

The legal agency of single mothers

Vermeesch, Griet

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GRIET VERMEESCH

The Legal Agency of Single Mothers: Lawsuits over Illegitimate Children and the Uses of Legal Aid to the Poor in the Dutch Town of Leiden (1750–1810)

Abstract

The history of illegitimacy has evolved since the 1970's from pessimistic assessments that perceived single motherhood as a form of deviance among impoverished and mobile sections of the population, to recent optimistic assessments that stress the agency of single mothers, their relative local belonging and the leniency of local governments towards them. Based on a case study on illegitimacy in the eighteenth-century Dutch city of Leiden, this article argues that veracity is to be found in both readings of the fates of single mothers. A comparative analysis of single mothers who took legal recourse in paternity matters and those who did not, shows how only a limited part of single mothers exercised legal agency. The litigating mothers shared certain characteristics: they often came from families who were beneficiaries of poor relief, they baptized their children in the Dutch reformed churches and more often than not their own father was still alive. The article hypothesizes that the consistory and overseers of the poor actively encouraged legal action. The case study evidences that the barriers for single mothers to use these judicial means were considerable. These obstacles were not financial in nature, but rather related to the women's social and cultural distance from the elites who staffed the local law courts.

Since the 1970's, the history of illegitimacy has captivated historians, especially following Peter Laslett's pioneering work on the English case. His discovery that illegitimacy rates dramatically rose from the latter half of the eighteenth century has been extended across Europe. In particular, cities that witnessed industrialization appear to have been the locus of rising illegitimacy rates among a so-called "bastardy prone sub-group."¹ The interpretation of the nature and causes of illegitimacy has shifted during the past decades. In the 1970's Edward Shorter interpreted the rising rates of children born out of wedlock in the years 1750–1850 as having been a consequence of a sexual revolution among young working-class women, in which they became increasingly sexually emancipated concomitant with rising opportunities to work outside their homes. A change in attitudes thus professedly informed rising rates of prenuptial pregnancy.² A number of historians have reacted against these assertions. Louise Tilly, Joan Scott, and Miriam Cohen

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have interpreted illegitimacy as misfortune for young women, especially those who were, for economic reasons, far from home and had thus lost the protections and constraints traditionally provided by the family setting. These young women engaged in premarital intercourse in the long-established expectation that marriage would follow pregnancy; however, in the industrialized and urbanized context in which they now found themselves, many never saw the anticipated marriage.³ For eighteenth-century Lille, André Lottin substantiated the poverty of these women and that being single mothers exacerbated their marginal and isolated positions. Lottin used statements of pregnancy by single mothers to evidence that 70 percent of these so-called “filles-mères” were recent immigrants who had lost at least one parent, most often the father. Thus the loss of one’s father was a crucial factor in explaining single motherhood. The majority of these young mothers were from the countryside and typically worked in the textile industry or as servants.⁴ Studies for other regions similarly stress the relative social isolation of single mothers.⁵ Research has also evidenced how they were subject to various social controls, including being pilloried by judicial institutions.⁶

In the last decade, illegitimacy during this period has received new interpretation. The perception that these single mothers were victims has diminished: in fact, they were “poor but not hopeless,” as Tanya Evans titled one of her chapters on single motherhood in eighteenth-century London.⁷ Historians now show how single mothers often demonstrated legal agency, including successful legal recourse against the alleged fathers of their illegitimate children. Marie-Aimée Cliché has examined such litigations by single mothers in “la Nouvelle-France” (in Canada).⁸ Garthine Walker has examined how “bastard bearers” in early modern England strikingly mastered legal language and legal concepts in defending their rights before local tribunals and used the judiciary for their own ends.⁹ Jeremy Hayhoe has established for eighteenth-century Burgundy how local tribunals were markedly lenient towards single mothers and readily accepted their testimonies, in particular by straightforwardly imposing alimony payments on the alleged father, even absent proof of his involvement in the illegitimate pregnancy. Local authorities had a marked degree of self-interest in imposing such payments, as they were a means to reduce reliance on local poor-relief funds. The statements of pregnancy did not necessarily mirror the weak position of single mothers, in particular as they strategically used such statements to force the (alleged) fathers to assume paternal responsibility.¹⁰ For the mid-nineteenth-century town of Leuven, Jan van Bavel has convincingly demonstrated that single motherhood was not correlated with relative social isolation and marginalization or weakened family control. Rather, local young women with both a single parent (especially when this was the father) and younger siblings appeared to have been more susceptible to premarital pregnancy. This substantiates that these women sought early marriage via assuming the risks of unwed pregnancy. Van Bavel also asserted that single mothers whose own father was still alive were comparatively more successful in bringing the alleged father of the illegitimate child into marriage.¹¹ The risks of premarital pregnancy were thus unequally divided among the growing group of single mothers. Historiography has thus evolved from pessimistic assessments, such as those by Laslett, Tilly, and Lottin, that perceived single motherhood as a form of deviance among impoverished and mobile sections of the population, to recent optimistic assessments that stress the agency of single mothers, their local belonging, and the leniency of local governments towards them.

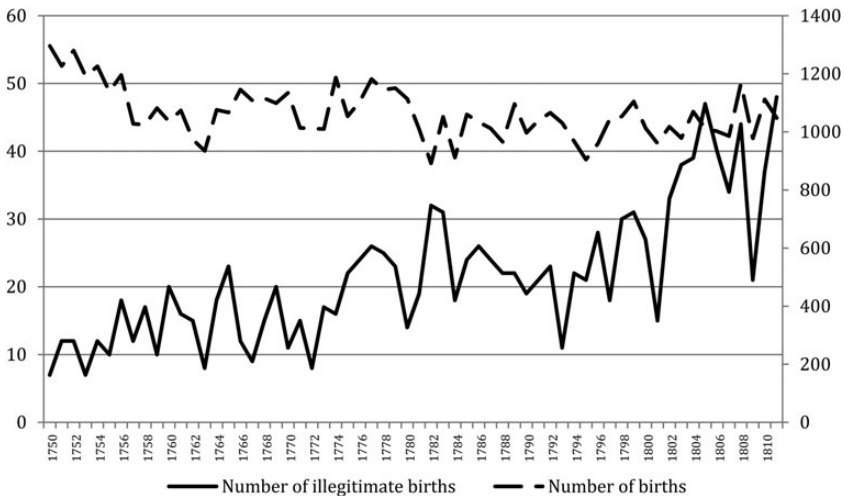
Veracity is perhaps to be found in both the optimistic and the pessimistic readings of the fates of single mothers. The unwed mothers who successfully pursued legal recourse to gain leverage over the alleged fathers of their children may have been a particularly spirited group of women, while other single mothers may have lacked the inclination or the wherewithal to take such steps. Ginger Frost has recently asserted for late nineteenth-century South Wales that single mothers who took such legal recourse were largely successful, yet constituted a minority among the large group of single mothers. Women in South Wales who wished to “claim justice” had to surmount various barriers, including considerable expenses, inability to appeal, and the fact that they needed to collect alimony weekly from the putative father.¹² A closer and comparative analysis of single mothers who exerted legal agency in paternity matters and those who did not is therefore in order. This article offers a case study of the strategies single mothers adopted to negotiate single motherhood in the eighteenth-century Dutch city of Leiden in their respective economic, familial, and religious contexts. It does so by combining a mixed set of source materials to establish whether the group of single mothers who took legal recourse had specific characteristics in comparison with their counterparts who refrained from doing so. Eighteenth-century Leiden offers an appropriate case for examining illegitimacy. It was an industrial town in decline, though its textile industry still dominated the local economy. Seventy percent of the heads of households worked in manufacturing, and of these about 67 percent were in the textile industry. Most of these households were dependent on income from low-paid occupations.¹³ Leiden had been the Dutch Republic’s second wealthiest city (after Amsterdam), with 70,000 inhabitants during the Dutch Golden age. Social and demographic decline began in the late seventeenth century and exacerbated during the years 1735–1749. By the end of the century, the population had fallen to about 31,000 inhabitants.¹⁴ An additional reason for choosing a Dutch town is that, as will be further explained, unmarried mothers who wished to prosecute the alleged father of their illegitimate children could readily apply for free legal aid to the poor. There seem to have been few financial barriers for them to access the court system, in contrast to the situation of women in South Wales. The context of the Leiden case thus allows for assessing legal agency of single mothers at its utmost. As will be seen, however, many single mothers did not exert such agency.

