

# WORKING AND SCHOOLING: A CRITICAL GEOGRAPHY OF CHILD LABOR AND COMPULSORY EDUCATION LAWS IN THE EARLY TWENTIETH-CENTURY UNITED STATES

Meghan Cope

*Should American children work or go to school? If they do work, what age is “too young” for textile mills or cotton fields or coal mines? Should rules about work and school depend on the child’s gender? Race? Location? Family circumstances? And who counts as a “child” anyway?* These are the types of questions that animated discussion in print media, government reports, and on the floors of statehouses across the US in the late nineteenth and early twentieth centuries, and their answers generated a patchwork of rules, opportunities, and disciplinary frameworks for children. Today’s lengthy periods of “childhood” and “youth” in the Global North typically exclude full-time waged work, place high value on extended education, and accommodate economic dependency through the late teens, but these are fairly recent developments. One hundred years ago the cultural construct of the “ideal” American child was cast as white, male, sturdy, obedient, hardworking, and patriotic, and the ideal *childhood* was based on a nostalgic sense of the rural freedoms of privileged settler-colonial white Christian youth in an agrarian society. However, what is valorized as the *ideal* or “proper” childhood in popular media, advertisements, and toys is not always accessible—or even desirable—for everyone, even while the notion of an ideal has disciplinary power over families and children

themselves (Bernstein 2011; Gagen 2004; Mills 2013; Wells 2011). Of course, who “counts” as a child has shifted over time and place, and, relatedly, legal and social constructions of the meanings and boundaries of *childhood* have always varied by gender, class, and race (Holloway and Valentine 2000). We see this in views that certain children are perceived as innocent angels in need of protection while others are seen as inherently suspect<sup>1</sup> and in need of discipline. We also see this in historical child labor and compulsory schooling laws and their uneven geographic implementation, which constitute the foundation of this chapter.

The industrial era in the US brought significant changes to both legal and de facto notions of childhood. These were unevenly applied across racial, ethnic, and gender lines such that some groups’ status and opportunities as “children” were safeguarded while others’ were contested. Children of color, in particular, have been viewed as no longer children at younger ages than whites, while simultaneously being perceived as never *truly* adults (Simmons 2015). Such multilayered and slippery concepts of childhood and youth are generated by and (re)produce geographies of power and oppression. In this chapter I complicate *geographically* the notion of childhood with a focus on the rapid changes of the early twentieth century to help reveal how legal frameworks were constructed based on notions of an “ideal” childhood, how laws varied across regions and scale, and how they produced contradictory spaces of legal status for young people.

While American children have always worked in some capacity (and, indeed, enslaved Black children had no choice), the processes of industrial wage labor starting in the late eighteenth century engaged children in a substantively different way than family farms and craft-based businesses did, by pulling them into different types of tasks, places, contact with non-family adults, and labor relations involving hourly wages and piece rates. With industrialization, child labor became more monetized than in agrarian settings, and families seeking to maximize their household income counted on children to contribute, part of a desperate cycle of poverty: “Need sets the child to work when it should have been at school and its labor breeds low wages, thus increasing the need” (Riis 1892, 92). Thus, nineteenth- and twentieth-century debates about whether and how children should work, for how many hours, and in what relationship to education were both based on *and* contributed to shifts in the construction of “childhood.”

However, views of children as legitimate wage earners were tarnished by perceptions of industrial dangers and risk, judgment was harsh on “lazy”

parents who forced their children to work, and the appeal of school expanded greatly. Zelizer notes an early twentieth-century pendulum swing from seeing children as financial assets who contribute their wages to the family toward viewing children as “economically worthless but emotionally priceless” (1985, 3), especially among white families of the growing middle class. She argues that the shift can be traced to turn-of-the-century forms of patriarchal capitalism and the “cult of true womanhood” in which the expert full-time wife and mother actually became an idealized symbol of white middle-class status (9). Many other factors contributed to this shift toward “priceless” children too, including lower rates of child mortality, smaller family sizes, longer life expectancies, class mobility (for whites), and maturing industries. These factors, of course, varied geographically, as explored below.

Different concepts of childhood are supported by legal frameworks that simultaneously reflect the sentiments of the time and place, but laws are differentiated at the national, state, and community level, and making changes to laws is highly contested and very slow. This means that cataloging laws on social issues at any moment in time is merely a snapshot of an uneven and lumbering process. Further, because laws are the product of their *context*—the cumulative social values and practices they restrict or encourage, generally designed by and for the benefit of those in power—they also have uneven impacts across social dimensions. Indeed, scholars have noted that “in many cases, social reform legislation, instead of *preceding* and precipitating social change, actually *followed* and was a response to social change” (Moehling 1999, 72, emphasis added). Child labor laws in the US were enacted on a state-by-state basis, often with exceptions for particular industries (such as agriculture, which used a lot of child labor, many of them immigrants and Black workers), until the passage of federal standards via the Fair Labor Standards Act in 1938, and its expansion in 1949, though it too had many caveats and loopholes. Compulsory schooling has a similarly fragmented history (and to this day is only codified in state law) and was deeply entwined with child labor laws: if children weren’t working, attending school “kept them off the streets” and away from the temptations of “idleness,” according to contemporary observers. Table 1.1 identifies key moments and policy changes in child labor politics, while the maps below demonstrate these uneven processes across both time and place.

There are many excellent histories of early twentieth-century changes regarding child labor and compulsory schooling (Ensign 1921; Fliter 2018; Hindman 2002; Lindenmeyer 1997; Mintz 2004; Trattner 1970); I lean

