases where the lesbianism of the mother has been at issue, in the United States and Canada, her ability to provide these things has been the explicit basis for various decisions.⁹

Since the American Psychiatric Association voted a few years ago that homosexuality is no longer a "disease", the courts cannot automatically declare that solely because we are lesbian we are unfit to be mothers. In some recent decisions the judges have said that the mother's lesbianism was just one factor among many taken into account. (One of these was the case of *C. vs. C.*, Saskatchewan, 1974. The husband won custody. The judge did not say why. See box on next page.)

But in every such case what is actually on trial is the lesbianism of the mother, and in particular, whether her lesbianism will result in her children growing up to be 'troublesome'. Her success, insofar as it depends on her, depends on proving that she can make a more 'normal' home than her husband. In cases where the husband is a convicted criminal, an alcoholic, or drug user, or has never held a

steady job, she has a chance - *if* she has a stable relationship and a 'good' steady job herself.

She must then convince the court that *she will not influence her children to become lesbian or homosexual*. This always means, at least, that she and her lover will not display affection for one another in front of the children. And she must ensure that, as far as possible, her children will be protected from undue stress or embarrassment resulting from peers or neighbours discovering her proclivities. This means that the less involved she is in public lesbian functions or organizations, the better her chances of winning. In the successful case of Mrs. K. of Alberta, Judge Rowe wrote, ". . . Mrs. K. is not a missionary about to convert heterosexuals to her present way of life . . .", in his judgment awarding her unconditional custody.¹⁰ We're supposed to be quiet, lest other women hear it's possible.

C. vs. C.

In the Saskatchewan case mentioned earlier, Mr. and Mrs. C. contested the custody of their two children, a nine-year-old daughter and a three-year-old son. She was given custody when they divorced in 1973, after having been separated for two years. During this time Mrs. C. began living with another woman and joined a lesbian organisation.

Early in 1974 her ex-husband appealed the custody decision mainly on the basis of Mrs. C.'s lesbianism. He had by then kidnapped the daughter after school and, although the mother was still the legal guardian, the judge allowed him to keep the daughter until the final ruling.

In that ruling, Mrs. C. was ordered to surrender custody of both her son and daughter. Mr. C., who is a farmer, will be leaving the children in the care of his sister when they are not in school.¹¹

The more expert testimony that can be mobilized on behalf of the "fitness" of the mother, the better. Psychiatrists and psychologists must testify that the mother is 'normal' in every other respect, that homosexuality is not a disease, and that according to their 'tests' she and her children have a good relationship. Social workers must say that the mother and children have the kind of relationship and environment that will foster their 'development'. Ministers and medical doctors are also useful. In at least one case, a long-standing lesbian mother came forward to testify for the woman involved about her own experience and the 'normalcy' of her children.

K. vs. K.

Mr. and Mrs. K. and their six-year-old daughter met Mr. and Mrs. O. and their two children. Mrs. K. and Mrs. O. began a lesbian relationship and set up household with their children. Mr. K. tried to gain custody, but he admitted to drug use and had an unstable job history.

Mrs. K. had a job which paid \$540 per month net, and Mrs. O. also had an income. Mr. O., two psychologists, a social worker, a psychiatrist and a lesbian mother all testified on behalf of Mrs. K. who, the judge noted in his written opinion, belonged to no lesbian organisation.

He awarded her unconditional custody in November, 1975.¹²

But whatever the 'calibre' of the case we make, the courts have usually given custody to the husband. They have sometimes given the children to the mother on the condition that she never associate with other lesbians, or that she live apart from her lover. *Only once in Canada, and fewer than a dozen times in the United States, has a lesbian mother been granted unconditional custody of her children.*

All Women are Vulnerable

The extreme vulnerability of lesbian women in our fight for child custody is an index of the powerlessness of all women. If we are straight—and white—the courts know we are likely to attach ourselves to another man's wage: our financial prospects are therefore better than those of a lesbian woman, and custody decisions reflect this. But even straight women are having a harder time now than in the past because they do *not* invariably re-marry.

