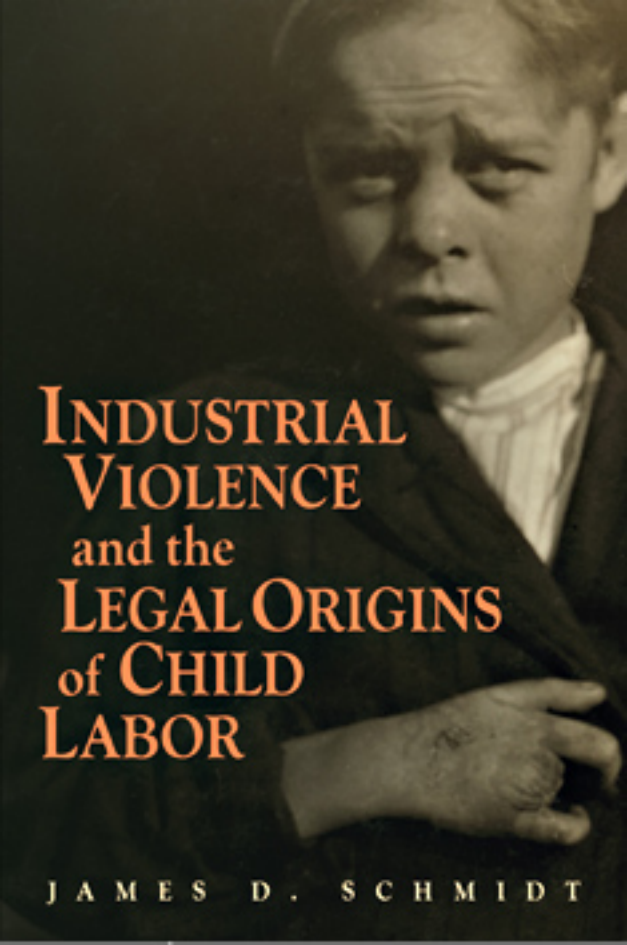

INDUSTRIAL VIOLENCE and the LEGAL ORIGINS of CHILD LABOR

JAMES D. SCHMIDT

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Industrial Violence and the Legal Origins of Child Labor

Industrial Violence and the Legal Origins of Child Labor disturbs settled understandings of child labor by tracing how law altered the meanings of work for young people in the United States between the Revolution and the Great Depression. Rather than locating these shifts in statutory reform or economic development, it finds the origin in litigations that occurred in the wake of industrial accidents incurred by young workers. Drawing on archival case records from the Appalachian South between the 1880s and the 1920s, the book argues that young workers and their families envisioned an industrial childhood that rested on negotiating safe workplaces, a vision at odds with child labor reform. Local court battles over industrial violence confronted working people with a legal language of childhood incapacity and slowly moved them to accept the lexicon of child labor. In this way, the law fashioned the broad social relations of modern industrial childhood.

James D. Schmidt is associate professor of history at Northern Illinois University. His first book, *Free to Work* (1998), examined the relationship between labor law and the meanings of freedom during the age of emancipation. He teaches courses on the history of law, capitalism, childhood, and the United States in the long nineteenth century.

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Industrial Violence and the Legal Origins of Child Labor

JAMES D. SCHMIDT
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for Ted, Bruce, and the rest
and
for Andrea, who listened

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Prologue

The Job

Around four in the afternoon on March 31, 1969, a welder's spark touched off a grain dust explosion at Circle E Ranch, a large-scale cattle feeding company near the town of Potwin in south-central Kansas. The force of the blast lifted the concrete roof on the lot's grain elevator and twisted the steel buildings that housed the feed mill at the heart of the operation. The accident injured four workers, three of them moderately. The fourth, Ted Pope, worked in the elevator that had borne the brunt. Fire shot up the lift that raised employees to the top of the structure, engulfing Pope in flames and leaving him with third-degree burns over 80 percent of his body. The only places not burned were those protected by leather: his hands, his feet, and his waistline. Twenty-one years old at the time, Ted lay in an El Dorado, Kansas, hospital for months, undergoing repeated surgeries to reconstruct his body, especially the facial features that had been removed by the conflagration. After he recovered from his injuries, Pope returned to the feedlot, working a few years before crashing his motorcycle on a curve near town, a final accident that ended his short life.[1]

