

**The Origins and Development of Juvenile Courts in the United  
States during the Progressive Era, c. 1870-1910**

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**ABSTRACT**

**Title: The Origins and Development of Juvenile Courts in the United States during the Progressive Era.**

Several historians have studied the origins of the juvenile courts during the Progressive Era, but none has done so satisfactorily. By exploring the origins of these courts within the context of recent research on the history of the American family and the American woman, my thesis endeavours to give a new perspective to the question.

The first juvenile court was established in Chicago on July 1, 1899. Within a few months a similar court, but without the sanction of legislation, was established in Denver. The two courts had quite different origins, for while the Chicago court was the result of initiatives by women reformers, the Denver court was largely the work of its judge, Ben Lindsey. The women reformers saw juvenile delinquency as a symptom of a break-down in the working-class family due to the stresses of city life. In seeking to deal with this problem, they were prompted by their identification as mothers and their concern both to protect children from the miseries of the justice system and to ensure that they were treated as wayward children rather than as criminals. As a result their greatest emphasis was placed on the probation officer who was expected to help both the child and his family. Lindsey's approach, on the other hand, was much more child-centred, and less formal, emphasising the "personal touch" of the judge in

encouraging the child to do right.

Other states soon adopted juvenile court legislation and an examination is made both of those courts, like Philadelphia and Indianapolis, that show marked parallels in their origins to those of the pioneer courts, and of the efforts of the Chicago and Denver reformers to secure a juvenile court law in every state.

Finally, by examining the development of the Chicago and Denver courts, this study seeks to show how the values of the pioneers endured.

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### Preface

Several historians have studied the origins and development of the juvenile courts in the United States during the Progressive Era, but none has done so in a completely satisfactory way. Most of these scholars have started from the basis of modern developments in the juvenile courts, and especially the 1967 Supreme Court decision, in re Gault, which declared that many of the principles upon which the juvenile courts operated were unconstitutional.<sup>1</sup> They have consequently tended to look at the weaknesses in the juvenile justice system in the early years of the twentieth century rather than at the reformers themselves and their motivations. Recent research into the history of the family and the history of the American woman has suggested the need for a new perception of the problem, which would look at the origins of the juvenile courts in a wider social and cultural context than has previously been done. In particular, it suggests that they should be viewed in the light of changes in the middle class and working class family which prompted middle class reformers, women especially, to seek new methods of dealing with dependent and delinquent children.

The earliest accounts of the origins of the juvenile courts were aimed at students of social work and served as reference works for the administrators of voluntary and government programmes for children. They were, thus, largely uncritical accounts of the origins of the juvenile courts, seeing them as innovative and humane institutions, established

by altruistic and humanitarian reformers.<sup>2</sup> It was not until after the Supreme Court decision of 1967 that historians began to take a more analytical approach towards the origins of the juvenile courts.

In 1969 Anthony Platt published The Child Savers: The Invention of Delinquency.<sup>3</sup> This provided a detailed account of the efforts of reformers in Illinois to secure the Juvenile Court Law of 1899. Far from accepting that the juvenile court was an innovative reform, Platt argued that the child-saving movement which produced the Illinois Juvenile Court Law, and the court itself, was a coercive, conservatising influence and that many of the social reformers themselves wanted to secure the existing political and economic arrangements in an ameliorated and regulated form. Thus the juvenile court was not a break with the past but a reaffirmation of traditional institutions, notably parental authority, education at home, and rural life. The child-saving movement was essentially a "feminist" organisation in which woman's role was accepted as an extension of her housekeeping function. Its aims, while largely paternalistic and benevolent, were backed up by force, its main preoccupation being the recognition and control of youthful deviance. The child-savers aimed at defining, rationalising and regulating the dependent status of youth, and sought to do this through the juvenile court, which would sentence deviant youth to reformatories. Platt saw reformatories as the keynote of the juvenile court system, and hardly mentioned the introduction of probation.

While Platt was mainly concerned with the child-saving movement in Illinois, Joseph Hawes in Children in Urban Society: Juvenile Delinquency in Nineteenth Century America, published in 1971,<sup>4</sup> was more concerned with the wider aspects of how juvenile delinquency was dealt with during the nineteenth century. Thus he saw the creation of the juvenile court in Chicago in 1899 as part of the tradition of the reform of institutions dealing with child offenders and the changing ideas about the nature of delinquency. He saw the creation of the juvenile court as an humanitarian response to the problems created by urbanisation and industrialisation, as well as the great influx of immigrants. Hawes traced the part played by the Chicago Woman's Club in securing the Juvenile Court Law of 1899 and their efforts in trying to improve conditions for children in the Chicago city jail. He did not, however, suggest the motivations of the women involved, nor explain how a group who were supposedly politically powerless could secure legislation. Ben Lindsey's court in Denver was also discussed, although Hawes seemed content to accept Lindsey's version of how the Denver Juvenile Court was created and did not suggest that factors other than Lindsey's own horror at the justice system as it affected children, were instrumental in securing a juvenile court similar to that in Chicago.

Robert Mennel's Thorns and Thistles: Juvenile Delinquents in the United States, 1825-1940, published in 1973,<sup>5</sup> while

covering the same ground as Hawes was not such a well-balanced account, and was less successful in accounting for the rise of the juvenile courts. Mennel argued that the creation of the juvenile court in Chicago was prompted more by the peculiarly deficient structure of "child-saving" philanthropy in Chicago than by sympathy for the social miseries of the day. He emphasised the problems of the Chicago reform school and the doubtful constitutional status of this and other private institutions in accepting children who had not been convicted of felonies. Mennel did not accept that women played a major part in securing the Illinois Juvenile Court Law, for he saw it instead as the work of the legal fraternity, especially the Chicago Bar Association, which sought the means to reassert the right of the state to assume parental power over delinquent children. He did, however, acknowledge that the Chicago Woman's Club and Julia Lathrop may have played a minor role in spreading the juvenile court idea. Mennel also briefly examined the part played by Ben Lindsey, concentrating upon Lindsey's emphasis on the "personal touch" with problem children, and the importance of judges in the establishment of juvenile courts. Finally he noted that there was little that was new about the juvenile courts and that reformers soon became disenchanted with them and that, moreover, far from being a humane way of treating children, coercion lurked just beneath the surface of the juvenile courts and probation.

Mennel's study of policies towards juvenile delinquents in the nineteenth century tended to judge the origins of the



juvenile courts very much in the light of the more recent failures. This was also a criticism made in Steven Schlossman's study, Love and the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825-1920, published in 1977.<sup>6</sup> The book was in two parts: the first part was essentially a digest of the work done by Platt, Hawes and Mennel, as well as writers on the earlier efforts to secure juvenile reformatories; the second part was a case study of the working of the juvenile court in Milwaukee. Schlossman did not explore the origins of the juvenile courts in general in any great depth, since he was more concerned with the institutional changes and ideas advanced by the juvenile court movement. He suggested that efforts to establish juvenile courts in the early twentieth century were part of a broader social movement to accommodate urban institutions to an increasingly industrial economy and predominantly immigrant population. The probation system carried the dual promise of being both cheaper and pedagogically more efficient than the reformatory system. Probation was seen not only as a means to help the errant child, but also a way of forcing inept parents to mend their ways and, thus, regenerate lower class family life. In his case study of the Milwaukee Juvenile Court, Schlossman suggested that this court failed to implement the affectional mode of treatment many of its advocates espoused, and that in so doing it left the promise of the juvenile court not only unrealised but untested.

Another study that explored the failures of the juvenile courts in the latter half of the twentieth century and examined their origins in this light is Ellen Ryerson's The Best Laid Plans: America's Juvenile Court Experiment, published in 1978.<sup>7</sup> This concentrated mostly on the intellectual origins of the juvenile courts but did not really show the connection between these ideas and those who campaigned for the juvenile courts. She noted too that the juvenile courts emerged as a result of frustration with the dominant modes of dealing with child offenders. The reformers sought a system that would make the law and the courts more effective agencies in the lives of young offenders, and which would at one and the same time serve the children by greater kindness and understanding and serve the public by greater effectiveness in controlling crime. Like Schlossman, Ryerson emphasised the importance of the family to the juvenile court reformers - they saw the child as the agency through which the family might be lifted out of its lower-class milieu. The juvenile court movement was placed in the context of the Progressive Era, and Ryerson stressed the middle-class nature of the movement. She concentrated too on the legal aspects of the juvenile courts, and the ultimate failure of the courts to meet the needs of the children they aimed to serve.

David Rothman's work, Conscience and Convenience: The Asylum and its Alternatives in Progressive America, published in 1980,<sup>8</sup> covered wider ground than the other works, and was concerned not only with the creation of juvenile courts in the

early twentieth century but also with reforms in prisons and new methods of dealing with mental patients. He placed these reforms in the wider context of progressivism, the distinguishing characteristic of which he saw as a fundamental trust in the power of the state to do good. Thus, he argued, the progressives were confident that their programmes had such a humanitarian quality that a grant of vast authority to the state was eminently proper. Rothman examined the broad nature of the juvenile court movement which included women reformers, the legal fraternity, child-saving agencies and a number of others. He argued that the ideals of the reformers in seeking to establish juvenile courts were hijacked by others who found the juvenile courts a convenient vehicle for their own interests and it was for this reason that the juvenile courts failed. The reformers who actually established the juvenile courts were motivated not by a maudlin sentimentality about childhood but by the sense that the delinquent required a very sophisticated and particular attention. Thus the juvenile court was not to confine itself to the specific charge against the delinquent, but to examine his character and life style. The juvenile court rhetoric was at once benevolent and tough-minded, protective of the child and mindful of the community's welfare, for reformers saw no conflict between a degree of coercion and humanitarian concerns since the welfare of the child was synonymous with that of society.

Most recently John Sutton in Stubborn Children: Controlling Delinquency in the United States, 1640-1981,

published in 1988, has used the methods of the social sciences to try to examine the origins of the juvenile courts.<sup>9</sup> He argues that the juvenile court was not an important substantive innovation, but was primarily a ceremonial institution through which the ideology of the broader charity organisation movement was enacted and within which the routine practice of child-saving established in the nineteenth century could be continued in a more legitimate form. He sees the juvenile court as embodying many of the characteristic ideological features of the national Progressive movement, especially its emphasis on efficiency and uplift. While the juvenile court movement ceremonially enacted the goals and administrative principles of the charity organisation movement, the precise nature of the relationship is unclear. By using quantitative analysis on the timing of juvenile court laws, Sutton argues that there is no support for the hypothesis that juvenile court reform was accelerated by the achievements of the charity reformers, by the obduracy of legal institutions, or by the felt need to control and socialise immigrants. Rather the states which most rapidly adopted the juvenile courts were those outside New England with large urban populations, well-developed educational systems, and relatively decentralised political systems. He also accepts that the idea of the juvenile court simply spread outwards from those states and cities which first established them. In basing his argument so much on quantitative analysis Sutton has taken little account of the role played by the reformers themselves in spreading the juvenile court idea, nor

of the wider social and intellectual currents in the United States at the time which may have contributed to the juvenile court movement.

Thus several writers have already written about the creation of the juvenile court during the late nineteenth and early twentieth centuries, but there still remain areas that have either not been explored or have not been fully developed. Most of the writers have concentrated upon the institutional and legal aspects of the juvenile courts - its predecessors in the reformatories and procedures of the juvenile court itself - and have emphasised that the juvenile courts were not as innovative as their advocates claimed. They have also been concerned to show why the juvenile courts failed, especially in light of the Supreme Court decision of 1967 in re Gault, which undermined the whole non-adversarial basis on which the juvenile courts rested. Some of the writers have also traced some of the academic ideas about the nature of crime and punishment which may have influenced the reformers.

The best accounts are undoubtedly those of Platt and Hawes and, to a lesser extent, Rothman. The other studies tend to be less thorough examinations of the same ground as Platt and Hawes, while Sutton's use of quantitative analysis to explain the timing of the adoption of juvenile court laws in the various states gives little insight into the motivations behind the juvenile courts, nor for that matter, into the

dynamics of the juvenile court movement itself. While Rothman gives a good account of the diverse nature of the reform coalition that supported the juvenile courts and in this sense helps to elucidate both the juvenile court movement itself and the wider phenomenon of progressivism, his account of how juvenile courts were secured and why reformers thought that the juvenile courts were necessary is somewhat superficial. He does not look in detail at the origins of the juvenile courts but concentrates on their methods and their inherent weaknesses, thus helping to explain why the juvenile courts did not achieve what they set out to do rather than explaining why reformers believed that there was a need for a new method of dealing with problem children.

Both Platt and Hawes give detailed accounts of earlier efforts to secure better conditions for young offenders in Illinois, especially in Chicago and of the campaign to secure the juvenile court law. Platt's insistence that the reformatories were the keynote to the juvenile court system seems strange considering the reformers' own emphasis upon the probation system as the most important aspect of the juvenile courts. His suggestion too that the child-savers "invented" delinquency does not bear up to examination, since many of the offences he claims were new to the Juvenile Court Law of 1899 were widely used before the law was passed. His characterisation of the women involved in agitating for the juvenile court as "feminists" also reveals a lack of understanding of what was meant by "feminism" in the late

nineteenth century. His examination of Jane Addams and Louise deKoven Bowen as typical campaigners for the juvenile court seems strange, since Mrs. Bowen was not involved with the juvenile court until after it was established and Jane Addams was involved only on the margins. I would also differ in his interpretation of the motives of the reformers. Hawes' is a more balanced account but his over-concentration upon the humanitarian motivations of the reformers and his failure to examine the motives of the women reformers are drawbacks in his study in his argument.

While several of the historians who have studied the origins of the juvenile courts have examined the intellectual ideas behind them, none has examined the wider social and cultural aspects which underpinned the juvenile courts in any great detail. Moreover, they have not made very clear the connection between the academic ideas about the nature of juvenile delinquency and crime, and the reformers themselves, the latter being practical men and women rather than intellectuals. By seeing the origins of the juvenile court purely in terms of the continuity of reforms in penology and to a lesser extent in education, these historians have largely ignored the wider changes in both the middle class and working class family at this time which clearly had an effect upon why middle class reformers should have become so concerned about working class family life in the slums of the cities.

The juvenile court movement needs to be examined in the

context of the changes in the American family at this time and particularly in the light of changes in attitudes towards childhood. In this context Viviana Zelizer's study, Pricing the Priceless Child: The Changing Social Value of Children is useful.<sup>10</sup> Although she does not look at changing attitudes about deviant children, her examination of the transformation in the economic and sentimental value of children between the 1870s and 1930s, from an economically valuable asset to an economically worthless but emotionally priceless child, is helpful. Zelizer also differentiates between the middle class, whose attitudes about the value of childhood had already changed by the end of the nineteenth century, and the working class, who only adopted these ideas slowly. Various other recent works on the history of the American family and the changes it underwent under the impact of industrialisation and urbanisation are pertinent to this study.

Changing attitudes about the nature of childhood and fears about the break-down of working-class families in the slums of the industrialised cities played a large part in prompting reformers to seek new methods of dealing with dependent and delinquent children, and it was particularly middle-class women who enunciated these concerns. A number of historians of the juvenile courts have noted that women were involved in agitating for the Chicago Juvenile Court, but it was not just the Chicago court with which they were involved. Women reformers played a prominent role in the juvenile court movement throughout the United States,



sometimes as individuals but more often as members of women's clubs, national organisations and settlement houses. The area of women's involvement in the building of the welfare state in America is only just beginning to be explored and their role in the establishment of the juvenile courts needs to be seen in the wider context of the social welfare and child-centred reforms of the Progressive Era.<sup>11</sup> While Platt and Hawes both note the importance of the women in securing the Chicago Juvenile Court they do not give a satisfactory explanation as to why women became so concerned about the treatment of problem children, nor how they were able to secure legislation when they were supposedly politically impotent.

Kathryn Kish Sklar<sup>12</sup> has examined the community provided by Hull House for a number of women reformers during the 1890s, concentrating particularly on Florence Kelley and her efforts to secure legislation to control sweatshops. She suggests that Hull House provided Kelley with an emotional and economic substitute for family life and linked her with other women of similar background and consequently increased her own political and social power. Hull House also provided a link with other women's organisations and enabled Kelley to cooperate with male reformers and their organisations, allowing her to draw on their support without submitting to their control. It seems likely that other women's organisations, such as women's clubs, acted as similar support agencies for women reformers and allowed them to increase their lobbying power when seeking legislation.

Thus in examining the origins of the juvenile courts I have done so in the context of recent work on the history of the family in America and of the American woman. This is particularly so in the case of Chicago where the first juvenile court was established. Some of the women at Hull House and various women's organisations in Chicago, most notably the Chicago Woman's Club, were instrumental in agitating for the juvenile court law and also in providing practical measures in helping to alleviate the problem of juvenile offenders in the Chicago jails and in preventing children from being sent to the jails. These women were prompted by their identification as mothers and by their belief that they should act not only to protect their own children but to protect all children as universal mothers. They worked closely with male reformers, especially with the Chicago Bar Association and the circuit court judges, for without them they could not achieve the reforms they required. Other organisations, such as child-saving agencies, which were male dominated, were also involved in the agitation for a juvenile court law, but their concerns were different from those of the women reformers, and it was not they who took the initiative, nor was it their ideas about how best to treat the problem children that dominated the Chicago Juvenile Court.

Another factor which has been largely ignored by historians is that several informal ways of dealing with juvenile offenders were developed during the 1890s and later

were formalised in the various juvenile court laws. Thus in Chicago there was an informal probation service operating from Hull House several years before probation was formally introduced, and the Chicago Woman's Club prevailed upon one of the judges of the circuit court to try children's cases in separate sessions, where they would not come into contact with adult offenders. Similarly in Denver, Judge Lindsey operated an effective juvenile court and probation service for several years before he secured legislation to formalise it, and this was the pattern too in a number of other states. This pattern is suggestive of parallels with research into other aspects of social reform. Robert Buroker<sup>13</sup> has explored the way in which voluntary associations and informal methods became the basis for the formation of the welfare state. He has done this through a study of the Illinois Immigrants' Protective League, but his model suggests parallels with a number of voluntary agencies whose work was eventually to result in juvenile court legislation.

While the Chicago Juvenile Court was the first to be established in the United States and the Illinois Law provided the model for many subsequent juvenile court laws, the Denver Juvenile Court of Judge Lindsey became arguably the most famous. It has not, however, received much attention from historians, and what attention it has received has concentrated mainly upon the flamboyant character of Lindsey himself.<sup>14</sup> The Denver Juvenile Court provides a useful comparison with the Chicago Juvenile Court, for it was largely

the invention of one man, although he could not have succeeded without the support of the various women's organisations and other agencies in Denver, nor without the various moves that had been made towards the better treatment of problem children before Lindsey began his work. Lindsey's methods were much more child-centred than those of the Chicago women reformers who were family oriented. This suggests that the women reformers with their emphasis upon probation as a means to help not just the child in trouble but his family as well, had different concerns from those of Judge Lindsey with his emphasis upon the "personal touch" and the child as the primary agent in his own reformation.

This study examines the origins and development of the juvenile courts in the United States during the Progressive Era. While the juvenile courts were undoubtedly part of the continuity in reform of methods of dealing with dependent and delinquent children which dated from the founding of the New York House of Refuge in 1825, they represented a departure from earlier methods in that the juvenile courts and the probation service, which was an essential part of the juvenile justice system, sought not only to reform young offenders but also to prevent delinquency itself. In essence what they aimed to do was help the child and through the child's probation officer, his family, to adjust to the stresses of life in urban, industrial America, and to conform to middle class ideas of family life and childhood. Thus, this study, while acknowledging that the juvenile courts were part of the

continuity of reform in juvenile penology, places them in the wider context of social and cultural changes within the middle class and working class family in late nineteenth century America. It deals with changes in attitudes towards childhood and child-rearing, as well as woman's role in the family and society. It is particularly concerned with the motivations of reformers and the solutions they sought to what they believed was an increasingly serious problem.

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P A R T    A

## Chapter One: Historical Context

"The younger criminals seem to come almost exclusively from the worst tenement districts. By far the largest part - eighty per cent.[sic] at least - of the crimes against property and against the person are perpetrated by individuals who have either lost connections with home life or never had any, or whose homes have ceased to be sufficiently separate, decent, and desirable to afford what are regarded as the ordinary wholesome influences of home and family."<sup>1</sup> Thus wrote Dr. Elisha Harris, the Corresponding Secretary of the Prison Association of New York, writing in the closing years of the nineteenth century. Nor was Dr. Harris alone in equating the increase in juvenile crime during the last decades of the nineteenth century with the perceived collapse of the working-class family in the city.<sup>2</sup> Indeed, the juvenile court reformers, such as Lucy Flower and Julia Lathrop of Chicago, and Ben Lindsey of Denver, clearly reflected in their writings just such an link.<sup>3</sup> Thus, beginning in the 1890s, reformers began to look for new ways of dealing with juvenile delinquency. The result was the establishment of juvenile courts in many of the cities of the United States. However, while most of the following chapters are concerned with the foundation of the juvenile courts, it would be wrong to assume that juvenile delinquency was, in itself, a new issue in the 1890s. Indeed, earlier attempts to find a solution to the problem of how to deal with dependent and delinquent children in the cities of the United States



served as a basis from which the reformers of the 1890s developed the idea of the juvenile courts.

