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FROM THE BREEDING GROUNDS OF DELINQUENCY: CHILD CONSUMERS
AND THE NATURE OF REFORM

by

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ABSTRACT OF THE DISSERTATION

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This thesis traces the history of child laborers as consumers at the turn of the twentieth century and their central role in the events leading to child labor reform through their conspicuous consumer behaviors. Situated within broader late nineteenth and early twentieth-century developments in American child labor reform efforts and the recent revisionist turn in historical agency, the thesis addresses the often overlooked and underestimated role child laborers played as consumers due to subsequent legal developments allowing working-class children access to an unregulated market place. By examining the evolution of child apprentices into child laborers, the history reveals changing ideological developments in the role of working-class children in the market place and the children's rights to self-possession, and by extension personal autonomy. From there, the thesis examines how working-class children interacted in their environment, primarily in the market place as consumers, and the significance of their consumer intersections to the history of child labor reform in light of the unique legal treatment children experienced. Finally, the thesis explores

Progressive Era reformers' efforts to reform working-class populations based on principles of environmental analysis by removing the working-class child from unwholesome environments for treatment without addressing the underlying cause giving children entrance into the market place. Although progressive reformers responded to working-class children's perceived exposure to immorality from associating with unwholesome environments that were also popular leisure time places among the working-classes, reformers' efforts were largely unsuccessful due to certain flaws in their principles of reform that did not address the underlying cause allowing working-class children unregulated access to consume in the market place. While reformers tried and ultimately failed to reform children based on applied progressive principles of environmental analysis, this study extends our scholarly perspective of children's pivotal role as consumers brought to light by the underlying legal gap allowing children in the market place and set the stage for future child labor reform.

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Introduction

In 1901, shortly after arriving in the United States from Lithuania, Pauline Newman secured her first paid job at a shirtwaist factory with a little help from her cousin. The new job—thread cutting—was not complicated; one merely trimmed excess string from the sewing machines as cloth was fed through. In truth, staying awake was the challenge. Every day from seven-thirty in the morning to nine o'clock at night Pauline cut thread for shirtwaists—one of many repetitive duties that characterized the industrial workplace around the turn of the nineteenth-century. However, extreme monotony was only one of several hazards Pauline faced on the job. In addition to the dull working environment, she received no overtime pay, a single half hour break for each day worked, and she also ran the risk of termination if a supervisor caught her singing on the job—a constant concern for workers who sang to stay awake. In return, Pauline managed to earn six dollars per week. A good week could mean as much as ten dollars.¹ Pauline's experience at the shirtwaist factory was not unusual for the times. Female factory labor was, after all, underpaid and chronically overworked. Many workers, like Pauline, were also children.²

Indeed, Pauline was just one of countless child laborers who filled shop floors during the industrial era, not to mention her two sisters working alongside her. Inside the factory, the area reserved for the “junior workers” resembled a labor-intensive kindergarten, although it is questionable whether any of the

¹ Joan Morrison, “Working for the Triangle Shirtwaist Company: Interview with Pauline Newman,” *Mosaic: The Immigrant Experience in the Words of Those Who Lived It* (Pittsburg: University of Pittsburg Press, 1993), <http://historymatters.gmu.edu>.

² *Ibid.*, The transcripts do not indicate Pauline Newman's exact age, only that she was a small child.

children understood the concept of education.³ There, Pauline and many other children worked under harsh conditions for almost a decade, hoping one day for a promotion to embroidery cutter, an equally repetitive yet higher paying job. Tragically, the factory where Pauline worked burned down in 1911, killing 146 people after a company policy prevented employees' escape.⁴ Fortunately Pauline was spared from the fire; however, her experience as a child laborer was no reward. Because she needed the wages, Pauline would have worked anywhere. The Triangle Shirtwaist Factory was a terrible place to work, but it did not hold a monopoly on severe working conditions for children.

While Pauline worked in a factory, many other children in the garment manufacturing industry worked in their tenement-homes under similar conditions for much less pay.⁵ In fact, child laborers working in garment manufacturing represent a mere fraction of the total child workforce of the rapidly growing industrial capitalism in America. In 1900 alone, the Census Bureau classified almost two million children between the ages of ten and fifteen "gainfully occupied."⁶ This count did not include workers who were either younger than ten

³ Ibid.

⁴ On March 25, 1911, a fire broke out at the Triangle Shirtwaist Factory in New York City's garment district killing 146 employees. Later, it was determined the cause of the fire was a cigarette. The employees were unable to escape due to a company enforced lockdown to prevent girls from being tardy or leaving too early. For more on the Triangle Shirtwaist Company, see Complete Transcripts of Criminal Trial Against Triangle Owners: Paper 18, *People v. Harris*, 134 N.Y.S. 409 (1911) (No. 82,980), available at <http://digitalcommons.ilr.cornell.edu/triangletans/18>.

⁵"EXHIBIT A LESSON TO WOMEN SHOPPERS: Fine Garments They Wear Made by Tenement Toilers at Starvation Wages. SMALL CHILDREN AT WORK Consumers' League Discloses Appalling East Side Conditions Due to Sweatshop Bondage." *New York Times*, January 12, 1910, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed October 28, 2011).

⁶ U.S. Census Bureau, "Population Gainfully Employed: Adults and Children by Sex and by States and Territories, Census Year 1900," *Historical Statistics of the U.S.: Colonial times to 1970*, accessed December 7, 2011, <http://www2.census.gov/prod2/statcomp/documents/1910-01.pdf>.

or older than fifteen years; or decidedly not “gainfully” employed. Many times, census workers found it was too complicated to accurately document some child laborers due to the nature of their industry—such as children sewing in tenement homes or newsboys who worked independently.⁷ The true number of working children would be staggering. In short, at the turn of the century, child laborers were a mainstay of the American industrial workforce.

Indeed, a broad range of historians agree that child laborers were as ubiquitous as their adult counterparts.⁸ Significantly, when confronted with the sight of children toiling under extreme working conditions and unsanitary factories, “most Americans looked on with approval or indifference.”⁹ While the conspicuous lack of emotion Americans expressed for exploited children is alarming, more importantly, how might we explain this lacuna? Foremost, the minimal wages children earned combined with their smaller physical size made them particularly useful in industrial settings.¹⁰ In places such as Pittsburgh’s glass manufacturing industry, manufacturers preferred child laborers, known as glasshouse boys, because it cost less to pay the boys’ wages than to operate machines.¹¹ Mechanically useful and socially pliant, child laborers had also become central to the family wage. Families depended upon their children’s

⁷ Hugh D. Hindman, *Child Labor: An American History* (New York: M.E.Sharpe, Inc., 2002), Ch. 7 & 8.

⁸ For general treatments of child labor in America, see Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1998); Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967); Allen F. Davis, *Spearheads for Reform: The Social Settlements and the Progressive Movement, 1890-1914* (New Brunswick, NJ: Rutgers University Press, 1985).

⁹ William Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 11.

¹⁰ See Katharine DuPre Lumpkin and Dorothy Wolff Douglas, *Child Workers in America* (New York: New York International Publishers, 1937), esp. Ch. 3 & 4.

¹¹ James L. Flannery, *The Glass House Boys of Pittsburgh: Law, Technology, and Child Labor* (Pittsburgh: University of Pittsburgh Press, 2009), 6.

wages to supplement family earnings and help support younger siblings.¹² For many working-class children, their financial contributions to the family were extremely valuable and necessary.¹³ Lastly, because child laborers emerged largely from working-class and immigrant populations, those cultures did not recognize a more modern concept of “childhood.” Unlike upper class cultures, the lower classes typically did not distinguish childhood from adulthood by the calculus of age.

By the mid-nineteenth-century, however, even the urban middle-class began to recognize the state of “childhood.” According to sociologist Viviana A. Zelizer, this distinction further isolated the working-classes and brought more attention to the plight of child laborers.¹⁴ Eventually, once reform efforts influenced national change, the result succeeded in regulating the workforce and removing child laborers from industrial work. These changes also brought about national compulsory education which jumpstarted the concept of childhood for working-class families. This traditional narrative of progressive era child labor reform thus privileges the transformational nature of reform movements that yield national legislation.¹⁵

¹² Hindman, *Child Labor*, 44-53.

¹³ For more on the legal transformation of the family after the American Revolution to the twentieth century, see Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1985).

¹⁴ Viviana A. Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (Princeton: Princeton University Press, 1985), 5.

¹⁵ Davis, *Spearheads for Reform*, Ch. 7;

But what about the children themselves? Theirs is the one perspective oddly missing from the recent revisionist turn in the history of child labor reform.¹⁶ This historical gap is all the more surprising, given the broad expansion of the concept of historical agency and agents in leading, recent, social and cultural histories. Most notably, historians have discovered agents of historical change among groups once assumed to be passive objects under the control of empowered subjects.¹⁷ For instance, Walter Johnson cogently uncovers slave agency in New Orleans' antebellum slave pens when his analysis reveals slaves' calculated manipulations of white buyers to leverage for more hospitable situations.¹⁸ Lizabeth Cohen undertakes a similar approach to discover the agency of workers and their role demanding and consuming the modern American welfare state.¹⁹ These and others have successfully expanded our understanding of previously silent actors in recent historical revisions.

Thus, this thesis seeks to explore one manner by which we might bring the history of children to bear on the story of child labor reform. It argues, first, that the role of children as laborers has overshadowed the parallel role children played as consumers due to a pervasive tendency to comprehend children

¹⁶ James D. Schmidt mentions the agency of children briefly in the context of addressing the combination of industrial violence and the lower court system influencing child labor reform; however, the agency of children is not a central tenet of the scholarship.

¹⁷ Walter Johnson, *Soul By Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge: Cambridge University Press, 2008); for more examples on the growing historical agency; see also Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009).

¹⁸ See Johnson, note 17 above. Johnson's account alludes to the Marxist class struggle between slaves and masters, a perspective not normally associated with the slave market.

¹⁹ See Cohen, note 17 above. Cohen assesses the movements of workers in Chicago, tracing points of worker-resistance as well as their collective decision to support the government and unions over welfare capitalism.

through a modern, liberal framework of children as passive, helpless persons, subject to the will of competing forces such as the state and the family. Yet this view of children became possible only after political struggles by children themselves. Thus, the paper argues that children entered and influenced this struggle by making use of their unique character as economic contributors to the market and society—on the one hand, as laborers in the industrial political economy; on the other hand, as wage earners, children were also consumers in the same economy.

