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Illegitimate

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Illegitimate

Illegitimacy is a multifaceted concept, powerful because it has the ability to define both itself and its antithesis; what it is not. The first three definitions of the word “illegitimate” in the *Oxford English Dictionary* – to use an illegitimate academic source – begin with that negative: “illegitimate” is “not legitimate”, “not in accordance with or authorised by law”, “not born in lawful wedlock”. In fact, the *OED* offers eight different usages of the term “illegitimate”, all of which rely on the negation or absence of the legitimate counterpart to provide a definition. In other words, something can only be illegitimate in the sense of being outside the law, if a law exists. A child can only be considered illegitimate, “not born in lawful wedlock” if the concept of “lawful wedlock” exists.

Not only individual but national identity can be constructed by defining what – or who – has a legitimate reason to be a part of that collective identity, and who does not. The extent to which the early years of Australian colonial history was defined by its punitive function can be mapped by an early usage of the term “illegitimate” as a means of defining the free settlers of Australia. In an odd reversal of conventional associations of “illegitimate”, the “illegimates” of Australia were *not* convicts. They were people who had not been sent there for legitimate – (legal) reasons and who therefore did not fit into the depiction of Australia as a penal colony. The definition invites us to consider the relationship between Australia and Britain in those early years, when Australia provided Britain with a means of constructing itself as a “legitimate” society by functioning as a location where undesirable elements could be identified and excluded. The “illegimates” of Australia challenged Australia’s function of rendering Britain a “legitimate” society. As a sense of what is “illegitimate” in a particular context is codified and disseminated, a corresponding sense of what is “legitimate” is also created, whether in the context of the family, the law, academia, or the nation. As individuals and groups label and marginalise what is considered unwanted, dangerous, superfluous or in other ways unsatisfactory in a society, the norms that are implicitly accepted become visible. Rather as the medical practice of diagnosis by exclusion enables a particular condition to be identified because other potential conditions have been ruled out, attempts to “rule out” forms of procreation, immigration, physical types, even forms of performance as illegitimate enable a legitimate counterpart to be formed and identified. Borrowing a thought from Tolstoy’s *Anna Karenina*, legitimates are all alike and formed within the rules; the illegimates are illegitimate in a variety of ways.

The *OED* lists “illegitimate” as a noun or adjective; the word’s primary function is to define a status or to describe something. Less commonly, it can be used as a verb; to “illegitimate” someone is to bastardise them, to render them no longer legitimate, to confer and confirm their illegitimate status. Although this has most commonly been used in terms of a change in parents’ marital status (for example Queen Elizabeth I of England was bastardised by having her parents’ marriage declared invalid; as had been also the case with her older half-sister, Mary) illegitimation as a means of marginalising and excluding continues. In October 2014, Australian Immigration Minister Scott Morrison introduced legislation designed to retrospectively declare that children born in Australia to parents that have been designated “unlawful maritime arrivals” should inherit that marginalised status (Mosendz, Brooke). The denial of “birthright citizenship”, as it is sometimes called, to these infants illegitimises them in terms of their nationality, cutting them away from the national “family”. Likewise the calls to remove Australian nationality from individuals engaging in prohibited terrorist

activities uses a strategy of illegitimation to exclude them from the Australian community. No longer Australian, such people become “national bastards”.

The punitive elements associated with illegitimacy are not the only part of the story, however. Rather than being simply a one-way process of identification and exclusion, the illegitimate can also be a vital source of generating new forms of cultural production. The bastard has a way of pushing back, resisting efforts at marginalisation. The papers in this issue of *M/C* consider the multifarious ways in which the illegitimate refuses to conform to its normative role of defining and obeying boundaries, fighting back from where it has been placed as being beyond the law.

As previously mentioned, the *OED* lists eight possible usages of “illegitimate”. Serendipitously, the contributions to this issue of *M/C* address each one of them, in different ways. The feature article for this issue, by Katie Ellis, addresses the illegitimation inherent in how we perceive disability. With a profusion of bastards to choose from in the *Game of Thrones* narratives, Ellis has chosen to focus on the elements of physical abnormality that confer illegitimate status. From the other characters’ treatment of the dwarf Tyrion Lannister, and other disabled figures within the story, Ellis is able to explore the marginalisation of disability, both as depicted by George R. R. Martin and experienced within the contemporary Australian community.