**Table 1.1. US Child Labor Policies and Legislation: Change over Time**

---

<b>May 1813</b>	Connecticut enacts first law requiring schooling of working children
<b>February 16, 1832</b>	New England Association of Farmers, Mechanics, and Other Working Men creates a committee to investigate child labor
<b>July 22, 1836</b>	Union members at the National Trades' Union Convention make first proposal recommending states establish minimum ages for factory work
<b>March 27, 1848</b>	Pennsylvania becomes first state to set a minimum age for factory workers at twelve; in effect, the law is the first statewide ban of child labor based on age
<b>April 16, 1852</b>	Massachusetts becomes first state to limit child labor by passing a comprehensive compulsory school attendance law
<b>December 28, 1869</b>	Knights of Labor founded; responsible for the introduction of labor legislation in the South in the 1880s
<b>November 15, 1881</b>	Federation of Organized Trades and Labor Unions founded and calls for abolition of child labor (later changed name to AFL)
<b>April 25, 1904</b>	Private, non-profit National Child Labor Committee formed with mandate "to combat the danger in which childhood is placed by greed"
<b>January 23, 1907</b>	Legislation passed to allow secretaries of commerce and labor to investigate and report on child labor
<b>April 9, 1912</b>	US Dept. of Labor establishes Children's Bureau with the mandate to investigate and report on the welfare of children
<b>September 1, 1916</b>	Congress passes the Keating-Owen Act, the first federal child labor law, restricting interstate commerce of goods made with child labor
<b>June 3, 1918</b>	Supreme Court overturns Keating-Owen Act as unconstitutional
<b>February 24, 1919</b>	Congress passes Child Labor Tax Law, takes effect April 25, 1919
<b>May 15, 1922</b>	Supreme Court strikes down Child Labor Tax Law as unconstitutional
<b>April 26, 1924</b>	House of Representatives Adopts Child Labor Amendment to the Constitution giving Congress the right to limit labor of those under eighteen; Senate adopts it June 2
<b>June 28, 1924</b>	Arkansas becomes first state to ratify Child Labor Amendment; after initial ratifications, several failures and setbacks stall the CLA for a decade
<b>June 16, 1933</b>	President Franklin Roosevelt signs the National Industrial Recovery Act with codes preventing persons under sixteen from working in various industries
<b>May 27, 1935</b>	The Supreme Court rules that the National Industrial Recovery Act is unconstitutional
<b>June 30, 1936</b>	Walsh-Healy Public Contracts Act requires those receiving government contracts to have a forty-hour week, fair pay, and minimum working age
<b>April 12, 1937</b>	Supreme Court upholds the National Labor Relations Act
<b>June 25, 1938</b>	Congress passes the Fair Labor Standards Act; President Franklin Roosevelt signs the law the same day
<b>June 5, 1939</b>	Supreme Court decides that the Child Labor Amendment is still alive: a state that previously rejected the amendment may reverse itself and vote for ratification
<b>February 3, 1941</b>	Supreme Court upholds Fair Labor Standards Act, preempting the Child Labor Amendment
<b>October 19, 1949</b>	Congress amends FLSA, broadening child labor provisions

---

*Data compiled from Fliter 2018; Hindman 2002; NCLC 1938; and Trattner 1970.*

heavily on these histories, but also on reports produced at the time by the US Department of Labor's Children's Bureau, which operated from 1912 to 1946, and the private, nonprofit National Child Labor Committee (NCLC), founded in 1904, as well as census data and related analyses. Most of the secondary materials are based on chronological accounts of conditions, political debates, laws proposed and either passed or defeated, and policies implemented. I take a geographic approach to the topic, looking at different scales of legislative action, state-level border conflicts in the passage and enforcement of relevant laws, and regional variations, specifically as derived from their underlying sociocultural, economic, and political differences. I finish the chapter with a reflection on the role of legal changes on the construction of childhood-in-place.

## **A HISTORICAL GEOGRAPHY OF CHILD LABOR AND COMPULSORY SCHOOLING**

Just as underlying natural features (e.g., harbors, minerals) or local resources (e.g., investment capital, skilled labor) influenced the geography of industrialization in the US, that pattern of industrialization also influenced the adoption of child labor laws. The period of the early to mid-nineteenth century saw changes along these lines coming from two political directions: those concerned about the labor and education of children (often rooted in religious expectations for literacy and industriousness), and those concerned about protecting the position (and wages) of adult male breadwinners, including trade and craft organizations (see table 1.1). Thus, Connecticut passed the first law requiring that working children achieve a minimum level of schooling in 1813, Pennsylvania passed the first age-based law restricting labor among children under twelve in 1848, and Massachusetts passed a compulsory school attendance law in 1852 that would have effectively limited child labor if it had actually been enforced (E. Abbott 1908). Similarly, various trade organizations, which wanted to prevent working men from being undercut by low-wage children, investigated child labor as early as 1832, proposed minimum ages for factory work in 1836, introduced labor legislation in the South in the 1880s, and called for the abolition of child labor as early as 1881 (Fliter 2018). Overall, by 1880, seven states had a minimum age for employment<sup>2</sup> and twelve had maximum hours for young workers<sup>3</sup> (Johnson 1935). These trends continued through the rest of the nineteenth century, with distinct regional patterns: the most industrialized and urbanized states passed laws earlier, while states characterized by extractive industries (agriculture, mining, forestry) and those with mostly rural populations had few or no restrictions on child labor. By the same token, states with large populations of Black

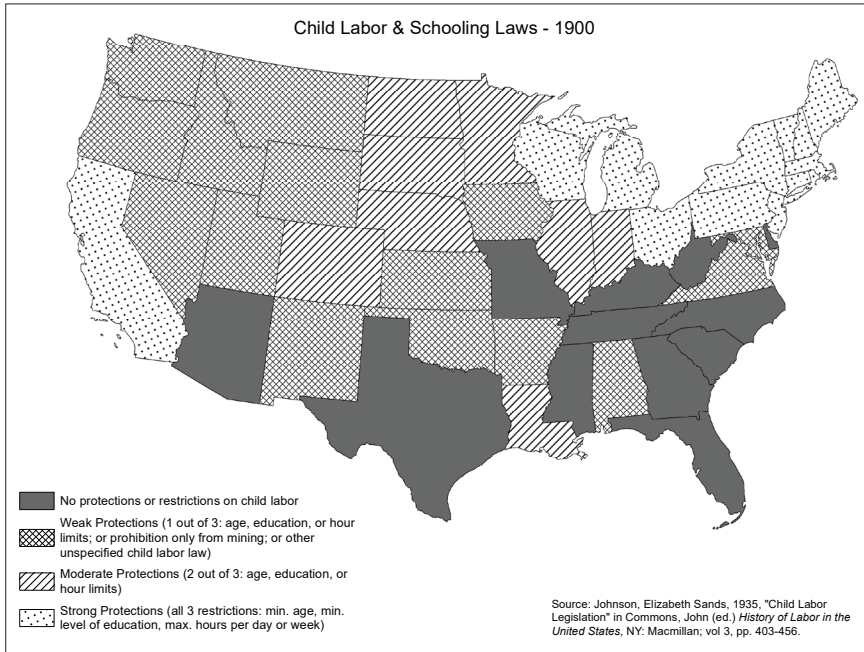


Fig. 1.1. Child labor and schooling laws—four levels of protections for children, 1900. Cartography by Gemayel Goxcon.

children, whose labor was taken for granted and for whom education was seen as risky to white supremacy, were generally the last to guarantee *any* children educational access, lest it elevate those who were formerly enslaved above even the poorest whites. Indeed, as Karen Wells (2011, 21) has brilliantly argued in her use of Foucauldian bio-political analyses on global constructions of childhood, “The narrative of children’s lives as gradually improving after the advent of child-saving/child rights conceals how, in the same times and spaces, race functioned as a caesura in the population so that racialized others were excluded from the child-saving/child-rights project.”

By the end of the nineteenth century, moral panics that were sparked from writings of international luminaries condemning the conditions of (white) child workers generated sufficient social and political will in some places to limit child workers’ ages, hours, and levels of danger in industrial settings. Stories of children being maimed and killed in factories and mines helped accelerate the public outrage, albeit unevenly across regions in the US (Schuman

2017), with little attention spared for thousands of formerly enslaved Black children whose conditions of labor and chances for education had hardly changed since emancipation.

