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LABOR LEGISLATION AND PHILANTHROPY IN ILLINOIS.

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When the first effort was made in England for the enactment of far-reaching factory legislation the only appeal on its behalf which could have any hope of fruition was the appeal to pity. That was the era of Cobden and Bright, and of freedom run mad; and the proposal to restrict the right of men, women, and children to do as they saw fit with their own lives and limbs, could reach the ears of parliament only through a Shaftsbury addressing his pleas to the nation on behalf of the most extreme and spectacular suffering. It was the vision of wretched, crippled children among the silk-workers; of the lash of the overseer scarring the half-naked bodies of sleepy children as they toiled through the small hours of the night in the cotton mills; it was, perhaps, largely Mrs. Browning's "Cry of the Children" which moved the English parliament to its first reluctant and timorous steps along the road of industrial legislation on which England to-day marches at the head of the civilized nations. The ten hours' bill could be enacted only when its advocates could get on the well-padded nerves of the lawmakers incontrovertible testimony to the deaths of babies from starvation because of the inhumanly long absence of their mothers in the mills; with proven debauchery of little children

neglected by their parents, maltreated by their employers, left to their own guidance while they virtually lived in the mills. There were in those days no labor members in parliament, no laboring voters in the constituencies, no powerful trade unions in the mills, no great daily newspapers watching eagerly for every scandal which might discredit an employer of labor presenting himself for election as a candidate of the opposition. The only appeal, as has been said, was to the pity of the lawmakers. That was philanthropy's last great opportunity in the field of labor legislation. Gradually, not in England alone, but throughout the civilized world, another principle has established itself. Democracy has occupied the places of power, and to democracy the appeal must be made to-day.

In our own country the same process is still working itself out. Here, too, the earliest appeals have been to pity, and the initial measures have been enacted in response to well-attested tales of woe and horror. In Massachusetts the prohibition of the employment of children under ten years of age in cotton mills was enacted in 1875 only after little boys and girls from seven to nine years old had perished in the burning "granite mill" in that state. In New York state the ini-

tial factory law, enacted in 1886, applied only to women and children, and followed close upon the investigation by the state bureau of labor statistics into the hideous conditions attending tenement-house work in New York city. The first child-labor law of Illinois, enacted no longer ago than 1890, bears the trail of the pity impulse in the provision that a child of ten years of age, if it had dependent upon it any sick or infirm adult relative, might obtain from the local board of education exemption from the few weeks of school attendance prescribed for children not so burdened.

Here, as in England, labor legislation has undergone a continuous evolution. Starting from the need of mitigating horrors recognized as unendurable, gradually extending to systematic measures for the prevention of injury to the operatives, it comes, at last, to interest jointly the employes and the consumers, as in the so-called "sweatshop" laws and the bakeshop laws of several states. It is characteristic of the changing attitude of the public mind towards labor legislation that the present child-labor law of Illinois, which is second only to those of Massachusetts and New York in the scope of its provisions, grew up in the short space of time from 1893 to 1897, and almost wholly without appeal to the sensational, emotional impulses of the community. The workingmen voters need no convincing; they see the children work beside them in the factories and workshops. The legislators from

the manufacturing districts need little persuasion, for they bow to the wishes of the constituency. For the great disinterested body of the people, the consideration that the children of to-day are the voters of to-morrow, and must have their opportunity to become intelligent citizens, is almost as effective as the appeal to pity on behalf of children overworked.

I do not wish to ignore the fact that Illinois will still have horrors so long as the Illinois glassworks, at Alton, with its night employment of boys, and, in Chicago, the increasing numbers of boys in the stockyards and girls in the sweatshops continue to disgrace the state; while 1,200 children carry cash in five department stores, and other hundreds of boys carry telegrams and messages to all sorts of places at all hours of the night; while street children, unprotected by any law, are left to the tender mercies of their parents and the people who, with cruel kindness, buy of them papers, flowers, and other things, encouraging their life of truancy, vagrancy, beggary, and overwork. For the street child in his bitter experience combines all these evil things. Illinois has its share of horrors yet; and there is ample outlet for the activity and energy of the philanthropically inclined of the state in dealing with them.

Indeed, in a community in which all breathe soot contentedly; where much of the bread is baked in cellars with sewers periodically backing

up into them, habitually filled with sewer-gas, the sun's rays never entering to purify; in a community in which baking-powder eats the shoes of the children who pack it; bouillon cooked among the stench of the stockyards, in close proximity to the fertilizer factories, is served at the most fashionable luncheons; in a community where costliest garments are made or finished in the kitchens of tenement-houses, the philanthropist may not find a ready hearing for the demand that work-rooms should be clean, light, and well-ventilated as they are required to be by the laws of Massachusetts, New York, Pennsylvania, Ohio, and neighboring states. In a community in which all are habitually so tolerant of grime, such a demand might seem almost squeamish when made on behalf of the factory hands.