Capital is increasingly reluctant to give custody to women because of our rebellion against the domination of the male wage and our refusal of the work of disciplining children when we raise them on our own. Instead, custody is more often being awarded to the parent with the larger income—to *the man*—who will almost always be able, with that wage, to get another woman to bring up the children *inside a marriage*.

Because we are leaving our husbands almost 'en masse', many governments are being forced to liberalize their divorce laws. The Italian government, for example, was thrown into crisis in 1974 when Italian women overwhelmingly voted in a referendum in favour of easing divorce laws, against the position of both the Church and the State.

But capital is trying to counter our refusal of the working conditions of marriage, and our refusal to 'raise' our children, by instituting *specific* legal reforms that will pave the way for men to be given child custody more and more often. Two important trends—no-fault divorce and the separate legal representation of the children—are being talked up in the press and on television. They are being advertised as 'people's rights' issues. Both will have the effect of terrorizing women.

Even if they don't want the children, many men are taking advantage of the courts' changed approach simply to threaten to fight for custody. Since most divorce settlements are negotiated, the woman will either be forced to give up more of the

marriage property to keep her children, or to stay in the marriage to avoid impoverishment.

"A woman in Indiana . . . won custody of her two daughters with no restrictions. This was not the end of her troubles . . . Winning is not so wonderful when you are in debt up to the eyes to the lawyer and the landlord, with Christmas coming up, a \$90 a week job, and an ex-husband who has not paid child support in a year . . ."

—From *Mom's Apple Pie*, January 1976.

Women have traditionally won custody, and child maintenance payments (at least on paper) even when we are the 'guilty' party in a divorce, on the ground that to be with the mother is best for the children; that we will put a lot more time and energy into our children without expecting anything in return. When our husbands have been held responsible for causing the marriage breakdown we have been guaranteed custody. But no-fault divorce means the elimination from separation and divorce proceedings of any factor of guilt: the only question remaining with respect to custody would be which parent can provide better for the 'wellbeing'—financial, emotional, etc.—of the children. This boils down to which parent has more money.¹³

The separate legal representation of the 'best interests' of the children in custody disputes would, like no-fault divorce, have the effect of reinforcing the weight of the man's claim—the size of his paycheque and his consequent ability to maintain a family.

We know society doesn't give a damn about the well-being or best interests of our children. Our children rot in slums and ghettoized schools in their millions and capital feels no pain. What does concern the State is that we women are 'destroying' the home as a source of discipline for men and children as we fight for a life of our own. We are under-

mining both the forced dependence of today's workers on their jobs, and the 'quality' of the future labour force.

Nothing could be more serious because without well-trained workers, this society collapses. *Capital is banking on the fact that nothing will be so effective in preventing us women from abandoning our marriages as the threat of losing our children.*

"We are mothers speaking to you. Women who try to raise their children alone, to raise them in the best possible way, and who today are afraid of losing them. Yes, we are prostitutes, but if we prostitute ourselves it's not because we're 'immoral'. It's the only way we've found to cope with the problems of life."

"Because it's a 'social necessity', French law does not ban prostitution and, in theory, we are citizens like everyone else. But because society is ashamed of 'wanting us', they treat us like delinquents, like beings on whom the police can exercise all their repressive powers."

"If we go to prison, they take our children away, and that's why women in Lyon got together and are fighting. That's one thing the police shouldn't have done—take our kids away from us. We can't accept that. I don't see why they take our kids when they put us in prison."

"We demand among and above other things, the right to be free mothers to our children."

*Demands: The immediate end of prison terms.
Our children do not want their mothers in prison.*

—*Les Femmes*, April 1975, reporting on the prostitutes' strike in France, Fall 1974.

We are all becoming more and more vulnerable to that intimidation. The current economic crisis—wage controls, inflation, cutbacks, etc.—is having its greatest effect on women. We had the least to begin with. The crisis, by imposing *more* poverty on women, threatens to impose on all of us the status of 'unfit mother', and the prison of dependence on men.