Progressives' disillusionment with the voracity of economic growth meant the *discourse* around child labor laws and compulsory school attendance was becoming increasingly national, though the laws were still highly fragmented at state and local levels. Indeed, Labaree traces the evolution of American educational rhetoric by Horace Mann and later education advocates, noting a pronounced shift from the nineteenth century's politically based goal of "making citizens for a republic" to the twentieth century's economically-based focus on "schooling for social mobility" (2011, 180–81). However, Labaree's meticulous historical account rests on broad national trends, rather than fine-grained geographic variations and the differentiations spurred by sexist and racial oppression that are my focus here. In fact, Johnson noted that "there was no single solution of the child labor problem" and that state-level strategies fell into four categories: "a minimum age below which they should not be allowed to work; a minimum of education which they should acquire before entering employment; a maximum number of hours for their employment; and some rules to protect them against especially hazardous or unhealthful occupations" (1935, 403–404; see also fig. 1.1). States took on different combinations of these, resulting in a dizzying patchwork of rules, exceptions, and internal geographic variations by rural and urban settings that changed over time. These twin policies—to regulate labor and require education—had common goals: "the need for children with foreign-born parents to be assimilated, the need for idle children to put their time to productive use, and the need for citizens to have some education" (Clay, Lingwall, and Stephens 2012, 9). The earliest and strongest child labor and compulsory schooling laws were seen in the Northeast and the Midwest of the US, while the Southern states, especially those invested in plantation economies, post-Civil War Black Codes, and violent racial oppression, were generally slower to regulate, as is explored below.

Those states that were early in passing child labor laws demonstrated a range of social, political, economic, and moral arguments in implementing such legislation, primarily centered around the risks of work and the benefits of education for children. For example, concerns were raised about children's physical and mental fitness, whereby work "dwarfs the body and stifles intellectual growth" (Lovejoy 1905, 52). There were significant (and legitimate) worries about exposing young workers to physical and "moral" hazards, ranging from operating saw blades to running errands for prostitutes. For instance,



Ohio required that “no child under sixteen years of age shall be engaged in any employment whereby its life or limb is endangered or its health is likely to be injured, or its morals may be depraved,” and a 1903 Illinois law “prohibited absolutely the employment of children under sixteen years of age in a large number of enumerated occupations, as the cleaning and oiling of machinery, operating cutting and stamping machinery, and handling injurious chemicals” (both from Erickson 1905, 63). There was also a strong theme of training to create an educated (white, male) citizenry who could carry on the duties of the republic:

[W]e are agitating and striving more and more, not only to save the children from the wrong kind of work at the wrong time and under wrong conditions, but at the same time to prepare them for the right kind of work at the right time and under right conditions *that the citizens of to-morrow may work for and be worthy of the highest ideals of the republic* (Lindsey 1905, 101, emphasis added)

Indeed, many of the first child labor laws in New England and adjacent states had begun as compulsory schooling laws based on the ideals of democratic citizenship combined with Christian concerns *for* reading religious texts and *against* idleness and “loafing” (Ensign 1921). In most places, it was more politically palatable to advocate for increased education for children than to restrict their waged labor, especially in seasonal harvest work, as seen in figure 1.2. As assistant secretary of the NCLC Owen Lovejoy wrote, “The aim is not just to keep the children from working, but to produce intelligent citizens. To this end we must legislate in harmony with the school laws” (Lovejoy 1905, 46).

Even in those contexts, however, proponents of universal education grappled with resistance based on perceptions of parents’ rights to decide whether children should work or go to school. These conflicting views could even be seen within the actions of individual lawmakers. In one earlier example, Horace Mann, Massachusetts’s first secretary of education, in 1837 “wanted all children to be in school, and carried their interests on his heart constantly, yet he was reluctant to sacrifice what he held . . . to be a principle of American democracy, the right of the parent to determine what his child should do” (Ensign 1921, 48). Sixty years later, when Southern states were confronted more sharply with the prospect of child labor restrictions and compulsory schooling, these same quandaries of parents’ rights versus children’s were still in play.





Fig. 1.2. Group of adolescent spinners in Washington Cotton Mills, Fries, Virginia. Lewis Hine, photographer. Courtesy of the Library of Congress, <https://www.loc.gov/resource/nclc.02059>.

In early twentieth-century documents and interpretations, the benefits of education were almost always for some party other than the individual child, whether employers, “democracy,” some idealized national future, or specific states. For example, William Hand, writing from and about South Carolina (which had not yet passed a compulsory schooling law), argued:

Since all classes of our heterogeneous society are active factors therein, the State [of South Carolina] maintains schools for all the children of all the people<sup>4</sup> in order to render its citizenship homogeneous in spirit and purpose. *The public schools exist primarily for the benefit of the State rather than for the benefit of the individual.* The State seeks to make every citizen intelligent and serviceable. The State compels the rich man to pay taxes to help support the schools, not because it owes the poor man’s child an education, but because *the State needs the intelligent services of that child.* The schools are democratized by compelling the rich and poor alike to pay taxes according to their ability for something necessary to all. (Hand 1914, 105, emphasis added)

The same focus on the well-being of the country as a whole applied to child labor, with one reformer stating, “Just as in the commercial world the dollar is the unit of value, so in the body politic the child is the unit of value, and upon the soundness of the child depends the future of the state and nation” (McDowell 1909, 168). Period references to the state, nation, or republic were thus quite common, invoked both in terms of service by citizens and responsibilities of the government. Indeed, the child labor reformer Florence Kelley claimed: “The noblest duty of the Republic is that of self-preservation by so cherishing all its children that they, in turn, may become enlightened self-governing citizens . . . The children of today [1905] are potentially the Republic of 1930 . . . The care and nurture of childhood is thus a vital concern of the nation. For if children perish in infancy they are obviously lost to the Republic as citizens” (1905, 3). Notable in these quotes, however, is that the right to childhood—to the extent it was recognized at all—was predicated on children’s *future* roles, rather than on any present rights *as children*. This is akin to what Holloway and Valentine have identified as a broad societal focus on “human becomings rather than human beings” (2000, 5). By framing concerns for children as rooted in concern for nation, republic, or state, these authors played part in a long-standing political discourse used across party lines. I argue, however, that this discourse not only tends to elide the *experience* of childhood by real children, but it also ignores deep racial and gender inequities through dependence on an assumed “ideal” (white, male) child. Thus we see the value of investigating the mutual construction of place, childhood, and social injustice as foundational to a critical historical geography of childhood.