This chapter, therefore, examines the problems which arose as a result of the change from a predominantly rural to a largely urban and industrial society. It also looks at the earlier efforts to deal with wayward children in the cities and the reasons why such reforms were considered necessary. Further it briefly explores the changing attitudes to the criminal during this period and developing ideas about the nature of childhood. Finally it suggests that the juvenile court movement of the late nineteenth century should not be seen in isolation, for it was one of a number of reforms with the child as the focus which were advocated in the Progressive Era.

Joseph Hawes, in his study of juvenile delinquency in nineteenth century America, has seen the origins of the juvenile courts in the responses of reformers to the chaotic industrialisation and urbanisation of the late nineteenth century. He notes especially that many of the juvenile offenders were the children of immigrants who found it particularly difficult to adjust to American ways. Native-born American children in the slums of the cities, beset by the problems of poverty, were, nevertheless, also likely to succumb to the temptations of the city and fall into lives of crime.<sup>4</sup> Hawes's suggestion that the reformers were prompted purely by a concern that poverty in the slums of American

cities was causing criminal behaviour among the children growing up there, is, however, rather too simplistic. Rather the reformers were prompted by the more fundamental fear that the pressures of life in the slums of the city were causing a breakdown in the working-class family.

The move to the cities saw a growing differentiation between working class and middle class families, and this caused many middle class observers to believe that family life among the working classes was disintegrating. For industrialisation and urbanisation seemed to bring with them changes in the working class family which saw an end to what these middle class observers believed to be the traditional functions of the family. Each of the changes seemed to be eroding the very basis of family life among the lower classes. For industrialisation brought with it the concentration of manufacturing in factories and the breakdown of small family-centred workshops. This not only meant the gradual end to the system of apprenticeship by which a craftsman passed his trade on to an apprentice who lived and worked with the craftsman's family, but also the end of the family as a co-operative economic unit, with children and mother working alongside the father.<sup>5</sup> Before large scale industrialisation even those families who lived in towns often acted as co-operative enterprises in, for example, shops, inns and other businesses. Home and work existed side by side, with all members of the family involved in both. With the move of the centre of production from the home to the factory and the parallel move

of families to the towns and cities attracted by the jobs in the new factories, the traditional functions of the family began to change.<sup>6</sup> The working-class family in the growing cities ceased to be the centre of production and the home was separated from work activities. Not only this, but the family in the city was no longer self-sufficient and was reliant upon the vagaries of the industrial and commercial world for its own fortunes.

Urbanisation and industrialisation brought more changes to working class families than simply a loss of autonomy in economic matters. The factory system meant long hours of work for little pay, and because the male head of the household was often unable to earn enough money to support his family, other members of the family also went out to work. Child labour, which had always existed in rural communities, was also a fact of urban life. To employers, children were a cheap source of labour and to their parents the income they brought in could make all the difference to a family's survival. Moreover, few working class families could see anything wrong in sending their children out to work, and it was not until the latter years of the nineteenth century with changing attitudes towards the nature of childhood that middle class observers began to condemn this practice. To their own families, working class children, as they had been in pre-industrial times, were contributors to the family economy. The families themselves did not believe they were exploiting their children.<sup>7</sup> The conditions in the factories for these children

were, however, appalling. Aside from the general monotony of factory work, there was little consideration by employers for the safety of their employees, child or adult, and industrial accidents were a frequent occurrence. Moreover, for many of the lowest paid factory hands, hours were long and wages minimal, often being cut in periods of economic depression.<sup>8</sup> For these unskilled and low paid workers factory work both for children and adults was a struggle for survival.

It was not only working conditions in the cities that made life difficult for these working class families. Living conditions were also grim. The quality of housing in the poorer quarters of the rapidly growing cities was appalling. Tenement blocks were hastily erected with little regard for sanitation and comfort, often lacking fresh air and light. Not only this, tenement apartments which had been intended for one family, as rents rose and housing became more difficult to obtain, came to house an increasing number of families and individuals, so that overcrowding was added to the problems of the urban family. Landlords were unconcerned about the upkeep of their tenement premises and they gradually deteriorated. The slum areas of the cities became centres of disease, poverty and overcrowding. They were also seen by many observers as the breeding grounds of crime. Thus, Robert Hunter, writing in 1904, noted that: "The causes of crime are many, but among the most important ones are the evil associations of the tenement, the bad sanitary conditions, the collapse of home life, and lastly the yardless tenement

itself." Moreover, he observed, crime was particularly rife among the children of the tenements.<sup>9</sup>

While the working class family were undergoing such changes the middle classes were also experiencing a period of adjustment. The rapid social changes brought about by urbanisation and industrialisation made the world seem very threatening to the middle classes. They could no longer rely upon the certainties of community life in the small towns and villages of pre-industrial America, and the middle class home came increasingly to be seen as a symbol of stability, authority, and, above all, permanence in a changing world.<sup>10</sup> Thus, the middle class home became a haven to which members of the family could retreat from the threats of the outside world. As industrialisation and urbanisation continued throughout the latter half of the nineteenth century, however, the family itself seemed to be under threat. The influx of immigrants in the period after the Civil War and the increase in urban disorders seemed to threaten social stability. Many middle class observers came increasingly to see the apparent breakdown of family authority in the slums of the city as a symptom of these changes.<sup>11</sup>

From the beginning of rapid urban expansion in the 1820s middle-class observers had been afraid of the effect of the cities upon the moral and social order. As the years passed and cities became centres of poverty, strange new peoples and simmering discontent, they came to be feared as sources of

social instability. An apparent increase in crime rates in the cities was a further source of concern. Attempts were made by some middle class reformers to alleviate poverty in the cities, concentrating at first mainly upon individual moral salvation and uplift. These reformers were prompted by the belief that poverty was the result of individual moral failings, the fault of the individual, rather than any more fundamental cause. Thus their efforts at poor relief were often harsh and unsympathetic.<sup>12</sup> While attitudes towards the adult poor became increasingly rigid as the nineteenth century progressed, the children of the poor were treated somewhat differently.

An early attempt by reformers to single out the children of the poor as a separate group from the adult poor, was the Sunday Schools of Jacksonian America. These were aimed at young people in the urban centres who were believed to be growing up in ignorance both of Christian teachings and of proper - that is, middle class - moral discipline. Sunday Schools represented a somewhat ambivalent attitude towards the street urchin who roamed the cities - on the one hand, an expression of sympathy for these young people growing up in ignorance, and on the other, a sense of alarm that these children would grow up to be in a position to "sway the affairs of church and state."<sup>13</sup> This ambivalence was to mark many of the endeavours of reformers to deal with the problem of dependent and delinquent children.

Throughout the nineteenth century attitudes towards the children of the poor remained contradictory. As in Jacksonian times, observers regarded the children of the poor with a mixture of sympathy and fear. They were concerned about the apparent lack of discipline among the children of the slums and their misbehaviour. The perceived growth of juvenile delinquency in the increasingly crowded cities was probably as much due to changed ideas about standards of juvenile behaviour in the cities as to any real increase in crime among young people. For whereas in a rural community misbehaviour among children would be contained by social pressures, in the cities with all their opportunities for petty misdemeanours and more serious crimes, juvenile delinquency, however minor, came to be seen in a more serious light. Thus observers became increasingly concerned about what they saw as a growth in the rates of juvenile delinquency, especially as they believed young offenders, unchecked by informal community restraints, would almost inevitably become adult criminals. At the same time, however, they could not entirely blame the children of the slums for their descent into lives of crime. Many commentators upon the problem of juvenile crime in the decades after the Civil War blamed the families for the offences of these criminal children. Reports suggested that the bad boys of the cities were the children of thieves, prostitutes and drunkards, or simply that their parents had been neglectful of their parental authority and restraint with regard to their children. The city was also to blame, because the streets of the cities exposed children to thousands of

corrupting influences, and the very atmosphere in which these children lived was such that a future career of crime often seemed almost inevitable.<sup>14</sup> Clearly working class parents were failing in their duty to bring up their children to be good citizens. Poor homes where both parents were drunkards, depraved or simply neglectful were seen as incubators of youthful criminals, but it was not until the last years of the nineteenth century that there was any real sympathy or understanding for the adult poor. It was left to the settlement house movement and city-based reformers of the 1890s and early 1900s to recognise and begin to understand the reasons for poverty in the slums of the cities.<sup>15</sup>

While it was arguably not until the late nineteenth century that reformers came to regard juvenile delinquency as a problem of such pressing magnitude that it required a new solution, delinquency had been a source of concern to many observers from the early nineteenth century and several efforts had previously been made to deal with the problem. Earlier solutions had, however, concentrated almost entirely upon removing the child from his family in order to reform him and educate him out of his criminal ways, rather than, as the juvenile courts aimed to do, preventing crime by working with the juvenile offender and his family. The fears which had been aroused by the increasingly urban character of the United States and the urban disorder of the 1880s and early 1890s clearly prompted those who sought new solutions to the problems of how the law should deal with juvenile offenders.



So too the prevailing fear that poverty would lead to crime, and that poverty was in itself a kind of deviancy, proved to be a strong motive among those who from the early nineteenth century began to single out dependent and delinquent children as a group requiring special attention. For it was not really until the urbanisation of the early nineteenth century that juvenile delinquency was recognised as a phenomenon requiring separate treatment from adult crime.

In colonial times the family was the main instrument through which children's behaviour was both accommodated and disciplined, with the village community providing further disciplinary action against the wayward child should it be needed. Sermons and pamphlets charged parents with fitting their children for community life. The family was to teach the child to follow an honest calling, to earn his living and not be a charge on the community. It was also to teach the child good manners so that he would be civil, respectful and courteous. Above all, the family was to inculcate in its offspring the fundamentals of Christianity. Should the child stray from the straight and narrow, it was the family which was to administer the punishment.<sup>16</sup> In Puritan Massachusetts and several other New England colonies, the family had the sanction of the law in any disciplinary measures it took against its children. For children under fourteen the laws provided that their parents or, in the case of indentured servants and apprentices, their masters, should administer any punishment required for some infraction of the law in the

presence of "some officer if any magistrate shall so appoint."<sup>17</sup> If the parents failed either to educate their children or to punish their transgressions, the selectmen of the community had the authority to take the children away from their parents and place them out as apprentices. Thus, although in most matters children were regarded as miniature adults by the Puritans, with some special consideration because they were small and ignorant, there were special provisions for misbehaving youth. Although the Puritan colonists did not specifically define juvenile delinquency, they clearly had some fairly coherent ideas about youthful misbehaviour, and they relied upon the family and community to deal with the problem. They saw the child as a sinner from birth and believed that like an adult he should work hard in order to avoid idleness and temptation. Nevertheless, while treated in many respects as an adult, the Puritans made special provisions in their laws for the education and discipline of children under fourteen.

The laws of colonial New York were very similar to those of New England. While the Quakers of Pennsylvania were not as explicit as the Puritans in their statutes about the behaviour of children, if a child misbehaved, either his family took care of his discipline or the Quaker meeting dispensed a mild and paternalistic correction. In Virginia no specific provisions were made in the law concerning juvenile misbehaviour, the common law prevailing instead.<sup>18</sup> Thus, while colonial America made some special provisions for juvenile

misbehaviour, it provided no special institutions to punish juvenile offenders, nor did it consider that they required reformation rather than punishment. Juvenile delinquency was not recognised as a special phenomenon and the transgressions of young people were treated merely as juvenile misbehaviour, to be prevented and punished by the family and the community.

During the first years of the new republic the dominant treatment of delinquent children and of orphan children remained non-institutional.<sup>19</sup> With the growth of the cities, however, and the gradual breakdown of family and community control over children, and the inability of traditional sanctions to prevent juvenile misbehaviour, reformers began to seek other means of dealing with juvenile delinquency, which came increasingly to be seen as a problem in need of a solution. In this context it is, no doubt, significant that the first cities to establish institutions to deal with juvenile offenders were New York, Boston and Philadelphia - three cities which had experienced particularly rapid urban expansion in the early years of the nineteenth century. The reformers who sought to establish the first institutions for dependent and delinquent children were not slow to express their fears that in these expanding cities poor children who were without the benefit of proper moral guidance were liable to fall victim to vice and crime. Their fears seemed to be justified as the numbers of children who appeared before the criminal courts increased in number. An investigation into the backgrounds of these children revealed that they were

orphans or the children of poor families whose parents, because they were either too busy earning a living to care properly for their offspring, or because they were intemperate, did not give their children any real defence against corruption. Other such children were vagrants, lacking supervision and they fell easy prey to gamblers, prostitutes, thieves and drunks. To the reformers it was little wonder that many children from the slum areas of the cities soon became criminals.<sup>20</sup>

The solution that reformers advocated for the problem of wayward children was to establish institutions in which to place the children. Some historians have seen these early houses of refuge as predominantly measures of social control. They mean by this that such institutions were to be used to impose discipline upon lower class children who did not conform to middle class ideas of correct behaviour or might pose a threat to the established moral and social order. Indeed, they argue, the houses of refuge were used almost entirely to house poor children. John Sutton, for example, has maintained that the refuges were meant as a counterforce to the forces of social disorder caused by city life: "The founding of the refuges was a historic watershed, not just as a method for controlling juvenile deviance, but also as the exemplar of a general reform impulse that gripped the entire society. In the three most populous cities of the United States, reformers surveyed the impacts of industrialization, immigration, pauperism and crime, seeking a focus for their

energies that would not just provide a symptomatic solution to the problems of social disorganization, but would also reach to the very root causes of disorder."<sup>21</sup> While fears of social disintegration no doubt played a large part in prompting the reformers who established the earliest institutions for wayward children, they were also motivated by humanitarian concerns. Above all, however, these reformers seem to have been concerned that family discipline among the working-classes was no longer sufficient to control the abandoned and neglected children of the burgeoning cities.<sup>22</sup>

The first House of Refuge was established in New York in 1825. Agitation for such an institution had first gained prominence with the publication, in 1819, of a report of the Society for the Prevention of Pauperism. As a result of this report the Society for the Reformation of Juvenile Delinquents was incorporated and it was this society which established and became responsible for the House of Refuge. Thus the House of Refuge was established by a private philanthropic group and was operated by that group, but it was chartered by the state and the state provided for the conditions of its operation. The act of incorporation also included the first statutory definition of juvenile delinquency in the United States, defining them as "all such children who shall be taken up or committed as vagrants, or convicted of criminal offenses."<sup>23</sup>

The House of Refuge aimed not only to incarcerate children guilty of some infraction of the law and by

incarcerating them punish them, it sought also to train and rehabilitate its charges. The advocates of the House of Refuge believed that a daily routine of strict and steady discipline would transform the inmates' characters, but that this should be tempered by kindness. As the Annual Report at the end of the second year explained: "The young offender should, if possible, be subdued by kindness. His heart should first be addressed, and the language of confidence, though undeserved, be used towards him." The Managers also explained that "the minds of children, naturally pliant, can, by early instruction, be formed and moulded to our wishes. An inclination can there be given to them, as readily to virtuous as to vicious pursuits." They further believed that the virtuous practices instilled into the children in the House of Refuge would supplant their earlier evil tendencies: "The seeds of vice, which bad advisers may have planted, if skill is exercised, can yet be extracted... and on the mind which appeared barren and unfruitful may yet be engrafted those principles of virtue which shall do much to retrieve the errors of the past, and afford a promise of goodness and usefulness for the future."<sup>24</sup> The regime by which the institution aimed to achieve such reformation of character was one of work and some formal education. The children were committed to the care of the Managers of the House of Refuge for the whole of their minority and continued to be under the jurisdiction of the institution if they were apprenticed to a craftsman during that period.

A similar institution was established in Philadelphia in 1828 which was supported by public and private funds. In 1826 the Boston House of Reformation was incorporated, but this differed from the Houses of Refuge in New York and Philadelphia in that it was a wholly municipal institution, supported by the city. These three institutions marked a recognition that children required separate treatment from adults and they also reflected a belief that such institutions could provide treatment which would prevent the development of a juvenile offender into an adult criminal. They were all established in the belief that by separating youthful offenders and vagrants who showed tendencies towards criminality from the temptations to idleness and crime in the city, they would become virtuous and reformed characters. With this in mind the children in these institutions were kept under strict discipline, while they were supposedly taught how to become good citizens.<sup>25</sup>

The houses of refuge had difficulty in sustaining their original principles, but it took some time before they were replaced by other institutions. The houses of refuge gradually deteriorated until they became little more than prisons for juveniles, the emphasis being placed heavily upon the discipline within the institution rather than upon attempts to reform the character of their inmates.

The second generation of institutions designed to deal with the problem of wayward children were the state

reformatories. The first of these, the Massachusetts State Reform School for Boys was established in 1847. It differed little from earlier houses of refuge except that it was the first fully state-supported institution for juvenile delinquents in the United States and thus marked the recognition by the state in Massachusetts of its responsibility for delinquent children in trouble with the law. By the mid-nineteenth century, however, influenced by European examples, reformers began to advocate reform schools which would really live up to their name - being schools rather than prisons.

The new kind of reformatories were influenced by three examples from Europe - the industrial schools established by Mary Carpenter in England, the French Agricultural Colony at Mettray, and the "Rauhe Haus" near Hamburg in Germany. Mary Carpenter had advocated a three tier system of institutions to deal with the problem of juvenile delinquents and to prevent crime. She established ragged schools for poor children, which were free day schools for those who could not otherwise afford to go to school; for children who had come to the attention of the police but who had not yet committed a serious offence, she proposed industrial or vocational schools; and for juvenile offenders, reformatory schools. In each of these schools Miss Carpenter advocated what she called industrial training, which aimed to develop various faculties but was also intended in many ways to have a direct moral influence. The ultimate aim of such training was to make the



children into useful members of society and by teaching them a trade to train them in the habits of usefulness and self-support by honest means.<sup>26</sup> Mary Carpenter believed that a child could not be held responsible for his actions and for this reason, rather than punishing him, the child should be trained to be a good citizen. If anyone should be punished it should be the parents of the child: "And can a Christian citizen hesitate to acknowledge that such corrective training and religious principle should be given to these young offenders as may enable them to rise above the circumstances in which they have unhappily begun their career," argued Miss Carpenter, "punishment being, if possible, administered to the parent as the really guilty party."<sup>27</sup>

Mary Carpenter's idea of industrial schools for dependent and neglected children and reformatories for delinquent children was soon adopted in the United States, although the schools themselves never entirely lost the aura of punitive institutions and the reality often fell far short of the ideal. They nevertheless marked a shift, perhaps only in theory rather than in practice, away from the idea that the child should be punished for his transgressions. Instead the industrial schools and reformatories worked on the idea that the child who had committed an offence or looked as if he was likely to do so unless he was prevented from so doing, could be reformed and trained to be a good citizen.

Parallel to the development of industrial schools and

reformatories in the United States was a move away from large institutions where all the children lived within the same building, to the establishment of institutions built on the cottage system. This development was also the result of European influences. The cottage or family system had been pioneered by Johann Wichern at the "Rauhe Haus" just outside Hamburg. He believed that what was lacking in the lives of vagrant and criminal youths was the influences of family life. As a result he and his mother took twelve boys of criminal leanings to live with them at the "Rauhe Haus", hoping that in the home-like atmosphere these boys would be encouraged to form good habits of hard work and develop a sound moral character. The experiment proved such a success that Wichern expanded his operation, keeping the fundamental principle of small family-like units each presided over by an "elder brother." Each of Wichern's families contained only twelve children and the programme of the institution combined agricultural labour with religious devotions and formal instruction. Thus by aiming to re-create the atmosphere of a normal middle class country family, Wichern found a means of controlling and teaching delinquent and near-delinquent children. As a development of Wichern's "Rauhe Haus", Frederic Auguste Demetz established the "Colonie Agricole" at Mettray, France in 1840. This took the idea of a family system, although these families numbered forty members instead of twelve, and used the idea of agricultural work as a treatment for wayward children.<sup>28</sup>

Both the "Rauhe Haus" and the "Colonie Agricole" served as models for a new generation of reform institutions for delinquent children in the United States. The first American institution for juvenile delinquents based on the family system was the Massachusetts State Reform School for Girls, established in 1855. This was followed in 1857 by the Ohio State Reform Farm for boys. These institutions were built on the cottage plan with each cottage housing a small number of children and presided over by houseparents. The institutions were built in the countryside, since it was believed that the fresh air and agricultural pursuits would prove beneficial to the inmates. It was also believed that the family system would instil in the inmates the benefits of family life which they had obviously lacked and would act as a reforming influence.