Unfortunately, too, the philanthropists of Illinois have not all been Shaftsburies in disinterestedness and enlightenment; and their excursions into the field of economic action have not always been fraught with unmixed good. For instance, within the acquaintance of the writer is one who points with pride to the room into which he has gathered, for work at which they sit quietly all day long, all the lame men from the county poorhouses of five adjoining counties. It is startling to hear the other employes calling that room, first "Cripples' Hole," then "Cripples' Hell;" and insisting that before the cripples were brought away from their gratuitous support to work for fifty

cents a day, that room was filled with men who supported their families upon wages of \$1.25 to \$1.50 a day. At the time of my acquaintance with him, this gentleman was the heaviest contributor to two leading churches and the largest relief-distributing centre in the town in which his works stood. Applicants for relief at any of these sources were referred to the works, where they found immediate employment for their youngest sons. Parents who preferred to keep their children in school until they reached the legal age of work were systematically refused help. When they broke the law and sent the little boys to work at seven, eight, and nine years of age, they came into conflict with the factory inspection department, of which I was in charge; and the same story was told to the inspectors scores of times by parents in extenuation of their offense (once it was told in this way on behalf of an offender by the mayor of the city). This employer helped to defeat before a committee of the senate of Illinois the bill prohibiting the employment of children under the age of sixteen years after nine o'clock at night or before six in the morning; and, at last accounts, had more than one hundred such children working for him during those hours every night.

Another gentleman of my acquaintance is a heavy contributor to one of the leading hospitals of Chicago. One of his friends asked him why he did not enlarge his garment factory, take into it his sweaters' victims, and, by furnishing

them with power machines (instead of the foot machines which they use in their tenement homes), relieve them of the over-exertion which sends so many of them as patients to the hospital. He is reported to have said: "So far, we have found foot power and the hospital cheaper." Whether or no he used those words at that time, he has acted, ever since, upon the principle therein set forth, being to this day one of the effective foes to a strict enforcement of the sweatshop law.

Next to the glassworks, and even worse, if possible, than the sweatshops, are the stockyards as working places for children. Yet a renowned philanthropist there employs 120 little lads. I have myself seen one of these working at an unguarded buzz-saw, "Keeping the place for my father," which the parent was in danger of losing, being temporarily disabled by the loss of a finger at that same buzz-saw. It has never been possible to obtain in Illinois the passage of a law requiring the safe guarding of dangerous machines. This would seem to be an opportunity for the philanthropist owning the establishment here described.

Nor have the difficulties in Illinois been limited to this type of philanthropist. The purely disinterested, like the poor, are always with us. Who has not heard the gently expressed query whether the shortened working day may not mean more hours for drinking and carousal for the unworthy husband of the washwoman? And the ap-

prehension lest the cook's little boy may become a pampered egotist in later life if he be not permitted to go to work, at twelve years of age, to help support his able-bodied mother? The more this disinterested soul denies herself, the harder she labors to redeem the wayward poor, the larger the inefficient loom upon her horizon, the farther she inevitably strays from fellowship and good understanding with the solid, substantial mass of wage-earners. Her name is legion, and her self-sacrificing efforts command a respectful hearing. She it is who perceives behind every news-boy a starving family kept from the poorhouse by his efforts, overlooking the heavy probabilities that the lad, himself, may end in jail in consequence of his street-life; or in the hospital by reason of habitual exposure to the brutal Chicago climate in the small hours of the morning, while he waits in line for his turn to get his papers and start upon his rounds. She it is who extenuates the truancy of the eight-year old Italian girl on the ground that she must hold the baby for her (thoroughly idle) mother; who extols the orphanage which sends out its twelve-year old orphans to work two years under the legal age, using the social prestige of the lady patroness to overcome the scruples of an otherwise law-abiding merchant. No one more anxiously foresees the starvation of the sweaters' victims if tenement-house shops were forbidden and garments all made in factories.

But the half is not told. There is a vastly more serious aspect of the relations of the philanthropists of Illinois to the state factory legislation. There are no men in Illinois whose names are more respected than the members of the Illinois manufacturers' association. Collectively they take an active part in enterprising movements for the development of the material resources of the state. Individually, they are generous contributors to countless undertakings for educational and charitable ends. Yet they it is who, by long continued, concerted action, obtained the annulment, by the supreme court of Illinois, of the statute which restricted the hours of work of women and girls in factories and workshops. In consequence of this, their action, Illinois stands to-day alone among the great manufacturing states of the union, the only one in which women and girls may be employed in factories and sweatshops throughout the night under the express terms of a decision of the state supreme court; the only one in which their working day can have no statutory limit. It is due to the tireless efforts of this association that Illinois, judged by the statutory protection which she affords to wage-earning women and girls, ranks below Massachusetts, New York, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Rhode Island, Connecticut; below England, France, Belgium and the Netherlands, Scandinavia, Austria, and Russia; and, with the Carolinas, Alabama, Georgia, Spain, Portugal, and

Japan, shamefully brings up the rear of the procession of the civilized states. In Illinois, third state in the union when judged by the out-put of her manufacture, the philanthropists, organized and unorganized, have made strange use of a noble opportunity.