By 1919 all forty-eight states and the District of Columbia had some age restrictions on labor and some form of compulsory schooling law in place (Hindman 2002). But how effective were they? Child labor critic Jacob Riis, in his visits to Lower East Side Manhattan tenements in the early 1890s, found that New York State’s requirements merely promoted lying and a cottage industry of false documents: “That the law has had the effect of greatly diminishing the number of child-workers I do not believe. It has had another and worse effect. It has bred wholesale perjury among them and their parents . . . The child of eleven at home and at night-school is fifteen in the factory” (Riis 1892, 93). In her study of US Census data from 1880, 1900, and 1910, Moehling found that state-level “minimum age limits had relatively little effect on the occupation choices of children at the turn of the century . . . these restrictions contributed little to the long-run decline in child labor” (1999, 72), which is consistent with the observation that social policy tends to *follow* social

change, rather than initiate it. Much of the eventual decline of child labor can be traced to broad demographic and economic shifts, such as high levels of international immigration, mechanization, increased family wages, and unionization. Further, an ideal of “proper” childhood as a period of education, play, and physical maturation rather than labor was expanding in some quarters, particularly among the growing white middle class.

At a finer level of resolution, rooted in the practicalities of daily life, another reason for the weak impacts of state-level legislation is that there were many exemptions for labor and schooling laws. In the same era (1910s–1920s) as several failed federal actions, various policies allowed children living more than two or three miles from school and those who were “physically or mentally incapacitated” to be exempted from compulsory education; similarly, many state laws allowed children to work instead of attend school if they needed to support a widowed mother and younger siblings, or in cases of such poverty that parents could not afford appropriate clothes and books (Lathrop 1919; see also fig. 1.3).

These exceptions took on larger cultural purchase. On the matter of reluctance to compel poor children to attend school, one reformer wrote the following in 1914:

Objection is often made that compulsory attendance would work hardships in the homes of the poor. Is it not a fact that the poor child is the very one who most needs the aid of the State to bring him into possession of his own? He it is who must soon face the complexities of modern life and the insistent demands of citizenship with none of the advantages common to birth or wealth. The poor child is the very one whom the State ought to help, because he himself is helpless. The child of the poor must work, but is it either right or humane that he should be forever denied his share of his inheritance in order to be a breadwinner for a selfish, unfeeling father? If it be true that the American home cannot be supported by the adult members of the normal family, we are confronted with one of the gravest problems ever met in any country. *No State on a sound economic and social basis can afford to permit its children to be employed as breadwinners when they should be in school equipping themselves for productive citizenship.* (Hand 1914, 106, emphasis added)

Hand’s feisty comments in defense of schooling, condemning “selfish” fathers, and his invocation of national standing and citizenship demonstrate the scale of the issue: when even parents were unwilling to support

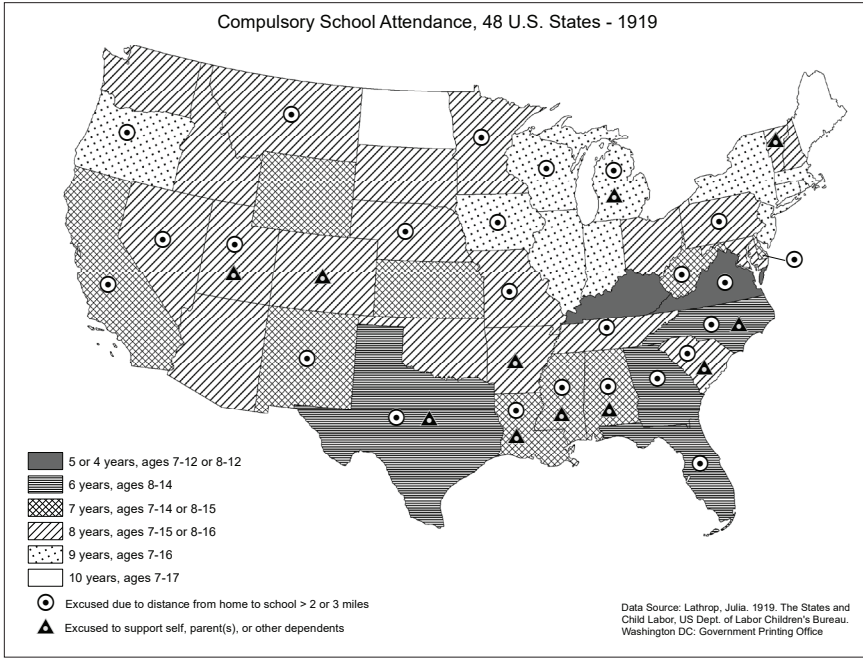


Fig. 1.3. State-level school attendance requirements (years and ages) and exemptions as of 1919. Cartography by Gemayel Goxcon.

compulsory schooling, what hope could advocates cling to? Perhaps this is the root of the shift Labaree (2011) observed in educational rhetoric away from lofty goals of democracy toward the seemingly crass appeal to the increased economic value of educated children with skills tuned to the emerging labor market. This shift Labaree identifies, toward seeing education as a “private good,” rather than a public benefit of citizenship, was essential: if parents were to lose their children’s earnings in the short term due to new laws, at least the content of their education was becoming more “vocational” and oriented toward work qualifications that would boost their long-term competitiveness in the market economy. Add to this the rampant falsification of children’s ages, such as found by Riis (1892), and the near-total lack of enforcement mechanisms against truancy (Ensign 1921), and it is not surprising that actual school attendance levels were quite low and, of course, highly geographically varied.

## A REGIONAL "CRAZY QUILT"

The geographic unevenness of child labor and schooling laws led to numerous contradictions, competitions, and conundrums involving at least three types of social-geographic contradictions: one regarding *scale* (state vs. federal), a second based on *borders* and the issues that arose when adjacent states had vastly different regulations, and a third relating to the substantial *regional divide* between the North and the South of the US. These are reviewed in turn, though the intertwined nature of their constitutive processes makes them difficult to separate.

The Children's Bureau and the National Child Labor Committee tried repeatedly to pass federal-level legislation, but their two major laws passed by Congress (the Keating-Owen Act in 1916 and the Child Labor Tax Law in 1919) were deemed unconstitutional by the Supreme Court only months after they took effect, generating tremendous frustration among activists and forcing them to continue to push for piecemeal state-level policies. Contemporary observers railed against the lack of federal-level progress, using geographic unevenness in their arguments:

That national authority is essential to an effective campaign against child labor and in support of universal education has long been apparent. States with the most advanced standards share boundaries with those notoriously indifferent to the best interests of children. Entire sections of the country have been reluctant to remove young children from productive employment. The educational and higher industrial opportunities of a child have been determined far too completely by the locality in which he [*sic*] chanced to be born. To secure a degree of uniformity in opportunity and in standards, Federal interference has come to be regarded as a necessary and logical step. (Ensign 1921, 246)

And Florence Kelley, a long-time labor reformer, wrote in 1922:

We have all failed . . . the state laws are a crazy quilt. No two of them are uniform. The children and the employers alike have a grievance because of the lack of uniformity. States' rights have meant, and do mean, the right to hand over the children as low-paid wage-earners to the exploiters. State child-labor laws will not do except as supplements to a federal law. Congress has now been told twice in four years by the Supreme Court that under the present Constitution it cannot act. Unless we are a nation of morons

we must recognize from forty years of failure in the states and these two decisions of the Court that *the Constitution must be changed*. (Quoted in Trattner 1970, 273 n., emphasis added)

Shortly after this letter, in 1924, both houses of the Congress passed the Child Labor Amendment, which would have amended the US Constitution to give Congress the “power to limit, regulate, and prohibit the labor of persons under 18 years old” (quoted in Fliter 2018, 141); after an initial flurry of five states<sup>5</sup> ratifying it within three years, all progress stalled until after the beginning of the Great Depression. Eventually, twenty-eight states ratified the amendment by the late 1930s, and it is technically still pending. But, as Fliter points out, “ultimately, the amendment was not necessary because in 1941, the Supreme Court upheld the fourth federal child labor law, the Fair Labor Standards Act [initially passed in 1938], thus achieving by legislation what could not be obtained by constitutional amendment” (Fliter 2018, 190).

The desire for federal uniformity by reformers was partly inspired by the dilemmas posed by regional variation, such as when the geographic footprint of an industry spanned sections of more than one state. For example, Lovejoy advocated for *industry*-wide standards, noting the contradictions of the “Pittsburgh District,” made up of glass manufacturers in western Pennsylvania, eastern Ohio, and the northern panhandle of West Virginia. He observed:

Ohio has a fourteen year age limit for the employment of children, Pennsylvania a thirteen year limit, West Virginia a twelve year limit. Ohio prohibits the employment of children under sixteen at night, Pennsylvania permits the employment at night of children of thirteen, while West Virginia permits children twelve years old to work at night. The effect of such a situation is that the manufacturer in Western Pennsylvania, when approached on the subject of restriction of night labor for children, replies with a threat to move over into West Virginia if such a law is enacted, thus frightening legislators into inactivity, while in Eastern Ohio, along the boundary line, which is thickly dotted with glass factories, children are confessedly employed at twelve and thirteen years of age at night upon the plea that the industry cannot compete with West Virginia and Pennsylvania if the law were rigidly enforced. (Lovejoy 1905, 47–48)

Contradictions such as these undermined the state-based campaigns, adding justification for a federal approach, but they also fed into a capitalist-driven



discourse about “progress” being based on industrialization and urbanization, and distinctly not on the protection of children.

This discourse of progress equating with industrialization and urbanization in the Northern US did not sit comfortably with the South. A strong regional tension is evident in arguments of the time whereby the policies and financial capital of the North were seen as exploitative and insensitive to the cultural values of the South. Efforts of Northern activists to pass child labor laws were taken as an affront by some in the South who claimed that limiting child labor would stunt the industrialization of Southern states: while the Northern states were receiving high numbers of immigrants, the South was more dependent on its regional labor forces to achieve “progress” (Anderson 1905). The assistant secretary of the National Child Labor Committee, A. J. McKelway, stated tartly,

I would appeal to the people of the North to sweep before their own doors more carefully as the best means of helping us of the South. When Southern visitors to New York City see the size of the little newsboys and are aware of the newsboy law, they are not much impressed with the adequacy of law to protect children. When our Carolina manufacturers visit the Rhode Island cotton mills and find conditions there as bad if not worse than those in their own factories, it is hard for the advocates of the children’s cause in the South to plead the better example of the North. (McKelway 1905, 22)

Further, because early twentieth-century state-level child labor laws were mostly focused on industrial, mining, and commercial employment with virtually no attention given to child agricultural work, places that had primarily agricultural economies—mostly Southern states—were later in passing child labor laws. Importantly, the discourse of progress as associated with urban industrialization simultaneously valorized a nostalgic agrarian past that was assumed to be healthy for children *and* contributed to Southern “producer ideology,” which “placed a premium on the physical production of the world’s goods and asserted that those who made them comprised the true citizenry of a republic” (Schmidt 2010, 3). However, rosy imaginaries of child farmwork were rarely the reality in the context of large-scale industrial agriculture, much of it mere steps from plantation models of labor and production (Dart and Matthews 1924).

This agricultural blind spot was widespread: children working on family farms were perceived as wholesome, healthy, and engaged in important citizenship training. Hunter wrote, “children received practically their entire



education either in the home or in the adjoining fields . . . the home was the center of the moral, educational, industrial, and social life” (Hunter 1904, 201–202). Children working on farms were assumed to be under their parents’ benevolent supervision and thus insulated from the exploitation and dangers encountered by children working in factories. Even the reformer James McDowell from Mississippi assumed that a place with little industrialization or urbanization must be relatively free of child labor. He stated to the National Child Labor Committee in 1909:

The necessity for such a [child labor] statute in Mississippi is not so great as in many of her sister states, principally because there are *so few children employed at work which is injurious to them*. There are no mines; no glass factories; no sweat shops; less than twenty cotton and woolen mills, and not more than half a dozen canning factories in which child labor is employed. There are *no large cities* in the state and consequently few paupers. Thus the evil is reduced to a minimum, and this condition is no doubt responsible for the long delay in the enactment of suitable statutes for the protection of helpless childhood. (McDowell 1909, 166, emphasis added).

In fact, although data are not available for the period in which McDowell was writing, we know that a decade later, in 1920, in Mississippi 25 percent of ten-to-fifteen-year-olds were working, representing over seventy thousand children (National Child Labor Committee 1928). In 1930, a startling 19 percent of all Mississippi ten-to-thirteen-year-olds, 33 percent of all fourteen-to-fifteen-year-olds, and almost 40 percent of all sixteen-to-seventeen-year-olds were “gainfully employed” in agriculture, representing a total of over one hundred thousand children working on farms in the state (Abbott 1933; see also fig. 1.3). To take this further, consider that the main cash crop in Mississippi was cotton: how “injurious” was such work for children? Two intrepid researchers from the Children’s Bureau did a study of child workers in two cotton-producing Texas counties in 1920. They found that “the average day’s work for 153 children ranging in age from 3 to 15 years was slightly under 100 pounds of cotton each,” and “working 12 hours, a 6-year-old girl, who had begun field work at the age of 4, picked 80 pounds a day, and 4-year-old twins in the same family working beside their mother in the field put into her bag on an average 12 or 15 pounds a day” (Dart and Matthews 1924, 13). The authors go on to caution that “many children, both white and negro [*sic*] in sections of the country where cotton is grown are working long hours at tasks which appear to be *too heavy for them to perform without injury* to their health



Fig. 1.4. Original caption: "Cleo Campbell, 9 years old, picks 70-100 lbs of cotton a day. Expects to start school soon. 'I'd ruther go to school and then I wouldn't have ter work.' Father said she and her sister begin about 6am and work until 6 or 7pm with 1½ hours off at noon." Pottawatomie, Oklahoma. October 1916. Lewis Hine, photographer. Courtesy of the Library of Congress, <https://www.loc.gov/resource/nclc.00627/>.

and physique, and, in addition, they are *losing a large part of their schooling* on account of the work which they do in the cotton fields" (70, emphasis added; see also fig. 1.4). This did not match the nostalgic agrarian image of a child gathering eggs before school or shucking corn amid a jolly circle of aunts and grandmas, but it was very useful for maintaining boundaries of race, gender, and class.