The advantages of the family system and of the industrial schools were extolled by reformers throughout the latter half of the nineteenth century, and particular emphasis was attached to the country setting of these institutions.<sup>29</sup> For it was believed that children could start anew away from their familiar surroundings and that life close to nature in the countryside would restore these city children to the healthy and innocent pastimes of the country child.<sup>30</sup> In practice, however, many of these institutions failed to live up to their ideals. The sizes of the "families" in the cottages gradually grew in size so that they could hardly any longer be described as "families." It also became apparent that the removal of

these institutions to the country meant that they were not only out of sight of the cities, but also out of mind, not only of those who provided the funds for their upkeep, but also of those who might have taken an interest in them and checked for any abuses. The institutions, moreover, varied in their efficacy and in the degree of their discipline. Some, no doubt, lived up to the expectations placed in them, but others clearly did not. Not all states established state reform schools and some that did found that the ability of the courts to sentence children to these institutions was limited - thus, for instance, Illinois in the 1890s had no reform school because of an earlier supreme court decision.<sup>31</sup> Other states were reliant upon private institutions to provide custodial institutions for dependent and delinquent children. While the institution, whether on the cottage or the congregate plan remained the dominant method of dealing with juvenile delinquents, many clearly failed to reform their inmates, and like the houses of refuge before them, became little more than prisons for juveniles.

During the 1850s some reformers who believed that institutions, even those based on the family system, did little to reform wayward children and were in fact a detrimental influence, began to advocate non-institutional means of dealing with these children. Prominent among those who sought a non-custodial solution to the problem of wayward children was Charles Loring Brace. Brace argued that the family was the natural place for the child and that the child

without a home, or with a bad home, was a threat to society. Moreover, the city was, he believed, an evil place, full of temptations and corrupt associates and no place for a child, who would benefit greatly from the wholesome influences and healthy life of a farm. Brace thus reflected the views of many of his contemporaries in his fear of the evil influences of city life and the benefits that might be gained by life in the country. His emphasis upon family life also reflected the prevailing view of the family as the source of all that was good in American life.<sup>32</sup>

The Children's Aid Society was founded in New York in 1853 with Charles Loring Brace as its chief officer. Its aim was "...to meet the increasing crime and poverty among the destitute children of...New York."<sup>33</sup> It addressed itself to the problem of improving the conditions of poor children in New York by the establishment of lodging houses for newsboys and other homeless children, day and evening schools for children who were not reached by the public school system and by sending homeless children to families in the country. Each of these endeavours sought to encourage poor children in the ideas of self-help, to provide an honest living for themselves from an early age. Thus the newsboys' lodging did not provide charity but cheap lodging for which the boys had to pay, but it also encouraged the boys to save their money, thus instilling habits of industry and frugality. A similar lodging house was established for homeless girls in 1862, which sought to train these girls to become good housekeepers

and servants.<sup>34</sup>

The placing-out system was, however, the most important effort of the Children's Aid Society, since it represented a new departure in attempts to prevent crime and delinquency. Earlier methods such as the houses of refuge and industrial schools had sought to reform juvenile delinquents through formal education and by training them for an honest trade. The placing-out system emphasised instead, the central importance of the family in transmitting values to children and preparing them for lives as honest citizens. The Children's Aid Society differed from earlier systems of placing-out in that these had placed children as apprentices to farmers binding the children to the farmers for a certain number of years. The system advocated by Brace was to place children in the families of farmers, not as apprentices but as members of the family, to receive the nurture and love of a family. As a consequence children were not legally bound to the farmer and either party was free to end the arrangement.

The Children's Aid Society gradually developed a system of sending children to the West. It had agents in New York who sought children suitable for sending out West and also had agents in the West who visited towns before the arrival of the children and arranged for the creation of a committee of prominent citizens to screen the prospective families. After the children had been placed, the western agent of the

Children's Aid Society was supposed to visit them and help them to adjust to any difficulties. The Society also wrote to the families and asked about the children and their progress, and the children were encouraged to write directly to the Society's New York offices. The Society was able to report in its Annual Reports that it had achieved great successes and had reduced the amount of crime in New York. Not all children did well, however, and the system was open to abuse by farmers who used the children as sources of cheap labour. Nonetheless, the Society received strong public support in New York and similar societies were established in other large cities, particularly in the East.<sup>35</sup>

Much of the criticism of the placing out system came from the managers of institutions who argued that by sending criminal and vagrant children to the West, the Children's Aid Society was only transporting the problem from New York and introducing criminal elements to hitherto secure and peaceful western communities. Westerners also criticised the placing-out system, charging that children sent by the New York Children's Aid Society were populating western reform schools. Religious interests also criticised the work of the Society, particularly the Catholics who charged the Society with proselytism, because they believed that the Society deliberately took Catholic children and placed them in Protestant homes. Brace met these criticisms with equanimity and rejected the charges. Such accusations continued, however, and increasingly there developed a debate between the

advocates of placing-out and of institutions as to the best method of dealing with wayward children. The Children's Aid Society dealt mainly with dependent and neglected children rather than those who had already committed a serious offence, but their work was considered to be an important force for the prevention of crime and delinquency.

Throughout the last decades of the nineteenth century the debate between the advocates of reformatories and those of the placing-out system dominated the question of how best to deal with the problem of dependent and delinquent children. Delinquent children tended to be placed in institutions based on the cottage plan, since they were not generally considered to be suitable candidates to be placed in private homes. There were, however, some attempts to place delinquent children in carefully selected homes with careful supervision of their progress.<sup>36</sup> Defenders of the reform schools claimed that only their institutions could give the necessary education and training to reform wayward children, and only in the atmosphere of an institution could the correct moral training be given. They criticised placing-out because results could never be assured, whereas, it was believed, they could be in the reform schools.<sup>37</sup> The advocates of placing-out, on the other hand, criticised the institutions because they offered a temptation to parents to throw off their responsibilities, the lack of classification in reformatories meant children could be contaminated by the influence of association with more hardened youthful criminals and there



was an enduring stigma attached to any child who had at any time been committed to an institution. They also argued that the routine and discipline of an institution destroyed the individuality of its inmates and resulted in their inability to adjust to life outside the institution.<sup>38</sup> Placing a child in a private family, if properly supervised, would give the child all the benefits of family life away from the restricting and contaminating influences of a reformatory.

While the debate between the two forms of treatment for wayward children continued to be waged at meetings of charitable agents, such as the National Conference of Charities and Correction, the number of reform and industrial schools continued to grow, and child-placing agencies proliferated. Another development in the late nineteenth century was the establishment of state reformatories for older boys and young men aged sixteen to thirty. They, like the reform schools for younger boys, sought through education and industrial training, to inculcate habits of good behaviour deemed acceptable by the middle classes. While the reformatories were usually state funded institutions, the reform and industrial schools were both state and privately funded, while the child-placing agencies were almost entirely privately funded. Most of the agencies were, however, subject to inspection by state boards of charities which were also established in the late nineteenth century, and all the institutions who received any funding from the state were also subject to inspection, though private institutions were not.



By the last decade of the nineteenth century reformers had begun to seek alternatives to the reform schools and child-placing agencies, for while each had its advocates, a growing number of reformers had come to believe that neither method was having any fundamental effect upon the crime rates among the children of the cities. One man who sought a new approach to both the prevention of juvenile crime and the reformation of juvenile offenders was William R. George.

George first began his work with wayward children in the slums of New York, where he worked with the gangs of boys who were a constant source of annoyance to the police. He believed that such gangs were not intrinsically corrupt, but that their crimes were little more than misdirected boyhood adventure and mischief, and that the gang had the virtues of fostering co-operation and loyalty, as well as providing an outlet for organisation and a measure of self-government. George tried to organise the gangs through military drills to use up excess energy and impose a degree of discipline. He also turned the instincts of the gang towards lawful activities and created the "law and order gang," which acted as a law enforcing agency. George soon realised, however, that it was only his own presence that kept the gang on the right side of the law, and that without him they would revert to law-breaking.<sup>39</sup>

While working with the boy gangs of New York, George was

also taking groups of children to the country during the summer vacations where they stayed in fresh-air camps. After a number of such holidays George realised that the children were not benefitting since they counted their enjoyment by the number of presents they received at the end of their stay, and were, thus, George believed, being encouraged in the idleness and dependency which would lead to crime. In 1894 George began the principle which was to be the lynchpin of the Junior Republic - "Nothing Without Labor" - the children were to receive no gifts unless they worked for them. From this principle George evolved the idea of the Junior Republic. He soon recognised that the children worked better if they lived under their own rules and administered their own law enforcement. Thus he developed a miniature republic, based on the principles of the larger republic. The children elected their own legislature and passed their own laws, though at first George, as president, retained the right to veto legislation as he saw fit. By 1897 the Junior Republic was entirely self-governing with adults acting only as advisors, and by 1897 it had ceased to be a summer camp and had become a year round institution. It maintained the principle of "Nothing Without Labor," new citizens finding that if they did not work for their food and lodging they would find themselves in the Republic's jail for failure to pay their debts.<sup>40</sup>

Thus, children learned by practical experience the importance of labour and at the same time secured the

rudiments of a trade. They also received a formal education and learned the advantages of this, since it proved to be of advantage to them in the Junior Republic, where they were able to secure payment for the completion of school assignments. As one contemporary commentator, John R. Commons, observed: "The Junior Republic is an experiment in charity, penology and pedagogy. It carries to a consistent extreme the principles of self-help and individuality towards which thinkers and workers in these fields for a decade or more have been urging."<sup>41</sup> Thus, the George Junior Republic offered many of the advantages of a reform school or an industrial school in that it gave the children an education and a training for a trade, but it avoided the pitfalls of an institution since it relied upon self-help and individual initiatives, as well as preparing children for life in the larger Republic. This was the whole aim of the Junior Republic, as William R. George noted: "The whole plan of this republic is not so much to form a Utopia as it is to have the youth adjust themselves to the questions as they really exist under the laws of our country at the present time."<sup>42</sup>

The George Junior Republic had several imitators, and George himself established several other Junior Republics in the early years of the twentieth century. Allendale Farm outside Chicago, founded in 1896, while not a conscious imitation of the George Junior Republic, rested on the same principle of self-government by the children who lived there.<sup>43</sup> The Junior Republics tended to be used for older

children between the ages of twelve and twenty-one, though the average age was about sixteen. Many of the children came to the Junior Republic voluntarily, but a fair proportion were sentenced by the courts, indeed George claimed that the tougher the boy the more he would benefit from being a citizen in the Junior Republic.<sup>44</sup> Thus the Junior Republic's concentration upon self-help and individuality, while it was in some respects a logical development from the work of Charles Loring Brace, was in other respects a novel approach to the question of how to deal with dependent and delinquent children. It had some aspects in common with the juvenile courts, especially Judge Lindsey's child-centred approach to dealing with juvenile delinquency. Yet while critical of the practice of existing institutions, remained essentially an institutional approach to the problem of dependent and delinquent children. Moreover, by taking the child away from his own family and environment, it remained in the earlier nineteenth century tradition of reformation rather than prevention.

By the end of the nineteenth century there was thus a recognition that children required separate treatment from adult offenders. The emphasis was still, however, mainly on the reformation of juvenile offenders, rather than upon the prevention of juvenile delinquency. The idea of the juvenile courts was by no means an obvious development from such methods of dealing with dependent and delinquent children, for the juvenile courts shifted the focus from the reform of

juvenile offenders to the prevention of juvenile crime.

The nineteenth century saw not only the development of specialised institutions and agencies to deal with dependent and delinquent children, it also saw changes in attitudes towards the criminal, the child, and the state's responsibility for the welfare of the child which prompted reformers to see the question of what to do with offenders, and particularly youthful offenders, in a new light. More general philosophical and scientific developments, most especially the impact of Darwinism, also played a large part in the changing climate of opinion about the nature of criminal youth.

In colonial times there had been little consideration of the causes of crime. Crime was equated with sin and was, therefore, the work of the devil. Punishment was consequently the only way to deal with transgressions of the criminal code, and a range of punishments was created, not so much to fit the crime but to fit the criminal. The system attempted to be flexible, but because of problems of enforcement there was a tendency towards harsh devices, often capital punishment as the ultimate method of enforcing obedience.<sup>45</sup> The colonists, thus, were more concerned to enforce obedience and seek retribution for crime than they were to seek the cause of crime.

In the period immediately after the American Revolution

attitudes about crime and its causes began to change. Rejecting many of the colonial ideas and influenced by the ideals of the Enlightenment, many Americans began to consider older punishments to be barbaric and traditional assumptions about the origins of deviant behaviour to be misdirected. In the early years of the new republic, they began to see the origins of deviant behaviour in the nature of the colonial criminal codes. The Enlightenment tract of Cesare Beccaria, On Crime and Punishments, which though it was first published in 1764, was not widely known in America until the 1790s, seemed to confirm the feeling that traditional punishments were not only inhumane but self-defeating. What was needed was not so much severe punishments but the certainty of punishment. These men believed that a rational system of correction that made punishment certain but humane would dissuade all but a very few offenders from a life of crime. For, they believed, the roots of deviancy lay not in the criminal, but in the legal system, thus just as the colonial criminal codes had encouraged deviancy, republican ones would now curtail, maybe even eliminate it.<sup>46</sup>

By the 1820s, however, it was clear to many Americans that this belief was not adequate to explain the causes of criminal behaviour, for although the laws had been changed and punishment had become at once more humane and more certain, the crime rates had not declined significantly. The focus therefore shifted from the legal system to the deviant himself. The origins of crime became an object of intense

study in the decades before the Civil War. Studies were made of the inmates of penitentiaries and a particular emphasis was placed upon the careers of these prisoners. Investigators became preoccupied with the early years of the convicts, their growing up in the family, and their actions in the community. The origins of deviant behaviour were located in the early years of a man's life. Thus children who lacked discipline in their early years quickly fell victim to the vice that was pervasive in the community, and because they were inadequately prepared to withstand the temptations, these children soon descended into crime. Clearly the origins of adult criminal behaviour could be located in the failure of the family to educate and discipline the child and the origins of juvenile delinquency were also clearly to be found in the failure of his upbringing. Implicit in this idea of the origins of deviancy was an impulse to reform, for by altering the conditions that bred crime it could be reduced.<sup>47</sup> Thus convinced that crime was the fault of the environment and especially of a criminal's family circumstances, reformers in Jacksonian America sought means to change the environment which bred criminal behaviour.

This environmental theory of the causes of crime in both adults and children dominated the thought of the reformers in the middle decades of the nineteenth century. By the last quarter of the nineteenth century, however, when it was clear that the rates of crime were not diminishing, other theories began to be suggested. Among these was the "positivist"



school which challenged the notion that the singular cause of crime resided in the criminal's free choice. The work of the Italian criminologist, Cesare Lombroso, fuelled the new idea that habitual criminals were cases of atavism or degeneracy.

Lombroso argued that the criminal was inherently different from law-abiding people and that he was born criminal with clear physical stigmata that marked him from the occasional criminal and normal person. In his book, L'Uomo Delinquente, published in 1876, Lombroso outlined what he considered these stigmata or anomalies to be. He suggested that they consisted of irregularities to the skull, the brain and the face, as well as abnormalities of the sense organs. Other abnormalities included various kinds of physical handicaps, such as underdeveloped legs or infantilism of the genitalia. Lombroso argued that when he found a considerable number of these physical anomalies in any one individual, he would find behavioural problems. Persons with a great number of such stigmata usually lacked moral awareness and full character development. They therefore seemed to Lombroso to be uncivilised and atavistic, a throwback to earlier, more primitive societies. For Lombroso the habitual criminal was a biological type. Lombroso's theory was bolstered by the publication in 1884 of Criminal Sociology by Enrico Ferri, who refined Lombroso's theory that born criminals could be defined biologically, but noted that these were only a minority of the criminal population. Ferri suggested that in the genesis of both classes of criminal, social and environmental

conditions played a part.<sup>48</sup>

In the United States, however, both those who ran reform schools and the reformers who sought ways of dealing with criminals both adult and child do not seem to have been greatly influenced by such theories. It seems likely that though a number of academic investigators of the causes of crime were aware of the new ideal, those in the forefront of both administration and reform were more influenced by their own experience and to some degree by various forms of Darwinism.

Charles Darwin's The Origin of Species was published in 1859, although it was not until after the end of the Civil War that it was widely known in the United States. It was at first condemned by leaders of every important religion in the United States since it seemed to deny standard religious beliefs about the Creation and the origins of man. It soon gained widespread acceptance, however, among both the scientific community and much of the rest of the population and soon Darwinism pervaded many areas of American life. This was particularly the case with Social Darwinism, as proposed by Herbert Spencer in his various books, which extended the idea of evolution and natural selection to society. According to Spencer and his American disciple, William Graham Sumner, society was an organism that evolved by means of the survival of the fittest. Existing social institutions were therefore the "fittest" way of doing things and similarly businessmen

who had achieved wealth and power had proved themselves to be the "fittest." By this theory too, no sensible person would attempt to interfere with the evolutionary process by social legislation. While poverty and corruption were undoubted evils, they would not be cured by social legislation, but only gradually by the evolutionary process of the survival of the fittest. Social Darwinism therefore fit in neatly with the prevailing post-Civil War doctrine of "laissez-faire" in business and government.<sup>49</sup>

It was another aspect of Darwinism, Reform Darwinism, which had more effect upon the reform community in the United States. While Social Darwinism had not prevented the proliferation of child-saving agencies in the years after the Civil War, these had largely been private institutions rather than state ones. Reform Darwinism, as popularised by Lester Frank Ward in his Dynamic Sociology, published in 1883, accepted the primacy of evolution but argued that man was not helpless in the face of evolution. It rejected outright the philosophy of "laissez-faire" and advocated state intervention.<sup>50</sup> Ward argued that man could, by controlling his environment, alter and shape the process of evolution, and that it was, indeed, man's duty to try to control evolution.

While Reform Darwinism provided an impetus for reform and also a justification, other interpreters of Darwinism also contributed new theories about the nature of criminals and particularly criminal youth. Ernst Haeckel, a disciple of

Darwin's, developed the theory of recapitulation, which was later adopted by the American psychologist, G. Stanley Hall. Haeckel argued that each individual, in a relatively brief period of maturation, lived through the course of palaeontological evolution. Thus if at any point an individual's development was arrested, he might revert to a more primitive type.

Darwin's theories, particularly his emphasis upon the importance of environment in evolution, had a profound impact upon theories about the causes of crime. While Darwinists argued that environment was the primary influence upon the development of an individual, another school of thought argued that heredity was much more influential. This theory was propounded by Sir Francis Galton, who had rediscovered the work of Gregor Mendel, the founder of Genetics, and was himself studying eugenics. The work of Cesare Lombroso seemed also to support this theory. The influence of heredity upon criminality seemed to be afforded strong support with the publication in 1888 by Oscar McCulloch of a study of the "tribe of Ishmael." McCulloch traced the genealogy of a family whom he called the "tribe of Ishmael" and found a long and statistically abnormal history of disease, crime and poverty in one family. An earlier study by Richard Dugdale, a member of the executive committee of the New York Prison Association, published in its popular form in 1877, told of a family he named the "Jukes," and revealed that an unusually large number of the members of the family through several

generations were either insane, criminals or prostitutes. Dugdale noted, however, that "The tendency of heredity is to produce an environment which perpetuates that heredity; thus the licentious parent makes an example which greatly aids in fixing habits of debauchery in the child. The correction is change in the environment."<sup>51</sup> Dugdale was somewhat ambiguous in his conclusions, for having shown that many of the characteristics causing crime and pauperism were hereditary, he concluded that the environment was the most important factor. "From the above considerations," he concluded, "the logical induction seems to be, that environment is the ultimate controlling factor in determining careers, placing heredity itself as an organized result of invariable environment. The permanence of ancestral types is only another determination of the fixity of the environment within limits which necessitate the development of typical characteristics."<sup>52</sup> Dugdale's study was therefore so inconclusive about the relative importance of heredity and environment that his book did little to advance the "nature versus nurture" debate. Clearly, however, it served to support the existing practice of removing dependent and delinquent children from what were regarded as vicious parents, to the "healthier" environment of a reform school or family in the country. It also helped to fuel the arguments of the eugenicists who sought to remove criminal elements by preventing them from having families, while adding force to the arguments of those who advocated schools of motherhood which would teach women how to provide the best environment in

which to bring up their children.