Children's role as consumers was particularly important. After specific judicial rulings determined the child laborers' right to self-possession, child laborers flooded the market place to test the unique legal boundaries drawn by their ambiguous legal status as neither fully adult nor child. Unschooled as consumers, working-class children thus echoed adult consumer habits through the consumption of popular leisure time goods and activities—many of them illicit. Progressive Era reformers' took notice because children's consumer habits flouted the progressive vision of modern America as an industrial, virtuous society. They regarded children not as consumers, but as accidental victims of their unwholesome environment and still vulnerable to continued perversion and moral decline. However, while reformers tried and ultimately failed to reform children based on applied progressive principles of environmental analysis, children's pivotal role as consumers brought to light the underlying legal gap allowing children in the market place.

The challenge, then, is effectively uncovering each perspective created by those roles. For example, child laborers could not fight on a legislative level and were not nationally recognized for any individual plight because their youth denied them access to those channels of change. Because children could not fight for themselves in legislative and policy struggles, historians must look elsewhere to find their voices and their role in influencing law, politics and culture. This is not possible through traditional approaches because, as Liz Cohen has written with regard to the working-class impact on the New Deal, “workers’ behavior in ordinary rather than crisis moments is often invisible.”²⁰ Therefore, as a means of piecing together child agency, only visible moments in a child’s life can frame the many functions of children in the early industrial period and their documented reaction to that boundary.

To get at the simultaneous roles of children as laborers and consumers, consumerism offers a solution. While child laborers are historically the more visible characters, these same laborers parried their labor into wages and, often, they used their wages to purchase consumer items. Above all, working-class children consumed leisure time activities in the form of vice. The definition of vice varies by circumstance, but most accounts describe vice in relation to children frequenting gambling houses, movie picture shows, amusement parks, and most importantly dance halls. While there, children drank alcohol, smoked cigarettes, and behaved in a number of ways that ran counter to late nineteenth-century American visions of morality. Therefore, the most effective method to analyze the numerous roles of children is to trace children’s intersections with

²⁰ Cohen, *Making a New Deal*, 8.

places of vice. It attracted the most attention from society, it was commonly associated with the working-class, and vice implied a relationship and participation of both child laborers and consumers discussed later in the paper.

Most accounts of children as consumers originate from revisionist newspapers, legislative acts, archival juvenile and reformatory records, and regional ordinances that contain incidents of vice in the community. Together, they tell a story of children as consumers who brought about change through their consumer behaviors. In the first part of the essay, I explore the changing conceptions of child labor beyond the popular remembrance of “child labor” presented by reformers. An early form of child labor—apprenticeships—slowly evolved into the child laborer more identifiable in the industrial era through economic changes in society and the free market contract. The second part of the essay explores the various roles of children as consumers. More importantly, the new legal perspective of the child laborer situates the child within an ambiguous market and leisure place. If child laborers exposed a legally ambiguous world, child consumers exposed the ambiguous nature of other areas of society where children interacted—mostly in places of vice. Finally, in part three, the essay explores how reformers struggled to classify the leisure time places children frequented as unwholesome environments. Through this effort, their principles of environmental analysis failed due to society and reformers’ mutual inability to recognize the legal gap allowing children into the market place and the child’s role as a consumer. These events set the stage for future

legislation that target the legal gap by addressing child labor reform, and by extension, unregulated children in the market place.

By exploring the role of the child outside of traditional child labor discourse addressing “the problem of child labor,” the new perspective illustrates a central role working-class children played in their own fate and one that historical remembrances largely ignore. Importantly, revisionist histories tend to evaluate the child laborer’s level of exploitation, yet, ironically, this is a calculation determined by the narrative struggles of progressive reformers rather than the actual child. While this thesis considers progressive reformers’ motivations for change, it does so by looking at reformers through the lens of child consumers which unveils a more comprehensive investigation for the reasons driving reform. This essay addresses the child within the legacy of child labor as well as the complexities of children as people—living, playing, and consuming at the turn of the nineteenth-century.

Manufacturing the Child Laborer in the Nineteenth-Century

Until reform in the late nineteenth-century, working-class children made up a considerable percentage of the workers in industrial capitalism, although this was not always the case. Children of middle and working-classes were once apprenticed out to a master as a means of obtaining a vocational livelihood and as a source of income for their parents. During the nineteenth-century, however, a transformation occurred that restructured how the law regarded people and contracts after emancipation. At the same time, the growing power and changes made by the lower court system restructured the framework of the American

family to resemble the more modern family unit we know today. After institutional apprenticing slowly disappeared, children “earned” the right to be part of the free market. These changes forced children into the free market economy with a new level of autonomy—and by extension, it gave them the power to buy.

If industrial capitalism reflected the progress of a modern America, the cultural icon challenging that progress was an image of a dirty child shoveling coal in the mines—at least according to progressive reformers such as Owen Lovejoy and other members on the National Child Labor Committee.²¹ Most reformers used this image of the child coal miner, along with other pictures and stories of extreme child exploitation to emphasize the helpless nature of the “junior wage earner” in the free market. Aiding the cause, the two most notable photojournalists—Lewis Hine and Jacob Riis—captured images of impoverished laboring children and other stark scenes documenting “the other half” for the rest of the nation.²² These images were meant to rally Americans against the evils of industry in support of child labor reform in the early years of the twentieth century.²³

While few disagree that child laborers frequently suffered at the hands of greedy employers, for some scholars, the level of helplessness children experienced at the turn of the nineteenth-century is a point of contention.²⁴ To paint children as completely dependent would mean children had no free will to

²¹ Hindman, *Child Labor*, 89-92.

²² Hindman, *Child Labor*, 10; Jacob Riis, *How the Other Half Lives* (New York: Charles Scribner's Sons, 1890).

²³ James D. Schmidt, *Industrial Violence and the Legal Origins of Child Labor* (New York: Cambridge University Press, 2010), xx-xxi.

²⁴ See Hindman, *Child Labor*, Ch. 2; cf. Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 77-81 .

do what they wanted. A helpless child would have been at the mercy of their parents or employers—or both. Yet somehow, this notion does not ring true. If children were completely dependent on their parents, why did future child labor reform efforts seek to lessen the burden of industrial labor for so many children, thus alleviating children's independence? On the other hand, if children were completely independent, what forced children into the labor market? The simple answer is that children were both—dependent and independent. To their parents, children possessed limited legal autonomy and were dependent. Yet when children reported for duty, they became like any other independent employee.

Children lived such a complicated duality, in part, because of the tradition of apprenticing that existed in British and American colonial society. Prior to the mid-nineteenth-century, both working and middle class children acquired a useful vocation primarily through the trades learned as apprentices. Within this system, children were contracted to masters who, in turn, taught the child their trade and brought them into the family fold.²⁵ As historian Michael Grossberg explains, parents signed their rights of authority over to the master who “stood *in loco parentis*, receiving the child’s services in return for parental support, nurture, and education.”²⁶ These arrangements were especially profitable to parents who could contract their child out while simultaneously reducing the number of mouths to feed at home.²⁷

²⁵ Grossberg, *Governing the Hearth*, 259-267.

²⁶ *Ibid.*, 259.

²⁷ *Ibid.*, 259.267.

While apprenticeships offered a productive and efficient method to prepare children for a producer-based market, as the nineteenth-century industrialized economy became more pervasive, the tradition gradually disappeared.²⁸ Practicality partially explains this change. Children once apprenticed to learn a specific trade increasingly found their trade rendered obsolete by the mechanics of industrialization.²⁹ Moreover, some industrialized professions that relied upon the tradition of apprenticeships realized new advancements in available technology occasionally made skilled tradesmen obsolete.³⁰ Glasshouse apprentices learned this hard lesson in the early years of industrialism. In glass houses, apprentices inducted into the craft dropped to “one apprentice for every twenty journeymen.”³¹ The dramatic reduction of apprentices created a void and enticed few to pursue the trade.³² After spending years working under a master’s direction, nothing was less incentivizing than learning hard-earned vocational skills were useless against the efficiency of industry.

Another reason apprenticeships faded away was due in large part to the actual terms of the apprenticeship. Masters and children each had specific considerations, or contract terms, to uphold their part of the bargain. One term of the agreement determined at what age the apprenticeship would terminate—usually earlier for girls.³³ Another term entitled children to an education in both

²⁸ Ibid., 259-267; Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, Ch.4; Hindman, *Child Labor*, 17-37.

²⁹ Flannery, *The Glass House Boys of Pittsburgh*, Ch.2.

³⁰ Hindman, *Child Labor*, 135-143.

³¹ Ibid., 137.

³² Ibid.

³³ Grossberg, *Governing the Hearth*, 260.

moral and academic curricula, provided just as parents would. Curiously, because the master embodied a supreme authority to the subordinate apprentice, the master was obliged to endow the apprentice with a higher moral standard. In exchange, children were expected to work under the master's direction much like an employee.³⁴

Conflict regarding the terms of the agreement arose when the apprenticeship no longer resembled a social contract and instead appeared more like a market contract. Initially when apprenticeships were made, "the law assumed that [the] bargain took place in a face-to-face society, where master and parent knew and trusted each other."³⁵ This personal compact, theoretically known as a social contract, was a long-established tradition of making binding agreements between two parties. By tradition, the social contract meant a reciprocal exchange between parties of a subordinate relationship, for instance the master to servant relationship.³⁶ However, as political theorists increasingly denied the validity of social contract theory, in its place "the ideal of contract was newly embodied in the marketplace."³⁷ Under the new contract, each party needed to be an equal to validate the marketplace contract. Children, however, were not seen as equals to adults. Rather, they were part of a long-standing legal hierarchy that conceived the authority of the parents over the obedience of the children.³⁸ As a distinct group of people lacking self-possession—a required

³⁴ Ibid., 259-268.

³⁵ Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 123.

³⁶ Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), 8.

³⁷ Stanley, *From Bondage to Contract*, 12.

³⁸ Ibid., 8.

component—contracts were a legal agreement children were not privy to. When masters stood *in loco parentis*, they received the rights of the parent to the child—a relationship of superior to inferior. Therefore, *In loco parentis* contradicted the transforming conception of the marketplace contract.