Thus, when we consider that child farm labor was highest in the large industrial agricultural operations of the South *and* that Southern states were reluctant to regulate labor in general, it is clear that the largest group of child workers in the country had few protections. Even as late as 1930, the top eight states for child labor in agriculture were all in the South and, combined, employed over six hundred thousand children (fig. 1.5). The NCLC finally started investigating the issue in the 1930s, acknowledging in their 1938 report, "Agriculture in some respects presents one of the most serious of all child labor problems. It involves more than twice as many child workers as all other

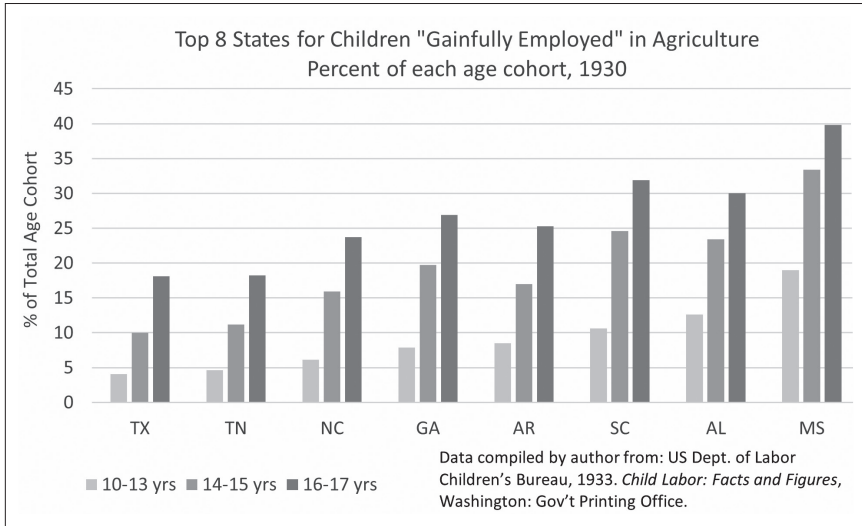


Fig. 1.5. Top eight states employing child agricultural workers, 1930. Note that the census is notorious for undercounting rural and Black populations, which suggests even higher numbers in reality.

occupations together; it includes a large number of very young workers; it employs thousands of children as migratory workers; it presents difficult problems of control” (National Child Labor Committee 1938, 25). Interestingly, despite the earlier documentation provided by Lewis Hine, the NCLC’s staff investigator and photographer in the 1910s, which showed children like Cleo Campbell (fig. 1.4) in major cotton-producing areas of the central South, the photos in the 1938 report strategically show young white boys employed picking vegetables, and the discussion focuses on Colorado and California, with no mention of the high rates of child farm workers in the South or the fact that most of them were Black.

In fact, this was not just an *agricultural* oversight in attention to child labor; it was also a *racial* one. The plantation legacies of sharecropping, share tenancies (Hart 1977), and large-scale violent oppression and exploitation of Black workers of all ages kept African American families poor and nearly immobilized in an era of repeated turn-of-the-century recessions and violent Jim Crow laws, notwithstanding those who joined the Great Migration (Wilkerson 2010). Here, we see another reason why the South was slow to regulate child labor: difficult, low-wage, economically precarious physical labor was culturally assumed by whites to be “normal” or even “desirable” work for Black people

(along with domestic service, which was also largely unregulated). Southern textile mills were notable in their racial make-up: “Blacks did not work inside the cotton mills” (Hindman 2002, 181), meaning that any concerns about Southern industrial child labor were attached to white children (Sallee 2004; Alphonso 2014). Sallee’s meticulous analysis of the racial politics of Southern child labor laws identifies Southern Progressive reformers’ willingness to sacrifice race progress for Black people in order to build a white, cross-class coalition opposed to child labor. To do so, they employed white supremacist discursive tactics, including eugenicist narratives of “our pure Anglo-Saxon stock” (Sallee 2004, 4). Taking this a step further, Sallee demonstrates how this coalition was needed for the Progressive movement’s desire to “jump scale” to the national level:

As a variety of Progressives analyzed and addressed the southern child labor problem and mobilized an interregional coalition of child welfare experts to campaign for reform, race defined the terms of the debate, putting manufacturers, who already claimed to value the whiteness of their workforce, on the defensive. The child labor reform campaign provoked posturing among employers, who, regardless of their actual treatment of workers, had a growing investment in exaggerating their concern for unfortunate whites. *Moreover the focus on whites defined the terms of the national debate, making it possible for northerners and southerners to work together without southern suspicion that “outsiders” were intervening out of an interest in African Americans’ rights.* (Sallee, 2004, 6, emphasis added)

Similar patterns can be seen regarding schooling. In much of the South, under “separate but equal” provisions (*Plessy v. Ferguson* 1896), Black children were less likely to attend school than whites, whether due to the distance from home to the nearest “Negro school,” family dependence on children’s earnings, or intimidation on the journey to school (Wilkerson 2010). When Black children did make it to school, they faced additional obstacles, including poorly paid teachers, short school terms, dilapidated buildings, few to no books or instructional materials, and overcrowding. As the Texas-based report on child cotton pickers from the Children’s Bureau in the early 1920s noted:

Most schools for negro [sic] children were either poorly built one-room structures, many of them unceiled, or church buildings used as schools during the week . . . [they] were lacking in even the most essential equipment . . . Five of the 11 negro schools visited had no toilets at all . . . Only 4

of the 11 visited had a commercial type of blackboard . . . Individual desks were found in none of the schools for negro children . . . Teachers in negro schools invariably reported lower monthly and yearly salaries than white teachers. (Dart and Matthews 1924, 33–35)

Indeed, there was little political appetite in the Jim Crow South for compulsory schooling laws *because* they would apply to Black children, which sparked fear among all whites, especially those less educated (Hindman 2002). Demonstrating Sallee’s findings of the racist tactics of child labor advocates in the South, Alfred Seddon, an NCLC investigator, played on Southern whites’ fears of being surpassed by educated Black residents of Mississippi (which was the last state to pass a compulsory schooling law, in 1917 [Lathrop 1919]):

It seems as tho some people would allow the white children to degenerate thro ignorance rather than afford a chance to the negro [*sic*] to get an education. . . . The Southerner, ardent upholder as he rightly is of perpetual white domination in the South, should be the most urgent in his demands that white children in the South should have at least an equal chance with the black children in developing the best that is in them. (Seddon 1908, quoted in Hindman 2002, 182, original spellings)