Several contributions address the concept of the illegitimate from its meaning of outside the law, unauthorised or unwarranted. Anne Aly’s paper “Illegitimate: When Moderate Muslims Speak Out” sensitively addresses the illegitimate position to which many Muslims in Australia feel themselves relegated. As she argues, attempting to avoid being regarded as “apologists for Islam” yet simultaneously expected to act as a unifying voice for what is in fact a highly fragmented cultural mix, places such individuals in an insupportable, “illegitimate” position. Anne Aly also joins Lelia Green in exploring the rhetorical strategies used by various Australian governments to illegitimate specific cohorts of would-be Australian migrants. “Bastard immigrants: asylum seekers who arrive by boat and the illegitimate fear of the other” discusses attempts to designate certain asylum seekers as illegitimate intruders into the national family of Australia in the context of the ending of the White Australia policy and the growth of multicultural Australia. Both papers highlight the punitive impact of illegitimation on particular segments of society and invite recognition of the unlawfulness, or illegitimacy, of the processes themselves that have been used to create such illegitimacy.

Illegitimate processes and incorrect inferences, and the illegitimation of an organisation through media representation which ignores a range of legitimate perspectives are the subject of Ashley Donkin’s work on the National School Chaplaincy and Student Welfare Program (NSCSWP). As Donkin notes, this has been a highly controversial topic in Australia, and her research identifies the inadequacies and prejudices that, she argues, contributed to an illegitimate representation of the programme in the Australian media. Without arguing for or against the NSCSWP, Donkin’s research exposes the extent of prejudiced reporting in the Australian media and its capacity to illegitimate programmes (or, indeed, individuals). Interesting here, and not entirely irrelevant (although not directly addressed in Donkin’s paper), is the notion of prejudice as being an opinion formed or promulgated prior to considering the equitable, just or judicial/judged position. Analogous to the way in which the illegitimate is outside the law, the prejudiced only falls within the law through luck, rather than judgement, since ill-advised opinion has guided its formation.

Helen Vella Bonavita explores why illegitimacy is perceived as evil or threatening, looking to anthropologists Mary Douglas and Edmund Leach. Using Shakespeare's *Henry V* as a case study, Vella Bonavita argues that illegitimacy is one of the preeminent metaphors used in literature and in current political discourses to articulate fears of loss of national as well as personal identity. As Vella Bonavita notes, as well as being a pollutant that the centre attempts to cast to the margins, the illegitimate can also be a potent threat, a powerful figure occupying an undeniable position, threatening the overturning of the established order.

The *OED*'s definition of illegitimate as "one whose position is viewed in some way as illegitimate" is the perspective taken by Crystal Abidin and Herawaty Abbas. In her work "I also Melayu OK", Abidin explores the difficult world of the bi-racial person in multi-ethnic Singapore. Through a series of interviews, Abbas describes the strategies by which individuals, particularly Malay-Chinese individuals, emphasise or de-emphasise particular linguistic or cultural behaviours in order to overcome their ambivalent cultural position and construct their own desired socially legitimate identity. Abidin's positive perspective nonetheless evokes its shadow side, the spectre of the anti-miscegenation laws of a range of racist times and societies (but particularly Apartheid South Africa), and those societies' attempts to outlaw any legitimisation of relationships, and children, that the law-makers wished to prohibit. The paper also resonates with the experience of relationships across sectarian divides and the parlous circumstances of Protestant –Catholic marriages and families during the 1970s in the north of Ireland, or of previously-acceptable Serbo-Croatian unions during the disintegration of the former Socialist Federal Republic of Yugoslavia in the 1990s.

Herawaty Abbas and Brooke Collins-Gearing reflect on the process of academic self-determination and self-construction in "Dancing with an illegitimate feminism: a female Buginese scholar's voice in Australian Academia". Abbas and Collins-Gearing address the research journey from the point of view of a female Buginese PhD candidate and an Indigenous Australian supervisor. With both candidate and supervisor coming from traditionally marginalised backgrounds in the context of Western academia, Abbas and Collins-Gearing chart a story of empowerment, of finding a new legitimacy in dialogue with conventional academic norms rather than conforming to them.