The existence of involuntary indentures further strained the contradictions posed by apprenticeships. Stemming from vagrancy statutes designed to keep beggars off the streets, the practice of involuntary indenture had deeper roots in society and traditionally supplied much of the early American workforce.³⁹ Much like apprenticeships, involuntary indentures were pressed into service until the child reached an agreed upon age and would not become a dependent on society. What made the system of involuntary indentures distinct was that a master did not receive a child from a parent. Instead, the rights of a parent passed to “poor-law overseers” or public officials if the child became a dependent on the state or risked possible exposure to immorality or depravity.⁴⁰ If perchance a child’s exposure to these corruptions was imminent, public officials used the power of the law to intervene for the preservation of the child.⁴¹ Thus, involuntary indentures became an effective legal tool to safeguard society against these possibilities.

Although the intention of these laws was to protect the child if immorality and vagrancy threatened the social equilibrium, officials frequently abused them. The most notorious exploitation of involuntary indenturing occurred after the emancipation of slaves in the antebellum south. As newly liberated freedpeople

³⁹ Ibid., Ch. 3.

⁴⁰ Grossberg, *Governing the Hearth*, 263.

⁴¹ Ibid., 261.

adjusted to the consequences of emancipation, former slave owners manipulated officials to use the laws of involuntary indenture to their advantage. Former owners accused former slaves—only recently liberated—of allowing their children to fall into poverty and become “dependent upon the government.”⁴² Persuaded by claims that were clearly discriminatory, public officials approved countless requests from former masters for involuntary indentures and authorized the impressment of former slaves’ children into years of additional service. Consequently, numerous former slave children were taken from their parents and bound into service as “freed” involuntary indentures.⁴³

Freedpeople reacted by challenging the master’s rights to bind former slave children by indenture in southern courts, most notably in *In Re Turner*. In this case, a former slave girl was indentured to her former owner against her will and by an ambiguous consent given by her mother—also a former slave. Amazingly, the girl—Elizabeth Turner—personally challenged the legality of her indenture and the “cause of her detention” in court.⁴⁴ After reviewing the case, Chief Justice Chase found “the apprenticeship of Elizabeth Turner did appear to fit under the ‘involuntary servitude’ clause of the Thirteenth Amendment” and he ruled in her favor.⁴⁵ Although *Turner* was historically an important decision because the ruling found in favor of an indentured free *girl* against her master, the case had greater significance. Specifically,

⁴² Marjorie Elizabeth Woods, “Emancipating the Child Laborer: Children, Freedom, and the Moral Boundaries of the Market in the United States, 1853-1938” (PhD dissertation, The University of Chicago, 2011), 65-91.

⁴³ Woods, “Emancipating the Child Laborer,” 65-91.

⁴⁴ *Ibid.*, 84.

⁴⁵ *Ibid.*, 87.

Turner revoked the rights of a master to an involuntary indenture which in turn questioned the authority of the public officials who allowed the arrangement. Yet perhaps more importantly, the courts also acknowledged the rights of a former slave child to freedom from an involuntary indenture.⁴⁶

In light of these events, several questions regarding the case plagued courts and nineteenth-century Americans about the meaning of freedom for apprentices and child laborers in an age of emancipation.⁴⁷ How were apprentices—and child laborers—situated within the free market system of contracts? As contract law transformed from an obscure tradition of social contract into a precise economic contract, children continued to work.⁴⁸ However, the institution of apprenticeships did not permit children to enter into agreements of their own accord. As historian Holly Brewer notes, for a child to enter into a contract “some adult always had to consent, and, if a child was under fourteen, then that adult would provide the sole authorization.”⁴⁹ In short, children depended upon the indulgence and inclination of their parent or guardian to determine their fate, or in the very least the remaining years of their youth.

A turning point allowing children a greater measure of independence in the marketplace emerged after emancipation. This change had less to do with children *per se* and more to do with the transformation of slave labor into wage labor. As early as the Enlightenment, philosophers weighed the values and

⁴⁶ *Ibid.*, 65-91.

⁴⁷ *Ibid.*

⁴⁸ For more on the transformation of social contract to marketplace contract, see Stanley, *From Bondage to Contract*, Ch. 1; On children as workers through apprenticeships and free market contracts, see Hindman, *Child Labor*, esp. Ch. 2 & 3.

⁴⁹ Holly Brewer, “The Age of Reason? Children, Testimony, and Consent in Early America,” in *The Many Legalities of Early America*, ed. Christopher M. Tomlins and Bruce H. Mann (Chapel Hill: The University of North Carolina Press, 2001), 293-332.

ideologies of slave labor compared to wage labor.⁵⁰ On one hand, slave labor meant the involuntary subordination of a person or chattel without self-possession to a master. In the south, slaves represented “a species of property” and “had no legal control of their own persons and no proprietary rights to contractual capacities.”⁵¹ In exchange, the slave’s master obligingly provided the slave with the necessities of life, although this support was dubious.

Wage labor, on the other hand, was a voluntary exchange of labor to an employer. In return, the laborer received remunerations for the labor provided and the employer was under no additional obligations outside of the market contract. While these waters become murky regarding the exact degree of self-ownership between slaves and laborers, historians agree “the autonomy expressed in wage labor was but an offshoot of the underlying right of property in the self that constituted the taproot of contract freedom.”⁵² After emancipation, the existence of wage laborers in the marketplace boiled down to holding property in oneself and having the legal right to exchange it at will.⁵³

The transformation of slave labor to wage labor implied a new relationship between workers and employers not fully realized before emancipation. Former slaves gained entrance into a new world of wage labor determined by a contract freedom they had never experienced.⁵⁴ Unfortunately, along with the freedoms of market contract labor, freed slaves quickly discovered the disadvantages of the free market posed a significant risk as well. As the freed girl Elizabeth Turner

⁵⁰ Stanley, *From Bondage to Contract*, Ch. 1.

⁵¹ *Ibid.*, 18.

⁵² Glickman, *A Living Wage*, Ch. 1.; Stanley, *From Bondage to Contract*, Ch. 2.

⁵³ Stanley, *From Bondage to Contract*, Ch. 1.

⁵⁴ *Ibid.*

and her mother learned, the free market ostensibly offering independence was simultaneously stacked against dependents of the state—or at least those people accused of dependency.⁵⁵ Despite the fact that Elizabeth Turner managed to reverse her involuntary indenture and be discharged from the custody of her master, what amount of freedom could she—or any other child—reasonably expect as a juvenile lacking the rights to self-possession? As historian James D. Schmidt observes, the free labor market and the institution of apprenticeships were “grounded in starkly different principles.”⁵⁶ While apprenticeships were grounded on a long-standing tradition of masters or parents assuming authority over the child, in contrast, the free market system alleviated any employer duty to his employee beyond the wages earned under contract.⁵⁷

The force that reconciled these opposing principles to resemble the industrial market place of the latter nineteenth-century appeared by way of the courts. Long considered an underexposed, yet instrumental body in the shaping of the economy and American society, the growth and influence of the nineteenth-century court system had incalculable effects on almost every institution it addressed.⁵⁸ As historian Morton J. Horowitz asserts, “[t]he transformed character of legal regulation thus became a major instrument” during

⁵⁵ Marjorie Elizabeth Woods, “Emancipating the Child Laborer,” 65-91.

⁵⁶ Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 123.

⁵⁷ *Ibid.*, 121-128.

⁵⁸ Morton J. Horowitz, *The Transformation of American Law, 1780-1860* (Cambridge: Harvard University Press, 1977); Michael Grossberg, *Governing the Hearth: Law and Family in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1985); For further discussion on the growth of the judicial system during the nineteenth-century, see Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870* (Ithaca: Cornell University Press, 1983).

the nineteenth-century.⁵⁹ Part of that character involved the merger of apprenticeship principles with free market labor ideology.⁶⁰

Consequently, many of the cases reviewed by the courts involving any type of child labor disputes “were neither apprenticeships nor contracts but rather a hybrid of both.”⁶¹ As more apprenticeship-based cases came before the courts, much like *Turner*, the rulings increasingly favored the rights of the free market realized through child laborers’ right to self-possession. Instead of expanding upon the rights of apprenticeships, the institution began to wane. In the second half of the nineteenth-century, what emerged was a growing body of laws that “helped to construct emerging notions of child labor by providing a language through which children’s wage work outside of the household could be imagined.”⁶² In other words, the new body of laws conceived the child laborer outside of apprenticeships and within the new free market economy.⁶³

The growth of judicial power in the nineteenth-century also influenced the structure of the American family, a change that facilitated the abandonment of apprenticeships in favor of the free market. Although this change occurred at a slower rate compared to how children came to the free market, it had significant effects on the amount of influence courts had within family relationships.⁶⁴ Before court involvement, husbands, for instance, strictly considered wives their property. In fact, wives and children were advertised as an entitlement to wage

⁵⁹ Horowitz, *The Transformation of American Law*, xvi.

⁶⁰ Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 127.

⁶¹ *Ibid.*

⁶² *Ibid.*, 135.

⁶³ *Ibid.*

⁶⁴ Grossberg, *Governing the Hearth*, Ch. 7.

earners—like new freedmen—because the reward for earning wages was paid with the security of a personal hierarchy waiting at home. Men were at the top followed by wives and children.⁶⁵ As historian Amy Dru Stanley notes, “[t]he home therefore stood as a touchstone of emancipation’s progress; its neatness symbolized the rights and duties of freedom, its chaos the legacy of slavery—a difference defined by women’s place within.”⁶⁶ Although wives and children were almost a rite-of-passage to wage earning men, courts intervened throughout the nineteenth-century.

The interference of the court was nowhere more apparent than between fathers and their children’s right to earn money. Under the laws regulating apprenticeships, fathers—and mothers if the husband was absent—were entitled to the wages the child earned and they could provide the necessary consent to contracts children lacked. However, during the nineteenth-century, more children were working outside of the institution of apprenticeships and were earning money to support themselves; therefore, children felt their wages belonged to them.⁶⁷ When courts reevaluated the role of child workers in an increasingly industrialized world, they challenged the parental entitlement to a child’s wages.⁶⁸ Because the “fathers’ rights to their children’s earnings rested on the obligation of support,” in cases where the child was obviously self-supporting, many fathers no longer had a logical reason to claim the wages.⁶⁹ Instead, the courts determined

⁶⁵ Stanley, *From Bondage to Contract*, Ch. 4.

⁶⁶ *Ibid.*, 139.

⁶⁷ Grossberg, *Governing the Hearth*, 259-263; Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 128-135.

⁶⁸ Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 128-135.