While we used to count on being able to find a second job, or to get by on Welfare with our children when we left our husbands, both of these options have dwindled drastically. The wage controls, lay-offs in many industries, and massive cutbacks in social services—the area where many women have found paid jobs—means that we cannot find waged work, or have to accept even lower wages than before. The Family Allowance freeze in 1976 and Welfare restrictions, coupled with rising food, clothing and shelter costs are cutting out from under all women the possibility of a life with our children independent from the discipline of a man's wage.

Lesbians in the Crisis

The crisis has a particularly destructive and demoralizing effect on lesbian women. The gains we have made—against discrimination by landlords, schools, employers, the courts, etc.—we have made by being a visible force wherever it was possible. *But our fight depends on our having time and money of our own.* The less time and money women have, the smaller our numbers, both in fact and appearance. The more we are driven underground by our poverty, the greater our isolation from each other and from other women.

At home, fewer of us are able to leave even for an evening out. The Family Allowance—the only money that many women can call their own—used to mean a night out with women friends for many lesbians, married or not. Increasingly the Family Allowance is eaten up by rent, grocery, utility and transportation costs. It is no accident that when Trudeau announced his cutbacks for 1976, the largest was the \$220 million increase in Family Allowance withheld from mothers.¹⁴



photo by Thornton

Part of every mother's working day. Anonymous woman on the Toronto subway.

Many of us who have been able to avoid or leave relationships with men are now in such desperate financial straits that we are reconsidering our life-style. Lesbianism looks more and more like a luxury.

On our second jobs we think more than twice now before coming out to our co-workers or bosses, because the consequences of losing those jobs are even more serious than before.

And after a day's work inside and outside our homes we have less time, money and energy to be lesbian in the way we want. Inflation, wage controls and Welfare restrictions mean we spend longer hours shopping, cooking, laundering, and travelling to and from work. What's left for us late at night

when we face our lover? Her day has been just like ours, and her mind too is filled with the defeat of concealment, the effort of calculating the cost in nickels and dimes of a night out with friends, the dread of another day's work ahead.

"... Mostly for me with two kids and two jobs, a relationship becomes a lot of work, because finding the time for it is really exhausting. So when I have a lover, I constantly have to steal time from my kids to be with her, and steal time from my lover to be with my kids. And I feel guilty about all of them. And after all this juggling around to find some time, by the time I get some, I'm too tired to enjoy it."

—Susan Symonds, November 1975.¹⁵

Our relationships with our children are mutilated by our poverty when we are supporting them on our own—and by our resentment of them when our children are a large part of why we are hanging on inside marriages that we hate but must tolerate, until they are grown.

The growing possibility that we will lose our children—or the possibility of having children—if we leave our husbands is preventing many, many women from becoming lesbian. Our growing insecurity is preventing others of us from becoming mothers.

In short, the movement of lesbian women out of relationships with men and out of our isolation, is being attacked by government plans internationally to have women absorb the costs of the crisis. Capital is calling on women, the symbols of self-sacrifice and servitude, to shoulder yet more work, by accepting more poverty.

Which Way for Lesbians?

How can we fight back and build our power as lesbian women? How can we organize against our poverty, for the choice of: living and sleeping with whom we wish; having and keeping the children we might want; no longer having to hide our lesbianism; having the quantity and quality of time we need to develop our relationships?

THE GAY MOVEMENT

The same weakness and isolation from other women that have mangled our lives as individuals have also limited the gains that the lesbian movement could make. In our attempts to get together with other lesbians our weakness has meant we have sometimes had to organize within the 'gay movement'. The men's organizations, especially in smaller towns, are often the only places we can find other lesbian women. Women go to these organizations because men have more money, can provide us with meeting space, telephones, dances, printing machines, etc., but the price we pay is the subordination of our interests to those of the men, whose power over us does not disappear when they are sleeping together.

Through the 'gay movement' some of us have been able to speak publicly as lesbians, to begin to reach other women. But we have always spoken from behind the men's shoulders—constrained and defined by their organizations' emphasis on equality with straight men. We know that equality is not enough for us, because it would still mean no wages in our homes and low wages outside. Any civil rights we win will have to be backed up with cash. Otherwise the men, who have more money, will win *their* civil rights at *our* expense.