I had not known Ted before the explosion. I met him in the summer of 1972, when I worked at Circle E, as I would most summers growing up on the Kansas plains. Ted sat across the table from me at lunch, and his disfigured face provided my most vivid introduction to the violence of modern industry. That summer, I spent most of my time at Circle E,

[1] I have reconstructed this story from my own memory and that of my father, Dean Schmidt. The only public records are newspaper accounts, which are not wholly accurate. See "Three Injured in Blast," *El Dorado Times* April 1, 1969. For Ted Pope's obituary, see *El Dorado Times*, May 31, 1973.

helping my dad and the others lay the groundwork for a quarter-mile-long confinement barn on the property. I was eleven at the time. Oblivious to the state's child labor laws, I was happy to make the five dollars a day my dad paid me to be an all-purpose helper. No one at the feedlot seemed to care that I was there, so long as I stayed out of the way. In any case, since the company had not hired me directly, I was not technically illegal.

By the time I returned to the place as a law-abiding laborer at sixteen, work at the feedlot dominated my three months away from school. At fifty-four hours a week with time-and-a-half for the last fourteen, "the job" supplied ready cash for college and a source of worry for my mother. An amalgam of industry and agriculture, a modern cattle feeding operation offers a multitude of dangers. I had been warned. Growing up, I listened to my dad's stories of men ground up in hay mills or sliced in half by dump trucks, and I had seen him and others endure countless minor and not-so-minor injuries. Still, I had my share of mishaps and close calls. In the record-breaking heat of July 1980, we pulled long shifts refitting the mill. Stumbling across the top of the plant one night, my leg suddenly dropped. Someone had left the cover off of a processed grain bin. Had I been unlucky enough to fall in, I would have plunged thirty feet onto a spiked breaker bar. I was more careful after that, but paying attention only goes so far. For working people, death and injury are part of daily life. That lesson came home to my family in December 1983 when the counterweights of an oil field pump crushed one of my older cousins to death.

A career in the academic realm removed me from the world of industrial violence until I ran into Bruce Holt. I met Bruce at the North Carolina State Archives in Raleigh. As I listened to him and his mother, Cora, talk about Bruce's accident, their experiences sounded familiar. Bruce was hurt at Oval Oak Furniture in Siler City on July 5, 1917, when a woodworking machine slammed a board into his midsection. Unconscious for four weeks after the accident, the young worker endured months of agonizing treatment and rehabilitation, efforts that saved his life but left him debilitated. One of the millions hurt during the grand era of U.S. industrialization, Bruce's calamity did not make headlines in his own time. Its only record lies in the neatly organized archives of the Supreme Court of North Carolina. Bruce's story has survived because he, like many of his fellow young workers, took the company to court.

I had looked up Bruce in the first place because I intended to write a book about young workers and the law during the nineteenth century. I thought that following the archival trail of high court cases, as historians

were beginning to do, might provide some good details to liven up a potentially lifeless tale. The more I encountered people like Bruce, the more I realized that the history of their encounters with the violence of modern industry deserved to be told on its own terms. This book is theirs, but it is still the story of how law changed the meaning of work for young people in the United States between the Revolution and the Great Depression. As such, it is a book about what people nowadays call "child labor." Unknown at the turn of the nineteenth century, that moniker for the labors of young people arose after the U.S. Civil War and came to dominate public discussion of youthful labor during the era that historians used to call Progressive. By the mid-twentieth century, child labor had become a symbol for childhood lost, its practice considered a violation of human rights. Knowing what I did about working people in the nineteenth century, I wondered how that momentous change came about. I think part of the answer to that question can be found in the stories of young people such as Bruce Holt, particularly in the ways their industrial accidents brought them and their families into contact with new definitions of childhood via the avenue of the courts.[2]