By the late nineteenth century, although the "nature versus nurture" debate continued among reformers, especially those who sought to understand the reasons for juvenile delinquency, those who emphasised the importance of the environment seemed to gain dominance. For if the theory that heredity had the greatest influence upon the development of criminals was accepted, it would mean that there was little point in attempting to reform individual juvenile delinquents or criminals, since their inherited characteristics would always cause them to return to crime. Short of preventing such defectives from perpetuating their kind, which was suggested by the growing number of eugenicists, there was little that reformers could do to prevent either juvenile delinquency or adult crime. By emphasising the influence of the environment, as many of the advocates of the juvenile courts and probation did, there was at least the chance of success.

While such ideas about the importance of the environment probably had the greatest influence upon reformers such as the settlement house workers and those who sought the various reforms of the last years of the nineteenth century, other more academic ideas may also have filtered into the mainstream of ideas. One academic theorist who probably had some influence upon those who sought new methods of dealing with dependent and delinquent youth, was the psychologist, G.

Stanley Hall. Although Hall did not publish his major work, Adolescence: Its Psychology, and its relations to physiology, anthropology, sociology, sex, crime, religion and education until 1904, his work on child development was already well established by the 1890s. Hall's ideas about child development were based on evolutionary theory and particularly upon Haeckel's theory of recapitulation. Thus, he believed that the years of childhood and youth were psychologically and physiologically years of savagery, and that the transition to adolescence was a period of storm and stress. He noted that: "...there is a marked increase of crime at the age of twelve to fourteen, not in crimes of one, but of all kinds". Moreover, he argued, "...adolescence is preeminently the criminal age when most first commitments occur and most vicious careers begin."<sup>53</sup> Hall saw juvenile delinquency as a symptom of the great difficulties youth found in making adjustments to his social surroundings. It followed from this that youth needed to be carefully guided through these difficult years and guarded against the temptations to vice and crime. Although Hall seemed to be arguing that delinquency was almost natural to adolescence, he also argued that juvenile criminals as a class tended to be inferior in mind and body to normal children, and were liable to be defective or abnormal. Similarly their social environment was likely to be inferior.<sup>54</sup> Thus, Hall like other theorists about the causes of juvenile delinquency, though he located criminality as an impulse within adolescence itself, tended to equate juvenile offenders with the children of the poor, those

with inferior social environments.

Hall's views of childhood and adolescence implied a constructive, non-punitive approach to juvenile misbehaviour, which concentrated upon providing a healthy, respectable family environment which would not interfere with and might guide the natural unfolding of the moral adult.

It is unclear how influential Hall's work was upon those who sought for new methods of dealing with juvenile offenders during the 1890s and early years of the twentieth century. Some of the juvenile court innovators claimed that they were totally uninfluenced by theory in their work with these children and were prompted simply by their own experience. It seems likely that the women reformers, who played such a large part in establishing the juvenile courts in some states, may have had some sort of acquaintance with Hall's work either through the child study movement of the 1880s and 1890s, or the National Congress of Mothers, both of which organisations absorbed many of Hall's ideas.<sup>55</sup> While Hall's theories probably had more influence upon the juvenile court reformers than many other academic theories, the reformers tended to stress the practical nature of their demands rather than their theoretical basis.

Hall's scientific study of childhood and adolescence in the last years of the nineteenth century was symptomatic of a marked change in attitudes towards childhood in these years.



Between about 1890 and the beginning of the First World War in the United States, there was an accelerated interest in childhood and especially in dependent and delinquent children. While throughout the nineteenth century these children had been the focus of some reformers, they had been motivated in large part by concerns about the growth of adult criminals from these deviant youths. This remained a concern of the juvenile court reformers, but by the late nineteenth century the focus had shifted to the child himself.

In colonial times there had been little recognition of childhood as a period of life distinct from adulthood. Children had been considered generally as little adults and expected to be hardworking members of the family and community from an early age. They were expected to be deferential and obedient to their parents, but this remained their duty well into adulthood and did not only belong to childhood. While there was some consideration of youth in the special laws which insisted upon parents' responsibility to ensure that their children received proper guidance and education to enable them to become upright and God-fearing members of the community, there was little other recognition that childhood was a distinct or special period of life. Children were expected from an early age to be responsible for their own actions.<sup>56</sup>

By the early nineteenth century, influenced by some of the writers of the European Enlightenment, as well as the

increasingly secular attitudes of society and the rejection of many of the attitudes of the Old World, attitudes towards childhood began to change. These were reflected in some of the policies towards juvenile delinquency in the early nineteenth century. Childhood began to be seen as an important period in the formation of an adult's character. Children began to be seen as special, to be nurtured and carefully prepared for later life. They were considered to be especially impressionable and therefore if they were not protected from evil influences they were likely to develop wayward tendencies.

A number of developments in the decades in the middle of the nineteenth century began to further shape attitudes towards childhood, which saw it not only as a distinct stage in the lifecycle, but also one that was worth extending and which required special attention. One of these developments was the spread of the kindergarten idea in the United States. Although the kindergarten idea, as proposed by Friedrich Froebel, had been first introduced into the United States in the late 1840s, it was not until after the 1876 Centennial Exposition, where the advocates of the kindergarten had presented an exhibition of their methods, that Froebel's ideas became popular. Froebel's major contribution was to divide the process of early education between birth and the age of six, into distinct stages of physical and mental development - infancy, early childhood and childhood. For each of these stages he developed distinct educational tasks. Froebel also

declared the child to be essentially good by nature, a bundle of possibilities at the beginning of life. As a result of these ideas, Froebel and his followers developed a new theory of childhood education - symbolic education. This advanced the idea that the child's thoughts pre-existed as feelings and emotions, but that these could not be cultivated directly, only through the strenuous training of intellectual faculties were these feelings given general form thus allowing them to become ideas. Having formed his own ideals through symbolic training and through directed play, the child learned to adapt these ideals to others before leaving the kindergarten.<sup>57</sup>

While the kindergarten idea was not always welcomed by the middle classes for their own children since it stressed the importance of the trained kindergarten teacher in the training of the child, rather than the child's own family, it was widely accepted as a means of training immigrant children and the other children of the slums. With the establishment of free kindergartens in working-class neighbourhoods in the 1870s, the advocates of kindergartens believed that not only could they socialise the slum child in the habits of cleanliness and discipline, but through evening classes, educate working-class mothers in the principles of Froebelian child nurture. The result of this would, it was believed, be the elimination of urban poverty. It was further believed that by recovering the child before the stamp of the slum was irrevocably placed upon him, he could be taught habits of virtue and prevent the creation of future generations of

paupers and criminals.<sup>58</sup>

The kindergarten idea was, therefore, widely accepted as a way of inculcating into poor and immigrant children middle-class values and ideas. It was also seen as a way of lifting these children out of lives of degradation. Thus many of the settlement houses established during the 1890s, founded free kindergartens as one of the earliest efforts to help their neighbours in the slums. Women's clubs also frequently supported kindergartens financially.<sup>59</sup>

By the late nineteenth century children had become recognised as a distinct group whose interests were no longer identical with those of their parents or the greater community. The kindergarten movement and the child study movement of the 1890s led by G. Stanley Hall, served to nurture a greater awareness of the unique nature of childhood, and the basic emotions and interests characteristic of the child. The new ideas about the nature of childhood tended to be confined to the middle classes, however. It not until the twentieth century that they began to filter through to the working classes.<sup>60</sup> This increased awareness of the importance of childhood was also reflected in the belief that children were indispensable in the battle for the nation's destiny. Children were seen as embryonic citizens who represented the future of the country, thus if they were neglected they were likely to be a threat to the future of the nation.

This realisation became increasingly dominant in the minds of reformers in the late nineteenth century. As the middle-classes moved to the cities, they were confronted with the children of the slums who appeared to them to be lacking the necessary guidance and nurture which would fit them to become the future citizens of the country. Prompted by fears of the breakdown of moral and social order, as well as many other considerations, reformers at the turn of the century recognised the special place of children in the urban and industrial age. As a consequence they mounted a powerful and widespread campaign to protect them. By dramatising the plight of needy youth they also found an effective way to mobilise public opinion against a host of social problems. Among the campaigns this interest in childhood spawned were campaigns to bring an end to child labour, efforts to reform the public education system, and attempts to improve child health through various public health campaigns.

The quest to secure a change in the way that the law treated dependent and delinquent children which culminated in the creation of the juvenile courts throughout the United States in the early twentieth century, cannot, therefore, be seen in isolation. It was part of a continuity of reform which had begun with the establishment of the houses of refuge in the 1820s and grew out of the debate between institutional and non-institutional methods of dealing with problem children of the post-Civil War years. The juvenile court movement should not only be seen in the context of earlier efforts to

deal with wayward children, moreover, but also in that of nineteenth century ideas about the overwhelming importance of the child to the future of the nation and the fears that were aroused by the rapid urbanisation and industrialisation of the country in the years after the Civil War. The mass immigration of these years served further to undermine any sense of stability in the cities. Society seemed to be changing and children offered hope for the future if they were properly regulated and taught middle-class American ways.

As a result, several historians, most notably Anthony Platt and John Sutton, have argued that the establishment of the juvenile courts was an exercise in social control.<sup>61</sup> \* But many reformers were motivated by very real humanitarian concerns about the effect upon children of the existing methods of dealing with them should they get into trouble with the law. It is, however, too simplistic to see the motives of the juvenile court reformers merely in terms of either social

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\*The concept of social control was first defined by Edward A. Ross in Social Control: A Survey of the Foundations of Order (New York, 1901). Ross defined social control as the constructive and necessary restraints placed by the group on individuals for the common good. Many of these aspects of control were conscious and intended, according to Ross, and operated mainly through public opinion, law and religion. The internalisation of society's norms was effected through education, custom, social religion and personal values. More recently, social control has come to be defined more as what Ross would have described as "class control" - a much more coercive form of control, by which a social elite imposes its own forms of control upon common man for its own selfish ends. It is this more recent definition of social control that is used by the historians under discussion - the imposition of middle-class values upon the working-classes in order to preserve middle-class ascendancy and prevent social disorganisation.

control or humanitarian concerns, for, it often happened that the leaders of the movement were motivated by considerations peculiar to themselves. In order to understand the origins of the juvenile court movement in the United States, therefore, it is necessary to examine the various local movements which existed to fight for the creation of the courts, in order to determine what the primary motives were in each case. The chapters that follow, therefore, deal with the foundation of the juvenile courts in Chicago, Denver, Philadelphia, Indianapolis, New York and Boston.

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P A R T B

## Chapter Two: The Role of the Chicago Woman's Club

The court which opened its doors to the public on July 1, 1899 did not appear to be very different from any other court in Chicago. There was, however, one big difference and that was in the clientele - all of them were children. Moreover, Judge Tuthill, who presided over the court, stressed to all the children who came before him that he did not intend to administer punishment alone, but was their friend. This was not all. Sitting beside the judge were several women from the Chicago Woman's Club who advised him on the background of the various children who came before him, and in some cases Judge Tuthill, instead of sentencing the child to the industrial school at Glenwood or the John Worthy School, released him on condition that one of these women should watch over the child and bring him back to the court if he did anything wrong. This was the opening session of the Chicago Juvenile Court, which represented a departure from earlier methods of dealing with dependent and delinquent children, not just in Chicago but in the whole of the United States. It not only marked the final recognition by the State of Illinois of its duty towards children, but symbolised a new attitude towards young people in the justice system, seeing them as children in need of help rather than as criminals to be punished.

The Chicago Juvenile Court was not a sudden invention by a single reformer, rather it was an evolution encouraged by the co-operation of a number of groups of concerned

individuals in Chicago. This chapter will explore the part played by the Chicago Woman's Club, the motives of its leaders and its role both in lobbying for reform and in initiating some of the informal methods which culminated in the Juvenile Court Law. The concerns of the various groups of reformers who co-operated to produce the Juvenile Court Law of 1899 differed in their emphasis. The leaders of the Chicago Woman's Club were prompted by their own identification as mothers and the perceptions of family life and childhood which this produced. Moreover, their charitable work in the slums of Chicago and in the city's jails and police stations caused them to believe that families in the poorer sections of the city were on the point of breakdown as a result of the pressures of urban life. This view appeared to be reinforced by the apparent growth in the rate of juvenile delinquency in Chicago, and it became increasingly clear to these women that new methods of dealing with dependent and delinquent children were required. While, at first, they worked within existing structures, they gradually became aware that the law itself needed to be changed to treat children as children in need of help and protection, rather than as criminals to be punished.

The Chicago Woman's Club was founded in February 1876, by Mrs. Caroline Brown, a Bostonian, and several of her friends. The objects of the Club were, as its historians stated: "...a desire to enlarge our vision, to enable us to share in the wider interests of the community, to do our share of the world's work; we wished to prevent wrong and harm to those

unable to help themselves, to bind up wounds, to create that which was lovely, to take the place of the unsightly."<sup>1</sup> It was not a political nor a suffrage organisation but sought to better the world and its members through charity, philanthropy and culture. With this aim in mind four committees were formed: Home, Education, Philanthropy and Reform, though two more were added later. Each member of the Club had to belong to one of these committees.<sup>2</sup>

The membership of the Club was taken from middle class women, at first mainly married women with children past the nursery age. It did not, to begin with, have the fashionable character it was later to acquire, but as the Club grew in stature it began to attract not only those women who required occupation for their leisure hours, but also that increasing class of professional women who were making innovations in the accepted social patterns of their sex. While in the 1870s it was composed mainly of middle class housewives, during the 1880s many of the social leaders of Chicago such as Mrs. Charles Henrotin, Mrs. Potter Palmer and Mrs. William Chalmers entered the Club. The membership also included prominent professional women: lawyers such as Mrs. Myra Bradwell and Mrs. Catherine Waugh McCulloch; physicians such as Sarah Hackett Stevenson and Julia Holmes Smith; journalists, Mrs. Helen E. Starret, Mary Kraut and Mrs. Caroline S. Twyman; as well as an increasing number of social workers and settlement house workers - Jane Addams, Julia Lathrop and Mary McDowell were all members of the Club. Membership of the Club was



fairly exclusive and limitations were put on the number of new members each year. Moreover, prospective members had to be sponsored by an existing member and their acceptance into the Club was often dependent upon the importance of their sponsor.<sup>3</sup>

Typically the leaders of the Chicago Woman's Club in the late 1880s and 1890s were white, middle class and Protestant. The majority of them were married and had had several children who, by the time their mothers became heavily involved in the Club, were beyond the earliest years of childhood. There were exceptions: many of the professional women were unmarried and not all were Protestant - for instance, Mrs. Henriette Greenbaume Frank, President of the Club in the early Twentieth Century and the Club's historian, was the daughter of a prominent Jewish banker in Chicago. Most were, however, middle class, and the leaders, if not the rank and file, were either the wives of prominent Chicago men, or were prominent in their own right. The exceptions to this tended to be settlement house workers, introduced to the Club by their more socially prominent colleagues.

Among the social elite who gave the Chicago Woman's Club its fashionable character and its more glamorous leadership was Mrs. Potter Palmer. She was born, Bertha Honore, in Louisville, Kentucky in May 1849, the daughter of Eliza Jane and Henry Hamilton Honore. When she was six, the family moved to Chicago, where her father invested in real estate and

became one of the city boosters. She was educated at fashionable schools in Chicago and on the East Coast. In 1870 she married Potter Palmer, who had moved to Chicago from New England in 1852 and had made a fortune in dry goods, real estate and cotton trading during the Civil War, and took a leading role in re-building Chicago after the great fire of 1871. They had two sons in 1874 and 1875. The couple occupied a position of social prominence in Chicago, and were regarded as members of the pre-fire aristocracy. Mrs. Palmer was involved in a number of cultural undertakings and was also active in practical endeavours for public welfare. She came to national prominence as chairman of the Board of Lady Managers of the World's Columbian Exposition held in Chicago in 1893.<sup>4</sup>

Ellen Martin Henrotin was also born outside Chicago, in Portland, Maine, and spent much of her childhood in England where her father had inherited some property and she attended schools in London, Paris and Dresden. Her family returned to the United States and settled in Chicago in 1868, where she was married in September 1869 to Charles Henrotin, the son of a Belgian physician. They had three sons. Charles Henrotin was already well-established in a financial career when he married Ellen Martin, and this brought him eventually to the presidency of his own bank and of the Chicago Stock Exchange, and to a leading position in Chicago society. Mrs. Henrotin, like Mrs. Palmer, was involved in the social and cultural activities of Chicago and also some of the various reform

projects of the Chicago Woman's Club which she joined in the early 1880s. She, too, was prominently associated with the World's Columbian Exposition, as vice-president of the Women's Branch, and, as a result of her success in the Exposition, was elected in 1894 as president of the General Federation of Women's Clubs, an office she held for four years.<sup>5</sup>

Of a different breed were the professional women, such as Dr. Sarah Hackett Stevenson, who became prominent in her capacity as a physician. She was born in a rural county of Illinois in 1841, the daughter of a farmer. She was educated at Mount Carroll Seminary and the State Normal University, Illinois from which she graduated in 1863. She taught school for a number of years, and then moved to Chicago and London following medical courses, gaining her M.D. in Chicago in 1874. She became the first woman to be appointed to the staff of the Cook County Hospital in 1881 and the first woman appointed to the Illinois Board of Health in 1893. She gained prominence in her profession and did much by her example to advance the cause of medical education for women. She was welcome in the upper circles of Chicago society and served as president of the Chicago Woman's Club in 1893.<sup>6</sup>

These women were not simply middle class housewives living in suburban residential areas, bored at home and unhappy with their lack of participation in the "real world", and seeking an improvement in their status through their reform activities, as Anthony Platt has suggested.<sup>7</sup> Rather,

many of them were socially prominent, living in the fashionable areas of Michigan Avenue and Lake Shore Drive, as well as the fashionable suburb of Hyde Park, and several had gained status through their own activities, not just as the wives or daughters of rich men. Nor were they, on the whole, feminists who sought greater involvement in the world of politics, for it was not until the early Twentieth Century that any number of the members of the Chicago Woman's Club endorsed the fight for suffrage. Indeed, the Chicago Woman's Club was a conservative organisation which worked within the bounds of women's role in society. Many of the Club members were also fairly conservative in their social ideas. As members of the social elite they were concerned to preserve the existing structures of society but were anxious that if they did not help to alleviate the poverty they found in the city through charitable work and later through various social reforms, there would be social unrest. Although the Club itself was not a charitable organisation, it was instrumental in the foundation of the new Chicago Charity Organization Society in 1893, and when the Bureau of Charities was founded in 1896 many of the Club's members became friendly visitors and directors of the Bureau.<sup>8</sup> While involvement in both the Charity Organization Society and the Chicago Woman's Club allowed women to play a greater part in the community outside their homes and eventually involved them in reform activity, they still worked within the accepted ideas of how the Victorian lady should behave. Moreover, there is little evidence to suggest that the women who joined the Chicago

Woman's Club actively sought to break out of the sphere allotted to them. Nonetheless, women's clubs, like that of Chicago, were a relatively new phenomenon in the cities of America in the years after the Civil War and women entered them with a degree of timidity.<sup>9</sup>

The Chicago Woman's Club was not a unique organisation either in Chicago itself or in the United States as a whole. It was part of a wider movement among urban middle class women and was related to changes within the middle class family at this time which gave women more time and justification to extend their activities beyond the immediate sphere of the home to the wider community.

The American middle class family had undergone a number of transformations from the time of the early Puritan settlers, and was indeed in a period of transition in the latter half of the nineteenth century. Changes in the family were accompanied by, and promoted modifications in, the role of women and new ideas about the nature of childhood.