THE WOMEN'S LIBERATION MOVEMENT

Some of us have organized within the 'Women's Liberation Movement', and have experienced much the same frustration as within the 'gay movement'. We have been systematically closeted and ignored, *out* of straight women's fears that our being *visibly* part of *their* organizations would discredit the

entire movement. Where we have been visible in the 'gay' and 'Women's Liberation' movements, it's been *the result of a fight*. And even then what we have been able to do has been restricted, because the 'Women's Liberation Movement' has accepted that only *some* women's struggles are 'real women's issues'—and only a few of these are so-called 'lesbian questions'. Ditto for the 'gay movement'.

SEPARATISM

Some lesbian women, organizing apart from both men and straight women, have set out to build a separate little world of their own. Since they see men, and not the *power* invested in men, as the enemy, they pose as a strategy a 'boycott' of men, a call to all women to 'come out'. Such a strategy deepens our isolation, not only from straight women, but from the mass of lesbian women who are trapped in relationships with men or who are forced to conceal their lesbianism by the same powerlessness that traps others of us in slums, female job ghettos, and childlessness.

Far from being a source of strength to lesbian mothers, the 'Separatists' have urged lesbian women to acquiesce in the loss of our children, saying a 'real' lesbian—a woman who boycotts men all the way—does not have or want to have children. A 'real' lesbian will be especially loath to keep male children. With that idea of victory, who needs defeat? Some of us may *not* want children. But that choice and avoiding motherhood because it is 'unlesbian' are two entirely different things!

Building Power

The strategy we need must be based on our needs as lesbians to win time and money of our own in order to decide whether or not we want children. It must attack our common weakness as women—our wagelessness—at its root, and thereby open the way for us to organize with other women without white-washing the real differences among us. And it must uncover for us ways of organizing that will win us more, *not fewer* of the choices we need.

THE WAGES FOR HOUSEWORK CAMPAIGN

The Wages for Housework Campaign opens the way for doing that. It is the fight of a particular woman to be lesbian without losing her children. It is the fight of all lesbian women to no longer have to hide who we are. It is the fight of *all* women for the right to have or not to have children. And it is the power to determine our own sexuality.

The aim of the organizations which are active in building the Campaign is to *help these struggles to win*, by bringing to bear in each one the experience, resources, and power of *women in other situations*. The Wages for Housework organizations gather information about the struggles that women are making internationally, and the ways of organizing that

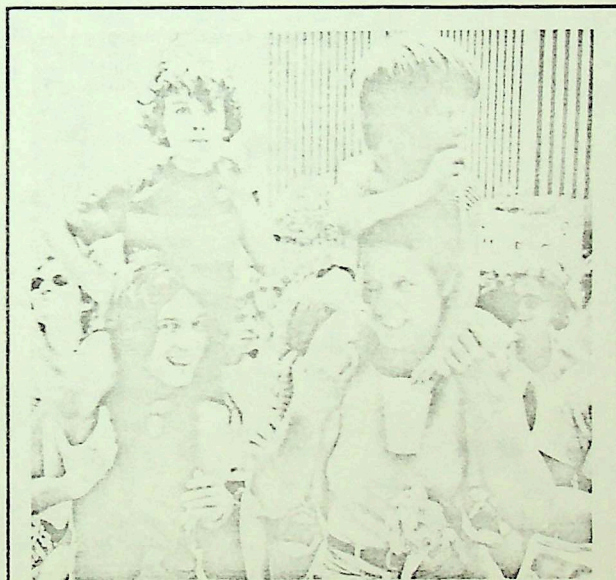


photo by L.N.S. Women's Graphics

Lesbian mothers march in New York, 1974

women are inventing every day. Through the various tools created by women engaged in the Campaign—books, films, pamphlets, songs, video tapes, public meetings, street rallies, the media, etc.—and through contacts with women, the experience of struggles everywhere is put at the disposal of every woman.