⁶⁹ *Ibid.*, 130.

there was “implied emancipation” which removed the parents’ right to the child’s earnings.⁷⁰ In the 1849 case of *Stovall v. Johnson*, for instance, a child challenged his father to “the fruits of his labor” after his father sold the son’s crop unbeknownst to the child.⁷¹ Complicating the dispute, the courts learned the child still lived at home, yet was emancipated from the father.⁷² In the end, the courts decided in favor of the child because the child was self-supporting, despite the fact that the child lived at home.⁷³ Importantly, *Stovall v. Johnson* and similar cases through the nineteenth-century that favored the rights of the child did more than just reassess whether children could claim their own wages. These rulings set a precedent that introduced children into a larger world of producing labor and in turn, children could keep the money they earned.⁷⁴

The waning of apprenticeships, both voluntary and involuntary, and the transforming concept of contract regarding child laborers had important effects on the role of children in the new industrial world. The new legal concept of implied emancipation, while not a comprehensive solution to the question of a child’s self-possession, did facilitate the expansion of working-class children into the free market economy. No longer under the direct control of a master—or many times even a parent—working-class children could earn and keep their wages, much like any other adult. Incidentally, this new freedom meant children were free to engage in the struggle of day-to-day survival in an early agrarian

⁷⁰ Ibid.

⁷¹ *Stovall v. Johnson*, 17 Ala. 14 (1849).

⁷² Ibid.

⁷³ Ibid.; For similar court decisions ruling in favor of the emancipated child worker, see also *Hammond v. Corbett*, 50 N.H. 501, 503 (1871); *Nightingale v. Withington*, 15 Mass. 272, 272 (1818).

⁷⁴ Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, 128-135.

and industrial society, much like their parents. Yet, along with this hard won victory, children were also free to partake in some of life's pleasures—many of them vices.

Child Consumers and the Market Place

In 1930, when fourteen-year-old Peter was asked how he landed in New York State's Berkshire Industrial Farm for boys, he explained that he was arrested for stealing an automobile. Before his sentence to the Farm, Peter worked in a mechanic shop where he simply loved to work with cars. After work one day, he "borrowed" one of the cars scheduled for service to go on a little joyride. The trouble is, he went without the car owner's permission and unbeknownst to the owner of the mechanic shop. When the police apprehended Peter for car theft, the car owner insisted on criminal punishment; however, the judge at the Children's Court, a relatively new branch of law in the early years of the twentieth century,⁷⁵ thought differently. Rather than punishing this first time offender with a sentence of hard time at the Criminal Corrections Institution for mature criminals, the judge assessed the plasticity of the boy, or the boy's chances of successful reform.⁷⁶ A traditional corrections institution would suppress Peter's natural talent and future worth as an upstanding citizen—yet his genius for machinery could be encouraged in a place where there is "a teacher who knows how to draw out the good that is in every boy."⁷⁷ That place was the Berkshire Industrial Farm.

⁷⁵ See generally Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (New York City: Cambridge University Press, 2003).

⁷⁶ Willrich, *City of Courts*, 227.

⁷⁷ *Berkshire Industrial Farm Annual Report for 1930*, 17.

Why the judge determined Peter's level of plasticity to be worthy of reform is important; however, what Peter's story draws attention to is the new institution that addressed his acts of theft—specifically, the courts that handled Peter's case. As noted earlier, with apprenticeships waning and court cases addressing a parent's entitlement to their child's wages increasingly favoring the child, these rulings suggest the fluidity in which child workers were able to interact with the free market economy as autonomous individuals, especially if they were legally allowed to keep their own money. In this sense, child workers were autonomous because they were entitled to their wages from a job—like any worker—although it was common for wages to continue to change hands from child worker to parent. While these earlier rulings usually favored the free market rights of child workers as individuals, a change occurred at the turn of the century when a special branch of the judiciary emerged known as the juvenile court. Developed, in part, as an implicit critique of the system allowing children to be contractually bound laborers—like other adults—the juvenile courts acknowledged and specifically handled the uniqueness of children, or in Peter's case, child laborers.

Beginning around 1899, juvenile courts began popping up, first in Chicago, and later all over the country as part of a broader progressive movement.⁷⁸ These courts were established to police juvenile delinquencies and to redirect their wayward behaviors towards more “wholesome endeavors.”⁷⁹ As historian Michael Willrich explains, the juvenile courts were merely another step towards the progressive notion of social responsibility which at this time had also

⁷⁸Eric C. Schneider, *In the Web of Class: Delinquents and Reformers in Boston, 1810s-1930s* (New York: New York University Press, 1992), 148-169.

⁷⁹ Willrich, *City of Courts*, 209.

addressed similar areas such as criminal courts for women, probation, and psychiatric testing—all part of the growing municipal courts system of the twentieth century.⁸⁰

By 1914, juvenile courts became more specialized to accommodate the needs of young offenders in Boy's Courts who "were too old for the 'wise paternalism' of the juvenile court, yet too young to assume the full rights and obligations of adult male citizens."⁸¹ While the "boys" referred to in Boy's Courts could "no longer easily [be] mistaken for children," they were not considered fully responsible for their actions, therefore they were not likened with older male offenders.⁸² Instead, for individuals who fell under the jurisdiction of juvenile and Boy's Courts, they existed within a sort of legal limbo that made punishment or reform more difficult to address.⁸³ In light of this new branch of the judiciary, the creation of the juvenile courts suggests that society did not regard children as fully mature outside of the free market economy, even if their wages allowed them entrance into an otherwise mature world.

While child workers could legally earn and keep their wages as adults, yet by comparison, juvenile courts purposefully determined those same children to be less than adults, these two contrasting notions suggest a gap in the legal treatment of working-class children. This gap—created by the free market economy and the laws addressing juvenile delinquents—demonstrates a period of the progressive era when children lived within an ambiguously defined world.

⁸⁰ Ibid., 210.

⁸¹ Ibid.

⁸² Ibid., 211.

⁸³ Ibid., 211-240.

If some child workers experienced autonomy through their wages, the criminal courts simultaneously assessed delinquent children to have a lesser measure of juvenile responsibility—therefore little to no autonomy.

Case in point, Peter was fourteen, and as a typical working-class child in the early twentieth-century, his job working in the auto industry was not unusual for his age or the period. Along with the other workers, purportedly adults, Peter toiled away tinkering on cars. His eagerness and enjoyment working with cars only suggests he might have had an easier time adapting to the demands of the industry as a worker, unlike many of his youthful colleagues. However, when Peter took a customer's car out without permission, his age and criminal actions placed him directly under the jurisdiction of the newer juvenile court system. There, his youthful disposition took precedence over any existing autonomy as an industry worker; he became subject to laws that regarded offenders his age as unique.

Although Peter's experience demonstrates the legal boundaries specific to children during this period, the void left in the wake of these opposing legal boundaries created an opportunity for working-class children to interact in the market place. Previously, children who knew only the constraints of late nineteenth-century industrial life, like dangerous factory work and tenement housing, now marveled at the new freedoms made accessible in the free market. For the first time, working-class children discovered that they had money to spend, due to their employment, and as consumers they had an unregulated market place to explore. Thus, working-class children realized they could

purchase the same goods and services consumed by adults because the ambiguous world they lived in welcomed the new business of working-class children without prejudice—a consideration that later complicates children’s experience in the market. Importantly, these changes meant that working-class children could pursue a variety of leisure time activities within their legal boundaries—although they frequently challenged these limits.

Suddenly exposed to the market place as consumers, working-class children soon discovered there were experiential differences in how they perceived the market opposed to how the market presented itself to children. While the middle-classes thoroughly conditioned the market place according to the consumer demands and interests of middle-class children—such as class specific toys and novelties—merchants and department stores did not cater to working-class needs in the same way. Moreover, not all working-class children shared those same interests.⁸⁴ Toys and treats intended for children privileged to a more modern conception of “childhood” would have been less appealing to child laborers who probably worked all day manufacturing those goods.⁸⁵ For these reasons, the life experiences of child laborers necessarily forced them to

⁸⁴ See David D. Hamlin, *Work and Play: The Production and Consumption of Toys in Germany, 1870-1914* (Ann Arbor: The University of Michigan Press, 2007), 38-60; See also W. Scott Haine, “The Development of Leisure and the Transformation of Working-Class Adolescence, Paris 1830-1940,” *Journal of Family History* 17, no. 4 (1992): 451-470; David Hamlin, “The Structures of Toy Consumption Bourgeois Domesticity and Demand for Toys in Nineteenth-Century Germany,” *Journal of Social History* 36, no. 4 (2003): 857-866. The class dynamic at play in Paris and Germany on the development of leisure time and the working-class suggests some working-class children initially sought to purchase the same items and novelties that were popular among the middle-class. However, this type of consumption became problematic when most working-class children could not identify with toys and novelties that reflected middle-class values and professions. As a result, working-class youths sought new and untried experiences that defined their adolescents.

⁸⁵ Davis, *Spearheads for Reform*, 123; Davis discusses incidents of reformers offering candy to children who declined because they worked in the candy factory all day producing the treats.

experience the market differently. Without any clear idea of how or what was acceptable to consume, working-class children explored the new terrain without inhibitions. Perhaps stemming from the “false idea of liberty” created by their ambiguous legal state, working-class children entered into the market place with a fresh sense of abandonment and a desire to seek out entertainments.⁸⁶ Above all, working-class children perceived the market place to be a place to seek pleasures.

Rather than buying trinkets and novelties, many working-class children took an interest in new “luxury” items they encountered in their everyday lives—items that were definitely not toys.⁸⁷ Taking a cue from their adult counterparts, working-class children bought cigarettes and alcohol to smoke and drink. Young boys discovered alcohol was a cheap escape from a harsh reality; they spent their “pennies” in poolrooms to “swill liquor” as paying customers just looking for a good time.⁸⁸ In fact, owners of poolrooms and similar establishments catered to the demands of adolescent customers—both boys and girls—who had money to spend and only needed a place to spend it.⁸⁹

Not to be outdone, cigarettes and tobacco products were a hot commodity among working-class boys at the turn of the century. By 1891,

⁸⁶ PATRICK J. SHELLY, “WAYWARD MINORS PUT UNDER NEW LAW’S GUIDANCE :Courts Now Aid Their Parents -- Probation Officer Describes Work.” *New York Times* (1923-Current file), March 7, 1926, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 9, 2012).

⁸⁷ Haine, “The Development of Leisure and the Transformation of Working-Class Adolescence, Paris 1830-1940,” 260.