The Colonial Puritan family had had many functions: it raised food and made most of its own clothing and furniture. It taught its children to read, to worship God and care for each other in sickness and old age. It was a workplace, a school, vocational training agency, place of worship and carried much of the responsibility for maintaining social order. The family was thus the cornerstone of the larger

society - "a little commonwealth" - an institution which reflected and endorsed the values of the wider community.<sup>10</sup> Between 1770 and 1830 a new kind of middle class family emerged. As Stephen Mintz and Susan Kellogg have shown, the "democratic" or "republican" family was characterised by a form of marriage that emphasised companionship and mutual affection, unlike the patriarchal dominance of the colonial family. It was further characterised by a more intense concern on the part of parents with the proper upbringing of children, as well as by a new division of sex roles, by which the husband was to be the breadwinner, and the wife to specialise in child-rearing and home-making. The family ceased to be an integral component of the network of public institutions, and was seen rather as a private retreat, a shelter and refuge in contrast to the outside world. A place for emotions and virtues, threatened by the aggressive and competitive spirit of commerce and governed by values very different from those of the outside world. The function of the family ceased to be primarily economic and became, instead, to rear children and provide emotional support for its members.<sup>11</sup>

With this new emphasis upon the home as a refuge from the outside world, and as a growing number of men began to work away from home, the role of women underwent a change. From being regarded as temptresses and inciters to evil by the Puritans, women in their role as mothers and homemakers came to be regarded as the embodiment of virtue, and women, far

from tempting men away from the paths of good, were believed to be instrumental in bringing men back to God. Barbara Welter has described this new emphasis upon women as the embodiment of the four cardinal virtues of piety, purity, submissiveness and domesticity, as the "Cult of True Womanhood".<sup>12</sup> In the years before the Civil War women's activities were increasingly confined to the home, and especially to the nurturing of children. Women were believed to be the moral guardians of the family, responsible for the ethical and spiritual character of the home as well as its comfort and tranquillity. In this sphere women were the acknowledged superiors of men, and there was a general consensus that only women could have an uplifting influence over home and children, being a source of moral values and a counterforce to the commercialism and self-interest of the outside world. This idea was popularised through sermons, popular literature and advice literature and seems to have been widely accepted at least among the middle and upper classes.<sup>13</sup> Yet some women found that they could justify their involvement in some activities beyond their own firesides, especially those concerned with the welfare of women and children, as being an extension of the domestic sphere. Before the Civil War, however, any activity outside the home which was not directly related to domesticity, such as the anti-slavery campaign or the woman suffrage movement, was looked upon with opprobrium, as not being appropriate to the "True Woman."

Women's voluntary associations which kept within the bounds of the cult of domesticity proliferated both before and after the Civil War and were a means by which women could legitimately extend their influence beyond their own homes. Many of the earliest associations were church-related, but gradually more secular benevolent societies began to multiply, beginning at first with care for widows and orphans and eventually taking on broader responsibilities for indigent members of the population. Each benevolent society had a constitution and byelaws, officers, a carefully stated benevolent purpose and a programme of work. In some communities, especially the new communities in the West, women took responsibility for organising schools, churches and various other community institutions. The Civil War saw women utilising the talents they had fostered in these benevolent associations and able to enter a larger sphere of usefulness to help with the war effort. It was not, however, until after the Civil War that there was a real explosion in the number of women's organisations of all varieties.<sup>14</sup>

The tremendous growth in the number and variety of women's organisations in the late Nineteenth Century in American cities, was the result of a number of changes in middle class households which gave women more time and indeed, more desire to become involved in club activities. One factor was the increasing industrialisation and urbanisation of America, bringing many middle class families into cities. Women, who might previously have helped their husbands with



farm work, in the cities had no work beyond their household and child-rearing duties, for middle class women were not generally employed outside the home. Moreover, the middle class woman's household duties took less of her time than they had done previously since the last years of the Nineteenth Century saw a rapidly growing assortment of appliances and commodities with the potential to reduce significantly the burden of household chores.<sup>15</sup> Demographic changes also played their part in giving women more time to become involved in women's organisations. Between 1890 and 1920 the general urban trend among middle class women was towards earlier marriage, although an important minority of women postponed marriage or did not marry at all. A greater use of birth control measures among middle and upper class women is also suggested by a consistently lower birth rate among native white women.<sup>16</sup> Thus, middle class urban women tended to have smaller families than previous generations, and to have them at an earlier age. As a result these women spent fewer years of their lives in child-rearing and were younger when their children became more independent. Together with the decrease in the amount of time spent in household duties, this meant that many middle class women had an increased amount of time to spend in activities beyond their immediate homes.

The ideology of "True Womanhood" and virtuous motherhood while emphasising the domestic role of women, was also significant in promoting better education for women, since the mother who was to produce the country's future

citizens needed to be well-educated. Thus many of the middle class women who lived in cities such as Chicago were better educated than their mothers had been. Moreover, an increasing number of these women were college-educated, and had experienced the closeness of female friendships and the organised female activities of college life.<sup>17</sup>

All these factors coalesced in the cities, where a number of well-educated women with increased leisure time sought female companionship. One result was an explosion of women's organisations in the years after the Civil War. The first of the women's clubs which promoted self-improvement and a degree of activism, began in 1868 in New York and Boston. Sorosis and the New England Woman's Club were formed with the idea that women should organise to assist one another and to be of use to the world. Karen Blair has also suggested that they provided a forum where the demand for women's rights could be expressed and through which members justified both self-improvement and action to erode sexism by invoking the domesticity and morality ladies were supposed to embody.<sup>18</sup> While such conscious feminism might have been true of the East Coast clubs, the Chicago Woman's Club was much less forthright and indeed fairly timorous in its early years: "Some of us who were neither teacher, physician nor lawyer," explained the Club's historians, "but simply home-women, quite content to remain within the sphere of woman, then defined as limited to the fire-side, were timid at the thought of venturing out of the lines of family ties and the circle of friends, which we

had inherited and acquired in home and school, - it seemed a daring step to adventure into club-land."<sup>19</sup> Such timidity did not, however, prevent a large number of middle class women from joining the Club.

The Chicago Woman's Club was founded in February 1876 and was clearly influenced by the founding of Sorosis and the New England Woman's Club. Indeed, at the meeting to found the Club the bye-laws and constitution of the New England Woman's Club were read out to provide a model on which to base the new club.<sup>20</sup> While it was in part a cultural club concerned with self-improvement, as evidenced by the formation of an Art and Literature Committee, it was from the beginning concerned with questions of reform and philanthropy. As the Club's historians noted: "It has broadened the views of women and has tended to make them more impersonal and has widened their sympathies. They have learned to assume responsibility outside of home interests, and to consider the study of conditions in city and state as an extension of their concern - constituting as they do the larger home. The idea of practical work for the community was fundamental in the minds of the founders."<sup>21</sup> Thus women were able to extend their traditional charitable role of the "lady bountiful" as practised in rural communities, to more systematic and "scientific" charitable enterprises and so into efforts to reform society. It was also a means by which women could pursue the literary and cultural interests they had acquired in schools and colleges, for it was not only a benevolent association. The Club

provided a sense of sisterhood and support for those women who wished to reform society and it also inspired self-confidence in those who had been content to centre their lives around their homes, giving them the confidence to become involved in active efforts for reform. It also organised classes in art and literature, for which the women had to prepare themselves as they would for college classes. Thus, cultural and reform activities were interrelated as the Club's historians noted: "The Club became the mature woman's college. These classes served a two-fold purpose - they brought the members together in a more intimate way and stimulated them to continue to give attention to serious topics of study, and gave a feeling of solidarity. Out of these attempts at widening our intellectual horizon and our appreciation of art in all its phases, came the desire to share with others...All were interested in the work of Philanthropy and Reform..."<sup>22</sup>

Some of the earliest activities of the Club were study classes in art and literature, but from the beginning it was concerned with matters affecting women and children, most particularly those women and children among the poorer and criminal classes. Thus, at an early meeting on January 4, 1877, after selected readings from Charles Loring Brace's work, The Dangerous Classes of New York, a discussion concluded that the only hope of preventing crime, and most especially prostitution, lay in the training and education of children. As a result, one of the first efforts of the Club was an attempt to persuade the Mayor to appoint women to

vacancies on the School Board.<sup>23</sup> Their interests soon diversified to include discussions on prison reform and how to prevent crime and poverty by the industrial education of children and through kindergartens, none of which were particularly new concerns for reformers. In the earliest years, while papers were given by members of the Club on the role of women as reformers<sup>24</sup>, practical efforts remained largely an individual affair, until in 1881 the Philanthropy Committee expressed a desire to do something practical and formed a society for the diffusion of psychological and hygienic knowledge among women.<sup>25</sup> The Philanthropy Committee also began visiting the jail and asked the endorsement of the Club in its efforts to secure an assistant matron in the jail to look after women prisoners. The Club gave its endorsement with the proviso "That in undertaking such practical work it is not the purpose of the Club to become a Charity Organization but rather a discoverer of the best methods of advancing humanitarian principles and of helping individuals and organizations become self-sustaining."<sup>26</sup> There was clearly no idea that they were behaving in an unladylike fashion by entering into the wider community - this was merely extending the idea of the rural "lady bountiful" to the city.

Both the Philanthropy Committee and the Reform Committee of the Club continued their visits to the jail and police stations and their practical work in investigating conditions in these institutions, as well as securing matrons to look after the women and children imprisoned there. In 1892 the

Reform Department took a further practical step to alleviate conditions in the jail. At the request of Mrs. Denrison Groves, the Chicago Woman's Club assumed the responsibility of the Jail School which she had begun. Mrs. Groves was not a member of the Woman's Club, although she became an honorary member in 1892, but she had been involved in a number of philanthropic enterprises, such as helping to found the Chicago Waif's Mission and the Chicago Branch of the YWCA, and was clearly a fairly wealthy woman. She had become interested in the plight of the children in the Cook County Jail on a visit there in 1886. She had found quite small boys confined in the same quarters in the jail with murderers, anarchists and hardened criminals and went to the Superintendent of the Jail to ask that these boys might be placed in a separate room. As her daughter recalled: "He replied that he had no space. After a day or two of thought; she asked and received permission to give instruction in reading and writing, in the Bible and singing, each morning for about three hours."<sup>27</sup> With the aid of her personal friends, Mrs. Groves employed a regular teacher, and in 1892 the Chicago Woman's Club assumed the payment of the teacher, Miss Florence Haythorne's, salary. The Sheriff allowed her to teach the boys in the corridor of the jail every morning.<sup>28</sup> Mrs. Groves was also a publicist in the cause of the boys in the city and county jails, writing a number of articles during the 1880s for the Chicago Tribune and the Inter Ocean, pointing out the evils of the jail system as it affected children and suggesting that there should be a Detention Manual Training School in Cook County so that boys

who had committed crimes would not be driven into deeper crime and degradation.<sup>29</sup> Little was done by Cook County, but the Chicago Woman's Club also lobbied for such a school. Clearly these women were not only motivated by a humanitarian concern with the misery and degradation experienced by these children in the Chicago jails, they were worried that without the benevolent influence of the school teacher they would be contaminated by the atmosphere of vice and crime in the jails. Moreover, in pushing for a manual training school in the jail they sought to ensure that the boys confined there would learn a trade and thus not be forced into lives of crime. For, it was believed, the lack of a trade was a major cause of idleness and criminality.

The Club did not merely concentrate upon such informal methods of alleviating the problems in which it was interested. In March 1885, Mrs. J. B. Adair gave a paper before the Club on "The Office of Women in the Reform and Care of Criminals," which was followed by a discussion which revealed that Illinois had no reform school for girls and that "In case of light offenses comparatively good girls were classed with such vicious company that their futures became inevitably blighted." The discussion ended with a resolution being adopted endorsing a bill before the Legislature.<sup>30</sup> As the Club became more confident in its own abilities, it moved from merely endorsing legislation already before the Legislature, to initiating legislation of its own, as was the case of the Juvenile Court Bill. It did not, however, abandon

less formal methods of dealing with the problems with which it was concerned.

Although the Club continued to have a wide range of interests and activities, charitable work and particularly efforts to prevent children from becoming hardened criminals were a dominant concern of the Club throughout the 1880s and 1890s. This took the form not only of endorsing legislation and trying to fight contaminating influences by educating boys in the County Jail, but also in working to establish institutions to prevent dependent children from becoming criminals. Thus the Club was involved in raising funds to build a home for dependent children when its help was requested by the men on the Board of Directors of the School. It appealed for funds in the newspapers, and through its own subscriptions raised money to build one of the cottages at the school. Its work was acknowledged by the Board of Directors of the Glenwood School when an inscription with the words "Erected by the Woman's Club" was placed on the school building, however this acknowledgment did not come without some prompting by the Club.<sup>31</sup>

If woman's role in seeking means to improve the condition of dependent and delinquent children in the jails and police stations, was accepted by the wider society as an enlargement of her domestic role as mother and housewife, it was these same women's perceptions of themselves as mothers and protectors of the American family, which prompted their



concern about these children. While changes in the middle class family had given women more time and justification to extend their activities beyond the immediate sphere of their own homes, these same changes also heightened their concern about families who did not conform to their ideal of the American family.

Among the changes in the middle class family during the nineteenth century had been a marked transformation in attitudes towards children and childhood. The child in the Colonial Puritan family had been regarded, even as a new-born infant, as innately sinful, and it was believed to be the parents' duty to suppress their children's natural depravity and break their wills. Childhood was not regarded as a particularly distinct period of life, nor as one which should be prolonged.<sup>32</sup> By the early nineteenth century a new conception of childhood was emerging, influenced by the writings of Rousseau and Johann Pestalozzi, and emphasising the naturalness and individuality of children. Children were also considered to be more innocent, and childhood itself was perceived as a period of life which was not only worth recognising and cherishing, but also worth extending. Children were, moreover, being seen for the first time as special, the reason for the existence of the family, and the responsibility for the proper rearing of children was placed upon the parents. Large numbers of advice books on child-rearing for parents were published. Nor was the parents' primary aim any longer to break the child's will, but rather

to nurture and develop the child's conscience and individuality. Childhood was to be cherished and carefully regulated as a preparation for adulthood. The primary purpose of child-rearing became the internalisation of moral prohibitions, behavioural standards and a capacity for self-government that would prepare the child for the outside world. As the nineteenth century progressed a consensus emerged that only the gradual process of maturation within the protected confines of the home could ensure a smooth transition to adulthood, and childhood was to be prolonged until the process was completed.<sup>33</sup> Viviana Zelizer has also shown that the middle class child ceased to have any economic value to its family, since it no longer contributed to the family economy, but its emotional value was priceless, and in the last decades of the nineteenth century children's lives were increasingly "sacralized" - being invested with a great sentimental, almost religious meaning.<sup>34</sup>

This new emphasis upon childhood was promoted by such new institutions as the kindergarten which was inspired by the ideas of Friedrich Froebel and stressed the socialisation of the child through play. Though Froebel's ideas tended not to emphasise the role of the mother in the proper upbringing of the child, many of the other developments of the late nineteenth century did so. Indeed as a result of this great emphasis upon the importance of childhood and the proper rearing of the child to produce a good adult, the role of women as mothers was extolled. This intense focus upon the

child also testified to an unprecedented professional and scientific interest in child study. The Child Study Movement, popularised by the psychologist G. Stanley Hall, was a symptom of this interest, and further emphasised the need for educated motherhood, as Hall insisted that the mother should respond differently to each stage of the child's growth. Thus, each of these developments tended to emphasise the importance of the family in the development of the child, and most especially the role of the educated mother.<sup>35</sup>

Middle class women therefore perceived the family as the most important socialising influence in the proper rearing of children, and it was their role as mothers to ensure that not only their own children, but all children should develop into good citizens. They consequently saw the family as the bulwark of society, and it was because of fears that the family was breaking down under the pressures of urban life, that a number of the leaders of the Chicago Woman's Club concentrated upon efforts to deal with what they saw as the increasing problem of dependent and delinquent children.

There were a number of general trends in society as a whole which led these women to believe that the family was under threat. By the end of the nineteenth century, the divorce rate which had been steadily rising since the end of the Civil War, had attained what were seen by some clergymen and women's groups as critical dimensions.<sup>36</sup> The decline in the birth rate among middle and upper class women was also a

further source of concern for some.<sup>37</sup> It was not so much the fear that their own families might be disintegrating, however, which worried the Club women, although this probably had an unsettling effect, but the fear that working class and, in particular, immigrant families were breaking down and that this would eventually threaten the very basis of society. It was clear to many of the women involved in the various charitable enterprises of the Chicago Woman's Club that the rapid industrialisation and urbanisation of American society, especially obvious in Chicago, was having a detrimental effect upon the family. Moreover, the vast influx of immigrants from Eastern and Southern Europe from the 1880s onwards, led to fears that traditional American ideals based on Protestantism would be eroded. Especially as these, mainly Catholic, families seemed to produce large numbers of children who did not behave in the way in which middle class American children were expected to behave.

It was therefore as mothers and the protectors of the home that members of the Chicago Woman's Club sought a solution to the problem of dependent and delinquent children. Their own experiences and perceptions showed them that the home was of the utmost importance in the proper rearing of children to become good adults. Ideas about childhood which had been gradually developing over the nineteenth century and which were widely accepted among the middle and upper classes, suggested that children should be carefully nurtured in a protected family environment. Children should be lovingly

taught the moral precepts of society from an early age and should not be regarded as having an economic value. Members of the Chicago Woman's Club, through their visits to Chicago's police stations and the city jail, as well as their charitable work in poor and immigrant neighbourhoods, would obviously be shocked by the difference in family life in the poorer sections of the city. Quite apart from the apparently high rate of juvenile delinquency in these parts of the city, other factors seemed to suggest that families there were breaking down. In many families both parents went out to work so that children were left to roam the streets all day and thus the mother was not fulfilling her child-rearing functions. Children were sent out to work in factories at an early age and many children were also seen on the streets selling newspapers and hawking various wares. Moreover, many of the cases with which Chicago's charitable organisations had to deal were those where the father had deserted his family and the mother either had to work to feed her family or ask for alms. It was, therefore, unsurprising that in seeking outlets for their new-found time and energy the middle class women of the Chicago Woman's Club should have been concerned with reforms for women and children. For not only could they justify such activities as an extension of their domestic role, but also their own concerns and perceptions suggested to them that the apparent breakdown in family life in the slums would threaten what they saw as the very basis of society - the family.

As a result several members of the Woman's Club were not slow to point out that many working class and immigrant families did not conform to the ideal of the American family and that if something was not done about it, the whole of society would ultimately suffer. For this reason the Club concentrated many of its efforts upon ways to educate working class mothers to their responsibilities in rearing children, and to ensure that their children conformed to middle class ideas about childhood. This explains their involvement in supporting free kindergartens in the poorer areas of Chicago and their growing interest in dealing with the problem of dependent and delinquent children.

Moreover, their concern about the apparent breakdown in working class and immigrant families and their consequent interest in seeking a solution to the problem of dependent, neglected and delinquent children, seemed to be justified further by the apparent rise in crime rates in the poorer sections of Chicago.

The period from 1876 to 1898 saw a rapid increase in the population of Chicago: in 1876 it stood at 500,000, by 1890 it had reached 1 million and by 1898 it stood at 1,875,000.<sup>38</sup> As the city's population grew so also did the crime statistics and it was not adult arrest figures alone which were on the increase. In 1876, 153 children under ten were arrested and 5,945 between the ages of ten and twenty. By 1898, these figures had risen to 508 children under the age

of ten, and 15,161 between the ages of ten and twenty. As a proportion of the population there was in fact little increase in the number of arrests of children, although it is possible that the number of arrests did not reflect the number of crimes committed.<sup>39</sup> What the arrest figures did reflect, however, was an increasing anxiety about crime among the children of the city. For the problem of crime among children appeared to be very visible, especially in the crowded areas of the city. There seemed to be more children being held in the police stations and the city prison, and the numbers on the police reports and in the newspaper reports were larger. This may, of course, have simply been because the police found it easier to arrest children especially when, in some cases policemen were rewarded for the number of arrests made, but it may also reflect a move among the police to arrest children for petty depredations which would not have been recognised as offences in a rural community. Moreover, many of these children had their cases dismissed at their court hearing. However, whether or not there was a proportionate increase in the amount of juvenile crime, there was a perceived increase in its incidence in Chicago, and members of the Chicago Woman's Club were not prepared to accept these figures complacently. "Just think of it. Think what it means to us as well as to them, and then say, if you can, 'I cannot help it. I am not my brother's keeper,'" argued one of its members.<sup>40</sup>

Among those most consistently concerned with the question

of dependent and delinquent children, was Mrs. Lucy Flower who became a member of the Club in the early 1890s. Lucy Coues was the adopted daughter of Samuel Elliott Coues and his second wife, Charlotte, who were both natives of New Hampshire where Samuel was a prosperous merchant and numbered many reformers among his friends. Lucy was educated in local schools until in 1853 the family moved to Washington D.C., where Lucy attended the Parker Collegiate Institution until family illness prevented her from continuing. In 1859 she moved to Madison, Wisconsin where she taught school and in September 1862 married James Flower, a rising lawyer. They had three children before the family moved to Chicago in 1873. James Flower continued to prosper as a lawyer and he gained a reputation as the senior partner in a prominent Chicago law firm. He also became prominent in Republican circles. Mrs. Flower was heavily involved in charitable enterprises, at first church related work, but later as a board member of the Chicago Half-Orphan Asylum and the Home for the Friendless, and a founder of the Illinois Training School for Nurses.<sup>41</sup> It is unsurprising, therefore, that she should have become involved in the reform work of the Chicago Woman's Club.