The main characters that populate my recounting of that story hail from the Appalachian South. I chose to center on Appalachia in order to situate the narrative in a social context that would keep some specificity in view, a valuable part of historical inquiry that gets lost in "national" histories. Too often, the history of the United States has been told from the viewpoint of its northeastern corridor and its other urban centers. The recent rush to transnational storytelling, while a laudable effort to combat American exceptionalism, has further diminished the attention to time and place that should undergird our efforts to read the past. Beyond these general motivations, I have focused much of the story on Appalachia

[2] Barbara Young Welke's work first showed me how the archival trail of appellate cases offered a middle ground between the top-down view of doctrinal analysis and the usually time-consuming and ultimately less-than-fruitful approach initiated entirely from below by using local records. While studies based in local records can have great potential, they are confined by the nature of record-keeping in a particular place, and they often lead to an overemphasis on large, urban centers. Using state high court records provides a much broader source base, supplying examples from cities to hamlets. More importantly, by the late nineteenth century, the appeals process guaranteed that some sort of transcript would be generated from the court stenographer's notes, creating a record that (if it survived) is simply not available in other places on such a consistent basis. See *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865–1920* (New York, 2001). On the potential difficulties of local sources, see Stephen Robertson "What's Law Got to Do with It?: Legal Records and Sexual Histories," *Journal of the History of Sexuality* 14 (2005): 161–185.

for reasons arising from the historical record itself. Unlike the long transition to industrial capitalism that occurred in the so-called North, the transformation of the Southern countryside was quick and intensive. The very rapidity of the region's industrialization between 1880 and 1920 means that the changes I seek to illuminate are somewhat easier to see there than in locales where the same process took longer. Looking at that relatively condensed process over about a forty-year period allows us to witness the encounter between young people and industrial life within one or two generations, offering the opportunity for careful investigation while avoiding the pitfalls of supposedly "local" studies. More important, the eastern parts of the South became a center of child labor reform activity in the Progressive period. In the late nineteenth and early twentieth centuries, child labor reformers focused much of their attention on the southeast and its seemingly "backwards" expansion of youthful labor. For this reason as well, it is a social context where the workings of law in culture can be seen more clearly. For many reform-minded people, the mills, mines, and workshops of Appalachia were *the* battleground, for in their estimation, matters in the "North" were well in hand. The South, however, represented a locale squarely in the sights of the Progressive era reformers who fashioned the language of child labor. Hence, Appalachia provides the best place to examine the central questions that prompted my curiosity about young workers and the law.[3]

Attention to place is vital to any meaningful account of the past, but I do not intend to tell a strictly Southern story. Rather, this book is an

[3] As historical geographer D.W. Meinig famously remarked, "history takes place." For a recent reflection on Meinig's views, see Graeme Wynn, "D.W. Meinig and the Shaping of America," *Journal of Historical Geography* 31 (2005): 610–633. Place has always mattered to those who study the U.S. South, but the struggle to get others to see its importance continues. For recent statements, see Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York, 2004), esp. 14–15; and Erskine Clarke, *Dwelling Place: A Plantation Epic* (New Haven, 2005), ix–xi and *passim*. For an excellent example of a legal study that pays attention to local context while not losing sight of the so-called big picture, see Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley, 2001).

Most recently, Laura Edwards has made a powerful case for the centrality of the southern story to U.S. legal history. See *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, 2009), 10–16, 223–227. Additionally, she argues convincingly that law and society studies must pay attention to the divergences between what she terms "localized law" and "state law." *The People and Their Peace*, esp. 3–10, 26–53. While *The People and Their Peace* appeared too late for full incorporation into what follows, my account confirms and extends Edwards's suggestion that localized law persisted after the rise of state-centered legal systems. *The People and Their Peace*, 287–289.

American story with a Southern accent. While events south of the Mason-Dixon Line figure prominently, the history of young workers, industrial violence, and the law is not confined to the South. Over the course of the nineteenth century, legal developments dramatically altered the way people understood youthful labor. As we shall see, these changes took place as often in Massachusetts or Minnesota as they did in North Carolina. Certainly, those northern and western locales generated their own dialects, but those tongues are no more or less normal and national than the ones spoken in warmer climes.