In another angle, reformer William Hand of South Carolina represented a rare view when he stated:

The negro [*sic*] child needs no compulsory law to put him into school. He is already there wherever and whenever possible. No matter what a man’s views on negro education, his admiration is challenged by the zeal and eagerness of the negro child to go to school. His thirst for knowledge would be commendable in any race. Not only is the negro in school, but he is learning. (Hand 1914, 108–109)

Thus, reformers advocating for compulsory schooling across the South adopted different discursive tactics, with varying degrees of racist allusions. Sallee suggests that ultimately, “closing the mill door and opening the school door became synonymous with salvaging white southern manhood” (2004, 6), a rhetorical necessity for uneducated white men to hold and inflate race privilege. The geographic variation in state attendance laws was therefore important as a backdrop, but it is also clear that those states in the Jim Crow



Fig. 1.6. Original caption: "Pleasant Green School—one room colored [sic] school near Marlinton, WV." October 1921. Lewis Hine, photographer. Courtesy of the Library of Congress, <https://www.loc.gov/resource/nclc.04341>.

South that ostensibly required six or seven years of schooling (figs. 1.3 and 1.6) did so in a deeply racialized context in which the location, availability, and quality of Black children's schools stymied their education and encouraged their continuation in low-wage labor.<sup>6</sup>

A final striking difference between Northern and Southern states, which harkens back to Horace Mann's qualms in the 1830s, was the question of whether parents' rights or individual children's rights prevailed. While Northern states passed laws allowing states to intervene in family life for child protection, in the South the family was sacrosanct. Indeed, Alphonso notes the regional cultural differences as lying at the heart of the South's reluctance to regulate child labor:

[S]outhern child labor laws evidenced a *relational* conception of a child as someone embedded within a family and within the purview of a parent's moral and legal authority. Child work was considered a family affair . . . [t]his southern ideal was in contrast to a contractual model of



domestic-relations laws . . . [of] northern legal codes, which were centered on *individuals* rather than on interdependent domestic relations. (2014, 68, emphasis added)

In primary documents of the early twentieth century, this relational view comes through strongly, often identified in terms of the “rights” of the family to a child’s labor and to parents’ full discretion over their children’s employment or education, free from “government intervention” (Anderson 1905). And, writing again on Mississippi, McDowell stated “we were met with the proposition that the state should not interfere with a parent’s right to control his own child . . . [but] it is the duty of the state to save the child, not only from corporate greed, but from its own parent, if necessary” (1909, 168). Meanwhile, to contrast this view with a Northern state, Oregon law laid out a very different relationship, identifying children “as wards of the state and subject to its control. As to them, the state stands in the position of *parens patriae*, and may exercise unlimited supervision and control over their contracts, occupations, and conduct, and the liberty and right of those who assume to deal with them. This is a power which inheres in the government for its own preservation” (cited in Fliter 2018, 2). Perhaps these state-level differences represent, in a snapshot, the shift from the power of the sovereign (father, in this case) toward the power of government to control and manage the bodies of the populace (bio-power), as Wells (2011) discusses in her extension of Foucault’s analysis into global conceptualizations of childhood.

These tensions were echoed with regard to compulsory schooling as well:

[O]ne hears much about the sacred rights and personal privileges of the parent who neglects or refuses to send his child to school. Has the helpless child no sacred rights? Has the State not some privileges? . . . When the State compels the parent to send his child to school, it is simply compelling the parent to put the child in possession of his own rightful inheritance. In a narrow sense that inheritance is his right to the benefit of what [funds] the State has collected and set apart for him; in a wider and truer sense it means his opportunity to make of himself all that his God-given abilities will permit him to become; in the broadest sense it is his becoming fitted to take his place in the State to perform the sacred duties of an intelligent and patriotic citizen. (Hand 1914, 105–106)

Although reformers may have overstated the North/South divide of these views about rights, we still see evidence of such schisms in our national



politics, and the legacies of segregation, unequal opportunity, and deep-seated racial oppression are clearly still shaping today's children and our assumptions about an ideal childhood. Regional variations in child labor laws and compulsory schooling generated significant consternation but also demonstrated to observers diverse possible futures if more (or less) protective state laws were adopted.

## CONCLUSION

The geographic perspective taken here enables a move away from linear historical narratives by linking regional variations, the scale of political discourse and action, border contradictions, and the production of place to their underlying cultural, economic, and political contexts. It also demands attention to the processes inherent in the construction of *childhood-in-place* as context-dependent, contingent, lived, embodied, and resisted. Broad social injustices and the oppressive practices of everyday life mean that some children were subject to labor exploitation, physical harm, and educational ignorance while others were not. Conceptualizations of childhood, race, class, and gender were mutually constitutive such that the production of *place* was simultaneously the production of a particular racialized, gendered, classed *childhood*. In this way, laws attempted to concretize specific ideals of childhood but the constructions of *childhood-in-place* meant the lived experience of child labor restrictions or compulsory schooling were mediated through these powerful contextual frames. In reconsidering the question of who "counts" as a child, it is clear that child labor and schooling reforms were ultimately a compromise between cultural ideals of what a "proper" childhood should look like and the affronts presented to that ideal by new forms of economic exploitation, racial oppression, and poverty.

Adopting a critical geographic perspective here enables us to understand these legal shifts not only as about ideals of childhood but also as ideals of the body, citizenship, democracy, and the Republic. Thus, not only were reformers' aspirations about children with sturdy bodies and informed minds, but they were about an ideal citizenry, an ideal nation, and an ideal future.

## NOTES

1. One need only look at the current violence against Black boys by police and other agents of power to see these perceptions made fatally real. See also Agyepong (2018).
2. Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin.
3. Connecticut, Indiana, Maine, Maryland, Massachusetts, Minnesota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin.

4. One cannot help but question how all-inclusive Hand's statement really was, considering how violently Blacks were excluded from "homogenous citizenship" in South Carolina.
5. Arizona, Arkansas, California, Montana, Wisconsin. See Fliter (2018) for the history of the role of the Catholic Church in preventing ratification in such otherwise protective states as Massachusetts and New York.
6. Of course, mere passage of a law does not ensure equality; as we see to the present day, race continues to serve as a major political force in education, with de facto segregation and unequal access to quality schools on the rise, even in supposedly liberal New York City (Shapiro 2019).