This article builds on existing research by Donald Haks, who examined a hundred lawsuits concerning illegitimate children in the town of Leiden between 1671 and 1795.¹⁵ However, Haks overlooked the important fact that paternity suits were waged by people who were relying upon free legal aid to the poor and thus did not consult the sizable collection of 175 petitions for such aid that date from the years 1750–1810.¹⁶ Also, he did not compare the group of single mothers who did litigate with the much larger group of single mothers who did not, though he hypothesized that the lowest social groups refrained from litigation.¹⁷ The local archives of Leiden offer excellent opportunities for more in-depth analysis, especially for the second half of the eighteenth century. Besides the petitions for free legal aid and the abundant documentation of lawsuits,¹⁸ the archives offer digitized baptismal and marriage records.¹⁹ The total number of children born illegitimately is thus relatively straightforwardly traceable, as the scribes of the baptismal registers recorded any status of illegitimate birth. The dominant part of single mothers specified the name of the absent and alleged

father, which was detailed as such in the registers. Furthermore, a number of contextual features about illegitimate children and their mothers can be derived from the baptismal registers, such as the church where the child's baptism was celebrated and the names of witnesses.²⁰ The digitized marriage registers allow for assessing to some extent whether single mothers ultimately married. A fully digitized census of the year 1748 that comprises social-economic data on nearly the entire Leiden population is available and helps to assess the social position of the families of single mothers around the mid-eighteenth century.²¹ Acts of the local consistory are fully preserved and contain rich contextual information about single mothers who applied for baptism at one of the four local Dutch Reformed churches.²²

As evidenced by graph 1, illegitimacy in Leiden was on the rise during the latter part of the eighteenth century, echoing similar trends elsewhere in Western Europe.²³ The rise of illegitimacy in Leiden becomes further apparent when considering the decline of the overall birth rate. Whereas 1 percent of all births were illegitimate in the 1750's, in the first decade of the nineteenth century the illegitimacy rate was 4 percent.²⁴ To assess the legal agency of the rising numbers of single mothers, this article examines 144 single mothers who petitioned for free legal aid and/or pursued legal recourse for paternity between the years 1750 and 1810, and whose illegitimate child could be traced in the baptismal registers. Thus forty-one petitioning mothers are omitted from the examination, as their child could not be traced in the registers.²⁵ These 144 mothers are compared to a sample of 144 single mothers who did not take legal recourse and to a benchmark sample of 144 mothers who had a child within wedlock.

This article first sketches the institutional context of eighteenth-century Leiden, including a discussion of the provision of legal aid to the poor. An examination of the lawsuits follows, including their relative frequency and the comparative success of litigating single mothers. In the third section, a number of



Graph 1. Number of illegitimate births versus overall number of births in Leiden.

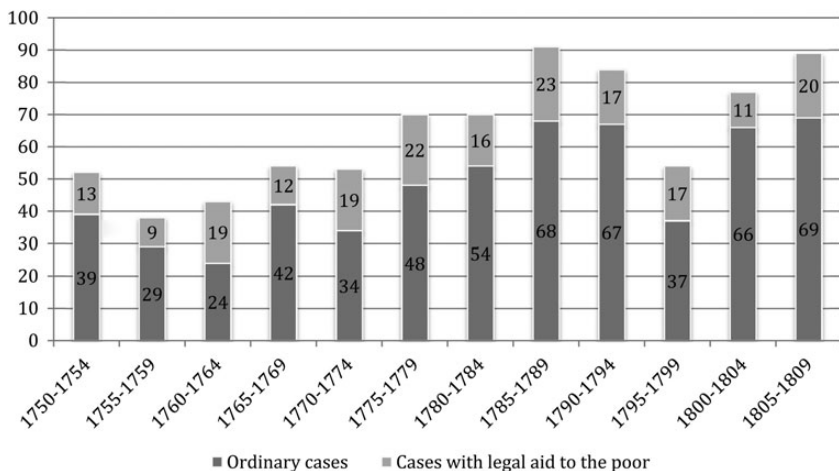
Source: Digitized baptismal registers city of Leiden <https://www.erfgoedleiden.nl/collecties/> (accessed July 23, 2015).

characteristics are assessed for each of the three groups (single mothers who took legal recourse, single mothers who refrained from doing so, and mothers who gave birth within wedlock).

The Leiden Law Courts and the Provision of Legal Aid to the Poor

The city of Leiden had two main urban law courts. Inhabitants who wished to take legal recourse were expected to first file a complaint at the so-called Peacemakers (*Vredemakers*). This was a low-threshold bench, staffed by one burgomaster and two aldermen, who settled cases orally by confronting the parties, who appeared without the assistance of legal spokesmen.²⁶ After a short gathering of less than ten minutes, the parties were given an official notice formalizing the settlement.²⁷ The open court operated mostly free of charge.²⁸ Notwithstanding the marked accessibility of this court, the lower 60 percent of the Leiden population rarely filed complaints there. The clientele was decidedly elitist in the mid-eighteenth century.²⁹ If the Peacemaker court failed at reaching an agreement between the parties, or if the case related to more complex or sizeable claims, such as lawsuits over illegitimate children, the parties were directed to the bench of aldermen. Litigation at this more formal court required the assistance of legal spokesmen and payment of various court fees. However, many litigants acquired free legal aid, as is apparent from graph 2. On average 8 percent of all cases included at least one party waging the case free of charge due to their alleged poverty. At first glance, it would seem that the more expensive and complex bench of aldermen penetrated Leiden society more successfully than did the inexpensive Peacemaker court.

To obtain free legal aid, inhabitants petitioned the bench of aldermen, who appointed a lawyer to verify the petitioner's state of poverty and the rightfulness of the claim. The collection of registered petitions to the city government comprises a fairly complete series of about four hundred petitions for free legal aid

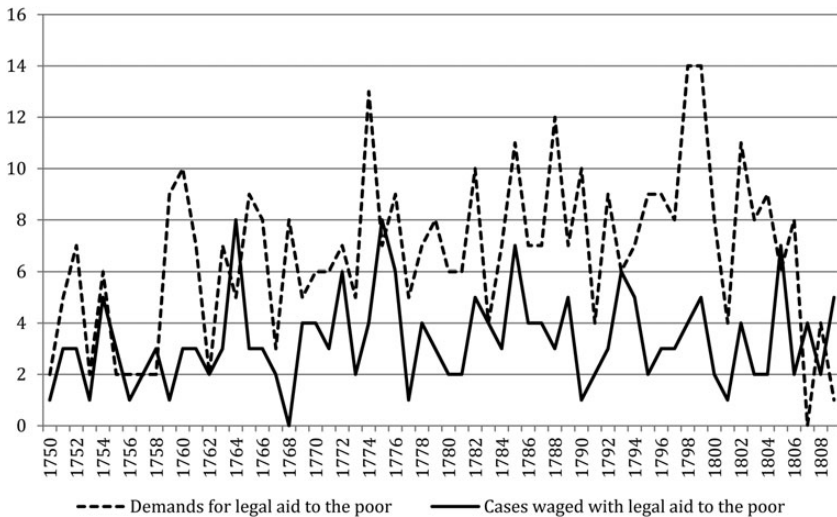


Graph 2. Volume of business at the Leiden bench of aldermen.

Source: RAL, ORA, inv. nrs. 44V-44EE, Dingboeken van grote zaken, 1746-1810.

from the mid-eighteenth century, of which the aldermen approved the large majority. Only twelve unsuccessful petitions for legal aid were traced, amounting to just 3 percent of the overall submitted petitions. As will be discussed, acquiring free legal aid—as a first step in litigation—could be a forceful instrument in out-of-court negotiations with the other party, sometimes rendering actual litigation superfluous. Graph 3 shows that many successful demands for free legal aid did not result in litigation at the bench of aldermen.

Graph 3 also shows a gradual rise of petitions for free legal aid. This rise is explained in large part by the phenomenon that is central to this article, namely, the growing rate of illegitimacy. As table 1 shows, single mothers constituted a dominant group among the petitioners for free legal aid.³⁰ In the years 1750–1810 they filed 175 petitions—43 percent of all registered petitions—for legal aid to bring claims



Graph 3. Number of demands for legal aid versus number of lawsuits waged with legal aid. Source: RAL, ORA, inv. nrs. 144A-144O, Registers van dispositiën op rekwesten, 1659-1810; inv. nrs. 44V-44EE, Dingboeken van grote zaken, 1746-1810.