On a wider scale, the transformation of youthful wage work into a social injustice is something that occurred across the whole of the industrializing world. My discussion of the broader changes in law and the language of child labor is framed as a conceptual question that concerns a long transition in modern life: from childhood as a time of preparation for economic production to a stage of life that centers on play and formal schooling, a form of socialization more fitted for the "consumer society" of advanced capitalism. My account illuminates a part of that transformation, one bounded by historical circumstance yet crucial to the larger linguistic reformulation necessary to imagine child labor. Anchoring this tale in other places would no doubt alter the circumstantial evidence, but it likely would not fundamentally reshape the outcome. As a variety of peoples came into the industrial world, they found themselves forced to confront the conundrums about young people and work generated by industrial capitalism. Whether in Appalachia, the Midlands of England, northern Germany, or places farther away from the industrial core, the quandaries of young workers came to the fore in the late nineteenth and early twentieth centuries. In the early twenty-first, we are still trying to sort out the consequences of the fundamental shifts these changes produced.[4]

At the core of my story, then, is a large shift in the cultural imagination of youthful labor that occurred between the late nineteenth and early twentieth centuries. That shift originated in a conflict over how young people would fit into the increasingly dangerous nature of work in modern societies. On one side stood young workers and their families who sought an industrial childhood, one that found a safe place for young people in the world of work. Against this outlook, reformers conjured

[4] I have hence followed the insight of Richard White that there is no "right" scale for historical study. Rather, the scale must fit the questions being posed. Richard White, "The Nationalization of Nature" *Journal of American History* 86 (1999): 976–986.

a different vision, one that resolved the dilemmas of modern capitalism and youth by excluding younger people from productive life. The legal system – from high courts to local law offices – provided a central arena for this conflict to play out.

The timing of this long transition in youthful labor cannot be easily attached to a particularly dramatic reform tract or a signal piece of legislation. No particular high court decision can be said to have significantly altered the lives of young workers in its own right. Still, much had changed by the second decade of the twentieth century. By that time, young workers and their families had spent more than four decades bringing their stories of death and disfigurement to local courthouses. Over that same period, the nation's legal system had resolved the necessary paradoxes that youthful labor presented to a capitalist legal culture based on the fiction of autonomous adulthood. The interaction between these two ends of the legal process, and all the parts in between, encouraged young workers and their families to speak the language of modern childhood. This process slowly edged working people toward a revised understanding of growing up, one that shifted value away from work and toward school and play.

At the end of the American Revolution, a very different understanding of young workers prevailed. Slavery expanded; indentured servitude and apprenticeship, though under stress, remained normal. Young people worked, and many toiled away from their parents. These social arrangements continued into the late nineteenth century as industrialization proceeded at a more intensive pace. Given this long and uneven process of change, this book is organized topically rather than chronologically. I start by outlining the ways through which working people sought to integrate the young into industrial production. They did so not merely because of economic necessity or because they lacked feeling for the younger members of the household. Rather, they had their own vision about the place of young people in industrial society. Shared by young and old alike, that outlook expected people to contribute to their own livelihoods as soon as they possessed the physical capacity to do so. Those abilities could be measured by size and experience much easier than they could by calendar age. Learning to work was a slow process, one not distinctly removed from play. Shop floor antics introduced young workers, especially boys, to the world of production.

By the turn of the twentieth century, this view was under siege as reform writers took up the cause of "child labor." Their efforts produced a genre of "protective legislation" that prohibited work under certain

ages and regulated it for others. In doing so, they imagined the source of "the child labor problem" inside working households, particularly in the dereliction of "lazy fathers." In their efforts to remedy this social ill, they articulated a new definition of childhood itself, one that located young people's legitimate activities in the schoolroom and at the playground, not on the shop floor. In the gaze of reformers, young workers lost their capacities to produce and to influence their own futures. They became instead "little sufferers" who needed to be protected from their employers, their parents, and the world's work. Silenced by this literary amelioration, young people obtained "the divine right to do nothing."