In this way, networks of contacts among women can be built on a wider and wider scale. Networks of tangible support which can be brought to bear in a lesbian mother's battle for custody, or the fight by a group of women—nurses, factory or community workers—for higher wages and better working conditions, or the struggles of women on Welfare against restrictions which would force them to take a second job.

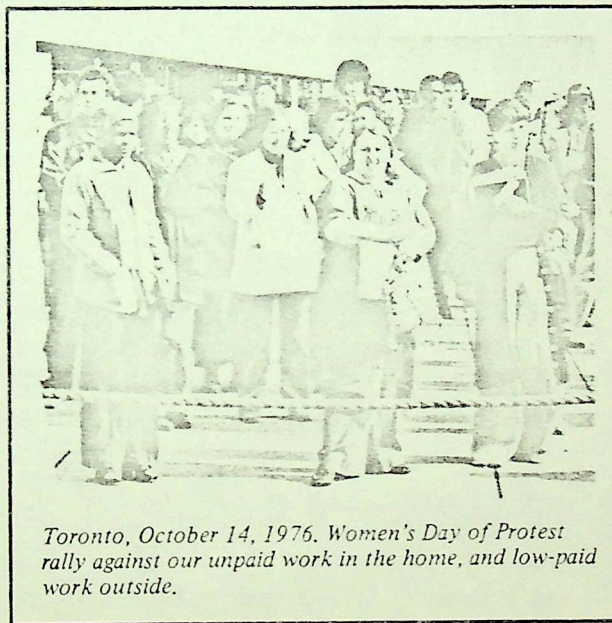
The mobilization of wide support from lesbian and straight women for a lesbian mother is a possibility *only* when the fight she is making is expressed in a way that attacks the definition of a lesbian woman's needs as being different from those of other women.

Our isolation as lesbians from other women has weakened our fight for child custody, and against all forms of discrimination. We've been shunted apart by society and branded a 'special case', 'unnatural', and 'different' from other women. We've been unable *until now* to spell out the identity between our struggle for sexual autonomy and the struggles of all women for sexual choices. But lesbianism can only be considered 'unnatural' when our life and fight are seen outside of the context of all women's rebellion.

Despite what we have known all along, it has *appeared* that lesbian women are fighting only for sexual independence—that we are more or less satisfied with unpaid housework, low paid jobs outside our homes, concealment of our lesbianism outside of a few bars, and forced childlessness, as long as we have a female lover. And it has appeared that lesbian women *only* are making that fight—that straight women are more or less satisfied with sex lives deformed by dependent relationships with men, and the lifetime sentences of unwaged, isolated housework involved in raising children inside the

confines of the nuclear family.

The essential commonality between our lives as lesbians and the lives of all other women has been hidden, and with it, the possibility of making a *unified attack* against every situation of powerlessness that our collective poverty puts us in. The Wages for Housework Campaign goes past the fragmentation, to the reality of all women's persistent, daily struggles against unwaged servitude.



Toronto, October 14, 1976. Women's Day of Protest rally against our unpaid work in the home, and low-paid work outside.

Housework—physical, emotional and sexual—has been considered 'natural' to women. It has been thought that we do it from choice, to express our 'femininity', out of 'love' for the people around us. And that any woman who refuses any part of housework is not a 'real' woman. Our wageless-

ness, while forcing housework on us, has hidden the fact that it is *work*, and not a 'role' we are free to put on or take off at will.

The Wages for Housework Campaign once and for all puts the lie to the blackmail of 'love'. It is not 'feminine' to put up with the abuse of our limbs and minds on the assembly line—for the special 'women's wages' laid out for us. If we complain, we know we will be fired and find ourselves back in our homes with no wage at all. It is not from 'love' only that we exhaust ourselves with the unending and sole responsibility for children—to the degree that we *must* do it, we are *unable* to love. And it is not 'natural' to *any* of us to sleep with a man out of fear that if we don't he (and his wage) might pick up and leave us with two kids to support on a Welfare cheque.