## REFERENCES

- Abbott, Edith. 1908. "A Study of the Early History of Child Labor in America." *American Journal of Sociology* 4 (17): 15–37.
- Abbott, Grace. 1933. *Child Labor: Facts and Figures*. United States Children's Bureau. Publication 197. Washington: Government Printing Office. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Agyepong, Tera E. 2018. *The Criminalization of Black Children: Race, Gender, and Delinquency in Chicago's Juvenile Justice System, 1899–1945*. Chapel Hill, NC: University of North Carolina Press.
- Alphonso, Gwendoline. 2014. "Of Families or Individuals? Southern Child Workers and the Progressive Crusade for Child Labor Regulation, 1899–1920." In J. Marten (ed.), *Children and Youth during the Gilded Age and Progressive Era*. New York: NYU Press, pp. 59–80.
- Anderson, N. L. 1905. "Child Labor Legislation and the Methods of its Enforcement: The Southern States." *Addresses at the First Annual Meeting of the NCLC, NYC*. New York: National Child Labor Committee, pp. 77–93. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Bernstein, Robin. 2011. *Racial Innocence: Performing American Childhood from Slavery to Civil Rights*. New York: NYU Press.
- Clay, Karen, Jeff Lingwall, and Melvin Stephens. 2012. *Do Schooling Laws Matter? Evidence from the Introduction of Compulsory Attendance Laws in the United States*. Cambridge, MA: National Bureau of Economic Research, <https://www.nber.org/papers/w18477>.
- Dart, Helen, and Ellen Matthews. 1924. *The Welfare of Children in Cotton-Growing Areas of Texas*. United States. Children's Bureau. Washington: Government Printing Office. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Ensign, Forest C. 1921. *Compulsory School Attendance and Child Labor*. Iowa City, IA: Athens Press. Reprinted in *American Education: Its Men, Ideas, and Institutions* (New York: Arno Press and New York Times, 1969).
- Erickson, Halford. 1905. "Child Labor Legislation and the Methods of Its Enforcement: The Northern Central States." *Addresses at the First Annual Meeting of the NCLC, NYC*. New York: National Child Labor Committee, pp. 53–65. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Fliter, John. 2018. *Child Labor in America: The Epic Legal Struggle to Protect Children*. Lawrence: University Press of Kansas.
- Gagen, Elizabeth. 2004. "Making America Flesh: Physicality and Nationhood in Early Twentieth-Century Physical Education Reform." *cultural geographies* 11 (4): 417–42.
- Hand, William H. 1914. "The Need of Compulsory Education in the South." *Compulsory School Attendance*. US Bureau of Education Bulletin No. 2. Washington: Government Printing Office.
- Hart, John F. 1977. "The Demise of King Cotton." *Annals of the Association of American Geographers* 67 (3): 307–22. <https://doi.org/10.1111/j.1467-8306.1977.tb01144.x>.

- Hindman, Hugh. D. 2002. *Child Labor: An American History*. Armonk, NY: M. E. Sharpe.
- Holloway, Sarah L., and Gill Valentine, eds. 2000. *Children's Geographies: Playing, Living, Learning*. London: Routledge.
- Hunter, Robert. 1904. *Poverty*. New York: Macmillan.
- Johnson, E. S. 1935. "Child Labor Legislation." In E. Brandeis and J. R. Commons (eds.), *History of Labor in the United States, 1896–1932*. New York: Macmillan.
- Kelley, Florence. 1905. *Some Ethical Gains through Legislation*. New York: Macmillan.
- Labaree, David. 2011. "Citizens and Consumers: Changing Visions of Virtue and Opportunity in US Education, 1841–1954." in D. Trohler et al. (eds.), *Schooling and the Making of Citizens in the Long Nineteenth Century: Comparative Visions*. New York: Routledge.
- Lathrop, Julia. 1919. "The States and Child Labor, United States." Children's Bureau. Publication 58. Washington: Government Printing Office. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Lindenmeyer, Kriste. 1997. "A Right to Childhood": *The US Children's Bureau and Child Welfare, 1912–1946*. Urbana: University of Illinois Press.
- Lindsey, B. B. 1905. "Child Labor Legislation and the Methods of its Enforcement: The Western States." *Addresses at the First Annual Meeting of the NCLC, NYC*. New York: National Child Labor Committee, pp. 94–101. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Lovejoy, Owen R. 1905. "The Test of Effective Child Labor Legislation." *Addresses at the First Annual Meeting of the NCLC, NYC*. New York: National Child Labor Committee, pp. 45–52. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- McDowell, J. R. 1909. "The Difficulties of Child-Labor Legislation in a Southern State." *The Child Workers of the Nation: Proceedings of the Fifth Annual Conference, Chicago, IL*. New York: National Child Labor Committee, pp. 166–71. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- McKelway, A. J. 1905. "Child Labor in Southern Industry." *Addresses at the First Annual Meeting of the NCLC, NYC*. New York: National Child Labor Committee, pp. 16–22. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Mills, Sarah. 2013. "'An Instruction in Good Citizenship': Scouting and the Historical Geographies of Citizenship Education." *Transactions of the Institute of British Geographers* 38: 120–34.
- Mintz, Steven. 2004. *Huck's Raft: A History of American Childhood*. Cambridge, MA: Belknap Press.
- Moehling, Carolyn. 1999. State Child Labor Laws and the Decline of Child Labor. *Explorations in Economic History*, 35: 72–106.
- National Child Labor Committee. 1928. *Child Labor Facts*. Publication 343. New York: National Child Labor Committee. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- National Child Labor Committee. 1938. *Child Labor Facts*. Publication 372. New York: National Child Labor Committee. Accessed via Hathi Trust, <https://www.hathitrust.org>.
- Plessy v. Ferguson*. 1896. Text available at <https://www.loc.gov/item/usrep163537>.
- Riis, Jacob A. 1892. *The Children of the Poor*. New York: Charles Scribner's Sons.
- Sallee, Shelley. 2004. *The Whiteness of Child Labor Reform in the New South*. Athens: University of Georgia Press.
- Schmidt, James D. 2010. *Industrial Violence and the Legal Origins of Child Labor*. Cambridge: Cambridge University Press.
- Schuman, M. 2017. "History of Child Labor in the United States—Part 2: The Reform Movement." *Monthly Labor Review*, January. Bureau of Labor Statistics. <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-2-the-reform-movement.htm>.
- Shapiro, Eliza. 2019. "Desegregation Plan: Eliminate all Gifted Programs in NY." *New York*

- Times*, August 27. <https://www.nytimes.com/2019/08/26/nyregion/gifted-programs-nyc-desegregation.html>.
- Simmons, LaKisha. 2015. *Crescent City Girls: The Lives of Young Black Women in Segregated New Orleans*. Chapel Hill: University of North Carolina Press.
- Trattner, Walter I. 1970. *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America*. Chicago: Quadrangle Books.
- Wells, Karen. 2011. "The Politics of Life: Governing Childhood." *Global Studies of Childhood* 1 (1): 15–25. <http://dx.doi.org/10.2304/gsch.2011.1.1.15>.
- Wilkerson, Isabel. 2010. *The Warmth of Other Suns: The Epic Story of America's Great Migration*. New York: Random House.
- Zelizer, Viviana. 1985. *Pricing the Priceless Child: The Changing Social Value of Children*. Princeton, NJ: Princeton University Press.