Resolution of this conflict over the meaning of youthful labor turned on a number of broad changes in Western society, changes that altered schooling, socialization, and sexuality – almost every conceivable corner of growing up. As with other areas of modern life, violence propelled the pace of change. In the middle chapters, I consider how working people encountered that violence and how jurists who heard claims for redress outlined a legal language of childhood and youth.

Certainly, machine production is inherently dangerous, yet the industrial violence of mines and factories originated in social conflict as much as it did in technological improvement. Young workers and their families hoped to enter the industrial world with producer-oriented values intact, but they did not do so haphazardly. Instead, they struggled to control the terms of labor for young people, aiming to make bargains that would ensure safety at work. The daily cupidity of specific employers and the systemic hierarchies of industrial capitalism undermined the pains they took to protect the young. In the place of a relatively safe workplace that eased young people into their laboring lives, they got injury and death. The horrors of those experiences and the wrenching dislocations of extended recoveries motivated young workers and their families to seek redress.

Violence by itself did not force working people to relinquish their desire for a different industrial childhood, for the understandings people assign to pain, injury, and death change over time. What these events meant to young workers and their families originated in how they viewed labor, youth, and the connection between the two, but they also came from sources outside working households: the language of child labor created by reformers, and especially, the definition of childhood authored by the nineteenth-century legal system. While much of the discussion about youth in nineteenth-century courts revolved around the "best interests of the child" in domestic law, judges around the country also talked about

young workers and their families. Early in the century, they sealed off apprenticeship as a bound relationship, ensuring the split between work and education that would became the hallmark of Western growing-up. At the same time, they released young people from strict parental control, authorizing the work arrangements that these laborers made on their own initiative.

Having conceived of young workers as independent agents, judicial minds initially wrote them into the legal regime for adults who incurred workplace accidents. As the nineteenth century wore on, however, the courts slowly crafted a new understanding of young people and industrial violence, one that placed them outside the law for older workers. This new vision incorporated ideas about childhood that developed as a result of mishaps in nonindustrial settings. In thinking about those deaths and injuries, judges concluded that the causes lay in the natural instincts of children. By the late nineteenth century, they incorporated these notions of incapacity into their thinking about youthful labor, stamping it as illegitimate. By the turn of the twentieth century, courts began to interpret child labor statutes through this lens, often reaching the proposition that illegal employment of young people was automatic grounds for compensation. These changes opened the courthouse doors to working families, turning a sprinkling of suits into a deluge.

These shifts in the judicial imagination of youth provided the backdrop against which Progressive era families would seek to deal with industrial violence. The book's final chapters take up this part of the tale to illuminate how the commonplace legal interactions of young people and industrial violence contributed to the foundations of modern childhood. These interactions of law and society occurred because coming to court compelled young workers and their families to confront the growing challenge presented by reformers. Statutory prohibition of child labor threatened to end once and for all the quest for an industrial childhood. Those enactments sought to replace a dynamic process of learning governed by natural markers of capacity and with a simplified legislative assertion of incapacity. Often uncertain about calendar age, young workers and their families reacted to these new rules in a variety of ways, sometimes complying, sometimes breaking the law outright, sometimes evading it or using it to their benefit.

If uncertain about the law as proclaimed from the statehouses, working people possessed more confidence about their chances in the courts. There, they hoped to make employers pay for their broken promises. In these fights, they were not alone. Kinfolk, neighbors, fellow workers, and

of course, employers encamped on court days to talk about young people, work, and violence. Less dramatic than the street battles of the union movement, legal confrontations involved no less vital issues for laboring people. In these struggles for power, workers often won the battles, even if they lost the war in the end.