By re-defining as unwaged work everything that has been considered 'natural', the Wages for Housework Campaign *already begins to break the isolation that has crippled our fight to keep our children*. The Campaign draws together the different pieces of women's struggles because it is a movement which stands unequivocally for the right of *all* women to *choose* to have children or not, to take a second job or not, to be lesbian or not.

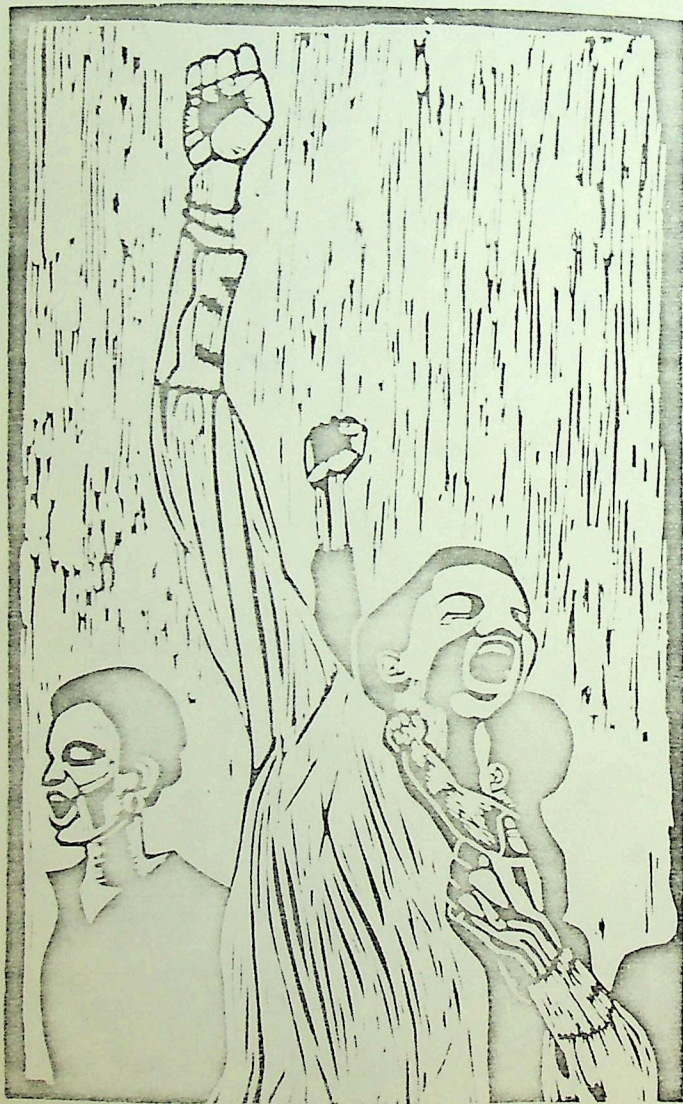
As long as it appears that lesbian women are so different from other women, that sexual autonomy is something that only we are after, we are forced to make our fight for child custody on our own, with the most meagre resources and a *necessarily defensive stance*. A number of lesbian mothers' defense funds, for example, have had to channel time and energy into proving, statistically, that the children of lesbian mothers usually grow up to be heterosexual. This is something we *have* to say in court, and, of course, it is true. But it is not something we want—it cannot be our strategy. More of our children might be lesbian if they had the power to decide. That possibility is what we *really* want for ourselves and our children.

We are no longer accepting that to have children we must

serve and depend on a man, nor that we must hide our lesbianism as a condition for keeping our children. And we are not fighting, in our millions, for the opportunity to have and keep children who are only the objects of our work, with whom we will spend years in isolation and poverty, disciplining and training them for work. As long as this is what 'motherhood' means, millions of us—lesbian and straight—will refuse to bear children.

In demanding wages for housework, we are demanding not only the power to choose to be lesbian without losing our children, or the possibility of having them. We are demanding the power to be with those children *in a way that is not work*. We will no longer accept the entire responsibility for them, or the guilt of being a 'bad mother' if we take time away from them. And we will apologize to no one for rearing children who are—like their mothers—making a ferocious fight for the power to determine their own lives.