Table 1. Case matter denoted in petitions for free legal aid by plaintiffs in Leiden (in percentages; N = 407).

	Paternity	Divorces	Credit	Inheritances	Slander	Other/unknown	Total
1751-1760	5	2	1	1	0	1	12
1761-1770	7	4	1	1	0	1	15
1771-1780	7	5	2	1	1	2	18
1781-1790	9	6	2	1	0	2	21
1791-1800	9	6	2	0	0	4	22
1801-1810	6	4	1	1	0	1	14
Total %	43	28	9	5	2	12	100
N	175	112	31	21	9	50	407

Source: RAL, ORA, inv. nrs. 144D-144O, Registers van dispositiën op rekwesten, 1749-1810.

against the alleged fathers of their illegitimate children. Divorces gave rise to a fair number of requests for legal aid as well, whereas “non-sexual conflicts” accounted for about a quarter of the petitions. By 1750, lawsuits over illegitimate children were already a dominant reason for seeking free legal aid, and their share gradually increased, concomitant with the growing rate of illegitimacy evidenced above.

As for the legislative context of paternity suits, local regulations stipulated that a man who was found guilty in having made pregnant a virgin was required to marry her. Yet, it was conventional to rather impose a financial compensation for the lost honor. There are no examples of judges who forced a marriage on unwilling men. In addition, putative fathers were required to pay alimony and compensation for the costs of delivering the baby.³¹ Their unwillingness to marry may have been induced by the refusal of their own parents or guardians to approve of the match. Women below the age of twenty and men below twenty-five needed such approval. If older than twenty or twenty-five, young people were able to take legal recourse against parental disapproval. However, such confrontations in court were rare—in Leiden, only ten such cases have been tallied for the years 1671–1795, and the youths won eight of those cases.³² It is nonetheless possible that a fair share of the fathers who refused marriage had such conflicts with their own parents, and was defeated. As will become apparent in this article, it was possible that the parental grandparents were made liable for paying compensations for the illegitimate child. However, there was no general rule that made grandparents assume financial responsibility for the illegitimate offspring of their sons.

Lawsuits over Paternity

The leniency of the Leiden city government to grant free legal aid to women in their paternity conflicts over illegitimate children corroborates an optimistic reading of the legal agency of single mothers. Women who became pregnant before marriage could face criminal prosecution, yet in the period under study such prosecutions rarely occurred in Leiden.³³ Moreover, the low cost of the peacemaker court and the availability of free legal aid for such women helped to minimize potential financial barriers to access the Leiden urban courts. They thus had reasons not to hesitate in asking the city government to intervene in paternity conflicts. Many of them pursued such assistance, yet, as will be discussed in the next section, many more did not. To be sure, men could likewise rely on free legal aid in defending themselves in paternity suits, as did a third of the men who were summoned before the bench of aldermen in the period under scrutiny.³⁴

Women who took legal recourse over an illegitimate child typically explained to the judge that they had consented to premarital intercourse because the defendant had made a promise of marriage. Premarital sex was not uncommon in the Dutch Republic, where the average age at first marriage was 25–29 years for men and 24–28 years for women³⁵—that is, well after sexual maturity. Two limited studies of localities in Holland (in 1747) and Gueldres (between 1666 and 1730), respectively, have yielded an estimate that 15 to 25 percent of all children were conceived prenuptially.³⁶ G.P.M. Pot has calculated that between 1760 and 1789 over 40 percent of the women in households that received poor relief were pregnant at their weddings.³⁷ This confirms that prenuptial pregnancy was especially common among lower social groups. While the large majority of these pregnancies were followed by marriage, it is unsurprising that a fair (and apparently

increasing) number of informal marriage agreements went unfulfilled, some of which led to lawsuits. The single mother who took such recourse often demanded marriage or financial compensation for the costs of pregnancy and giving birth, compensation for her loss of honor, and a weekly alimony from the day of the child's birth until age 18 and sometimes older.³⁸

Thirty six percent of the mothers who requested free legal aid actually took legal recourse at the bench of aldermen. It is difficult to ascertain the exact reasons of successful petitioners for ultimately refraining from litigation. It can be surmised that many petitioners reached settlement out of court or at the peacemaker court before an actual lawsuit had commenced. The approval for legal aid probably served as a forceful vehicle for gaining leverage over the alleged father. A telling example is provided by the case of Johanna Domhoff, who gave birth in the summer of 1759 and immediately petitioned the city government for legal aid to bring a case against Hendrik Willemson.³⁹ She was granted such aid and the defendant was summoned to the peacemaker court, where he readily agreed to weekly alimony payment of one guilder until the child reached the age of 18, as well as compensation for "defloration" (the loss of honor) and the costs of delivering the baby. In sum, Domhoff and Willemson agreed on his payment of over 900 guilders (over a period of 18 years) and formally put the agreement to paper before a notary.⁴⁰ Some women used their granted petition of legal aid to successfully encourage the alleged father to marry them. Heavily pregnant, Maria Rijnders successfully petitioned for legal aid in the summer of 1751; she took no further judicial initiatives but married the father of her child in January 1752.⁴¹ Paternity suits occasionally concerned conflict with the parents of the illegitimate child's father rather with the father himself. In 1763, for example, Gerrit van Bommel went missing after a visit to his parents to obtain their consent to marry Jannetje van der Linden, whom he had recently made pregnant. Van der Linden applied for legal aid to take legal recourse against van Bommel's parents. Further legal action proved unnecessary and the two married a few months later.⁴²

However, many nonlitigating petitioners may have become disheartened against taking legal recourse for a range of reasons. For instance, a single mother who failed to convince the bench of aldermen that the defendant was indeed the father of her illegitimate child could face court fees and fees from her legal representative, even after having been granted legal aid to the poor. Mietje Pon found herself facing such costs in February 1771, two years after having given birth, for a lawsuit she had filed in January 1770. Unfortunately, the archival evidence lacks data for ascertaining the extent of these costs, but they were likely sizeable. In a case that Machteld Sol won against Jan Schijf in 1803, the fees for stamp duties on the juridical documents amounted to over thirty guilders, more than a month's labor for a carpenter.⁴³ However, the costs payable by Mietje Pon may have been adjusted to the precarious circumstances that had qualified her for free legal aid to start her lawsuit.⁴⁴

Another reason that someone who had been granted free legal aid would subsequently eschew actual litigation is that he or she may have faced pressure from the counterparty. In 1760 Johannes Castrop, the counterparty against Marijtje Sitman, threatened to summon her for slander, even before she had taken legal recourse against him. She went to court anyway but lost the case.⁴⁵ If the alleged father adamantly denied paternity and offered to pledge an oath of innocence, the single mother often lost her case: her word was considered less convincing

than that of her male adversary. In 1769, for example, Willem Clement offered to pledge an oath that he was not the father of Alida Pierse's daughter, leading Pierse to bemoan that he had an utterly "bolted soul" and surely did not understand the consequences of swearing a false oath for the ultimate salvation of his soul. The aldermen nevertheless accepted Clement's oath and forced Pierse to have his name rendered illegible in the baptismal registers.⁴⁶ Married men and men of significantly higher social position than the plaintiff had especially good prospects of winning paternity cases brought against them.⁴⁷

However, in conflicts between social equals, litigating single mothers were often successful in paternity suits. Donald Haks established that 65 percent of the hundred plaintiffs in paternity suits between 1671 and 1795 won their cases, either by a verdict of the aldermen or by agreement with the alleged father. It appears that defendants did not lightly offer to pledge an oath of innocence. Only twenty-four of the hundred defendants who appeared before the bench of aldermen opted to swear their innocence in such fashion.⁴⁸ When the plaintiff prevailed, the aldermen typically ruled for payment of a compensation for defloration, for the costs of delivering the baby, and for weekly alimony payment of approximately one or one and a half guilders, depending on the social status of the defendant. A sum of one guilder corresponded to a carpenter's daily wages in summer.⁴⁹ These provisions considerably increased the chances for marriage, which was seen to counterbalance the encumbrances of caring for an illegitimate child. Geertruy Kap won a lawsuit against Jacob Viele in November 1766 and was accorded weekly alimony of one and a half guilders until the child, Jacob, had reached age 18. In case Jacob Viele ever failed to pay, his parents would be held accountable.⁵⁰ Half a year later, she married widower Johannes de Vos.⁵¹ The digitized marriage registers allow for tracing many single mothers who married after having taken recourse to the aldermen for a paternity suit. In the years 1750–1810, at least 31 percent of the petitioning single mothers married within a few years of giving birth to an illegitimate child; 10 percent married the father of the child; and 20 percent married someone else. These are absolute minima. The digitally searchable marriage registers do not allow for fully determining which mothers married and which did not, as the spelling of names is a notable impediment, as is the possible incompleteness of the registers. Moreover, single mothers may have married elsewhere.⁵² Nevertheless, the diverse stories behind the paternity suits corroborate the historiographical findings that single motherhood did not unavoidably render these women into social outcasts. Likewise, single mothers did not necessarily remain without support from the parents of the (future) father of their child. For example, in the winter of 1799, Jannetje de Cler had her child—whom she had conceived with Hermanus Hoppezak, a carpenter's hand—baptized; the only witness was Hoppezak's mother. Six years later, the mother again acted as witness, this time when her son and Jannetje de Cler married.⁵³