⁸⁸ “Ruining Boys: The Low Pool Rooms of New York—They Will Be Suppressed,” *Cleveland Herald*, March 5, 1881.

⁸⁹ “NORTH BERGEN RESORTS WILL BE RAIDED TO-DAY :Warrants Issued for “Little Coney Island” Dive Keepers. LIQUOR SOLD TO CHILDREN Acting on Justice Fort’s Charge Various Societies Have Determined to Clean Up the Resort..” *New York Times* (1857-1922), June 24, 1906, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 1, 2012).

notices popped up regularly in newspapers alerting the public to the popularity of smoking among youths. One observer determined the proliferation of “the cigarette vice” was due to the imitative nature of working-class boys urging them to “follow the fashion with promptness and zeal.”⁹⁰ This observation suggests not only that cigarettes were universally popular, but that working-class boys learned to imitate this habit (and other behaviors) from people who were part of their environment. As working-class children pursued other ways to consume that reflected a working-class lifestyle, their appetites outgrew the consumption of goods and moved onto places.

Some of the most popular activities for working-class children at the turn of the nineteenth-century—other than smoking and drinking—included frequenting popular public amusements. Public amusements provided a fresh and sometimes novel source of excitement in an otherwise unexciting world. Popular pastimes for the working-class included frequenting places such as poolrooms, gambling dens, and vaudeville theaters although working-class children preferred the excitement and thrills they found at movie theaters and dance halls especially. For child workers exploring the legal boundaries of their ambiguous world, these places became a beacon, urging children to go and spend their money.

A relatively new addition to the list, movie picture shows were massively appealing to working-class children for a number of reasons. Foremost was the price of the show. As historian David Nasaw explains, “[w]ith gallery seats priced at only ten cents for matinees, boys...could easily save enough money from their

⁹⁰ “The Cigarette Vice,” *The Galveston News*, August 23, 1891.

earnings as newsboys or bootlacks to attend the vaudeville or picture show a couple of times a week.⁹¹ These cheap seats were so popular among working-class children that movie theater owners offered special features during the day just to satisfy the demand.⁹² Many times, children would attend in massive groups, flooding the theater to capacity in their eagerness to watch the film, although they did this much to the consternation of fire inspectors who recognized the dangers of a dark, overcrowded theater full of unaccompanied adolescents.⁹³

And what were they watching? While a few movie theaters offered “clean” pictures designed for audiences seeking an educational or uplifting story, in contrast, most children demanded movies that offered more bang for their buck. The most popular movies among working-class children were those with a sensational or thrilling plotline. Although some adventure and mystery stories gave children a temporary reprieve from reality, other films about crime and love stories more closely resembled their real lives and problems. Either way, producers made these films as quickly as possible to keep attracting large crowds of children. As the largest customer base, working-class children got what they wanted.⁹⁴

Compared to the relatively new development of movie picture shows, dance halls were a common fixture in almost every city across America with

⁹¹ David Nasaw, *Going Out: The Rise and Fall of Public Amusements* (New York: Basic Books, 1993), 176.

⁹² *Ibid.*

⁹³ "Two Go to Jail for Admitting Minors to a Movie Theatre." *New York Times* (1923-Current file), February 5, 1927, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 9, 2012).

⁹⁴ BENJAMIN F. WHITE.. "ENDOWED MOVIES FOR THE CHILDREN." *New York Times* (1923-Current file), July 17, 1927, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 9, 2012); Nasaw, *Going Out*, 184-86.

much deeper roots. Originally built as a place where young people could mingle with the opposite sex through “innocent dancing and social enjoyment,” dance halls served a variety of purposes.⁹⁵ For working-class and immigrant youths not familiar with the customs of “dating” as defined by late twentieth century standards, dance halls were a prime place to meet partners who then might become spouses. In addition, girls in particular appreciated dance halls simply because they were places to try out any new dance crazes.⁹⁶ “The [dancing] madness cut across every social division in every city infecting seamstresses who patronized the nickel dance halls in the poorer neighborhoods and debutantes who spent their early-morning hours in cabarets.”⁹⁷ For working-class girls removed from the glamour of high society, dance halls provided the perfect outlet.

Dance halls officially functioned as neutral and public gathering places for working-class boys and girls. Unofficially, working-class youths sought out dance halls because they were a place where many other leisure time activities converged. Along with dancing and socializing, reports on public dance halls indicate that children chose those halls with additional amenities—like adjoining saloons selling liquor, gambling dens, and raffles—rather than regular dance halls because those places offered almost limitless entertainment.⁹⁸ Dance halls that included a variety of amusements were so popular that frequently, patrons

⁹⁵ Louise De Koven Bowen, “The Public Dance Halls of Chicago,” *The Juvenile Protective Association of Chicago*, Rev. ed (Chicago, 1917), 4.

⁹⁶ Nasaw, *Going Out*, 104-112.

⁹⁷ *Ibid.*, 105.

⁹⁸ Bowen, “The Public Dance Halls of Chicago,” 4-6; Report describes the popularity of dance halls with raffles and gambling devices.

attending “[numbered] as many as 1,800 people” on any given day.⁹⁹ For working-class children looking for thrills, these record counts make it clear that dance halls were the preferred place for children to spend their money and time. As new consumers who were learning how to identify a good deal, dance halls with all the extras offered working-class children a one-stop-shop for all of their favorite pastimes.

Although adolescents needed no incentive to explore the consumer market place, many merchants and vendors facilitated their access to the market. As working-class youths took full advantage of the market place to get what they wanted, in return, vendors, operators, and merchants took advantage of the children. There to help children consume, many vendors and merchants recognized the legal gap where working-class children existed and exploited situations to their advantage. To make an extra buck, saloonkeepers at dancehalls for example, had no qualms about “[selling] intoxicants to a young girl of thirteen as readily as a man of forty.”¹⁰⁰ Additionally, operators and storekeepers commonly treated young persons “just like their elders without embarrassing questions as to their age.”¹⁰¹ To adolescents new to the market place, when merchants treated children as equals, they reinforced any growing beliefs among children that anything and everything was available for consumption. For storekeepers increasing their profits, these were calculated

⁹⁹ Ibid., 5.

¹⁰⁰ "NORTH BERGEN RESORTS WILL BE RAIDED TO-DAY :Warrants Issued for "Little Coney Island" Dive Keepers. LIQUOR SOLD TO CHILDREN Acting on Justice Fort's Charge Various Societies Have Determined to Clean Up the Resort.." *New York Times* (1857-1922), June 24, 1906, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 9, 2012).

¹⁰¹ Ibid.

tactics that encouraged many children to spend more. Yet when shopkeepers chose to ignore obvious age differences between adult and child, their strategies for more profits exacerbated a growing problem among working-class youths and their role as consumers.

While this strategy had the effect of facilitating children's access to more mature goods and services—as well as increasing merchants' profits—it also further complicated how children consumed and interacted within their boundaries. The preferential treatment merchants privileged to working-class children complicated their understanding of the market place and made them struggle to determine what was available for purchase versus what was available for consumption. To children increasingly accustomed to an economy that catered to a buyer's market, this uninhibited access contributed to some children's misperceptions about what they could legally buy and what they could simply take. For those who did not know the difference, by virtue of their indeterminate state in society, they were able to exploit the system to their advantage. These children failed to stay within the boundaries that framed the world for working-class children and instead, they pursued several leisure-time activities that were definitely not legal.

If child consumers failed to understand the differences between purchasing and consuming in the market place, what other misconceptions did their preferential treatment create? While many working-class youths did not intend to cross the line between legal and illegal leisure time pursuits, the ambiguity of their world and as consumers made the choice difficult to recognize.

For most, turning to a life of crime was not a conscious decision; it was simply a natural step as children learned to consume what they wanted. Indeed, children commonly conflated purchasing and consuming, especially when popular leisure time activities clouded their judgment. For instance, Frank Keenan “[a] boy aged seven years,” was confused in this very way when he broke into a grocery to steal “a quantity of tobacco and cigarettes.”¹⁰² Whether or not Frank stole the undisclosed “quantity” for himself or for resale is unknown. However, that he stole cigarettes when the “cigarette vice” was so prolific suggests that he was aware of the demand among his peers, and naturally, he saw an opportunity to act. Although Frank was only seven years old, his age did not deter him from theft or the potential for profit.

Even as some adolescents conflated the act of purchasing and consuming, a few went a step further when they made their preferred leisure time activity the sport of theft. Instead of seeking out thrills and excitement at amusement parks and dance halls, several youths developed a taste for adventure when they burglarized homes and stores. This was the case for a number of boys who later admitted they “had taken money hidden away, or had snatched purses, or had rifled through drawers or trunks, or had slipped articles from store counters.” In most cases, the guilty parties claimed they did it to achieve “the element of adventure” brought on by stealing, although many of the stolen articles were later sold and “the money was used to buy leisure time

¹⁰² “A Burglar Aged Seven Years.” *New York Times* (1857-1922), August 14, 1900, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 10, 2012).

pleasure in the form of movies, candy, cigarettes and car rides.”¹⁰³ In this instance, these acts of theft failed to register as illegal to the culprits. Instead, the boys recognized their deeds as simply another act of consumption in an ever-expanding market. The boys sought to consume the thrilling new adventure of theft and as a result, they ended up stealing to consume. That they could not (or would not) recognize their legal boundaries suggests that rather than heeding caution, the youths took advantage of the unknown to get what they wanted.

In pursuit of the ultimate adventure, the most popular sport by far was stealing cars. Although not a pastime exclusive to urban areas, boys from Chicago and New York City demonstrated a special talent for grand theft. Working-class boys, and even a few middle-class boys who hung out with working-class crowds—like the not-yet-famous Mezz Mezzrow—saw car theft not for the crime it was, but rather a chance to “go riding” with friends in a car that was not their own.¹⁰⁴ Other youths claimed later, “[i]t was the thrill of driving and the opportunity for adventure, not the negotiable value of the car, in nearly every instance, that supplied the motive.”¹⁰⁵ These admissions from boys explaining why they stole cars are revealing. Their transgressions beyond their legal sphere were not attempts to steal the cars for profit. Rather, much like the boys who stole goods and other household items, stealing cars for the thrill presented working-class youths the best value for their time. As careful consumers, the thrill of car theft allowed them to choose their participants, how long the ride

¹⁰³ George B. Masslich, “Report of the Superintendent,” *The Board of Education of the City of Chicago*, (Riverside-Chicago, 1926), 5.