These courtroom conversations brought laboring people into contact with ideas about childhood and work that diverged from their own. Looking to enforce their own ideas that the job could be organized to protect youth, they retold their tales of violence and reenacted their injuries. Talking about family tragedies in the witness box, however, was not like stories relayed on the porch, at the general store, or in church. In court, the language of the law channeled the ways working people could make their claims. With childish impulse as its leitmotif, the law's script encouraged the assembled court to fill in the pictures sketched by reform writers. Playing at work became a sign not of industrial learning but of the natural incapacity to coexist with hazardous equipment. School marked the proper place for youngsters. Completing more than a century of contestation, the courtroom encounter between industrial violence and the law prompted laboring people to re-vision young workers as child labor.

1

Big Enough to Work

> I never told Williams when he was talking to me about playing with the machine, that it was none of his damn business. I don't use that sort of language. (Jimmie Taylor, 1894)

Jim Kendrick was late for work. Truth be told, the whole family had overslept. Now, the household hurried to make it to their places on time. J.P. Butler, Jim's stepfather, ran a blacksmith shop in the mill town connected to High Shoals Manufacturing Company in Walton County, North Carolina. The rest of the Butler clan, including Jim, a son from Mrs. Butler's previous marriage, worked in the mills and knew they would be in trouble if they showed up late. Jim's brothers and sisters headed for work without eating breakfast, but he stayed behind. "Mama had got breakfast and the whistle blowed and I was hungry and I waited and she fixed me a lunch," Jim, age thirteen, later recalled. Biscuit in hand, Jim hightailed it for the mill, passing his father's shop on the way.[1]

Perhaps Joe Pettit liked trains. At age eleven, Joe tried several odd jobs in and around South Rocky Mount, North Carolina, but he kept coming back to the rail yards of the Atlantic Coast Line, dodging locomotives to ferry messages between the men working in the depot. The work was arduous: twelve-hour shifts, seven days a week. But Joe liked to work. He had helped out at Clarence Miller's bakery as an order boy, clearly meeting the man's approval. "I knew the boy and learned to love him,"

[1] *Record in Kendrick*, 51, 61, 89. In order to save space and needless repetition in notes to the archival record of cases, I have adopted a shortened form throughout. For an explanation and the full citations, see "Note on Sources" following the Epilogue.

Miller remembered. "When I told him to do anything it was a pleasure for him to do it." When Joe met J.R. Jones, another boy who had been working as a messenger, J.R. recruited Joe to work in the yards. J.R. described their negotiations: "I was working night and day and I couldn't get anybody to help me out and I asked him if he would help me, and if he would come back I would give him the day job and I would take the night job." Joe agreed, collecting his wages and bringing them home to his mother Sallie: a poor, illiterate, widowed mother of eight, who was wholly unaware of what Joe was doing. "He told me he was a messenger boy, but I didn't know anything about it," she disclosed.[2]

Jim Kendrick and Joe Pettit present two quite different faces of youthful labor in the industrializing South. Kendrick embodies the family labor system. Common in textile manufacturing but also present in many other industries, family labor dominated the mill villages that dotted the Southern landscape after the Civil War. Male-headed households took their broods to the mills to find work when crops and fortunes failed. For several decades, these mill villages and the culture they fostered formed a vital center of Southern working life. Joe Pettit's brief life, however, paints a different picture. Although Sallie Pettit later remarried, when Joe worked for the Atlantic Coast Line, he lived in a female-headed household on the margins of the Southern economy. Partially due to this fact, he possessed a great deal of autonomy to come and go as he pleased, making his own work arrangements and receiving his own pay. Yet, he also acted as the man of the house, bringing wages back to the family purse.[3]

A century later, people know that Jim and Joe should not have been at work. This understanding of young people's work derives from a middle-class rendition of childhood that triumphed over the course of the nineteenth century. Centered on involuntary schooling and voluntary play, this lexicon imagined wage work for young people below a statutorily regulated age as fundamentally illegitimate. Its traditions about youthful

[2] *Record in Pettit 1911*, 9–10; *Record in Pettit 1923*, 22, 25–26.