As elsewhere in Western Europe, most of these women belonged to lower and lower middling groups. Only one paternity case in the sample was waged without resort to free legal aid. This case was brought by Johanna de Rijck, the widow of a tax official, who filed claim against Abraham de Swart, a tax collector, in 1783.⁵⁴ The occupations noted in the marriage certificates show that women in paternity cases who married mostly did so with men who worked low-status jobs in textiles or in the crafts. The census of 1748—comprising social and economic data on almost the entire Leiden population—is of limited help for establishing the social status of petitioning single mothers. Only the names of the

heads of households are registered, and the various spellings and occurrences of common names present difficulties in identifying them; also, the census only offers data on the situation in 1748. Nonetheless, eight households of the nineteen single mothers who petitioned and/or litigated in the context of paternity suits in the 1750's could be traced. No less than six of these eight households received poor relief from the city government. This seems to confirm that petitioning single mothers were predominantly from lower social groups. A key question is whether all sections of the large group of poor households in Leiden readily accessed legal services to settle their conflicts over paternity.

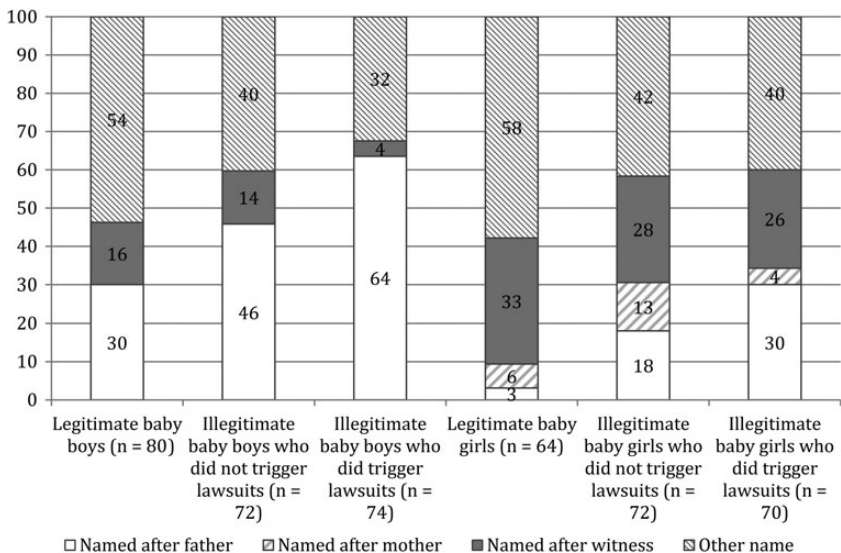
To Prosecute or Not to Prosecute

Many single mothers refrained from taking legal action or even from petitioning for aid to facilitate such action. While on average twenty-two to twenty-eight illegitimate babies were baptized yearly,⁵⁵ a yearly average of only three petitions were filed to secure legal aid in the context of paternity conflicts. In view of the previously noted considerable occurrence of premarital sexual intercourse, quite a few women are likely to have married the father after having given birth without legal conflict. Adriana van Lexmond had her son Gerrit baptized on 3 June 1751 and married his father three weeks later.⁵⁶ Marijtje Vollenhoven had two illegitimate children with Claas Akkerberg, a tailor's hand, in 1755 and 1757. They married in October 1758 and had seven more children between 1759 and 1774.⁵⁷ Jacob Susan—a divorced man—solicited the consistory for baptism of the illegitimate child he had fathered with the widow Jannetje Cedron in 1762. The consistory complied with his demand, yet firmly admonished him not to entertain further contacts with the widow.⁵⁸ Nonetheless, they had two other illegitimate children baptized in December 1763 and February 1765, respectively.⁵⁹ A number of couples thus appear to have lived in a state of free, consensual union. Religious complications may have been part of the reason why men and women refrained from marrying. The Protestant Hermentje Lely had a daughter registered in 1764 in the Catholic baptismal records in the presence of a witness with the same surname as the child's father.⁶⁰ A growing extent of concubinage has been established as an element in the household cycle for other industrializing cities, such as nineteenth-century Bezons, in the vicinity of Paris. In this respect, illegitimacy did not reflect weakening of social control but, in fact, constituted a prelude to marriage.⁶¹ For England, John Gillis has explained how the practice of delaying formal marriage arose concomitant with processes of proletarianization.⁶² It is thus possible that the industrial town of Leiden, with its markedly high rate of proletarianization, included many parents who married only after having one or more children. Considering the previously described striking accessibility of the Leiden court of aldermen for paternity actions, the hypothesis merits falsification that a sizeable group of single mothers refrained from legal action against the father if he assumed his paternal responsibilities, such that the illegitimate birth did not give rise to legal conflict.

However, the baptismal registers—that allow for a comparative analysis of a number of contextual characteristics of single mothers—show that many nonlitigating or nonpetitioning mothers had conflict with the fathers of their children. This is indicated by both a comparison of the extent to which children were assigned the first name of their (alleged) father and the overlap between the

surnames of the (alleged) fathers of the children with the names of the witnesses present at the baptism. These characteristics are compared for three groups of mothers: a first benchmark group consists of a sample of 144 mothers who had a child baptized who was born within wedlock;⁶³ the second group consists of a sample of 144 women who had an illegitimate child and did not take legal action over paternity or petition for free legal aid;⁶⁴ and the third group consists of the 144 women who petitioned for free legal aid so as to prosecute the alleged father and whose illegitimate child was traced in the baptismal registers.

Naming their child after its father and thus publicizing his involvement in the illicit birth was an established strategy among litigating mothers.⁶⁵ Yet, graph 4 shows how nonlitigating mothers applied this strategy as well. The graph shows the extent to which the first names of the father, the mother, or the witnesses overlapped with the first name of the newborn children in the three groups under scrutiny. The analysis has been carried out separately for boys and girls.⁶⁶ Sixty-four percent of illegitimately conceived boys whose birth triggered a paternity lawsuit received the same first name as their alleged father. Of the illegitimate boys whose mothers did not take legal action, 46 percent received the first name of the father. The comparison to the father's name between legitimate and illegitimate children is mostly elucidating in the case of baby girls. Girls who were born within wedlock were only sporadically given the feminine rendering of their father's name. Conversely, 18 percent of nonlitigating mothers and 30 percent of litigating or petitioning mothers gave their illegitimate daughters first names that strikingly resembled the name of the alleged father. Nonlitigating mothers did so to a lesser extent than litigating ones. Nonetheless, it is clear that a considerable share of single mothers who refrained from taking legal action nonetheless employed this strategy to pressure fathers and that there was hence some degree of

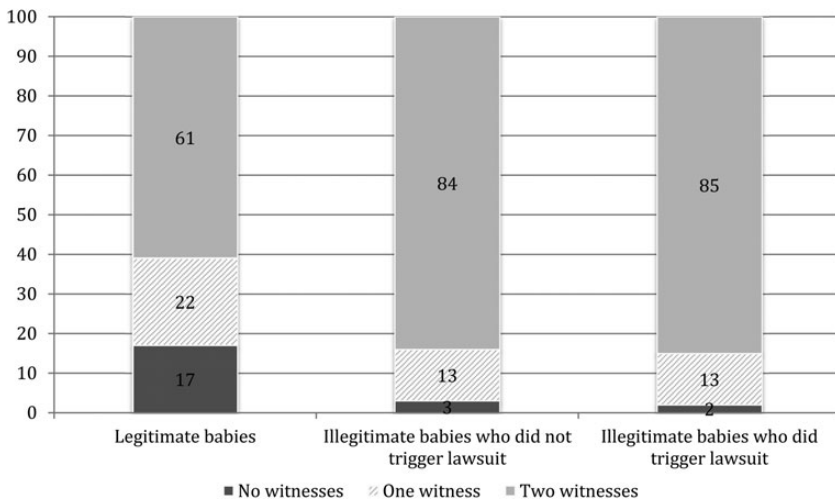


Graph 4. Origin of child's first name (percentages).
Source: Baptismal registers.