Mrs. Flower, both as a member of the Chicago Woman's Club and as an individual, was a keen lobbyist in advocating solutions to the problem of dependent and delinquent children. She also made it clear that criminal youths were the result of poor homes and bad child-rearing and that unless the State stepped in to find these boys good homes at an early age, they



would become a danger to society. Thus in a newspaper article in January 1887, she claimed: "Every boy who grows up depraved and vicious is a danger to the State. As a voter, he has as much voice in public matters as you; as a criminal, he costs the State more for trials, convictions and board in prison than would suffice to take twenty boys and, by finding suitable homes and securing to them protection and training in infancy, make of them honest, self-supporting citizens."<sup>42</sup> An argument she reiterated in 1896 at the Illinois Conference of Charities: "Every child allowed to grow up in ignorance and criminality or in pauperism tends to lower the standards of the community in which he lives, as the evil of his life does not end with him but may be transmitted to his posterity, and the extent of his influence be incalculable."<sup>43</sup> She believed that it was the right of every child to be properly reared, as were the majority of middle class children, and thus conform to middle class ideas of childhood. No child naturally knows good or evil, she argued, these must be taught, and in a normal family (for which read one conforming to middle class values) a child is taught what he can or cannot have, but the moral sense of a child cannot be developed where he lives in an atmosphere of drunkenness and profanity. It therefore seemed natural to Mrs. Flower and her colleagues in the Chicago Woman's Club that the State should ensure that all children should have a proper training for adulthood. "Has not the child, simply as a child, some inherent rights, some claims on society for at least a chance to be decent and upright?" She questioned. "I am sure he has and that we as

[C]hristian men and women fail of our plain duty when we do not endeavor by every means in our power to secure to every child that which should be his inalienable right, viz: food, clothing and shelter, until such time as he can earn them for himself, and such physical, mental and moral training as is necessary to enable him to be a self-supporting, upright citizen."<sup>44</sup>

It was such attitudes as these expressed by Mrs. Flower that prompted not only a general feeling among Woman's Club members that juvenile delinquency was a symptom of a larger crisis among lower class families, but also that it behoved them to seek practical solutions to the problem of criminal youth and neglected and dependent children who were generally seen as incipient offenders. Thus, during the 1880s, the Philanthropy and Reform Committees of the Club became involved in jail visiting and efforts to secure matrons within the jail and police stations. The role of the matrons seems to have been originally to provide a warden of the same sex as protection for women in the police stations, but this idea was extended to provide protection for children in these institutions. It was also believed that these female matrons would look after the interests of the children in the jail and police stations and ensure that they were not exposed to the worst influences of these places. During the early 1890s the Philanthropy and Reform Committees further extended their activities in the jail by undertaking the support of the jail school. These practical efforts sought to counteract the

contaminating influences of the jail, as well as introducing the beneficial influences of the matrons and school teacher.<sup>45</sup> The Club's endorsement of legislation to establish a reformatory institution for women and girls, and their fund-raising efforts for the home for dependent children, should also be seen in this light. None of these endeavours was, however, a panacea, and the Philanthropy and Reform Committees continued to seek a solution to the problem of dependent and delinquent children.

The Reform Department continued its interest in the boys in the jail and it was as a result of this interest that Mrs. Perry Smith, the wife of a railroad capitalist and lawyer,<sup>46</sup> spoke to the Club in November 1892 of the difficulties encountered by the Jail Committee in helping boys who had been in jail, often for petty offences. She observed that various organisations had been appealed to, such as the Helping Hand and the Glenwood School, but they could not help, and she asked that some of the rich women of the Club should establish a Manual Training School for this class of child. It is also significant that Mrs. Perry Smith recommended that a juvenile court should be established "so as to save these boys from the contamination of association with older criminals." Mrs. Coffin, the Chairman of the Jail Committee, further stated that "We need Reform Prisons - we need the Juvenile Court, open every morning - for this, the Club should work."<sup>47</sup> It is unclear what either of these women meant by a juvenile court at this juncture, but it is perhaps symptomatic of the way in

which their thoughts were beginning to turn.

Whereas previously the efforts of the Chicago Woman's Club had been concentrated upon the reformation of children in the jails and upon the prevention of crime by educating these children in jails or in manual training schools or industrial schools, by the middle 1890s they began to search for means of changing the actual machinery of justice. One newspaper noted in 1893 that the women who had succeeded in introducing night matrons in the jail and police stations were now agitating for the passage of a law similar to that of Massachusetts, which compelled the trial of juvenile delinquents within twenty-four hours of arrest.<sup>48</sup> It was possibly as a result of this agitation and a committee of the Chicago Woman's Club conferring with lawyers regarding the great delay which attends the trial of boys in jail, that one judge was prevailed upon to hold separate court sessions just for the trial of boys.<sup>49</sup> Thus in November 1894, Miss Haythorne, the Jail School teacher, "...reported that she had been encouraged by the assurance that cases of boys would be tried at once by Judge Tuthill, who would hold court for the purpose on Saturday mornings."<sup>50</sup>

Concern that children should be tried speedily and indeed at separate sessions of the court, had resulted from a realisation that children were associated with hardened criminals from the moment of their arrest until they were released either after the judge had decided they should be

dismissed, or after they had served their sentence. Thus by insisting that children should be tried speedily and in separate courts, it was hoped that the contamination of children by older criminals would be avoided, at least until sentence was passed. The hearing of children's cases either before those of adults or in an entirely separate session was accomplished on an informal basis but was not sanctioned by legislation as it had been in New York since 1892. It depended merely on the agreement of the State's Attorney and on the willingness of Judge Tuthill himself.

In 1895 the Chicago Woman's Club, led by Mrs. Flower, Mrs. Henrotin and Miss Julia Lathrop, tried to formalise this embryo juvenile court through legislation. As Mrs. Flower recalled: "Several of those interested in children, among them Miss Lathrop and myself, were very much exercised over the inequalities and injustices of the administration of the law to juvenile offenders, and we attributed this largely to the fact that the cases were handled by so many different justices, each with different ideas of the responsibility of juvenile offenders and more or less affected by political influences. So the idea gradually developed that it would be a good thing if all children's cases could be taken from the police courts and tried by a higher judge."<sup>51</sup> They sought to obtain a law which would establish a separate court for the trial of children's cases. A draft law was presented to some lawyer associates, but the lawyers judged that such a law would be unconstitutional since they could see no way by which

such a court could be created in accordance with the rights guaranteed under the Illinois constitution. The law was therefore abandoned, but informal methods continued.<sup>52</sup> It is significant, however, in showing some of the reasons why women reformers felt that there was a need for a separate court for juvenile cases, not only to keep children separate from adult offenders at all times, but also to achieve a certain amount of uniformity in the treatment of such cases. Moreover, by having only one court which was to deal with all children's cases it was hoped that if a child was dismissed on one charge, if he then came before the court again his case would not again be dismissed without proper consideration. This had been happening with children appearing before various different police courts with no records kept and so, reformers believed, a child had been able to offend without fear of punishment, because before each new court he had a clean slate. The abandoned bill also included provision for the introduction of a probation system for children, which would have allowed a more direct influence upon the lives of poor children.

While this attempt to secure legislation formally to create a juvenile court and probation system was, for the moment, abandoned, members of the Woman's Club continued to seek for ways to change the treatment of dependent and delinquent children. Mrs. Flower visited Massachusetts to study the probation system there<sup>53</sup> and the Club had secured permission from the State's Attorney to have one judge hold a

morning session once a week for boys only. To this session Miss Haythorne, the Jail School teacher, brought her records of the boys to be tried, having investigated every phase of each case.<sup>54</sup> This was presumably to help the Judge decide on the disposition of each case, and also foreshadowed the work of probation officers after the Juvenile Court Law was passed.

The Woman's Club also campaigned for a new Compulsory Education, or Truancy, Law since they considered the existing one to be ineffective. This was because the law did not have any provisions outlining the minimum number of weeks during which a child should attend school. Nor did it have any machinery to enforce the law, and no prosecutions had been made under the existing law. The Club also sought a Parental School to which persistent truants could be sentenced and at which they would receive an education under constraint.<sup>55</sup>

The Chicago Woman's Club continued to be prominent in leading the agitation for an improvement in the condition of women and children in Chicago. The agitation began in January 1896 with a proposal that the Club should have monthly meetings for the study of laws regarding women and children, in which Illinois was behind other states. At a special meeting on January 15, 1896 Mrs. Henrotin proposed that there should be a congress of city clubs to consider the condition of childhood in Chicago. She particularly noted that the existing Truancy Law was ineffectual and that Illinois was backward in the treatment of criminal children and that

prevention rather than reformation was required. She urged that the Woman's Club should take the initiative in this matter and invite the city clubs to come together.<sup>56</sup> At further meetings it was agreed that Mrs. Flower would contact the other women's organisations in the city and ask if they would unite with the Club in a symposium on the subject of the condition of child life in Illinois and the steps necessary to improve these conditions.<sup>57</sup>

The resulting meeting of over fifty representatives of the many women's organisations in Chicago and its suburbs was held on January 31, 1896 in the Woman's Club rooms. Its main aim was to arouse public awareness of the conditions of children in Illinois. Mrs. Henrotin emphasised the possibilities of preventive as much as reformatory work with children, and advised the securing of men who should do effective lobbying in the legislative halls. Mrs. Flower proposed a mass meeting at which a series of papers would be presented showing what ought and could be done relative to the "child problem."<sup>58</sup>

To consolidate the message of the meeting an appeal was sent out signed by Mrs. Flower and, among others, Mrs. Henrotin and Dr. Sarah Hackett Stevenson, and addressed to "The Women and Women's Clubs of Illinois." This is particularly significant in showing the concerns of these women about child life in the poorer sections of Illinois. It stated that among the duties of women were the care and



protection of social dependents, and that the neglect of children was social suicide. Moreover, all women were interested in children and their condition was of the utmost moment to the State. "In all large cities one condition exists which is comparatively unknown in small communities," the appeal claimed, "namely, numbers of children who, through the death, neglect, poverty, weakness or criminality of parents or guardians, do not attend school, have practically no home training or control, and through such neglect drift into criminality. There are hundreds of such children in Chicago and elsewhere throughout the State, growing up to constitute an ignorant and criminal class, dangerous to the welfare of the whole country." The appeal went on to describe the conditions of children and the connection between these conditions and the growth of crime and pauperism in the State. It concluded with an appeal to the mothers of the State: "Those who have children know that no child should be considered a criminal until his reasoning faculties are developed and until some opportunity has been given him of knowing good and evil. In the cities of the state thousands of children are, through the death, neglect, indifference or criminality of parents, left entirely to the education of the streets, with no training in right doing, but every inducement for wrong, and our laws recognize no difference between the untrained child of seven who throws a stone or steals an apple and the adult criminal who is drunk, disorderly or who commits petty theft..." It was the duty of the State to provide these children with a better start in life, since their parents

failed to do so.<sup>59</sup> The women of the State should investigate local conditions and use their influence with members of the Legislature to secure laws to protect children.

A further meeting of the various women's clubs was held on May 9, 1896. Papers were presented by Mrs. Flower, Miss Florence Haythorne, Miss Mary McDowell, as well as a representative of the Teachers' Club, and a number of men, including Superintendent Mark Crawford of the Bridewell and sociologist Professor Albion S. Small of the University of Chicago. The papers sought to describe the conditions of child life in Illinois and arouse public opinion to do something about it. The meeting ended with a call upon the members of the Legislature to enact laws to protect dependent and delinquent children and particularly to prohibit the retention of children in the poorhouses of the State, to forbid the confinement of children in the jail or bridewell in association with adult criminals and to establish a parental school for truant children.<sup>60</sup> It is perhaps significant that there was not a call for the establishment of separate courts for children or for a probation system at this time, possibly because there were still questions as to how such a court could be made constitutional.

Throughout the later 1890s the Chicago Woman's Club continued to lobby, more or less successfully, for various measures to reform the conditions of children in Illinois, and especially in Chicago. As well as arousing public sentiment

in favour of change, they persuaded the County Board to take over the expense of the Jail School, they suggested that needy children should be placed in approved family homes rather than institutions and they campaigned for vacation schools and playgrounds to keep children off the streets.<sup>61</sup> They also supported Mrs. Flower's successful efforts to obtain a compulsory education law.<sup>62</sup> Much of their time was spent in agitating for the building of separate dormitories and a manual training school for boys at the Bridewell, the city jail. In this they were supported by the Superintendent of the Bridewell, Mr. Mark Crawford. The manual training school, named the John Worthy School after the husband of one of the Chicago Woman's Club members, was opened within the Bridewell in 1897, and provided schooling and industrial training for the boys during the day, but they were returned to the cells of the main prison at night, where they continued to associate with adults. It did not, therefore, achieve its purpose, and until the dormitories, which finally secured the separation of juvenile from adult offenders, were opened in June 1899, it was regarded as little better than the county jail.<sup>63</sup>

These measures were, however, fairly limited in actually dealing with the problem of juvenile crime and its prevention. They did not produce any fundamentally different way of dealing with child offenders, nor did they really succeed in keeping children apart from adult offenders. Nor did they bring Illinois in line with other states' provisions for delinquent children. They did, however, help to produce the

atmosphere in which a change in methods of dealing with child offenders could be attempted.

It was not until 1898 that agitation for reform came to a head. The Chicago Woman's club began the year with a request for further meetings to discuss the question of dependent children.<sup>64</sup> In April 1898 the Reform and Philanthropy Departments formed a Joint Committee, with Julia Lathrop as chairman, which aimed to concentrate its efforts on probation for children in police stations. Miss Lathrop recommended that members assist in establishing a Probation Law in the Justice Courts, so that children who were not criminals should not be sent to the Bridewell. The most satisfactory way to do this was to have the justice appoint some member of the Club as the offenders' guardian for a certain length of time, giving him freedom only on condition that he lived up to all agreements made.<sup>65</sup> This suggests that Club members may have already been doing such work, and it is significant in that it suggests that probation for juvenile offenders was increasingly the central concern of the Woman's Club. In thus becoming directly involved in the lives of poor children brought before the courts, the Club women could help to guide these children in, what they considered to be, the proper behaviour of childhood.

The Woman's Club was not alone in seeking a change in the methods of dealing with child offenders, and indeed without the help of other interested groups, among them certain

influential male reformers, it is unlikely that they could have secured any legislation. They did, however, produce an atmosphere conducive to a change in the law regarding dependent and delinquent children, and led the agitation which produced the juvenile court bill, as well as playing an important role in lobbying for the actual passage of what became the Juvenile Court Law through the Illinois Legislature in 1899. Moreover, together with the women of the Hull House community they had established some informal methods of dealing with juvenile offenders before legislation was secured. Thus, although the Club continued to lobby for reform by sending delegates to the Illinois Conference of Charities in November 1898, which concentrated upon the question "Who are the Children of the State?"<sup>66</sup>, it was also concerned as much to continue to develop informal methods of treating juvenile delinquents.

At the end of December 1898 the Joint Committee on probation work for children in police stations reported that in co-operation with the Children's Home and Aid Society, the salary of a probation officer had been raised so that he would work in the East Chicago Avenue Police Station. The services of Mr. Carl Kelsey of Boston had been secured as he was familiar with the work. Members of the Woman's Club would co-operate with him by looking after the children after Mr. Kelsey had secured a suspension of sentence and investigated the case. The lady member would then visit the home of the child and his teachers and see that he was kept in school and

off the streets and otherwise guarded and guided.<sup>67</sup> Thus by paying the salary of a probation officer and securing a man who had experience of working in an established probation system, the Chicago Woman's Club made steps towards a more formal probation system in Chicago, although work by volunteers continued in other police stations.

As individuals, rather than as delegates of the Club, Mrs. Flower and Miss Lathrop, and possibly a few others, were involved in drawing up the Juvenile Court Bill. The committee which drew up the Bill did so under the auspices of the Chicago Bar Association, and it was Judge Harvey B. Hurd who finally drafted the Bill, although the final draft that was presented to the Legislature in February 1899 was a composite of the views of the committee and represented the co-operation of several organisations.<sup>68</sup> The Bill was known as the Chicago Bar Association Bill even though women reformers had been instrumental in promoting the need for such legislation, for they realised that as a woman's measure the bill was less likely to pass the Legislature than as a Bar Association measure. For though women could campaign for reform, especially in matters relating to children, a measure that was too closely identified as a woman's measure was likely to be treated with suspicion by a male legislature.<sup>69</sup> A group from the Woman's Club was, however, sent to Springfield to lobby for the Bill's passage, although they were not allowed to appear before the Legislature.<sup>70</sup>

The Act that passed and came into effect on July 1, 1899 was entitled "An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children," and it clearly acknowledged the viewpoint of its originators - the women reformers - in its conclusion: "This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise."<sup>71</sup>

By the time the Juvenile Court Law became operational in July 1899, the Chicago Woman's Club had been campaigning for changes in the law as regards children for some years. In this they were closely associated with the women of the Hull House community and several male reformers, although the male reformers were, on the whole, not involved until the late 1890s. The leaders of the Chicago Woman's Club realised that if their efforts to improve the conditions of childhood in Illinois were to be successful, they required the sanction of law. Their work in visiting jails, supporting the Jail School and John Worthy School and in charitable work in the poorer sections of Chicago, suggested to them that working class and immigrant parents were often not rearing their children to be good citizens and that, moreover, these children were being forced to grow up too fast and were not being properly nurtured, so that they were becoming a danger to society.

This was apparent in the increasing rates of juvenile delinquency in the poorer sections of Chicago. It was therefore the duty of society, through its laws, to ensure that neglected and delinquent children were brought up in a proper fashion, even if this meant removing them from their natural home. Mrs. Flower emphasised this in stating that the rights of children and those of the state were of greater importance than those of their parents: "To my mind it presents no difficulty, for I believe the good of the child and the right of the state to control its citizenship are superior to any claim of the parent who is unfit or who wilfully fails to perform his duty to his child."<sup>72</sup> Accordingly, in seeking to reform the law in Illinois with regards to dependent and delinquent children, the Chicago Woman's Club was concerned that the children of the slums were not conforming to their ideas about childhood, and that if they continued to lead lives of criminality and pauperism they would undermine society itself. Clearly the child's natural family was the best means of ensuring that these children were properly nurtured and grew up to be good citizens, but the fact that some children were brought before the police courts suggested that some of these families needed help. Some families were, however, beyond the help of a visiting helper, and in these cases it was essential that the child should be removed from the influence of its own family and placed either with another approved family or in an institution. Thus in seeking the reform which eventually led to the establishment of a juvenile court and a probation system in Chicago, which



aimed to ensure that the child was treated as a child by the law, and its best interests protected, leaders of the Chicago Woman's Club were motivated by a desire to ensure that the children of the slums conformed to the same idea of childhood as their own children. There is little evidence to support Christopher Lasch's argument that in establishing the juvenile court reformers sought to appropriate the functions of the working class and immigrant families in an attempt to ensure that the children were properly Americanised.<sup>73</sup> While the women reformers believed that in some cases children should be removed from their families because they were not properly provided for there, these were the minority of cases. The women reformers' main concern was to make the working class and immigrant families conform to their middle class ideas about child-rearing, since clearly the child who committed an offence was suffering from a lack of such nurture. Rather than seeking to appropriate the functions of the working class family they believed that these families required their help because they were disintegrating under the impact of industrialisation and urbanisation, and the struggle for survival in the slums of the city. It was, thus, their own role as mothers not only of their own children but of all children, which prompted them to believe that the children of the slums were suffering from the break-down in their families, and that it was their duty, as mothers, to protect these children.

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- |                      |       |       |       |       |       |       |
|----------------------|-------|-------|-------|-------|-------|-------|
| Year ending Dec. 31: | 1876  | 1877  | 1878  | 1879  | 1880  | 1881  |
| Under 10 years:      | 153   | 104   | 141   | 182   |       | 243   |
| Aged 10-20 years:    | 5945  | 6714  | 5259  | 5079  |       | 6510  |
|                      | 1882  | 1883  | 1884  | 1885  | 1886  | 1887  |
|                      | 305   | 242   | 211   | 117   | 191   | 155   |
|                      | 6894  | 6433  | 6508  | 6373  | 6650  | 7384  |
|                      | 1888  | 1889  | 1890  | 1891  | 1892  | 1893  |
|                      | 228   | 248   | 231   |       | 430   | 475   |
|                      | 8695  | 9092  | 10862 |       | 15570 | 17389 |
|                      | 1894  | 1895  | 1896  | 1897  | 1898  |       |
|                      | 282   | 296   | 326   | 301   | 508   |       |
|                      | 16760 | 15218 | 16695 | 16274 | 15161 |       |
- Figures taken from Reports of the General Superintendent of Police of the City of Chicago to the City Council for the relevant years.
40. Lucy L. Flower, "The Duty of the State to Dependent Children," Proceedings of the Illinois Conference of Charities and Correction 1896, p. 11.
41. Biographical details on Lucy Flower taken from Notable American Women volume I, pp. 635-637; Ruegamer, The Paradise

of Exceptional Women, pp. 156-158.