¹⁰⁴ Bernard Wolfe and Mezz Mezzrow, *Really the Blues* (New York: Citadel Press Carol Publishing Group, 1990), 7.

¹⁰⁵ Masslich, “Report of the Superintendent,” 5.

would last (unless the authorities decided for them), and where they would go.

Considering the many choices automobile theft presented these fledgling consumers, stealing cars *almost* seemed like a good idea.

Other children stole automobiles for more than just the thrill of adventure with friends. For a few, car theft became an opportunity to bridge the gap between the haves and the have-nots, if only for the duration of the ride.

Returning to Peter's story above, he claimed he simply "borrowed" a customer's car from work. His explanation implies an intention to return the car—yet not until he had experienced the same sensations of possession as the owner. In a similar case, another boy apprehended for auto theft later explained:

If you were born and raised where you were surrounded by brick walls and only the street in which to play, driven from the street as soon as you were old enough to play ball, within walking distance of the loop, where every kind of finery is displayed in the windows—everything in gorgeous colors. You knowing that they were for rich people only and that you could not possess them honestly. Then by walking four blocks you might see automobile after automobile, carrying a people that seemed like a different race than you, then find one of these cars standing by the curb, unlocked, the engine purring, and nobody in sight. Do you think for one minute that you could keep from jumping in so that you might experience, if only for one minute, the feeling of the guy that owned the machine? I would take the chance and I did.¹⁰⁶

Unlike those who stole for the thrill of adventure, these thefts have much larger implications. Whereas theft for adventure was a fleeting experience youths sought out to supplement their otherwise unexciting lives, these thefts were an attempt to consume an entirely new lifestyle. In these instances, Peter and the other boy recognized an opportunity for more than fun—they saw chance to

¹⁰⁶ Peter A. Mortenson, "Report of the Superintendent of Schools for the Year 1918-19," *The Board of Education of the City of Chicago*, (Chicago, 1918), 7.

consume a different identity through the visions of them as the owners of the stolen car.

As working-class adolescents became more adept at navigating the market place as consumers, the freedoms they discovered from their ambiguous place had some interesting, if not unintended consequences. Children who recognized the advantages of their indeterminate state easily oscillated between their choice of consumer goods including items typically associated with middle-class values and those goods and services more familiar to their adult counterparts. While this situation positioned working-class children to pick and choose whichever leisure time activity brought them the most enjoyment, unregulated access meant they could not clearly recognize the limits of their ambiguous world, therefore, many sought to consume items beyond those boundaries. These illegal acts—initially appealing because they represented a new source of consumer entertainment—soon became a cure-all for working-class youths. In addition to seeking a cheap thrill or an opportunity for adventure, some saw theft and other crimes associated with stealing as a chance to consume a new identity or a lifestyle they thought was otherwise unobtainable. While all of these acts expressed working-class youths' attempts to consume what they wanted, when so many children crossed the boundaries of what was legal, they created a situation few could ignore.

Reformers and Their Unwholesome Environments

A former “problem boy” running wild on the streets, twelve-year-old Dick “had been neglected, abused, and exploited” during his short life.¹⁰⁷ Fortunately, after intensive treatment at a New York training school for boys, Dick became a poster child for reform—literally. In 1928, he graduated from the school as an honest and industrious young man, although his change was not immediate. In fact, the reform efforts of his teachers, housemother, and psychiatrist appeared to have been in vain as Dick’s unresponsive behavior persisted for several months. A turning point occurred when Dick came upon a wounded animal in the forest and nursed it back to health. Spending all of his leisure time caring for the wounded animal, his reformers claimed the selfless act released Dick’s latent qualities which allowed him to develop interests and friendships. Among his interests, Dick discovered a hidden passion for the print shop, aspiring one day to become a publisher.¹⁰⁸

Quite the opposite of his arrival, on the eve of Dick’s departure, he was a “happy, cooperative member” of the community and had made chief assistant in the print shop with career plans for the future. His last benevolent act at the school—Dick wrote a letter, advising an old friend to take advantage of the opportunity for reform, and of course to stop smoking, as “it is a bad habit for a boy’s character, especially at your age, as well as being an unhealthful habit.”¹⁰⁹ Dick’s story and letter were so moving, the school decided to publish them in

¹⁰⁷ Andrew G. Johnson, “Superintendent’s Report,” *Annual Report New York Berkshire Industrial Farm*, (Canaan, N.Y., 1928), 19-21.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

their annual report. Interestingly, while Dick accomplished much during his short tenure at the school, by many standards he did not do anything unusual.

However, considering the extent to which Dick's life story captivated reformers and state officials alike, one wonders what was so special about Dick that they celebrated him as a model of reform?

The simple answer is that Dick's life became the embodiment of Progressive ideals popular in the first quarter of the century; his graduation was living proof of the success of reform—if done correctly. When Dick left the school, he was a self-disciplined young man. He learned an honest trade that would be useful to him as an adult. And finally, he became a mentor and spokesperson to his working-class peers to resist the temptation of unwholesome leisure time pursuits—like cigarettes—and instead embrace loftier pursuits such as caring for injured animals. Dick's impressive transformation allowed Progressive reformers to finally realize the influence of their efforts and they hoped he would continue to spread the word (a likely prospect considering his letter). The only problem is, the training school for boys—influenced by Progressive ideals of reform—addressed the problems reformers perceived to be the cause of working-class delinquency, but rather than treating the underlying cause, they were only scratching at the surface.

The story of how Dick and other children came to need reform begins with reformers. While they celebrated what seemed like a peak in success when Dick graduated from the training school, the road leading to that point was long and not entirely evident. The Progressive movement—beginning around 1890 and

focused on a variety of issues in addition to the welfare of working-class children—was not the first attempt by society to address the ills of working-class delinquency. As far back as the early nineteenth-century, nascent reform efforts developed by what historian Eric Schneider refers to as “moral entrepreneurs,” or urban missionaries who recognized a need to organize relief for the poor and their children. Hoping to instill in working-class children “lessons in self-discipline, industry, and individual enterprise in an effort to counter the moral laxity of preindustrial or ‘traditionalist’ cultures,” Sunday schools and religious services delivered the core beliefs of reform.¹¹⁰ Eventually, children’s aid societies, reformatories, and finally industrial schools emerged to help uplift working-class peoples and offer treatment to their children. In time, the efforts of moral entrepreneurs and volunteerism gave way to more organized approaches to public welfare.¹¹¹

As outdated organizations gradually declined, by comparison, Progressive Era reformers possessed slightly different values and goals from prior iterations. Although some former values carried over—like thrift and self-reliance—progressives developed their reform efforts around an appreciation for professionalism, experts, and faith in the science of reform.¹¹² Believing reform and children to be almost synonymous, progressives set their sights on working-class adolescents because they were “a way of gaining entry into the working-

¹¹⁰ Schneider, *In the Web of Class*, 28.

¹¹¹ *Ibid.*, Ch. 1,2,3.

¹¹² *Ibid.*, 133; see also Laura S. Abrams and Laura Curran, “Wayward Girls and Virtuous Women: Social Workers and Female Juvenile Delinquency in the Progressive Era,” *Affilia* 15, no.1 (Spring 2000): 56.

class family.”¹¹³ Progressives also “advanced an environmental analysis of juvenile delinquency that deemed troubled family and community conditions” to blame for youthful misdeeds.¹¹⁴ In contrast to nineteenth-century relief organizations, this new brand of thinking differed because it no longer held the individual to blame based on “unrecoverable sin rooted in ...religious thinking.”¹¹⁵ Consequently, this new approach had many implications, but primarily it meant that any perceived problems afflicting—not inherent in—the lower classes could be addressed and altered simply by removing the child from the environment. Thus, the child would receive “treatment” on an individual basis and be reformed outside the periphery of their unwholesome influences.¹¹⁶

While this more scientific approach to correcting society’s ills seemed plausible, the plan itself had several flaws. If reformers believed they could remove children from an unwholesome environment—thereby creating an opportunity to treat and presumably inoculate the child against future temptations—this belief rested on the assumption that all children were innocent victims at the mercy of their environment. Indeed, a core belief of progressive reformers was “that children were fundamentally different than adults and that children were particularly vulnerable” to the world around them.¹¹⁷ While this assumption proved accurate in a number of scenarios, reformers failed to

¹¹³ Schneider, *In the Web of Class*, 145.

¹¹⁴ Abrams and Curran, “Wayward Girls and Virtuous Women,” 58.

¹¹⁵ *Ibid.*

¹¹⁶ Although reformers had no single definition of an unwholesome environment, reformers referenced anything that caused immorality, debauchery, or general degradation influencing people in association with unwholesome environments.

¹¹⁷ Vanessa Carroll, “Cultivating Boyhood and Girlhood: The Role of Gender in Progressive Era Juvenile Justice Reform in Wisconsin,” *Wisconsin Women’s Law Journal* 22, no. 1 (Spring 2007): 139.

recognize the truth—many children were neither vulnerable nor innocent. Armed with these error-ridden theories, progressives turned towards working-class neighborhoods in search of unwholesome environments and their inevitable victims.

And what did they find? While there was no short list of urban places earmarked as unwholesome environments, not surprisingly, most places reformers believed to breed “society’s evils,” also doubled as popular leisure time pursuits among the lower classes. Much to the irritation of working-class children—many reformers declared “dance halls, pool rooms, rathskellers, vaudeville[s] and movie picture shows” no place for minors because these places of vice inevitably contributed to “drunkenness, vice and debauchery.”¹¹⁸

Poolrooms and rathskellers (taverns below street level) were particularly loathsome as “the nurseries of vice” where “many boys take their first step to ruin.”¹¹⁹ To reformers, these places had inherent evils because they catered to working-class youths and became a pathway leading down a slippery slope of immoral decline.

Two popular leisure places reformers determined especially unwholesome to children were movie theaters and dance halls. Whether reformers condemned these places because the patrons were getting younger or perhaps because children found them especially tempting, reformers warned against the troubling vices harbored there. Movie picture shows, or nickelodeons, while relatively

¹¹⁸ Eugene Kinkle Jones, “African Methodist Episcopal Church Review,” *The African American Experience in Ohio*, 1850-1920. 29, no. 2, 180.; Bowen, “The Public Dance Halls of Chicago,” 4.