conflict. The different naming practices are discernible in the informative case of Johanna de Rijk, whose behavior in having her children baptized was different for her three legitimate children versus the illegitimate child she conceived after her husband died. She married Cornelis Winter in 1767 and had two sons and one daughter between 1770 and 1775; each child received the first name of his or her respective godparent, who was registered as the single witness at the baptism. After her husband died, in 1780, she had an illegitimate son with Abraham De Zwart; this child she gave the same name as his father, in the presence of two witnesses.⁶⁷ This was part of a range of strategies—which also included litigation before the bench of aldermen—by which an unwed mother could try to compel the child’s father to assume paternal duties.⁶⁸

It is no coincidence that Johanna De Rijk invited two witnesses to the baptismal ceremony of her illegitimate child, whereas one witness had sufficed at the baptisms of her three legitimate children. As graph 5 shows, only 61 percent of the sample of legitimately born children was baptized in the presence of two witnesses, and 22 percent of married parents sufficed with one witness; 17 percent of legitimate births were registered as being baptized absent witnesses. The attendance of two witnesses was far more common at baptisms of illegitimately born children, amounting to over 80 percent of such baptisms. No witnesses being in attendance was rather sporadic, and attendance of only one witness was pointedly less common.

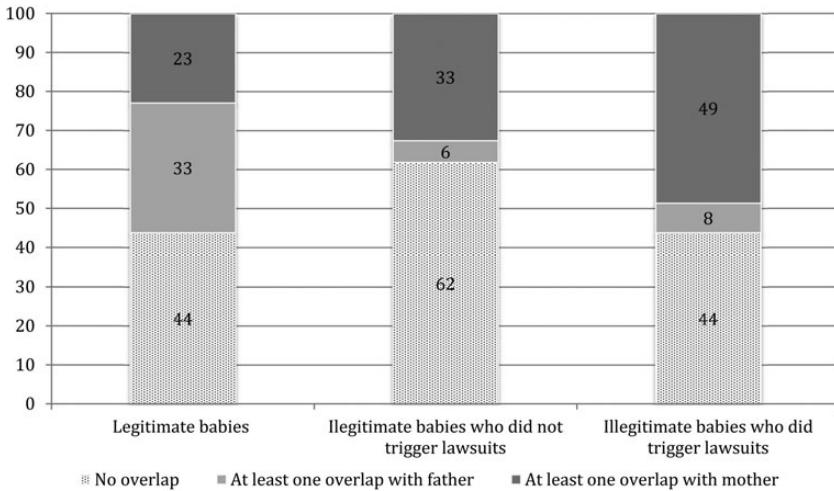
To explain this difference requires elaboration of baptismal practices in eighteenth-century Leiden. As more than 70 percent of the town’s population belonged to the Dutch Reformed confession, the nature of Dutch Reformed baptismal rituals are especially relevant to graph 5. At the “national” synod of 1578, the Dutch Reformed church had altered the nature of the long-standing practice of witnesses attending baptisms. Contrary to Roman Catholic traditions, baptism no longer served as the salvation of the child’s soul; rather, it confirmed the child’s



Graph 5. Number of witnesses present at baptism (percentages, N = 144 for each group). Source: Baptismal registers.

belonging to the Christian community, and this was celebrated in the presence of the confessional community during mass after the sermon, where the father and witnesses pledged to raise the child according to church doctrine. However, the synod also stipulated that all children presented for baptism were to be admitted, including those whose parents (e.g., “whores” and Catholics) lived in contradiction to church doctrine. As the latter sorts of parents could not effectively guarantee the education of the child according to church doctrine, the witnesses were to assume the responsibility. In the case of illegitimate babies, two witnesses of unblemished reputation were to be recruited from among the church members, and they, instead of the child’s father, would hold it for baptism.⁶⁹ The acts of the consistory show that the eighteenth-century Leiden consistory scrupulously guarded the participation and the reputation of witnesses. Finding such witnesses was not always evident. Jannetje de Rijk, for example, applied for the baptism of her child in spring 1767 but was ordered to first find two witnesses. In December she appeared before the consistory, claiming not to have found any witnesses; no baptismal record could be traced for her child.⁷⁰ Some members of the Protestant community declared to eschew being registered as witnesses or performing that role during the public ceremony.⁷¹ Other proxy parents were punished when they appeared to have taken too lightly their Christian duties towards a child, as happened to a godmother of the illegitimate child of Susanna Tettero in 1768.⁷² Single mothers and witnesses were sometimes required to follow lessons in catechism before being allowed to have a child baptized.⁷³ As baptism did not serve the salvation of the newborn child, and was accordingly not necessarily administered soon after birth, the consistory readily used postponement of baptism as a means to discipline single mothers, compel them to name the father, and ensure that church community members would be found to guarantee the proper education of the child. Illegitimate children were thus baptized in the presence of relatively more witnesses than were legitimate children.

Examination of the overlap between the names of alleged fathers and of witnesses yields a second indication that many nonlitigating mothers were in conflict with the father of their child. After all, overlap between the names of the father and of witnesses shows the relative extent to which the alleged father assumed paternal responsibilities. Graph 6 shows that in 33 percent of the baptisms of legitimately born children at least one witness had the same surname as the father. This figure is drastically lower for all illegitimately born children, especially for children whose births did not become subject to paternity lawsuits. Of the illegitimate children whose births led to such lawsuits, 8 percent were baptized in the presence of paternal kin of the alleged father; 6 percent of the children whose births did not trigger lawsuits were. This implies that the large group of single mothers who refrained from taking legal recourse over paternity were as rarely successful in having the assistance of family members of the alleged father as were those who took legal recourse. This is a strong indication that fathers of nonlitigating and nonpetitioning mothers assumed little paternal responsibility. To be sure, the absence of paternal family at the baptism of an illegitimate child may also signify conflict with the father’s parents and kin, rather than with the father himself. Jeremy Hayhoe has stressed that, in eighteenth-century Burgundy, paternity actions stemmed more often from intergenerational conflicts over the right to freely choose a partner.⁷⁴ Yet this does not refute the fact that paternity conflict was a predominant characteristic of single motherhood, even if the mother



Graph 6. Overlap between names of parents and baptismal witnesses (percentages, $N = 144$ for each group).

Source: Baptismal registers.

did not take legal action. Thus, the hypothesis that a sizeable group of single mothers refrained from taking legal action against the father because he assumed paternal responsibilities must be rejected.

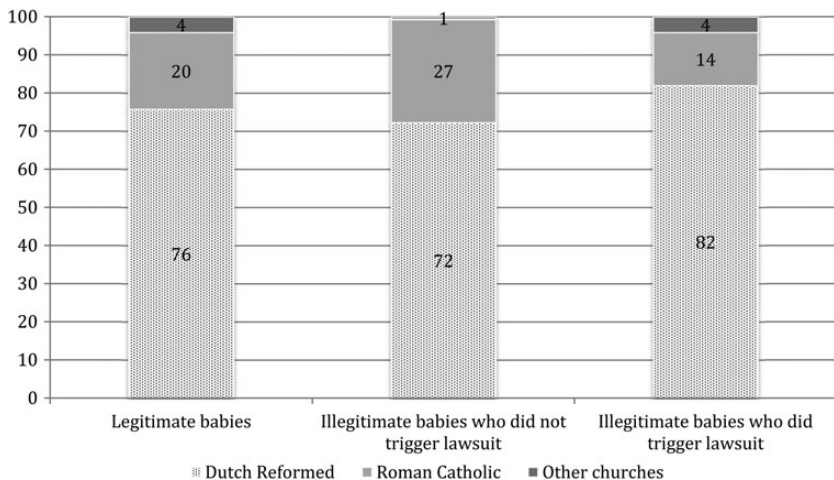
What were the differences, then, between nonlitigating and litigating mothers? Both compensated for the absence of the father's family by drawing on their own kin to act as witnesses. However, litigating mothers relied on their paternal kin significantly more often than did nonlitigating single mothers: 49 percent of the single mothers who petitioned for free legal aid had their children baptized in the presence of (the single mother's) paternal family members, who most often included her father, versus only 33 percent of nonlitigating single mothers. The frequent participation of the single woman's paternal family members in the baptismal ceremonies of illegitimate babies is revealing for two features of single motherhood in eighteenth-century Leiden. First, it demonstrates that sizable numbers of single women were not socially isolated or remote from familial settings. This is especially the case for single mothers who petitioned for free legal aid to enable legal recourse. Apart from paternal kin, single mothers also engaged their maternal kin as witnesses, though these relations are more difficult to trace in the registers. The age of these single mothers is difficult to assess. However, among the 144 women who petitioned for legal aid and/or took legal recourse, sixty-one were underage, which implies that they were younger than twenty. The situation in eighteenth-century Leiden appears to evince similar patterns as that of mid-nineteenth-century Leuven, as described by Jan Van Bavel. Young girls who sought early marriage by taking the risk of premarital pregnancy often ended up as single mothers instead.