42. Cutting dated Jan. 1887, "The Dependent Children of Illinois," scrapbook Two, Lucy Flower and Coues Family Scrapbooks, Manuscript Division, Chicago Historical Society (hereafter Flower Scrapbooks).

43. Lucy Flower, "The Duty of the State to Dependent Children," p.11.

44. Ibid., p. 11.

45. Annals of the Chicago Woman's Club, pp. 76, 127.

46. For Perry Smith see Bessie Louise Pierce, A History of Chicago, 1871-1893 (Chicago, 1957), p. 61.

47. Annals of the Chicago Woman's Club, pp. 125-126; Nov. 23, 1892, box 20, volume 88, CWC Papers.

48. "To Save Children from the Jails," p. 44, Clippings 1893, folder 506, scrapbook 1, Hull House Association Papers, Special Collections, University of Illinois, Chicago.

49. Feb. 27, 1895, box 20, volume 89, CWC Papers.

50. Annals of the Chicago Woman's Club, p. 159.

51. Letter from Mrs. Lucy L. Flower dated May 1917, volume II, Louise deKoven Bowen Papers, Manuscript Division, Chicago Historical Society (hereafter Bowen Papers).

52. Letter from Mrs. Flower dated May 1917 and Memorandum by Julia C. Lathrop dated May 3, 1917, volume II, Bowen Papers; Julia C. Lathrop, "The Development of the Probation System in a Large City," Charities, XIII (Jan. 7, 1905), pp. 344-45.

53. Mrs. Flower's visit to Massachusetts is mentioned in Julia Lathrop, "The Development of the Probation System in a Large City," pp. 344-45.

54. Annals of the Chicago Woman's Club, p. 177 and p. 179.

55. "Compulsory Education," Hull House Bulletin, Feb. 1897, p. 6; Jane Addams, "Woman's Work for Chicago," Municipal Affairs, 2 (Sept. 1898), p. 505.

56. Special Meeting, Jan. 15, 1896, box 2, volume 17, CWC Papers.

57. Jan. 24, 1896, box 2, volume 17, CWC Papers; Jan. 22, 1896, box 20, volume 90, CWC Papers.

58. "With Up-To-Date Women: Club Representatives confer on the Child Problem," cutting dated Feb. 1, 1896, scrapbook three, Flower Scrapbooks.

59. Leaflet, "To the Women and Women's Clubs of Illinois," dated Feb. 15, 1896, pp. 7-10, scrapbook three, Lucy Flower Scrapbooks.

60. Unattributed clipping, "To Save the Child: Women's Clubs of Chicago Tackle an Important Problem," dated May 10, 1896, scrapbook three, Flower Scrapbooks.

61. These efforts can be followed in box 2, volume 17, CWC Papers; box 3, volume 19, CWC Papers; box 20, volume 92, CWC Papers.

62. Box 20, volume 89 and volume 91, CWC Papers; Hull House Bulletin, Feb. 1897, April 1897 and March 1898; Annals of the Chicago Woman's Club, pp. 158-176.

63. Box 20, volume 90, CWC Papers; Cuttings undated, "With Up-to-date Women: Club Women likely to secure separate dormitory for Bridewell boys," "Plea for Waifs: Bridewell Supt. Crawford on Training School," scrapbook three, Flower Scrapbooks; Memorandum by Julia Lathrop dated May 3, 1917, volume II, Bowen Papers. On the opening of the dormitories, Chicago Tribune, June 28, 1899 and July 1, 1899.

64. Feb. 9, 1898, box 3, volume 19, CWC Papers.

65. Oct. 26, 1898, box 21, volume 93, CWC Papers; Annals of the Chicago Woman's Club, pp. 187-188.

66. Oct. 26, 1898 and Jan. 25, 1899, box 21, volume 93, CWC Papers.

67. Dec. 28, 1898, Jan. 25, 1899, and April 29, 1899, box 21, volume 93, CWC Papers; Feb. 8, 1899, box 3, volume 20, CWC Papers; Annals of the Chicago Woman's Club, p. 188.

68. Memorandum by Julia Lathrop dated May 3, 1917 and letter from Lucy Flower dated May 1917, volume II, Bowen Papers; Timothy Hurley, Juvenile Courts and What They Have Accomplished (Chicago: Visitation and Aid Society, 1904), p. 20; Report of the Chicago Bar Association Committee on Juvenile Courts, Typescript dated Oct. 28, 1899, in possession of Manuscript Division, Chicago Historical Society.

69. Letter from Lucy Flower dated May 1917, volume II, Bowen Papers; Harriet S. Farwell, Lucy Louisa Flower: 1837-1920: Her Contribution to Education and Child Welfare in Chicago (Privately Printed, 1920), p.30; Timothy D. Hurley, The Origins of the Illinois Juvenile Court Law (Chicago, 1907), p. 18.

70. Feb. 8, 1899, box 3, volume 20, CWC Papers; Feb. 15, 1899, Feb. 22, 1899 and March 1, 1899, box 21, volume 93, CWC Papers.

71. An Act to Regulate the Treatment and Control of

Dependent, Neglected and Delinquent Children, as quoted in Timothy Hurley, Origins of the Illinois Juvenile Court Law pp. 26-39.

72. Lucy L. Flower, "The Duty of the State to Dependent Children," p. 14.

73. Christopher Lasch, Haven in a Heartless World, pp. 13-16.

### Chapter Three: The Hull House Community

Among the women who sat with Judge Tuthill on the bench of the first session of the Chicago Juvenile Court on July 1, 1899, were several women from Hull House, a social settlement in Chicago's Nineteenth Ward. They, like their colleagues from the Chicago Woman's Club, had been heavily involved in the creation of the Court, especially in the development of the probation system which Judge Tuthill was soon to pronounce the keystone which supported the arch of the Juvenile Court.<sup>1</sup> In recognition of her expertise as a volunteer probation officer, Judge Tuthill appointed Mrs. Alzina Stevens of Hull House as the first probation officer of the new court, and it was to her custody that the first case considered suitable for probationary care was committed. The formal introduction of probation into the new system for juvenile justice in Chicago was not a new feature in the United States, but it marked a recognition in Illinois of the inadequacy of existing methods of dealing with juvenile offenders. Moreover it reflected the concern of women reformers that existing custodial methods of dealing with children who broke the law were unsuitable for many children and the belief that probation would allow these children to experience the proper influences of childhood.

In focusing their attention upon developing a probationary system centred upon Hull House, the settlement women made a substantial contribution towards the evolution of the Juvenile Court Law of 1899. This chapter will explore how



the Hull House Community was involved in securing this law, the reasons why they felt a change in the law regarding dependent and delinquent children was necessary and their motivations in campaigning for reform. In many respects they were prompted by the same concerns as their fellow reformers in the Chicago Woman's Club, but this chapter also aims to explore some of the ways in which the two differed. For while the women from Hull House were in part inspired by their identification as women and mothers, they were also influenced by their experiences of living in Chicago's Nineteenth Ward and their awareness of the problems for children and their families of living in such an environment.

The women of Hull House were closely connected with the Chicago Woman's Club in many of its ventures to improve the lot of dependent and delinquent children. On a personal basis the connection between the two agencies was very close. Several members of the Hull House community were also members of the Chicago Woman's Club, notably Jane Addams, Florence Kelley and Julia Lathrop. Similarly, prominent members of the Chicago Woman's Club were benefactresses of Hull House and were involved in its various activities. Mrs. Lucy Flower, president of the Club in the early 1890s, was a frequent visitor to Hull House, and Louise deKoven Bowen, a prominent member of the Club though not actually involved in the agitation for the Juvenile Court Law, endowed the settlement with the money for several of its projects. They worked so closely together on some matters that at times it is difficult

to differentiate between the initiatives of the two agencies. As a result the interaction between Hull House and the Chicago Woman's Club was an important factor in the various efforts made to alleviate the problem of juvenile crime and in the eventual agitation for a juvenile court law.

Jane Addams and her friend, Ellen Gates Starr moved in to what became known as Hull House on 18 September 1889. They were soon the nucleus of a thriving social settlement in Chicago's Nineteenth Ward.<sup>2</sup> Hull House was not the first settlement house in the United States, but it became arguably its most famous, due in large part to the character of the women who lived there during the 1890s.

Most important among the residents of Hull House was its chief resident, Jane Addams. She was the youngest daughter of John Addams who was a prominent member of the community of Cedarville, Illinois. He was also active politically and had served eight terms as a senator in Illinois and was an early member of the Republican Party in Illinois and a supporter of Abraham Lincoln. Jane Addams was educated in the local schools and then attended Rockford Female Seminary. The years immediately after she graduated from college were a period of uncertainty and illness in which she sought to find something important to do with her life. The result was ultimately the establishment of Hull House with her college friend, Ellen Gates Starr.<sup>3</sup>

Julia Lathrop came from a similar background to that of Jane Addams. She was born in Rockford, Illinois on June 29, 1858, the daughter of William and Sarah Adeline Lathrop, and the eldest of five children. The family traced its roots back to John Lothrop, a dissenting minister who emigrated to the Colony of Massachusetts in 1634. William Lathrop had a law practice in Rockford and helped to organize the Republican Party in Illinois. He served in the Illinois state legislature at Springfield and later in Congress. Julia Lathrop was educated in the local schools and then attended Rockford Seminary for a year, before transferring to Vassar College from which she received her degree in 1880. During the next decade she worked as a secretary in her father's law office, where she read some law and became secretary of two local companies. In 1890 she decided to join Jane Addams at Hull House.<sup>4</sup>

Florence Kelley came from a similar background to both Jane Addams and Julia Lathrop. She was born in Philadelphia on September 12, 1859, the third child of William Kelley and his second wife, Caroline. William Kelley was of Irish Protestant stock, was self-educated, a lawyer and judge, and a Jacksonian Democrat whose opposition to slavery led him into the Republican Party in 1854 and a long career in Congress. Florence Kelley received much of her early schooling at home due to illness. She entered Cornell University in 1876 and finally gained her degree in 1882. She attempted to enter the University of Pennsylvania Graduate School as a preliminary to

studying law, but was refused entry on the grounds of her sex, so instead went to Zurich where she read law. While a student in Zurich she became a socialist. Also while in Zurich she met and married Lazare Wischnewetzky, a Russian medical student and socialist, in June 1884. The couple returned to America in 1886, and had three children, but they became increasingly estranged and the marriage ended in separation in 1891. As a result Florence Kelley with her three children moved to Illinois where she soon obtained a divorce, and late in 1891 became a resident of Hull House.<sup>5</sup>

Many of the Hull House residents shared similar backgrounds: they were from middle class families and had been college-educated. Alzina Parsons Stevens, who became a resident of Hull House in 1893, was, however, from a very different background. She was born on May 27, 1849 in Parsonsfield, Maine, a town founded by her paternal grandfather, but the family fell on hard times when Alzina was a child and she was forced to go out to work in a textile factory at the age of thirteen. There she lost a finger in an industrial accident. She had little formal education, but at the age of eighteen she learned the printing trade and went to work as a newspaper proofreader and typesetter. She became involved in the labour movement and in 1877 she organised and became the first president of a woman's labour group, as well as one of the leading spirits of the Knights of Labor in Toledo, Ohio. In 1892 she moved to Chicago and soon became a resident of Hull House. She too had been married at an early

age, but this had ended in divorce.<sup>6</sup>

Jane Addams, Julia Lathrop and Alzina Stevens were fairly typical of settlement house residents in the United States during the 1890s. While the majority of settlement house workers came from middle class, often small-town backgrounds, and had been college-educated, a significant minority were from less privileged backgrounds. These, like Alzina Stevens and Mary Kenny, were often prominent in the labour movement and while working class, were members of occupational and organisational elites.<sup>7</sup> Hull House was, perhaps, unusual among the settlement houses in that its members came from a rather wider social background than others. It drew its members from middle class, college-educated women, trade unionists and occasionally from among its neighbours - working-class, immigrant women. It was the college-educated residents, however, who gave the settlement movement its character. For the most striking feature of the settlement movement was that well-educated, middle class young people set up residence in working class, immigrant neighbourhoods and sought to help their neighbours by living among them. Indeed, for some, settlement work was little more than an extension of college and graduate work, especially for those in the early twentieth century who came out of the new schools of social work. However, the pioneer settlement workers, who had no specialised knowledge of social work, were a group of idealists who believed that they had a mission to solve the problems of the crowded city by going to live in a working

class immigrant neighbourhood.<sup>8</sup>

Jane Addams recognised that the motives of those who took up residence in the slum neighbourhoods of North American cities were not purely altruistic. At a national meeting of settlement house workers in Plymouth, Massachusetts in 1892, she outlined what she called "The Subjective Necessity for Social Settlements." She argued that in America there were a fast growing number of cultivated young people who had no recognised outlet for their active faculties. They heard constantly of the social problems of the day, but no way was provided for them to change society, and their uselessness hung about them heavily. Consequently young people in America felt the need of putting all the theory that their education had taught them into action, and they responded quickly to the settlement form of activity. Their impulse was to share their lives with the poor, out of a desire to be of social service. Thus there was a dual purpose to the settlement experiment: the need by college-educated young people to find an outlet for their talents and energy, and a sincere desire to help those trapped in poverty. The settlement experiment gave a sense of adventure and mission, and a feeling of getting back to the basic elements of life which their lives lacked.<sup>9</sup> The settlement impulse was a multi-faceted one, but its aims were straightforward, as Jane Addams argued:

"It aims, in a measure, to develop whatever of social life its neighborhood may afford, to focus and give form to that life, to bring to bear upon it the results of cultivation and training;...It is quite impossible for me to say in what proportion or degree the subjective necessity which led to the

opening of Hull House combined the three trends: first, the desire to interpret democracy in social terms; secondly, the impulse beating at the very source of our lives, urging us to aid in the race progress; and thirdly, the Christian movement toward humanitarianism ....Many more motives may blend with the three trends; possibly the desire for a new form of social success due to the nicety of imagination, which refuses worldly pleasures unmixed with the joys of self-sacrifice; possibly a love of approbation..."<sup>10</sup>

At the same conference she also outlined the more altruistic aspects of the settlement movement - the desire to be of service to the neighbourhood. In "The Objective Value of a Social Settlement" she argued that:

"It has been the aim of the residents to respond to all sides of the neighborhood life: not to the poor people alone, nor to the well-to-do, nor to the young in contradistinction to the old, but to the neighborhood as a whole... The activities of Hull House divide themselves into four, possibly more lines. They are not formally or consciously thus divided, but broadly separate according to the receptivity of the neighbors. They might be designated as the social, educational, and humanitarian, I have added civic ... These activities spring from no preconceived notion of what a Social Settlement should be, but have increased gradually on demand."<sup>11</sup>

Thus Hull House and other social settlements were involved in a vast range of activities from University Extension courses to social clubs for neighbourhood mothers, from inspecting the garbage collection of the neighbourhood to leading campaigns for an improvement in the working conditions of women and children in sweatshops. Hull House, in particular, was also sympathetic to the organisation of labour unions and became involved on a number of occasions with helping to organise industrial action, or in arbitrating between employers and their workers.<sup>12</sup> Some of their most

significant work, however, was in their efforts to gain social welfare reforms, not just for their immediate neighbours, but for the state and later the whole of the United States.

The first settlements in England had been all male institutions and some of the American settlements followed this lead, but the majority of American settlements were not male dominated. Indeed perhaps what is most striking about the American settlements was that although many men went into settlement work in the 1890s, they were run and staffed mainly by women.<sup>13</sup> For the first three years of its existence, all the residents of Hull House were women, although many men were involved with their work as non-residents. It was not until about 1894 that men came into residence in a cottage on Polk Street, dining at Hull House itself, and giving as much of their time as was consistent with their professional or business life.<sup>14</sup> It is also significant that many of the women settlement workers were unmarried, or, like Florence Kelley and Alzina Stevens, were divorced. Some married couples lived in the settlements, but they tended to be exceptions.<sup>15</sup> Life in a settlement tended, therefore, to provide an alternative to family life for its residents, at least until they got married and established families of their own.

Settlement work quickly became not only an attractive occupation to those single middle class women who participated in it, but it was also soon widely accepted as a proper



occupation for these women. For the women, many of whom were college-trained, it provided an outlet for their education and talents and an opportunity for them to find an identity beyond their families. Moreover, it provided the companionship and ordered living which they had become accustomed to at college. To society it appeared as an extension into the slum of the traditional role of women as mother and housekeeper.

The growth of higher education for women, which was largely the result of changes in attitude towards childhood which assumed the need for an educated motherhood, had a profound impact on the way in which college graduates viewed their role in the world. On the one hand, the first generation of college-educated women found it difficult to find a place in society after they had graduated, since their families expected them to settle down and have families of their own, whereas their education suggested to them that there were wider horizons to be explored. Settlement work provided an ideal outlet for these women. On the other hand the knowledge they had acquired at college, joined to the principles of educated motherhood and the growing emphasis on child study, encouraged college graduates to confront the problems that industrialisation, urbanisation and immigration posed. They aimed to go beyond philanthropy and charity to influence and educate the poor through direct and personal encounters. However, they no longer preached virtue, frugal housekeeping and temperance to their neighbours, as charity workers had traditionally done, but instead instructed them in

hygiene and child development. This change of emphasis came about mainly because of the emphasis placed by women's colleges on educating their students to be good mothers and housekeepers, and the desire by college graduates to apply their college education in practical ways. Also by the end of the nineteenth century many women's colleges had begun to introduce a social science curriculum which influenced many college graduates to use more "scientific" methods in their charity work.<sup>16</sup> Their work among the poor of America's large industrial cities further prompted them to formulate and campaign to enact structural legislative reforms.<sup>17</sup> For their ultimate aim was to change society itself. Thus Florence Kelley argued that settlement workers must "Seek to understand the laws of social and industrial development in the midst of which we live, to spread this enlightenment among the men and women destined to contribute to the change to a higher social order, to hasten the day when all the good things of society shall be the good of the children of men, and our petty philanthropy of today superfluous. This is the true work for the elevation of the race, the true philanthropy."<sup>18</sup> Thus the women settlement workers sought to teach the ideals of educated motherhood and child study to their immigrant neighbours, so applying what they had learnt at college and from their own family experience to life in the slums. The settlement provided a legitimate outlet for these talents and the community life it fostered was important in securing for women a source of support for their work.

Kathryn Kish Sklar has shown that the settlement house provided women reformers, such as Florence Kelley, with fundamental sources of support for their growth as reformers. She argues that Hull House gave Florence Kelley an emotional and economic substitute for family life, linking her with other talented women of her own class and educational background, thereby greatly increasing her political and social ties. It also provided her with effective ties to other women's organisations. Further it enabled Kelley to cooperate with male reformers and their organisations, allowing her to draw on their support without submitting to their control. Finally it provided a creative setting for her to pursue and develop a reform strategy.<sup>19</sup> Thus, as Sklar argues: "In the 1890s the social settlement movement supplied a perfect structure for women seeking secular means of influencing society because it collectivized their talents, it placed and protected them among the working-class immigrants whose lives demanded amelioration, and it provided them with access to the male political arena while preserving their independence from male-dominated institutions."<sup>20</sup> As a result, in a period when women still did not have the vote, the settlement gave women reformers the mutual support and ability to reach beyond female institutions to enter the political realm dominated by men. While it is unlikely that all women settlement house workers were as concerned to gain political power as Sklar suggests, it remains true that the network of women reformers centred around settlements such as Hull House gave female reformers the support and contacts

which enabled them to seek legislative redress for some of the problems of their neighbourhoods.