Three contributions address the illegitimate in the context of the illegitimate child, moving from traditional associations of shame and unmarried pregnancy, to two creative pieces which, like Abidin, Abbas and Collins-Gearing, chart the transformative process that re-constructs the illegitimate space into an opportunity to form a new identity and the acceptance, and even embrace, of the previously de-legitimising authorities. Gardiner's work, "It is almost as if there were a written script: child murder, concealment of birth and the unmarried mother in Western Australia" references two women whose stories, although situated almost two hundred years apart in time, follow a similarly-structured tale of pregnancy, shame and infant death. Kim Coull and Sue Bond in "Secret Fatalities and Liminalities" and "Heavy Baggage and the Adoptee" respectively, provide their own stories of illuminative engagement with an illegitimate position and the process of self-fashioning, while also revisiting the argument of the illegitimate as the liminal, a perspective previously advanced by Vella Bonavita's piece.

The creative potential of the illegitimate condition is the focus of the final three pieces of this issue. Bruno Starrs' "Hyperlinking History and the Illegitimate Imagination" discusses forms of creative writing only made possible by the new media. Historic metafiction, the phrase coined by Linda

Hutcheon to reflect the practice of inserting fictional characters into historical situations, is hardly a new phenomenon, but Starrs notes how the possibilities offered by e-publishing enable the creation of a new level of metafiction. Hyperlinks to external sources enable the author to engage the reader in viewing the book both as a work of fiction and as self-conscious commentary on its own fictionality. Renata Morais' work on different media terminologies in "I say nanomedia, You say nano-media: il/legitimacy, interdisciplinarity and the anthropocene" also considers the creative possibilities engendered by interdisciplinary connections between science and culture. Her choice of the word "anthropocene," denoting the geological period when humanity began to have a significant impact on the world's ecosystems, itself reflects the process whereby an idea that began in the margins gains force and legitimacy. From an informal and descriptive term, the International Commission on Stratigraphy have recently formed a working group to investigate whether the "Anthropocene" should be formally adopted as the name for the new epoch (Sample).

The final piece in this issue, Katie Lavers' "Illegitimate Circus", again traces the evolution of a theatrical form, satisfyingly returning in spirit if not in the written word to some of the experiences imagined by George R. R. Martin for his character Tyrion Lannister. "Illegitimate drama" was originally theatre which relied more on spectacle than on literary quality, according to the *OED*. Looking at the evolution of modern circus from Astley's Amphitheatre through to the Cirque du Soleil spectacles, Lavers' article demonstrates that the relationship between legitimate and illegitimate is not one whereby the illegitimate conforms to the norms of the legitimate and thereby becomes legitimate itself, but rather where the initial space created by the designation of illegitimate offers the opportunity for a new form of art. Like Starrs' hyperlinked fiction, or the illegitimate narrators of Coull or Bond's work, the illegitimate art form does not need to reject those elements that originally constituted it as "illegitimate" in order to win approval or establish itself.

The "illegitimate", then, is not a fixed condition. Rather, it is a status defined according to a particular time and place, and which is frequently transitional and transformative; a condition in which concepts (and indeed, people) can evolve independently of established norms and practices. Whereas the term "illegitimate" has traditionally carried with it shameful, dark and indeed punitive overtones, the papers collected in this issue demonstrate that this need not be so, and that the illegitimate, possibly more than the legitimate, enlightens and has much to offer.

References

Mosendz, Polly, "When a Baby Born in Australia Isn't Australian". *The Atlantic*. 16 Oct. 2014. Accessed 25 Oct. 2014. <http://www.theatlantic.com/international/archive/2014/10/when-a-baby-born-in-australia-isnt-australian/381549/>>

Baskin, Brooke. "Asylum seeker baby Ferouz born in Australia denied refugee status by court". *The Courier Mail*. 15 Oct. 2014. Accessed 25 Oct. 2014. <http://www.couriermail.com.au/news/queensland/asylum-seeker-baby-ferouz-born-in-australia-denied-refugee-status-by-court/story-fnihsrf2-1227091626528>>

Sample, Ian. "Anthropocene: is this the new epoch of humans?" *The Guardian*. 16 Oct. 2014. Accessed 25 Oct. 2014. <http://www.theguardian.com/science/2014/oct/16/-sp-scientists-gather-talks-rename-human-age-anthropocene-holocene>>