Yet, with all due deference to the adverse decision of the supreme court of the state, the question of the legal working day must continue to be faced, not alone of the 84,886 women and children in the stores, factories, and workshops of Illinois, but of the 327,188 men whose work is largely interlocked with theirs; and of the other uncounted thousands who are not at work, but who would gladly be at work if opportunity were afforded them by a reasonable restriction upon the over-time work of the over-employed.

The opportunity for work is distributed so ill that delicate boys work all night long in the glass factories, while in the tenement houses sit able-bodied men idle so many months in the year that, when the opportunity for work comes, their muscle is relaxed, their energy is sapped, and the complaint arises from all sides that the unemployed are lazy and do not keep the work that is with difficulty found for them, preferring idleness. What these men most sorely need is such shortening of their daily task, and such lengthening of their working season, as might keep up their vigor by reasonable daily effort for their daily bread, and by reasonable reduction

of their protracted period of demoralizing unemployment.

When legislative shortening of the hours of work in the interest of the unemployed is urged, two objections always arise, which it may be as well to meet at once. It is said that, if men would but go to the country, they would find work. It is, however, never agricultural laborers who bear this testimony. They know too well what it means to work through the harvest-time and keep themselves over the winter out of the savings of the summer. They are the uncomplaining unemployed who neither strike nor agitate, but make their protest silently, leaving the country, coming to Chicago, maintaining their permanent, unorganized boycott upon that disorganized agriculture which renders their work as precarious as that of the sweaters' victims themselves. The second ever-recurring objection to the legislative limit of the hours of work in the interest of the unemployed is that the progressive invention of the type-writer, the bicycle, and a hundred other new necessities of life continually draws the unemployed into new channels of industry. But if any one believes that this process of absorbing displaced labor works itself out promptly and automatically, he need but visit the lodging-houses in the first ward and west Madison street in Chicago; make friends with the Italians in Ewing street, and the Poles in the sixteenth ward; stand by the sweaters' victims dur-

ing the five to seven months' vacation which they take annually at their own expense. While it is undoubtedly true that the development of invention has opened alike new wants and new industries to supply those wants, it is also true that the stupendous development of the productiveness of labor and machinery renders absolutely untenable the position of the supreme court of Illinois, that the hours of work can not be legally restricted.

The philanthropists having been on the wrong side of the struggle for the legal restriction of the working day in Illinois, how can the five years' lull in the effort to achieve the reform in spite of them be accounted for? The answer to this painful question is to be found in the effect of the decisions of the state supreme court interpreting the state constitution in a long series of cases affecting adversely the wage-earners as such. Those who should logically take the initiative in such a movement, the workingmen voters, have been demoralized, driven to despair of constitutional methods by their long experience of baffled efforts, obtaining the enactment of statute after statute only to see it annulled by the state supreme court in the name of the state constitution.

It is not accidental that in Illinois the efforts of workingmen frequently take more or less violent form. The men, themselves, are in no way different, nor are they striving after different things, from the

workingmen of Massachusetts and New York. They strive to realize what has long been a matter of course in Massachusetts and New York. But they find no support in the law of the state. When they say that the law is against them, never for them, they say what is true to a degree to which it has long since ceased to be true in Massachusetts and New York. We need but glance at the history of their frustrated efforts. The truck act, annulled by the state supreme court in the name of the state constitution, is in force in New York. The weekly payment law, annulled by this court in the name of the state constitution, is in New York not only good law, but it is expressly made the duty of the state factory inspectors to enforce it. In Illinois, in the name of the state constitution, wages are paid how and when it suits the employer to pay them, and in whatever substitute for the money of the United States can be forced upon the unwilling and revolted employés. The ten-hours law for women and youth, enforced in New York and in a dozen other states, is impossible in Illinois under the state constitution as interpreted by the supreme court. Since the United

States supreme court has sustained the constitutionality of the Utah law, limiting to eight hours the day's work of adult men employed in mines and smelters, it can no longer be said that a law limiting the hours of work of women and children is in contravention of the constitution of the United States; but the constitution of Illinois was adopted when the entire state held fewer voters than Chicago counts to-day, and it is interpreted by the state supreme court in the spirit of thirty years ago.

With their memories freshly stored with this accumulation of baffled effort, it is not strange that the more direct method of the strike should seem to many workingmen more hopeful than the method of constitutional agitation for legislation.

In default of the logical leadership of the workers themselves, there remains the opportunity for the philanthropists of Illinois to repair now the evil that some among them have wrought in the past; to take the initiative for a constitutional convention and such modification of the state constitution as will place it abreast of the constitutions of Massachusetts and New York.