¹¹⁹ “RUINING BOYS. The Low Pool Rooms of New York—They Will Be Suppressed.”, *Cleveland Herald*, March 5, 1881. <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed November 16, 2011).

new, caused reformers significant distress on multiple fronts. Not only did they attract lower sorts who would take advantage of the characteristic darkness for illicit purposes, movie theaters had poor ventilation, were filthy, and they featured indecent films every day of the week—even Sunday.¹²⁰ Indeed, reformers determined a number of movies were “evil influence[s] on the impressionable young” because they “violated censorship board restrictions” of the time.¹²¹ The popular movies working-class children loved to frequent, such as the murder mysteries and the love stories were particularly concerning to reformers and the public alike. Many believed “[t]he movie is, in the case of children, the most powerful instrument ever invented for leading them to have good ideas and bad ones.”¹²² To reformers—and clergymen who opposed films on the Sabbath—these factors were more than unwholesome environments, they were unfit entertainments.

Dance halls drew the most censure—perhaps more than all the other amusements combined.¹²³ While dance halls were certainly popular among adults and children, to reformers, dance halls were the greatest source of unwholesome influences and posed the utmost risk to young people.¹²⁴ That dance halls appealed nationally made them seem even more threatening. “Largely controlled by the brewery, saloon and vice interests,” reformers believed that dance hall operators made “very little effort ...to protect their young patrons”

¹²⁰ Nasaw, *Going Out*, 176-183.

¹²¹ *Ibid.*, 184-185.

¹²² BENJAMIN F. WHITE.. "ENDOWED MOVIES FOR THE CHILDREN." *New York Times* (1923-Current file), July 17, 1927, <http://www.proquest.com.proxy.libraries.rutgers.edu/> (accessed April 29, 2012).

¹²³ The sheer number of dance hall ordinances published across the country suggest how alarming they were to reformers and the public alike.

¹²⁴ *Ibid.*, 110-116.

from dangerous conditions.¹²⁵ Consequently, the Juvenile Protective Association and other reformers organized independent investigators to assess the conditions and report back.

While investigators reported some relatively innocent behavior, they frequently submitted reports of drunkenness and immorality, thus confirming reformers' worst fears. One Chicago investigator noted "practically all of the boys and many of the girls show signs of intoxication by twelve o'clock, possibly because it was almost impossible to get drinking water in these halls."¹²⁶ Other investigators reported the lewd behavior of some girls—one girl who was "held while four boys poured whiskey from a flask down her throat."¹²⁷ The sexual implication of what happened to her later fueled reformers' imaginations about the endless depravity found in dance halls—especially when reports suggested innocent girls and boys literally restrained and at the mercy of their captors. Additional reports of what reformers perceived to be unwholesome conditions further strengthened the resolve to remove individuals from their negative environments and prevent additional immorality.

While reformers affirmed their beliefs that popular leisure places were unwholesome, their quest to discover immorality overshadowed their ability to conceive of children as consumers, not victims. Whereas reformers thought their efforts uncovered helpless victims of the environment—especially when reports of lewd behavior painted an indecent picture of innocents purportedly at the mercy of intoxicants and other threats—in actuality, they were also witnessing

¹²⁵ Bowen, "The Public Dance Halls of Chicago," 4.

¹²⁶ Ibid.

¹²⁷ Nasaw, *Going Out*, 112.

children interacting in their environment as consumers. As discussed earlier, through the legal boundaries established by the juvenile courts and the laws favoring free market autonomy, the ensuing legal gap gave children access to the market place. Thus, working-class children—lacking regulation in the market place—could access and consume the same leisure time pursuits as adults whether they were unwholesome or not. In other words, children were not just innocent victims, caught in the crossfires (and vices) of the market economy; they were card-carrying members of a world they were legally allowed to participate in. Moreover, when some children could not legally consume what they wanted, they went beyond their legal boundaries to consume what they wanted illegally, as in the cases of growing theft among juveniles. This distinction meant when reformers received reports of vulnerable children corrupted by the immorality of their surroundings, in a different light, those reports instead reveal children consuming leisure time activities that just happened to be unwholesome.

For reformers, this distinction was problematic primarily because children's access to the market place was partially a result of the juvenile justice system—an institution brought to light through the efforts of reformers. Originally guided by the assumption that children were more vulnerable to the influences of their environment, early progressive reformers found the presence of youthful delinquents in the criminal justice system especially troubling. Instead of seeing hardened criminals in both name and character, reformers viewed “delinquent children as helpless and neglected [which] distinguished them from their adult

offenders.”¹²⁸ To stop the future perversion of children, progressive reformers claimed one piece of the puzzle was to implement a distinct legal institution specifically for children. Through their efforts, they successfully created a separate juvenile justice system intended to preserve children from any further damage they might experience labeled as criminal adults.¹²⁹ The paradox presented by the juvenile justice system, of course, was that the same system created to protect juveniles from additional depravity also exposed the legal gap allowing more children access to the market place and, according to reformers, unwholesome environments.

What did this paradox mean to reformers who persistently claimed the problems of working-class society could be cured through environmental analysis? While reformers continued their efforts to identify and remove children from unwholesome surroundings, a few reformers realized the vicious cycle created by the juvenile justice system, the market place, and even reformers' own efforts. In 1905, Marion G. Ogden, a reformer who was also a probation officer, commented on the situation from her bird's eye view. Ogden noted, “[c]ases of theft which are the direct result [sic] of pure lawlessness [sic] and love of adventure are very common, and the more neglected the child, the more likely is it that his stealing is no mania at all but the very natural result of his mistaken mode of life.”¹³⁰ Ogden astutely draws a connection between acts of juvenile theft stemming from the unregulated access children had in the market place, yet she also implies the “mistaken mode of life” was the unintended consequence of

¹²⁸ Carroll, “Cultivating Boyhood and Girlhood,” 139-140.

¹²⁹ Ibid., 139.

¹³⁰ Ibid., 140.

the juvenile justice system giving children access to the market place. This assessment underscores some reformers' awareness of the legal gap children enjoyed and the lack of laws prohibiting children as unregulated consumers. However, other reformers who insisted the root problems of delinquency and working-class ills were environmental causes ignored the obvious. While their efforts were well intended, in reality, removing children from their environment was as effective as applying a Band-Aid to stop internal bleeding.

Perhaps owing to the paradox created by the juvenile justice system and the market place, reformers' efforts to identify and remove children from problem areas intensified. Although not effective at treating the underlying problems, reformers carried out vigorous attacks on leisure time places that called upon citizens and public officials to implement some sort of makeshift solution. In annual industrial school reports, reformers included warnings addressed simply to "those elected to public office," calling for "laws designed to safeguard the welfare of children" by "[controlling] public amusements and the sale of beverages, sweets and tobacco."¹³¹

Movie picture shows also fell under attack. Reformers demanded ordinances to regulate the pictures shown at five and dime theaters because juveniles frequented those most often, therefore, they harbored the greatest potential for immorality.¹³² Lastly—the worst offenders—dance halls also received the greatest censure. After generating an almost unending cause for concern, local and state governments began issuing ordinances to regulate the

¹³¹ George B. Masslich, "Report of the Superintendent," *The Chicago and Cook County School for Boys*, (Riverside, IL, 1928), 2.

¹³² Nasaw, *Going Out*, 176-177.

conduct and decorum of their local dance hall. In fact, by 1929, the U.S. Children's Bureau and the U.S. Department of Labor teamed up to issue a master guide for the regulation of public dance halls and also to "assemble information as to the legal machinery with which communities are endeavoring to protect young people from the evils of the unregulated commercial dance hall."¹³³ While all of these efforts recognized a deficiency in the law, interestingly, they sought to curb children's associations with perceived sources of immorality instead of altering the foundational markets allowing children to consume.

More permanent efforts to outlaw children from associating in perceived unwholesome surroundings emerged when states drafted delinquency statutes. Before statutes defined delinquency, police, reformers, and citizen's discretion determined who and what constituted a delinquent.¹³⁴ While this reporting system clearly exposed possible prejudices, it also left the science of delinquency and assessing environmental dangers to the hands of unqualified observers who might have had differing opinions on the definition of unwholesome. Thus, states worked to pass statutes that would identify a delinquent, thereby alleviating some of the work (and prejudice) from observers' assessments.¹³⁵ In 1905, the juvenile courts in Oregon determined a delinquent included:

[A]ny child under the age of sixteen...years who violates any law of this State or any city or village ordinance, or who is incorrigible, or who is

¹³³ Ella Gardner, "Public Dance Halls: Their Regulation and Place in the Recreation of Adolescents," BUREAU PUBLICATION No. 189, *U.S. Department of Labor and U.S. Children's Bureau*, (Washington, DC: Government Printing Office, 1929), 1.

¹³⁴ David Wolcott, "'The Cop Will Get You': The Police and Discretionary Juvenile Justice, 1890-1940," *The Journal of Social History* 35, no. 2 (Winter 2001): 353.

¹³⁵ Wolcott, "The Cop Will Get You," 350-354.

persistent truant from school, or who associates with criminals or reputed criminals, or vicious or immoral persons, or who is growing up in idleness or crime, or who frequents, visits, or is found in any disorderly house, bawdy house or house of ill-fame, or any house or place where fornication is enacted, or in any saloon, bar-room or drinking shop or place, or any place where spirituous liquors are sold at retail, exchanged, or given away, or who patronizes, frequents, visits, or is found in any gaming house, or in any place where any gaming device is or shall be operated.¹³⁶

California's delinquency statute in 1915 was similar, except the age limit of their delinquents was twenty-one years old and included "anyone who is in danger of leading an idle, dissolute, lewd, or immoral life."¹³⁷ Lastly, Alabama passed laws defining delinquents as anyone who "knowingly visits or patronizes any...pool room, billiard room, bar room or habitually smokes cigarettes."¹³⁸ Together, these statutes indicate not only that reformers and juvenile courts had a very broad idea of a delinquent, but that the only way to prevent children from becoming one was to avert them away from their unwholesome influences. Again, these statutes suggest no attempt to address the market place as the underlying causes of delinquency.

* * *

Many children ultimately labeled delinquents by juvenile courts—like Dick—went to industrial and reformatory schools designed to "treat" the wayward effects of any unwholesome influences they suffered in society. Although the schools were not a new approach to reform, during the Progressive Era especially, industrial and reformatory schools applied environmental principles of

¹³⁶ John R. Sutton, "The Juvenile Court and Welfare, Dynamics of Progressive Reform," *Law and Society Review* 19, no.1 (1985): 117, <http://heinonline.org.proxy.libraries.rutgers.edu>.