Second, the finding that petitioning or litigating single mothers recruited witnesses from among their paternal family to greater extent offers an important clue towards explaining their differing inclinations for taking legal recourse. This

overlap is an indication for the presence of the single mother's paternal kin, including her own father. It appears that being able to draw upon the assistance of one's father encouraged single mothers in facing the alleged father of their child in court. Of the sixty-one litigating single mothers who were underage—and thus had to be accompanied by a parent or a guardian to petition and to litigate—thirty-eight were accompanied by their father. Exemplifying the encouragement young women drew from fatherly assistance is the fact that six women of legal age were also accompanied by their father. This corroborates Jan Van Bavel's findings for mid-nineteenth-century Leuven, where single mothers who still had a father were markedly more successful in bringing the alleged father of their illegitimate child into marriage than were those whose father was deceased.⁷⁵ Many young women of modest backgrounds who had clearly violated the norms of appropriate behavior and morals may have been reluctant to approach the aldermen, who belonged to the authoritative and moneyed elite of Leiden and would personally hear their cases. Assistance from one's father would surely have helped to overcome such barriers.

The group of petitioning and litigating single mothers markedly contrasted with the group of nonlitigating mothers in yet another aspect that can be derived from the baptismal registers. Graph 7 shows that single mothers who belonged to the Catholic minority appear to have been little inclined to take legal recourse: 27 percent of the children born out of wedlock who were not subject to a petition or a lawsuit were baptized in one of the Catholic churches, compared to only 20 percent of the baptisms of legitimate children. However, no more than 14 percent of the children who triggered legal action were baptized in Catholic churches.

Three interpretations of these patterns are plausible, and they do not necessarily exclude each other. The first is that their relative marginal position dissuaded Catholic single mothers from asking the aldermen to intervene in their conflicts with the fathers of their illegitimate children. In the town of Leiden, impoverished Catholic households were by rule entitled to relief from the Dutch



Graph 7. Baptisms according to faith (percentages, N = 144 for each group). Source: Baptismal registers.

Reformed poor masters; however, in the eighteenth century they found themselves increasingly disfavored.⁷⁶ It is plausible that poor Catholic families were comparatively more socially isolated than their Reformed counterparts. That Catholic women were more likely to give birth to illegitimate children yet were less prone to take legal recourse against the alleged fathers suggests the relative marginality of sections of the Catholic minority. It also shows that such marginality posed barriers to taking legal recourse, no matter how technically affordable and accessible the local juridical infrastructures. The second interpretation is that the markedly public nature of the Reformed baptismal ceremony—which was held during mass and in the presence of large sections of the urban community—led some Reformed single mothers to have their child baptized in a Catholic church, where the celebration was significantly more private. Especially those single mothers who did not seek to pressure the father may have been inclined to adopt this course, thereby inflating the number of Catholic baptisms that did not lead to legal recourse. Inversely, some Roman Catholic mothers sought Reformed baptism so as to expose the alleged father before his own confessional community. In 1754, the Catholic widow Grietje Tendelo solicited the consistory for (a Dutch Reformed) baptism of her daughter, Theodora, and revealed that the father was Dirk Hoffman, who was Dutch Reformed. He strenuously denied paternity after being summoned before the consistory.⁷⁷ Tendelo also petitioned for legal aid.⁷⁸ Ultimately, she did not take legal recourse before the bench of aldermen and had her daughter baptized in a Catholic church without having Hoffman's name registered.⁷⁹

The third possible interpretation is that Dutch Reformed single mothers were comparatively more inclined to take legal action because they had their illegitimate child baptized more publicly. In addition, Dutch Reformed women had a fair chance of being summoned to the consistory because of out-of-wedlock pregnancy or motherhood, where they would be ordered to name the father, who would then be summoned. No less than fifty-two of the ninety-three illegitimate children who were baptized in one of the Dutch Reformed churches in the years 1750–1760 were discussed in the consistory.⁸⁰ Sometimes the consistory's bringing together single mothers and the alleged fathers triggered judicial steps. An example is the case of Elsje Schrijfheer and Jan De Klerck, whom the consistory summoned in May 1767. De Klerck adamantly denied having fathered Schrijfheer's child. Significantly, the consistory ruled to postpone the baptism until after the bench of aldermen had reached a verdict. Schrijfheer, however, abstained from litigation and had difficulty explaining the reasons for her disinclination. The child was ultimately baptized without the name of De Klerck.⁸¹ The consistory actively encouraged men who denied paternity to take legal steps to have their names rendered illegible in baptismal registers. In May 1751 Barend Lagas queried the consistory how he could counteract the undue registering of his name as the father of the child of Feytje Simonis. The consistory answered that his only option was to take legal action, as only the bench of aldermen could rule on removing the father's name.⁸² At times, the actions of the alleged fathers bolstered single mothers to apply for free legal aid to the poor, as shown by the previously mentioned example of Marijtte Sitman, whom Johannes Castrop threatened to sue for slander in 1760 even before she had brought a paternity case against him.⁸³

For the large majority of single mothers the threshold to use the bench of aldermen was simply too high no matter how low the court's financial costs. This

apparent reluctance among large sections of lower social groups to approach the city elites to mediate their conflicts accords with the elitist nature of the clientele of the mid-eighteenth-century Leiden peacemaker court. As only a minor part of all single mothers in eighteenth-century Leiden exerted legal agency in paternity matters, the fact that they pursued this additional measure to pressure the fathers perhaps needs explanation more so than the fact that so many did not. The diverse stories of these women would have comprised similarly diverse reasons for taking legal action. We have, however, evidenced a number of elements that correlated with litigation. Notably, the presence of the single mother's father was a factor in bolstering her to take legal recourse, as well as her being of Dutch Reformed faith.

Yet a third factor that coincided with propensity for litigation can be surmised from this research. As we have seen, six of the eight households that could be traced in the census of 1748 received poor relief.⁸⁴ The households of only three of the sixteen single mothers who did not petition or litigate during the 1750's could be traced (with certainty) in the tax register of 1748. All three belonged to the poorest sections of the Leiden population, yet did not receive poor relief. Being poor did not guarantee the procurement of assistance. About 10 percent of the Leiden population received assistance on a permanent basis, yet the number of poor households was much larger than this. Only local households who met strict criteria relating to size and composition were entitled to relief.⁸⁵ It appears that households whose daughters had been involved in paternity suits were disproportionately represented among those receiving poor relief. This inspires the following hypothesis as to why these young mothers conspicuously exerted legal agency. Receiving poor relief prompted exchanges and connections with overseers of poor relief—the regents of the so-called *Huiszittenhuis*. These regents had an obvious interest in having the alleged father of an illegitimate child assume paternal responsibilities since the *Huiszittenhuis* was under constant financial strain in the eighteenth century. The regents were annually recruited from among the higher middling groups and included manufacturers, merchants, as well as—revealingly—legal professionals. For instance, Dennis Bouwman and Frederik Booy acted as legal spokesmen for numerous single mothers in the 1760's and 1770's; they were also appointed as overseers of the *Huiszittenhuis*,⁸⁶ in which function, they annually summoned and questioned poor households to verify that they still met the strict criteria for poor relief.⁸⁷ Chastity was one such criterion, yet having an illegitimate child probably did not result in loss of relief.⁸⁸ G. P. M. Pot has established that almost 12 percent of the first-born children of beneficiaries of poor relief were born illegitimately.⁸⁹ It is conceivable that regents who interrogated heads of households with daughters who had given birth to illegitimate children actively encouraged legal recourse. This also helps to explain the striking reluctance of Catholic single mothers to litigate such matters. Impoverished Catholic families, who, since 1737, received relief from separate poor boxes organized by wealthy members of the Catholic minority, evidently had far fewer links with the urban Dutch Reformed elites who regularly interacted with the bench of aldermen. For now, however, exchanges between overseers of the poor and single mothers are difficult to pinpoint and are detectable only via contextual evidence. These interactions do however merit further analysis to assess the legal agency of single mothers, and of lower social groups as a whole.