* * * *



FOOTNOTES

In England and Wales there's a legal distinction between "care and control"—which is the effective day to day rights over the child—and "custody", which is rights over major decisions such as the religion of the child or what kind of education the child should have. Newspapers etc. which report a court case usually use the term "custody" as a general term to apply to both "care and control" and "custody", and in this pamphlet the term "custody" refers to both rights. In any case "custody" and "care and control" are usually awarded to the same parent, though it is quite common for parents to be awarded joint "custody", while rights over "care and control" are awarded only to one of the parents.

1. Early in 1977, Eugenia Kis, another lesbian woman, living with her lover in Brighton, England, won custody of her 9-year-old son. When the husband asked for a supervision order over the boy's upbringing, the magistrates refused. After decades of no known victories in England, there have now been at least two in the space of a few months.
2. In England and Wales lesbian women do have some legal recourse; for instance a lesbian woman, Louise Boychuk, who was sacked from her job for wearing a lesbian badge, took her case to an industrial tribunal in 1976. Although she lost her case and is now appealing, she opened the way for other women to fight back publicly. A landlord cannot officially evict a woman for being lesbian, and she would be able to appeal to a county court. (Though a tenant whose landlord is *on the premises* has very little protection against eviction.)
3. The same thing is true in the U.S., and England and Wales.
4. The Children's Aid Society is a private organization given full legal power by the Ontario provincial government for child welfare and child protection. Similar organizations operate throughout most of Canada. They take into care all children that *any* government agency recommends to be taken into care.
5. Public meeting on "Lesbianism and the Wages for Housework Campaign", Toronto, November 1975.
6. This is true also in the U.S., and England and Wales.
7. No statistics have been made public to document the increasing incidence of custody awards to men, but it is common knowledge among divorce lawyers. Women we have talked to are eloquent testimony to the phenomenon.

Welfare mothers report the increased alacrity—over the past ten years—on the part of the Children's Aid society in taking their children.

8. The same kinds of criteria apply both in the U.S. and England and Wales, but re. point (3), see footnote 13 below.

9. For example: "In *H. vs. H.*, No. 376-144 (Oregon Cir. Ct. 4th Dist. Multnomah Cty. Nov. 27, 1972) a 32-year-old mother who was apparently a Lesbian was denied custody of two children, aged 9 and 11. Judge Jean L. Lewies awarded custody to the father on the basis of the following factors: the financial capacity of the parties and their ability to handle money, stability of their temperament, soundness of judgment, centrality of the life of the children in the life of each parent, home-making abilities, hours of employment, general goals and plans, and past determined behavioral and moral standards. The judge concluded that 'both parents have the potential to be good parents. At this time, however, the father has the greater potential and has more appropriately met the standards above outlined.' Visitation of two weekends per month and at least two weeks during the summer was awarded to the mother who was apparently unable to appeal the decision due to financial disability." *Women's Rights Law Reporter*, Volume Two, 1974, p.22.

10. Information from the written opinion of Judge Rowe who heard the case of *K. vs. K.* Published in *Western Weekly Reports*, Volume 2, 1976, pp. 462-469.

11. *Saskatoon Gay Action*, June 18, 1974; and *Body Politic*, September/October, 1974.

12. See note 10 above.

13. In England and Wales no-fault divorce already exists in law, i.e. 'guilt' in the marriage breakdown officially has no bearing on the question of custody. At least this means that if we leave the marriage, as we increasingly are doing, then our 'guilt' can't officially be held against us in the custody decision. But how much judges and social workers will be influenced by our action in assessing our 'fitness' as mothers it's impossible to say, so that in fact no-fault divorce makes very little difference in our favour. And in practice it means that we have fewer rights than before if the men walk out. The work we have done as mothers, and our consequent greater involvement with the children is no longer taken into account to the same degree as previously. We're increasingly supposed to be 'equal' to men, meaning that women and men should both be regarded as having 'equal rights' to their children. This parallels the whole legislative trend, embodied in the Equal Rights Amendment in the U.S. and the Sex Discrimination Act in England, to end the protec-

tive rights that women used to have on the grounds of the additional unpaid housework we do, especially as mothers.