¹³⁷ Abrams and Curran, "Wayward Girls and Virtuous Women," 52.

¹³⁸ Lawrence M. Friedman, *American Law in the Twentieth Century* (Harrisonburg, VA: R.R. Donnelley and Sons, 2002), 90.

reform that paralleled their efforts in working-class neighborhoods and districts.¹³⁹ With a mission to “discover the good in a [child] and cultivate that characteristic rather than to attempt to suppress the bad,” training schools shaped their treatment according to gender, age, and, initially, the seriousness of a delinquent’s crime—although officials later determined that a delinquent’s age more accurately predicted the child’s ability to learn the “right action” of decent living.¹⁴⁰

The training schools’ gendered approach to treatment varied greatly but boys’ schools universally implemented vocational training programs to prepare wayward young boys so their “character[s] may be welded into a human mold and take expression in the form of a worthwhile citizen.”¹⁴¹ Girls’ schools, on the other hand, almost universally declared their purpose was to act as a house of refuge, rather than a place of correction.¹⁴² There, girls could avoid the “manifest danger of becoming outcasts of society,” and instead learn principles of morality, self-government, domestic duties, and other “such light practical industries as mas [sic] be best suited to their age, sex and capacity.”¹⁴³ After all, “a girl’s place [was] in the home.”¹⁴⁴ While both boys’ and girls’ schools instructed delinquents on the slippery slope of illicit behaviors such as smoking cigarettes or drinking alcohol, officials took special care and pride with boys—as Dick’s story illustrates.

¹³⁹ Schneider, *In the Web of Class*, Ch. 4 & 5.

¹⁴⁰ *Thirteenth Annual Report of the Industrial School for Girls Maine*, (Hallowell, 1904), 6; Mortenson, “Report of the Superintendent of Schools for the Year 1918-19,” 4.

¹⁴¹ New York State Agricultural and Industrial School Eighty-Fourth Annual Report (Industry, NY: 1932), 12.

¹⁴² *Thirteenth Annual Report of the Industrial School for Girls Maine*, 6.

¹⁴³ *First Biannual Report of the Nebraska Girls Industrial School*, (Geneva, NE: 1892), 434.

¹⁴⁴ “The Investigating Committee on the Chicago Association of Commerce,” *Annual Report of the Chicago Home for Girls* (1929), 16.

Officials of boys' schools believed the vocational and educational curriculum the boys received, as well as healthy doses of wholesome recreations and team sports, would sufficiently educate boys on the dangers of unwisely using their leisure time.¹⁴⁵

Clearly, the varying levels of intensive treatment for boys and girls mirrored reformers' and state officials' concerns over which sex posed the greatest threat to future generations of working-class. Whereas boys received a comprehensive training and educational program, with the extra benefit of recreational activities, female delinquents' training emphasized the domestic and maternal role girls *should* aspire to one day. Although this gendered treatment was not unusual for the early twentieth century, tellingly, that state training schools "treated" children with this therapy solidifies the state's role as a producer of ideal working-class citizens constructed through state sponsored notions of gender. Additionally, while training schools provided alternative methods to rehabilitate juvenile delinquents, Progressive Era reformers' influence on treatment geared towards educating delinquents against the temptations of unwholesome environments was faulty, to say the least. The training itself was pragmatic; however, reformers and state officials recognized "that every boy who comes to us will return to similar living conditions from whence he came."¹⁴⁶ Knowing this challenge, reformers worked to "know exactly what difficulties the child must have to meet, and direct him to overcome them."¹⁴⁷ While this was a worthwhile pursuit, overcoming the "difficulties" of home took more than training a

¹⁴⁵ Johnson, "Superintendent's Report," *Annual Report New York Berkshire Industrial Farm*, 7-23.

¹⁴⁶ Mortenson, "Report of the Superintendent of Schools for the Year 1918-19, 4.

¹⁴⁷ Ibid.

child to know the differences in unwholesome and wholesome leisure time pursuits. Rather than depending upon the children to police themselves against immorality—and what reformers believed would lead to imminent moral decline—a more effective method of preserving children required an examination of the legal boundaries enabling children to consume.

Conclusion

Progressive Era reformers' plans for change made little impact without addressing the underlying cause allowing delinquent children in environments perceived to be unwholesome. And what was the underlying cause? It was a legal gap allowing children to consume in an unregulated market. Incidentally, the gap itself developed from working-class children's ambiguous legal treatment which was made possible because the law recognized child laborers and child consumers as neither fully adult nor child. This treatment changed, however, when states passed compulsory education laws towards the end of the quarter century that started to recognize working-class children distinctly from adults by forcing them to attend school until their maturity. When the Fair Labor Standards Act of 1938 passed, this legislation successfully sealed the legal gap by removing child laborers from the workforce, and by extension, regulating their doppelgängers in the market place.¹⁴⁸

And what about the role of the reformers? While reformers struggled to demonstrate the triumph of their efforts by celebrating successfully treated children like Dick, their efforts were largely ineffective. Furthermore, there is some question about reformers' true motivations. Specifically, what group of

¹⁴⁸ Hindman, *Child Labor*, 84-85.

people did reformers really target and why did they do so? Some historians claim progressive reform efforts were nothing more than an attempt of the dominant class to control and assimilate the working-class and immigrant populations into a more homogenized body.¹⁴⁹ If so, this new perspective adds an extra layer of complexity onto an already complex story. It would also partially explain why progressives focused so intently on many of the leisure time places popular among child consumers. Not only did reformers perceive these places to be the breeding grounds for delinquency, many working-class and immigrant people were the proprietors.¹⁵⁰ By taking aim at many of their customers—the children—reformers could target two birds with one stone. Thus, they could remove the child from those places identified as unwholesome environments for “treatment” and simultaneously force businesses to conform to contemporaneous standards through public outrage and early twentieth-century American ideals of a virtuous society.

Regardless of what reformers’ ultimate intentions were, however, that is not within the true focus of this analysis. This thesis is about child laborers and the role their consumer habits had in bringing about their own reform. Admittedly, discussing child labor reform is difficult to accomplish without discussing reformers. Yet, ironically, historians make similar miscalculations when they do not discuss the role of child laborers beyond the perspective of children as passive and vulnerable victims—coincidentally, much like reformers. Perhaps because the contemporary conception of childhood and children

¹⁴⁹ Willcot, “The Cop Will Get You,” 350-351.

¹⁵⁰ Nasaw, *Going Out*, 183-85.

negates any perception of power or influence children as a whole might wield, this assumption allows narratives to largely forget the importance of children's actions and behaviors historically. However, without the efforts of late nineteenth-century child laborers and children before the evolution to the modern concept of childhood, perhaps childhood as we know it would be slightly different.

That said, child consumers played a central role in bringing about change for child labor reform. While not obvious, child laborers were also consumers, a group that until recently has been largely misunderstood and underestimated. As consumers, children explored the market place as they saw it and as it appeared to them—completely unregulated. With no regulation, working-class children were free to test their legal boundaries to consume whatever brought them the most pleasure, although they frequently went beyond those limits. Significantly, only through children's consumer behaviors did reformers and society take notice and try to reform the problem.

While it might seem easy to casually dismiss the role working-class children played as consumers, echoes of their importance still exist in society—then and now—most palpably in popular culture. One example of this trace evidence appeared in 1940 when Walt Disney released the most popular remembrance of Pinocchio, the children's morality tale. Many people would remember the tale as a wooden boy whose nose grew longer if he told a lie and who ultimately earned his right to be a real boy after he learned to be honest and selfless. However, a closer examination of the tale reveals Pinocchio only earned his chance at being real after he spent a night at Pleasure Island, an

unwholesome place, with many other adolescent boys who entertained themselves by tearing the place apart, smoking cigars in poolrooms, and drinking alcohol. Only when the villain of the tale went to collect his payment, which meant turning the boys into jackasses, did Pinocchio realize the error of his ways and try to change.¹⁵¹

When read against the reality of late nineteenth-century child consumer behaviors and progressive reformers' efforts, the tale of Pinocchio and working-class children share many parallels. The tale itself teaches a lesson to children about the trappings of unwholesome public amusements and the dangers all children might find if they make the wrong decision. Notably, while the story teaches lessons that seem a little unrealistic, perhaps most telling about the tale's connection to child consumers is that the 1940 Disney version was adapted from the original written in 1883.¹⁵² The original story, however, did not include Pinocchio's trip to Pleasure Island and the lessons he later learned. Walt Disney changed the story.

¹⁵¹ *Pinocchio*, directed by Hamilton Luske and Ben Sharpsteen (1940; Walt Disney Video, 1999), DVD.

¹⁵² Carlo Collodi, *The Adventures of Pinocchio* (Berkeley: University of California Press, 1986).

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EDUCATION

2010-2012 **Rutgers University-Newark, NJ**

M.A. History, May 2012

Major Field: American History, Emphasis in American Legal History-**GPA 3.83**

Thesis: "From the Breeding Grounds of Delinquency: Child Consumers and the Nature of Reform"

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Honors and Awards: GSGA Representative for History Department, 2011-12.

Rutgers Master's Scholarship Award, Spring 2012

Recognition of Appreciation, Federated Department of History, 2012

Relevant Classes: American Legal History, Technology, Culture, and History in Law, 19th Century European History, Medicine and Health Law in 20th Century America

2006-2008 **University of Idaho- Moscow, ID**

B.A. History, December 2008, B.A. English, December 2008

Major Fields: 20th Century American History-**GPA 4.0**/ English Literature-**GPA 3.60**

Advisors: Professor Adam Sowards (History) and Professor Walter Hesford (English)

Honors and Awards: Dean's List, 2006-2008

Stephanie Crane Honorary Scholarship, 2006, 2007, 2008

University of Idaho Achievement Scholarship, 2006

Nettie Mae Stillinger Scholarship, 2008

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2003-2006 **College of Southern Idaho-Twin Falls, ID**

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Honors and Awards: President's List, 2003-2006

Certificate of Recognition, Honors Program, 2005

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PUBLICATIONS

Review of Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape and Resistance- A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (Knopf, 2010), *Criminal Law and Criminal Justice Journal*, January 2012.

LANGUAGES

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Save Ellis Island Foundation, *Intern*, Ellis Island, New York City, NY January 2012-Present

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