Conclusions

On the surface, the judicial infrastructure of eighteenth-century Leiden was markedly inexpensive and available to the large and growing group of single mothers. They could readily apply for free legal aid to take legal action against the alleged father of their child. Some obtained such aid, which often rendered actual litigation superfluous. However, only a minor portion of all single mothers seems to have taken legal recourse in such matters. While on average twenty-two to twenty-eight illegitimate infants were baptized yearly, only three petitions were filed to secure legal aid in the context of conflicts over paternity. The hypothesis that nonpetitioning mothers had fewer conflicts with the alleged father of their child was rejected, as members of the father's family rarely acted as witness at the child's baptism. Also, many nonpetitioning mothers adopted a similar nonjudicial strategy to pressure alleged fathers, notably by naming the child after him. The Catholic community, which included relatively more marginalized families, saw more illegitimate births yet less paternity litigation. In short, taking legal recourse in such matters was not broadly evident for lower social groups, no matter how accessible and inexpensive the local courts were.

This article has argued that the fact that some single mothers opted to exert legal agency needs explaining more so than the fact that so many others did not. The relatively limited group of single mothers who did take legal recourse appears to have had certain characteristics. These mothers often came from families on poor relief, they baptized their children in the Dutch Reformed churches, and more often than not their own father was still alive. It is plausible that the consistory and the regents of the main Dutch Reformed poor relief institution actively encouraged legal action against alleged fathers, so as to pressure them to assume paternal responsibilities. The consistory did so by actively summoning and confronting both the mothers and the alleged fathers. When a man denied having fathered an illegitimate child, he as well as the mother were encouraged to take legal recourse. The regents of the *Huiszittenhuis* belonged to professional groups that included legal professionals. Stimulated by the financial difficulties of the *Huiszittenhuis* and inspired by their own experience with litigation at the bench of aldermen, these regents may have encouraged single mothers to take legal recourse. However, these interactions between regents and single mothers are difficult to pinpoint and are detectable only via contextual evidence.

This case study offers an in-depth addition to the body of knowledge on single motherhood in the late *ancien régime* and helps to qualify a number of its characteristics. First, most unwed mothers in eighteenth-century Leiden were not socially isolated from their families. More often than not, their family members acted as witnesses at the baptism of the illegitimate children. Also, consensual unions and corresponding premarital pregnancies often preceded marriages. The individual stories of illegitimate motherhood presented in this article are too diverse to allow for a specific label of "socially isolated immigrants." Second, the research has corroborated that single mothers took strategic actions to hold the alleged fathers of their children accountable. These young women were not defenseless victims. For instance, a large segment of the single mothers, by naming the child after the father, brought the community into play in pressuring him to assume paternity responsibilities. Especially those mothers who belonged to the dominant Dutch Reformed community found an ally in the consistory, as

it called alleged fathers to account for illegitimate pregnancies. Third, the bench of aldermen was markedly lenient to single mothers in granting them free legal aid and by delivering favorable verdicts, especially if the defendant was an unmarried man of similar social standing. The case study, however, also evidences that the barriers for single mothers to use these judicial means were considerable. These obstacles were not financial in nature but rather related to the women's social and cultural distance from the aldermen, who belonged to the financial and political elite of Leiden. Assistance by one's father and encouragement by the consistory and the overseers of poor relief helped a limited part of single mothers to overcome these hurdles. These findings demonstrate that exercise of legal agency was not evident across all sections of these socially lower groups.

Endnotes

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17. Haks, *Huwelijk en Gezin*, 78.
18. RAL, ORA, inv. nrs. 44V–44EE, Dingboeken van grote zaken, 1746–1810.
19. To be consulted on the website of the archives: <https://www.erfgoedleiden.nl/collecties/personen> (accessed July 23, 2015).
20. Since the beginning of the Dutch Revolt in the late sixteenth century, the Dutch Reformed Church had become the "public church" in the Dutch Republic, though other confessions, notably Roman Catholicism, were tolerated if not practiced in public. According to a survey from the early nineteenth century, 22.6 percent of Leiden's population in the mid-eighteenth century was of Roman Catholic faith, and 72.7 percent was of Dutch Reformed confession. Furthermore, so-called Old Catholics, Walloon Reformed, Remonstrant Reformed, and Lutheran churches baptized children in eighteenth-century Leiden. H. D. Tjalsma, "Een Karakterisering van Leiden in 1749," in *Armoede en Sociale Spanning. Sociaal-historische Studies over Leiden in de Achttiende Eeuw*, ed. H.A. Diederiks et al. (Hilversum, 1985): 37.
21. RAL, Stadsarchief 1574–1816 (Hereafter SAIL), inv. nrs. 4129–4137. To be consulted in digital form at www.dans.knaw.nl (accessed July, 23 2015).
22. RAL, Kerkenraad van de Nederlands hervormde gemeente te Leiden (Hereafter Kerkenraad), inv.nrs. 11–15, "Acta," notulen van de vergaderingen van de bijzondere kerkeraad, 1733–1812.
23. In all probability, the rate of illegitimacy was higher in reality than as shown in graph 1. Of the 144 studied baptisms of illegitimate children who triggered legal actions, only ninety-six were registered as illegitimate in the baptismal registers. Possibly, therefore, the rate of illegitimacy was 30 percent higher than the rate that could be derived from the baptismal registers.

24. Based on figures drawn from the baptismal records, increased with 30 percent, see note 23.
25. The petition of seven of the 144 single mothers could not be traced, yet these women are included as users of free legal aid to the poor in the case files. One litigating single mother did not use free legal aid. Of the total of forty-one “untraceable” babies, eight had died before being baptized; seven had been baptized elsewhere; for twenty-six children it is unclear why they could not be traced in the baptismal registers. The diverse spelling of names presents a notable difficulty.
26. RAL, ORA, inv. nr. 142, Recueil van resolutiën rakende de vergaderingen, besognes en tourbeurten van schout en schepenen, 1749–1792, 12.
27. Aries van Meeteren, *Op Hoop van Akkoord. Instrumenteel Forumgebruik bij Geschilbeslechting in Leiden in de Zeventiende Eeuw* (Hilversum, 2006): 241, gives this detail for the late seventeenth century.
28. Van Meeteren, *Op hoop van Akkoord*, 226, 236–41.
29. Griet Vermeesch, “The Social Composition of Plaintiffs and Defendants in the Peacemaker Court, Leiden, 1750–54,” *Social History* 40 (2015): 208–29.
30. The sixteen (successful) petitions for free legal aid by the defendants in these conflicts over paternity have not been included in the table. The figures represent the number of conflicts that triggered petitions for free legal aid, not the actual number of petitions.
31. Haks, *Huwelijk en Gezin*, 88–89.
32. Haks, *Huwelijk en Gezin*, 116–18.
33. Haks, *Huwelijk en Gezin*, 74; On prosecution of women for illegitimate sex in Holland: M. P. C. van der Heijden, *Huwelijk in Holland. Stedelijke Rechtspraak en Kerkelijke Tucht, 1550–1700* (Amsterdam, 1998).
34. RAL, ORA, inv. nrs. 144D–144O, Registers van dispositiën op rekwesten, 1749–1810, passim.
35. Haks, *Huwelijk en Gezin*, 128–29.
36. Referred to by Haks, *Huwelijk en Gezin*, 97.
37. G.P.M. Pot, *Arm Leiden. Levensstandaard, Bedeling en Bedeelden, 1750–1854* (Hilversum, 1994): 284–85.
38. Haks, *Huwelijk en Gezin*, 88–89.
39. RAL, ORA, inv. nr. 144E, folio 17.
40. RAL, Archief notaris Pieter Keerwolff, inv. nr. 2150, folio's 74–75.
41. RAL, ORA, inv. nr. 144D, folio 21; Dopen NH Pieterskerk, inv. nr. 229; Nederlands Hervormde Ondertrouw, inv. nr. 40, QQ61. Fascinatingly, she accompanied her underage daughter in 1789 in petitioning the city government for legal aid in the context of a paternity action, RAL, ORA, 144J, folio 92.
42. RAL, ORA, inv. nr. 144E, folio 88; Dopen NH Pieterskerk, inv. nr. 229, 16 March 1763; Nederlands Hervormde Ondertrouw, inv. nr. 42, SS-108.
43. RAL, ORA, inv. nr. 44CC, folio 139 verso.
44. Only a very slim archival volume of cost assessments has been preserved for the eighteenth century. It does not include the assessment of costs in the case of Mietje Pon, RAL, ORA, inv. nr. 46, Rollen van proceskosten, 1599–1807.
45. RAL, ORA, inv. nr. 144E, folio 40; inv. nr. 44W, folio's 134 and 136.