14. The Family Allowance is a government payment to mothers, made on a monthly basis in Canada, and on a weekly basis in the U.K. At the end of 1975 Canadian mothers received \$22 per month per child. The \$220 million withheld was the 10% increase mothers were expecting to receive beginning January 1976.

15. See note 5 above.

N.B. The custody situation in Scotland, Northern Ireland and Eire is not the same as in England and Wales. For more information, contact Wages Due Lesbians London (see back page for address).

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Mom's Apple Pie, Lesbian Mothers' National Defense Fund Newsletter, 2446 Lorentz Pl. N., Seattle, Washington 98109, U.S.A. In addition to their monthly newsletter, LMNDF makes available a number of articles, transcripts, briefs and written decisions—Canadian and American. Newsletter subscriptions: \$2.00; Membership: \$5.00. Write for a list of materials.

'Sandy and Madeleine's Family', 30-minute documentary film about a family with lesbian parents. Multi-Media Resource Center, 340 Jones St., Box 439E, San Francisco, California 94102, U.S.A.

'The Lesbian Mother', Riley, *San Diego Law Review*, Vol. 12: 799, 1975.

LESBIANS JOIN THE FAMILY ALLOWANCE PROTEST

We endorse the petition because the freeze on the Family Allowance is the biggest in a number of cuts that deepen the crisis in our standard of living. We, as lesbian women, feel the attack of higher prices, lower wages, and disappearing social services, in a number of ways.

Many of us, without a man's wage behind us, must support ourselves entirely on the low pay of 'women's jobs'. We've often had to fight to keep them, and been forced to hide our lesbianism. Now these same jobs, in health, and social services and some industries, are being eliminated. We're having to accept lower wages and longer hours in the ones we're 'lucky' enough to find. Cuts in Welfare and unemployment benefits make it harder for many more women. This attack on our income undermines the possibility of our making it on our own, independent of men . . .

If we have children, or want to, we have even fewer choices. If there's a separation, with or without a court battle, we often lose the kids to the men, who have more money. If we keep them, our low standard of living drops even lower . . .

As lesbian women, we have fought long and hard for the rights denied us under this system. These latest measures make it even more difficult to fight publicly. That's why, whether we have children or not, we are fighting to win the Family Allowance increase and wages for housework for ourselves and all other women . . .

Excerpts from Wages Due Lesbians' endorsement of the Family Allowance Protest which was launched by the Toronto Wages for Housework Committee in January, 1976. 15,000 copies of a petition demanding the scheduled increase in the Family Allowance, the removal of Family Allowance from taxable income, and wages for housework for all women from the government - along with the lesbian endorsement - circulated across Canada. In late 1976 women won back the indexing of Family Allowance to the cost of living for 1977.

WAGES FOR HOUSEWORK PUBLICATIONS

Women Speak Out 40 pages
published by Toronto Wages for Housework Committee
Speeches from Toronto May Day Rally, 1975.

Women in Struggle: Italy Now 48 pages
published by Toronto Wages for Housework Committee
Women organize: for the right to have or not to have children; against work in the home and outside.

Sex, Race and Class by Selma James 36 pages
published by Falling Wall Press
Using the power divisions within the working class against capital.

Wages against Housework by Silvia Federici 8 pages
published by London Wages for Housework Committee and
Falling Wall Press
Money for women as the lever of power against housework.

Women, the Unions and Work 32 pages
by Selma James
published by London Wages for Housework Committee and
Falling Wall Press
Chooses "between women on the one hand and unions and work on the other".

All Work and No Pay 128 pages
edited by Wendy Edmond and Suzie Fleming
published by London Wages for Housework Committee and
Falling Wall Press
Speeches, articles and leaflets from the international Wages for Housework Campaign.

The Power of Women and the Subversion 80 pages
of the Community by Mariarosa Dalla Costa and Selma James
published by Falling Wall Press
Fundamental analysis of women's work in capitalist society.

All the above, and other Wages for Housework publications, are available from the organizations listed over the page.

Trade orders for all titles published in England to:
Falling Wall Press
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