[3] Jacquelyn Down Hall et al., *Like a Family: The Making of a Southern Cotton Mill World* (Chapel Hill, 1987); Douglass Flamming, *Creating the Modern South: Millhands and Managers in Dalton, Georgia, 1884–1984* (Chapel Hill, 1992), esp. Ch. 5; Cathy L. McHugh, *Mill Family: The Labor System in the Southern Cotton Textile Industry, 1880–1915* (New York, 1988). Perhaps the best treatment of young workers in the New South can be found in I.A. Newby, *Plain Folk in the New South: Social Change and Cultural Resistance, 1880–1915* (Baton Rouge, 1989), 132–140. My evidence confirms much of Newby's analysis of textile mill children and extends that analysis to other areas of work.

work have come down to us as "child labor." This convention refashioned a wide range of day-to-day experiences into the unitary construction of the child, a powerful image that obscures the ways in which young workers and their families thought about what they were doing.[4]

For much of the period of industrialization, working people articulated their own outlook for young persons in industrial society, a vision of industrial childhood that put them at odds with the middle-class project. Young workers like Joe Pettit entered the workforce with a degree of autonomy, whereas those like Jim Kendrick began their working lives under the guidance of parents. In both instances, however, young people expected to abide by a common set of values, a worldview that historians usually call producer ideology. Drawing on roots in agrarian life, young workers and their families brought producer values from the countryside into the mills, mines, and shops. Those values 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. As such, working people envisioned childhood not as a special time devoted to education and leisure, but as a slow transition into an adult identity bound up in the world's work. This commitment to a useable industrial childhood did not preclude time for merriment. Tinkering with technology often ended tragically, but it did not originate in the uncontrollable impulses of childhood, the view taken by outside observers. In fact, play on the shop floor

[4] On the rise of middle-class childhood, see among many others, Harvey Graff, *Conflicting Paths: Growing Up in America* (Cambridge, 1995); Steven Mintz, *Huck's Raft: A History of American Childhood* (Cambridge, 2004), esp. Ch. 5.; and Daniel Thomas Cook, *The Commodification of Childhood: The Children's Clothing Industry and the Rise of the Child Consumer* (Durham, 2004). For a critique, see Olga Nieuwenhuys, "Child Labor and the Paradox of Anthropology," *Annual Review of Anthropology*, 25 (1996): 237–251.

My argument here and throughout proceeds from the assumption that we can and should use age as a category of analysis. On this matter, the best introduction to date is the inaugural edition of *Journal of the History of Childhood and Youth*, 1 (2008). In particular, see articles by Peter Stearns, "Challenges in the History of Childhood" (35–42); Joseph Hawes and N. Ray Hiner, "Hidden in Plain View, The History of Children and Childhood in the Twenty-First Century" (43–49); and Steven Mintz, "Reflections on Age as a Category of Historical Analysis" (91–94). Howard Chudacoff pioneered the subject of age analysis as opposed to the history of childhood. See *How Old Are You? Age Consciousness in American Culture* (Princeton, 1989). For the concept in practice, see Mintz, *Huck's Raft*; Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880–1960* (Chapel Hill, 2005); Stephen Lassonde, *Learning to Forget: Schooling and Family Life in New Haven's Working Class, 1870–1940* (New Haven, 2005); Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill, 2005); and Karen Sanchez-Eppler, *Dependent States: The Child's Part in Nineteenth-Century American Culture* (Chicago, 2005).

formed a vital part of growing up as a worker. In one of the central conflicts of the progressive era, it was this vision of childhood that reformers sought to eradicate.[5]

HELP WANTED

Young Southerners who embarked on industrial labor hailed from a wide variety of backgrounds. They spanned a range of ages, from children as young as eight to incipient adults in their late teens, but the prototypical younger worker was between twelve and sixteen. Some were from failing yeoman families migrating to the mills. Others came from single-parent abodes or from households under stress for a range of reasons. Some found work with their parents or with siblings, but many joined the workforce on their own accord, often without their parents' consent or knowledge, sometimes in open defiance. Moreover, they often demonstrated keen knowledge of how the labor market functioned, contradicting notions that they were simple-minded innocents abroad.