46. RAL, ORA, inv. nr. 144F, 27, 44–45; inv. nr. 44X, 60v–63; Kerkenraad, inv.nr. 13, “Acta,” 24 November 1769.
47. Haks, *Huwelijk en Gezin*, 90, 93–94.
48. Haks, *Huwelijk en Gezin*, 91.
49. Pot, *Arm Leiden*, 36.
50. RAL, ORA, inv. nr. 144E, 135, 137–38, 141–42; inv. nr. 44W, folio’s 248–249v.
51. RAL, Nederlands hervormde ondertrouw (1575–1795), inv. nr. 43, folio 10v.
52. For instance, Gatharina Guland petitioned for legal aid in 1765 after having given birth to a girl, allegedly fathered by Nicolaas De Voogd. No marriage act could be traced, yet they had another five children, none of whom was registered as “illegitimate” in the baptismal registers. The marriage registers are perhaps incomplete, or the couple married elsewhere.
53. RAL, Dopen NH Hooglandse Kerk, inv. nr. 256, January 6, 1799; Schepenuwelijkjen, inv. nr. 213, folio C-196v.
54. RAL, ORA, inv. nr. 44Z, folio’s 321–24.
55. An average of twenty-two is drawn from the baptismal registers; the average of twenty-eight is the result of an increase of the established rates of illegitimacy with 30 percent, see note 23.
56. RAL, Dopen NH Hooglandse Kerk, inv. nr. 251, June 3, 1751; Nederlands hervormde ondertrouw, inv. nr. 40, folio QQ – 34.
57. RAL, Dopen NH Hooglandse Kerk, inv. nr. 252, August 3, 1755; July 24, 1757; July 8, 1759; Dopen NH Pieterskerk, inv. nr. 229, February 25, 1761; April 6, 1763; February 24, 1765; Dopen NH Hooglandse Kerk, inv. nr. 253, October 4, 1767; June 4, 1769; May 5, 1774; Nederlands hervormde ondertrouw, inv. nr. 41, folio RR – 121v.
58. RAL, Kerkenraad, inv. nr. 12, “Acta,” May 7, 1762.
59. RAL, Dopen NH Pieterskerk, inv. nr. 229, December 28, 1763; Dopen NH Marekerk, inv. nr. 263, February 24, 1765.
60. RAL, Doopboek RK De Zon, inv. nr. 305.
61. Lenard R. Berlanstein, “Illegitimacy, Concubinage, and Proletarianization in a French Town, 1760–1914,” *Journal of Family History* 5 (1980): 360–374.
62. John R. Gillis, “Peasant, Plebeian, and Proletarian Marriage in Britain, 1600–1900,” in *Proletarianization and Family History*, ed. David Levine (New York and London, 1984): 129–162.
63. A sample of 144 baptisms was selected among the 64,683 baptisms that took place in Leiden between 1751 and 1810 by entering every 449th baptismal record in a database.
64. A sample of 144 baptisms was selected among the 949 baptismal records that mentioned “buitenechtelijk” (illegitimate) by entering every 7th baptismal record in a database. If the selected record related to a baptism that happened to be included in the group of baptisms that involved a paternity suit, the next record was selected.
65. Haks, *Huwelijk en Gezin*, 87.
66. To be sure, the comparative exercise between the first names of legitimately and illegitimately born (male) children is not entirely wholesome. After all, the sample benchmark group of 144 legitimate children indubitably comprises many children whose elder siblings may have received their father’s name, whereas illegitimately born children may have been disproportionately more often the first-born.

67. RAL, Nederlands Hervormde Ondertrouw, inv. nr. 43, folio 28; Dopen NH Pieterskerk, inv. nr. 230.
68. RAL, ORA, inv. nr. 44Z, Grote Dingboeken, September 23, 1783.
69. Hendrik Jan Olthuis, *De Doopspraktijk der Gereformeerde Kerken in Nederland, 1568–1816* (Utrecht, 1908): 112–119; A. Th. van Deursen, *Bavianen en Slijkgeuzen. Kerk en Kerkvolk ten Tijde van Maurits van Oldenbarnevelt* (Assen, 1998): 135–138; Herman Roodenburg, *Onder Censuur. De Kerkelijke Tucht in de Gereformeerde Gemeente van Amsterdam, 1578–1700* (Hilversum, 1990): 85–89.
70. RAL, Kerkenraad, inv. nr. 12, “Acta,” April 24, 1767; May 15, 1767; May 22, 1767; December 4, 1767.
71. See for instance the case of Christina Bodens: RAL, Kerkenraad, inv. nr. 12, “Acta,” May 14, 1762.
72. RAL, Kerkenraad, inv. nr. 13, “Acta,” March 25, 1768.
73. RAL, Kerkenraad, inv. nrs. 11–12, “Acta,” passim.
74. Hayhoe, “Illegitimacy,” 679–81.
75. Van Bavel, “Family control,” 466.
76. Pot, *Arm Leiden*, 176–77; Martine A. J. Wansbeek-Zijbrands, “De Katholieke Armen- en Wezenzorg in Leiden, 1572–1979,” *Jaarboek der Sociale en Economische Geschiedenis van Leiden en Omstreken* 13 (2001): 41–60, there 42–43; A. M. Krikke-Frijns, “Het Ontstaan en de Ontwikkeling van de R. K. Armen- en Wezenzorg in de 18de en 19de Eeuw te Leiden,” in *Uit Leidsche Bron Geleverd: studies over Leiden en de Leidenaren in het Verleden, Aangeboden aan drs. B. M. Leverland bij zijn Afscheid als Adjunct-archivaris van het Leidse Gemeentearchief*, ed. J. W. Marsilje et al (Leiden, 1989): 295–302.
77. RAL, Kerkenraad, inv. nr. 11, “Acta,” September 24, 1754; March 3, 1754.
78. RAL, ORA, inv. nr. 144D, folio 108.
79. RAL, Doopboek RK Kuipersteeg, November 2, 1754.
80. RAK, Kerkenraad, inv. nrs. 11–12, “Acta,” passim.
81. RAL, Kerkenraad, inv. nr. 12, “Acta,” May 8, 1767, June 16, 1767.
82. RAL, Kerkenraad, inv. nr. 11, “Acta,” 28 mei 1751.
83. RAL, Kerkenraad, inv. nr. 11, “Acta,” October 10, 1760; inv. nr. 144E, folio 40.
84. It is difficult to test whether this applies to the entire group of single mothers, as the lists of recipients of relief are not indexed or digitized. A search through the 1,380 names of heads of household who received relief in 1760 revealed none of the two nonlitigating single mothers’ households of that year, yet two of the four litigating mothers’ households; RAL, SA II, inv. nrs. 6136–63, Monsterrollen, jaarlijkse rapporten van de uitdeling van brood en geld per huisgezin en per minnekind, 1744–1771; inv. nr. 6283, Overzicht jaarlijkse monsteringen sedert 1754 door het huuszittenhuis, 1754–1803.
85. Pot, *Arm Leiden*, 189–93.
86. G. P. M. Pot, “Tussen medelijden en spaarzaamheid. De regenten van het Leidse Huuszittenhuis 1700–1795,” *Holland* 20 (1988): 81–82.
87. Pot, *Arm Leiden*, 171–73.
88. During his research on poor relief recipients in Leiden, G. P. M. Pot never came across such denying of relief because of illegitimate motherhood: Pot, *Arm Leiden*, 185.
89. Pot, *Arm Leiden*, 284–85.