Of course not every working family left the countryside in the late nineteenth century. In fact, the majority remained, and young people in these households continued to do productive labor, sometimes within the family economy and sometimes outside of it. Up and down the eastern seaboard, young people worked in truck gardening and berry farming. On the Gulf Coast, they did stints in canneries and other food processing

[5] The history of "child labor" has most often been written from the reform tradition and from reformers' sources. With the exception of a few industry or job-specific treatments, the lives of young workers are practically unstudied in labor history. They occupy the place that women and people of color once did: relegated to a place "outside" of the field. I think that can be explained by the hegemony of the cultural trope I seek to deconstruct in this book: child labor. The best recent example of this approach to the topic is Hugh D. Hindman, *Child Labor: An American History* (Armonk, 2002). The issue of child labor reform sometimes populates stories of the labor movement. See Gary M. Fink, *The Fulton Bag and Cotton Mill Strike of 1914–1915: Espionage Labor, Conflict, and New South Industrial Relations* (Ithaca, 1993), esp. 51–58 and Shelley Sallee, *The Whiteness of Child Labor Reform in the New South* (Athens, 2004), esp. Ch. 2. Only occasionally have historians placed age at the center of that story. For examples, see Ava Baron, "An 'Other' Side of Gender Antagonism at Work: Men, Boys, and the Remasculinization of Printers' Work, 1830–1920," in *Work Engendered: Toward a New History of American Labor,* ed. Ava Baron (Ithaca, 1991): 47–69; and Jacquelyn Dowd Hall, "Disorderly Women: Gender and Labor Militancy in the Appalachian South," *Journal of American History* 73 (1986): 354–382. Perhaps, the single best account of young workers involves the coal industry in Canada. See Robert McIntosh, *Boys in the Pits: Child Labour in the Coal Mines* (Montreal, 2000). McIntosh's sensitive and subtle account of young colliers aligns with much of what I argue here.

concerns. For freed families, the place of young people's labor became a central hallmark of liberty, as parents and other family members gained the authority to direct young workers. Still, young freedpeople themselves often asserted control over the fruits of their labors. In most agrarian families, whatever their regional location, young people participated in productive households early on, taking over small chores in gardens and farmyards. In doing so, they helped reproduce the economic culture of country life.[6]

For all of this work on the farm, agricultural labor for young people was something different from work in the industrial world to come. It is important to bear in mind that much of "child farm labor" in both the past and present is nothing of the sort. It is actually industrial labor for agricultural production. Nonetheless, such labor in the progressive era was largely handwork, not tied to the dangers of mechanization that took center stage in textiles, woodshops, and mines. For actual work in the fields, the industrial relationships of factory work did not apply. Young people in these situations had both more and less autonomy: more in the sense of not being under an unrelated boss, less in the sense of being more thoroughly under the watchful eye of their parents. Moreover, farm mechanization in the late nineteenth and early twentieth centuries did not produce the harrowing threats presented by the behemoths of twentieth-century farm technology. Nor did it rival the forces unleashed by industrial mechanization. A horse-drawn hay rake could hurt somebody, but it simply did not have the destructive power of a woodworking machine. Working families would encounter industrial life primarily in factories, not on farms.[7]

Although the family labor system was by no means the only way that young Southern workers entered the labor market, it nonetheless held sway in large parts of the South. As the agricultural crisis of the late nineteenth century swept across the region, dislocated Southern families sought work in burgeoning mill towns, often on the fall line where mountains and hills gave way to more gentle coastal plains. In this region,

[6] Hindman, *Child Labor*, 248–290; Cindy Hahamovitch, *The Fruits of Their Labors: Atlantic Coast Farmworkers and the Making of Migrant Poverty, 1870–1945* (Chapel Hill, 1997), 39–45, 51–52; Dylan C. Penningroth, *The Claims of the Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill, 2003), 164–170; Jane Addams, *The Transformation of Rural Life: Southern Illinois, 1890–1990* (Chapel Hill, 1994), 100–105.

[7] Canneries present a prime example of industrialized agricultural processing. See Hindman, *Child Labor*, 263–274. On the power of industrial machines and a further discussion of farm mechanization, see Chapter 3.