Moreover, while ultimately enabling women to enter more fully into civic life, the settlement movement was quickly accepted as a proper occupation for women. This was because the settlement house was seen as an extension into the slum of women's traditional role of mother and housekeeper. The settlement emphasised women's qualities of compassion, nurture and sympathy, thus living up to the ideals of "True Womanhood." It therefore exploited a limited and conservative view of women's role in society. While settlement work was literally outside the home, and in some cases deflected women from marrying and setting up their own homes, it remained in the tradition of women's mission and charity work and was widely accepted as such. It was not generally regarded as an attempt by women to enter the male sphere of work. Furthermore, many of the concerns of the settlement workers were with improving the lives of poor women and children and thus built on the strengths of nineteenth century ideas of "women's sphere." Indeed, the settlement house workers took with them into the slums the ideas about the family and childhood that they had acquired both at college and through their own family experience. They, like the women of the Chicago Woman's Club, were influenced by the identification of women as mothers not only to their own children but to all children. While many settlement house women were not themselves mothers, they had nevertheless adopted the

prevailing ideas about the role of women - as virtuous, educated mothers. Thus, the women of the settlements worked within socially acceptable boundaries, while at the same time carving a new role for themselves.<sup>21</sup>

Some of the earliest efforts of the Hull House residents were directed towards helping the women and children of the neighbourhood. Thus one of the first moves was to open a free kindergarten for the children of the area. A day nursery grew out of an increasing awareness that in some families women had to work outside the home so they needed somewhere to leave their children while they were out at work. It is suggestive of attitudes of the Hull House reformers in the early 1890s that the day nursery was justified in terms of the proper role of the mother in the family - it was necessary for these women to work outside their families because of the wilful or enforced idleness of their husbands, or their temporary or permanent absence.<sup>22</sup> The assumption was that otherwise these mothers would not work outside their homes. Other measures also sought to help women and children; the opening of a public playground on a piece of empty land close to Hull House and supervised by a Hull House resident; various clubs for children and young people; and attempts to provide some alternative to the commercialised entertainments of the area which were regarded as detrimental to the morals of young people.<sup>23</sup> Hull House never concentrated its activities entirely upon the neighbourhood women and children, for it was also involved in many other activities to improve the

neighbourhood generally and to provide cultural clubs for all its neighbours. Nevertheless, it was the facilities they provided for women and children which were most numerous, and it was in an attempt to protect women and their families that they first campaigned for reform legislation.

Living as they did in a neighbourhood where many of the immigrants lived a fairly marginal existence and where unemployment could spell disaster for many families, the Hull House residents soon became aware of the need for more than just stopgap measures to help these families. They also soon gained the impression that under the impact of industrialisation, urbanisation and immigration, the family as they saw it was under threat. They shared with the women of the Chicago Woman's Club perceptions about the family and the nature of childhood which prompted them to campaign for measures which would protect the family and childhood as they perceived it. Their awareness of the problems facing families in the slums was, however, more realistic in many ways than that of the women of the Chicago Woman's Club since they lived among the families with the problems. It is therefore unsurprising that they should have become so concerned with the problem of neglected, orphaned and delinquent children in the neighbourhood.

It soon became clear to Jane Addams and her colleagues that children in the slums did not conform to their preconceived ideas of childhood. They believed children

should remain dependent until they had been fully prepared for adult life by means of a loving and nurturing family and a formal education. Their experience among the children of the neighbourhood, and especially the apparent increase in the incidence of crime among these children, led them to believe that the immigrant and working class families were on the point of breakdown. Jane Addams, in particular, gained a clear understanding of the pressures of the slum upon family life and the problems which developed between immigrant parents and their Americanised children. Thus she recounted that the strictness of some immigrant parents could lead directly to the delinquency of their children, especially in those cases where parents sent their children out to work and did not allow them any money of their own, expecting them instead to hand all their wages over to their parents.<sup>24</sup> In other cases the temptation of goods on display was too much for children living in poverty: "...many younger children...are constantly arrested for petty thieving because they are too eager to take home food or fuel which will relieve the distress and need they so constantly hear discussed," wrote Jane Addams. "The coal on the wagons, the vegetables displayed in front of the grocery shops, the very wooden blocks in the loosened street paving are a challenge to their powers to help out at home."<sup>25</sup> While in still other cases, immigrant customs brought these children to grief: "The honest immigrant parents, totally ignorant of American laws and municipal regulations, often send a child to pick up coal on the railroad tracks or to stand at three o'clock in the

morning before the side door of a restaurant which gives away broken food, or to collect grain for the chickens at the base of elevators and standing cars. The latter custom accounts for the large number of boys arrested for breaking the seals on grain freight cars."<sup>26</sup>

Jane Addams was perhaps more articulate than others of the Hull House residents in expressing her understanding of the problems of immigrant and working class children in the slums, but some of the other residents also recognised that many of the problems of dependent and delinquent children were the result of a maladjustment to city life. It was the other residents who sought means to deal with these problems. As a result a body of expertise grew up informally around Hull House, which provided a basis from which the juvenile court could be built.

Most prominently involved in the efforts to find a solution to the problem of dependent and delinquent children among the Hull House residents was Julia Lathrop. It was her experience as a resident of Hull House and as a member of the Illinois Board of Charities, her appointment to which was due to her involvement with Hull House, which shaped her perceptions of the problem and the solutions which she sought. For the solutions which the Hull House women sought to the problem of juvenile delinquency and dependency had a different emphasis from those of the Woman's Club until they merged to campaign for a legislative change. Whereas the women of the



Woman's Club at first were mainly involved in helping children already involved with the courts and penal institutions by providing a school in the jail and lobbying for a change in the law which would embody new ideas about childhood, some of the residents of Hull House were actively involved in preventing children from ever appearing before the courts, and in acting as probation officers to those already in trouble with the police. Although the Hull House residents were also active in lobbying for a change in the law as regards dependent and delinquent children, their most significant contribution was arguably that of developing an informal probation system around Hull House. This provided a body of probation officers who would form the nucleus of the probation system introduced in the Juvenile Court Law of 1899.

Julia Lathrop became a resident of Hull House in 1890 and it is probable that her motives in joining the settlement were similar to those of many other young people who became involved in the settlement movement. During the panic and depression of 1893 she became a volunteer county agent, helping to investigate relief applicants in the Nineteenth Ward. In 1893 she was appointed, by Governor Altgeld, as the first woman member of the Illinois Board of Charities, a post she held - apart from an interval of four years - until 1909. For her, the post was not a political sinecure and she set about visiting every one of the state and county charitable institutions. She soon came to the conclusion that the reason why some of the state institutions did not operate effectively

and did not benefit those who needed their help, was because of the political spoils system. This meant that those appointed to many of the posts in the charitable institutions were chosen because of their political allegiance rather than their suitability for the job. She began to campaign for an end to the spoils system but with little success and in 1901 she resigned from the State Board of Charities in protest at further encroachments by the politicians upon the state charitable institutions.<sup>27</sup> She only agreed to accept the post again when she received some promises from the new governor that something would be done about the spoils system. This campaign against the political spoils system was not unique to Julia Lathrop or even to Chicago, but was a recurrent theme among many women and male reformers in the late nineteenth century, and foreshadows the insistence by those who drew up the Juvenile Court legislation of 1899 that the new appointments of probation officers should not be paid by the state so that they would not become part of the spoils system.

Her experience as a member of the Illinois Board of Charities not only brought Julia Lathrop to distrust the political spoils system, but also gave her first hand experience of the conditions in the poorhouses and lunatic asylums of the state. Her reactions to finding children in county poorhouses and jails were recorded in the reports that the Board of Charities presented to the Governor of Illinois every two years. Thus in their report for 1894 the Board noted that there was no law in Illinois that prevented the

presence of children in the poorhouses was not only detrimental to the children themselves but to society as well. Julia Lathrop's influence on the report was clear when it explained that the conditions of the poorhouse were not only poor and uncomfortable, they were those of an institution not a home, so the child had no chance to learn the lessons a good home could teach. Moreover, there could be no worse school for citizenship than the almshouse, for there the child was surrounded by idleness, stupidity and near criminality, as well as irresponsible authority on the part of the superintendents. As a solution the Board suggested that there should be a law that no child between the ages of two and sixteen should be permitted in the almshouse. Instead, dependent children should be placed in proper families which had been carefully inspected before the child was placed in them.<sup>28</sup> This recommendation was repeated in the reports for 1896 and 1898, and in 1897 a bill was presented to the Legislature in an attempt to secure this reform, but with little success.<sup>29</sup>

The bill of 1897 was sponsored by the Board of Charities and as such was not clearly identified as a women's measure, but it received the endorsement of both the Hull House community and the Chicago Woman's Club. In commenting upon both Miss Lathrop's reappointment to the Board of Charities and upon the bill before the Legislature, the Hull House Bulletin outlined their ideas about the state's duty to dependent children: "Curiously enough there is no law in

Illinois forbidding the presence of children in the poor house, and hundreds of children pass through the poorhouses of Illinois every year. Dependency would seem the natural right of every child, but when the natural family relation breaks down, either by reason of the death or neglect of parents, society must contrive in some way to make good the lack."<sup>30</sup>

This was an attitude clearly stated by Julia Lathrop herself in a speech before the Illinois Conference of Charities in 1896, in which she argued that the state should extend to the poor child without property the same protection as it gave to the rich orphan with property. The state should say to the child: "You are the ward of the State; your interests shall be constantly in mind; ...the State will not forget you nor forget to know all the time that you have a proper home, a genuine education and as fair a chance in life as possible."<sup>31</sup>

Her experiences as a member of the Illinois Board of Charities clearly showed Julia Lathrop that the dependent child in Illinois was not treated as her ideas of childhood suggested he should be. Moreover if something were not done about it these children might become criminals, since they were not receiving the proper home influences to shape them into good citizens. She continued to campaign for legislation to prohibit the presence of children in poorhouses in the state, and there was a clause in the Juvenile Court Bill of 1899 aiming to do just that, but it was thrown out in the committee stage of the bill. However, this campaign was arguably of less significance than her involvement in attempts to find a solution to the problem of delinquent children in Chicago.

For there was little that was new about trying to remove children from poorhouses, for many other states already had such legislation. Nor did her attitude to this question differ very markedly from that of her male colleagues, the difference being mainly in the rhetoric.<sup>32</sup>

Whereas her involvement as a member of the Illinois Board of Charities showed Julia Lathrop the need for legislation to help the dependent children of the state, her experience as a member of the Hull House community made her realise the need for legislation to help the delinquent and near-delinquent children of the state. Nor was she alone among the women of Hull House in this. As a member of the Board of Charities she was also able to make many contacts with male reformers, politicians and men of influence, which she could use in her attempts to secure legislative reform.

Florence Kelley and Alzina Stevens were also influenced by their experiences as holders of state offices in their growing awareness of the nature of child life in Chicago. In 1893 Governor John Altgeld appointed Florence Kelley as Chief Factory Inspector and Alzina Stevens as Assistant Factory Inspector for Illinois. In their inspections of factories and sweatshops around Illinois they were confronted with what they saw as the victims of industrialisation in the toiling children of these factories. While the immediate result of their tours of inspection were reports about the horrors of child labour and attempts to limit it, their familiarity with

the conditions of child life in the factories and sweatshops, gave them an insight into other problems of child life in the city. Thus while their reports were full of specific demands for an end to child labour and the enforcement of compulsory education laws, they also reveal a concern about the nature of child life in the slums of Chicago.<sup>33</sup> Consequently they began to seek ways to alleviate the distress of these children. They, like the women of the Chicago Woman's Club, were fearful that such aspects of industrialisation and urbanisation as child labour and juvenile delinquency were symptoms of a breakdown in the family, and this largely explains their motivations in trying to strengthen family life in the slums by such measures as probation and compulsory education.

The Hull House women were involved in many of the efforts for reform in the treatment of dependent and delinquent children that were initiated by the Chicago Woman's Club. In several of these efforts the Hull House women, especially Julia Lathrop, were very much to the forefront. The relationship between the Chicago Woman's Club and the Hull House community was a symbiotic one. The women of Hull House had first hand experience of the temptations and conditions which led to juvenile crime, and they had a certain expertise to draw upon, both as a result of this experience and in their work as factory inspectors and on the State Board of Charities. The Chicago Woman's Club provided much of the support, both financial and moral, necessary in their combined reform efforts. Several of the leaders of the Chicago Woman's

Club also provided a number of the initiatives for reform legislation on which the Juvenile Court bill was eventually built. Thus, in 1895, Julia Lathrop was involved with Mrs. Lucy Flower and Mrs. Ellen Henrotin in an initiative to gain legislation to create a law in Illinois which would introduce a probation system and a juvenile court to deal with all children's cases in Chicago.<sup>34</sup> Similarly Julia Lathrop and Florence Kelley were involved with Lucy Flower in organising mass meetings, in 1896, of the women's clubs of Illinois to discuss the conditions of childhood in Illinois, and in producing the appeal to the women of Illinois which resulted from the meeting.<sup>35</sup> Throughout the campaign to secure the Juvenile Court Law in 1898-99 the two agencies worked together. The Hull House community, however, also developed its own methods of dealing with the problem of criminal youth in its neighbourhood - an embryonic probation system.

Probation was not a new system in the United States when it was introduced for children in Illinois by the Juvenile Court Law of 1899. It had first been developed in the United States in the 1840s in Boston, Massachusetts, as a new method of dealing with offenders convicted of trivial offences. It was introduced in Boston by John Augustus, a shoemaker, who conceived the scheme in August 1841. Previous cases had been given suspended sentences with recognisance for good behaviour, but what John Augustus inaugurated was the supervision of those on suspended sentence. All his early cases were adult men charged with being "common drunkards."

He gradually extended his scope, first to include women charged with drunkenness and then children charged with stealing. The system, which began informally, gradually became more formal, until in 1878 Massachusetts passed a statute which not only recognised probation as a sentence available to the courts of Boston, but also replaced unofficial benevolent persons with an officer who received the title of probation officer. A further statute in 1880 authorised courts in every town of Massachusetts to appoint probation officers and outlined the duties of the probation officers. By 1899 one or two other states had introduced probation systems, but it was not very widespread and variously applied to children and adults.<sup>36</sup>

It is clear that the women of Hull House were aware of the development of probation in Massachusetts and it is possibly this that prompted them to start an informal probation system in Chicago. Connections between Hull House and other social settlements such as the conference of settlement workers in Massachusetts in 1892, and the annual National Conference of Charities and Corrections served as a means by which developments like the probation system could be spread among the national charitable and reform community. Moreover, Julia Lathrop was in correspondence with Emily Balch of Wellesley College, Massachusetts, and received reports from her upon the workings of the Massachusetts system of justice as regards children and of probation.<sup>37</sup> Mrs. Lucy Flower also visited Massachusetts to investigate the probation system and



brought back a report of how it worked.<sup>38</sup> The abandoned Illinois Juvenile Court Bill of 1895 included provision for the creation of a probation system in Chicago, but in the event a probation system began to develop in Chicago without the formal sanction of legislation. Its development was gradual and informal.

In October 1896 the Hull House Bulletin reported that "Dr. Moore who has been in co-operation with the police stations for some months, will be at home from 8 to 9 o'clock every evening and will be glad to consult with parents who may desire her services." A similar announcement appeared regularly in the Bulletin from December 1897, advising that a resident of Hull House visited neighbouring police stations and courts to aid in securing better conditions for wayward and incorrigible children. It went on to state that she would be glad to meet with parents having trouble of this kind with their children every evening at Hull House.<sup>39</sup> In this informal way a form of probation for children grew up in the Nineteenth Ward centred upon Hull House. It seems to have begun simply as an extension of the work of the settlement, a means to help immigrant parents with delinquent children, who needed help in dealing with the police stations and courts. It is possible that the Hull House residents at first acted as little more than a means of liaison between immigrant parents and the police, but this slowly developed into a system which not only helped children who had already got into trouble with the police but tried to stop children from ever becoming

involved with the courts. This work foreshadowed the work of probation officers after the passing of the Juvenile Court Law of 1899.

Until the passing of the Juvenile Court Law judges were legally limited in the way they could deal with children who came before the courts. A judge, finding a child over ten years old guilty of a crime, could sentence him to jail, or some other reformatory institution, or impose a fine, which generally meant that the child ended up in jail for failure to pay it.<sup>40</sup> By the mid 1890s, however, some judges were beginning to take a more lenient attitude towards juvenile cases, although as yet this had no legal basis. Judge Tuthill held separate court sessions for children's cases at the request of the Chicago Woman's Club, but other judges also dealt differently with these cases as and when they felt the necessity. Thus a number of cases were dismissed either to the care of their parents or occasionally to that of a truant officer or one of the social workers at Hull House.

A number of social workers, apparently based at Hull House, kept records of cases in which they were involved in the local police stations from June 1897. These suggest that the dismissal of cases in which children were charged with criminal offences was fairly frequent. They also reflect the use by the courts of various institutions ostensibly for dependent children, that were used for delinquent children. It is also significant that they show some of the Hull House

residents investigating the background of the children's cases with which they were concerned, and advising the judge on what action should be taken as a result of their investigations.<sup>41</sup> For instance, in June 1897 a boy of thirteen was brought before Judge Eberhardt on a charge of stealing iron, brass and other things from a railroad company. It was suggested that the boy be sent to Feehanville, a Catholic institution for dependent children, but the case was continued and when the case came up again before the court, another judge dismissed the boy on the parents' promise to control him. Another thirteen year old boy who was before the court for stealing a basket of grapes and who had been locked up at the police station before, had his case dismissed on his mother's promise to send the boy to his uncle on a farm at Kankakee. Other children were dismissed on condition that they attended school, showing the importance attached to education as a means of preventing crime. In other cases, the "probation officer" would request that a case be continued while she investigated the home conditions of the child and wrote a report to the judge to recommend the best action to be taken for the child. In May 1898 a twelve year old was brought before Judge Eberhardt for stealing. The case was continued at the probation officer's request and after investigating the boy's family and finding that the boy was in the habit of selling papers and sleeping down town, sometimes being away for as long as two weeks at a time, she recommended that the boy be sent to Feehanville, since he was clearly lacking the necessary home influences. The boy's father agreed and the

boy was sent to Feehanville.<sup>42</sup>

Other cases suggest that the courts were powerless to enforce what they considered to be in the best interests of the child, especially in those cases where the child was under ten, the parents were unwilling to co-operate, or the child's behaviour was not strictly criminal. A child aged six was arrested for running wild and stealing from neighbours, and was placed by the Catholic Visitation and Aid Society in Feehanville. After a couple of years, however, Feehanville refused to have him any longer, and the boy behaved badly at home. His mother wished to send him to the Glenwood Industrial School, but it was suggested to her that if she was prepared to pay Mr. Bradley \$5.00 a month, she could have the boy kept at Allendale Farm. In the event his mother refused to let him go and the court was powerless to enforce its decision because the child was under age. Not all cases were thwarted in this way, however, and on a number of occasions the parents themselves brought their children into court with complaints that they were incorrigible, suggesting that it was not just a means by which middle class social workers sought to impose social control on predominantly immigrant children. In this respect Anthony Platt is wrong in suggesting that the juvenile courts were a means by which middle class reformers sought to impose their values upon lower class families.<sup>43</sup> Clearly if parents were bringing their children voluntarily into court for non-criminal offences, they saw it as a means of enforcing parental control, rather than an instrument of

class control as Platt suggests.

The courts also dealt with cases of neglect in various different ways. A number of the more obviously criminal cases were, however, sentenced to the House of Correction, or for trial by the Grand Jury. Of perhaps most significance, these case histories reflect the confusion within the correctional system at this time, and the difficulties judges had in enforcing sentences to institutions other than the Bridewell or jail, and in dealing with children under ten who were not legally responsible for their actions. They also suggest that some judges were more concerned about the circumstances of the child before them and took these more into account in sentencing, than did others. Other judges were clearly convinced that education was of great importance in preventing children from becoming criminals and they placed an emphasis on this in dismissing certain cases only after a period of time in which a record was kept of the child's school attendance. Child-saving organisations also safeguarded their interests in the courts. This was especially the case with the Catholic Visitation and Aid Society which insisted upon the need to place children in institutions of their own religious persuasion. Of greatest significance, however, is that these case studies show a body of women acting for all intents and purposes as probation officers. Appearing in court when children's cases were to be heard, investigating the home backgrounds of these children, and advising the judge how best to look after the interests of the child. Some

children were even dismissed into the care of these women. Thus even before the passing of the Juvenile Court Law there was a rudimentary probation system based around Hull House. These embryo probation officers, all of whom were volunteers and had no official status in the courts, provided a body of expertise on which those who had the job of establishing the Juvenile Court in 1899 could draw. It is, therefore, significant that Mrs. Alzina Stevens, who had been one of these embryo probation officers, was appointed as the first probation officer by Judge Tuthill in 1899, for she already had experience of probation work.<sup>44</sup>

A formal probation system was established by the Juvenile Court Law of 1899 and several of the probation officers appointed under the new law were women who had acted as volunteer probation officers before the passing of the law.<sup>45</sup> For many probation became the key element of the juvenile courts, for it provided a non-custodial means of dealing with children in trouble. By allowing probation officers to exercise supervision over the lives of children it also aimed to keep children out of further trouble. Another aspect of probation which was of great importance was the investigation of the family and environmental backgrounds of children who were to come before the juvenile court. For this provided the court with some insight into the life of the child and gave the court officials an idea of how to help him. All of these elements appear to have been present in the informal probation system centred around Hull House. What was missing however

was any legal sanction for this work.

It was not until after the Juvenile Court Law came into operation in July 1899 that any of those involved in its development explained what they hoped to achieve from probation. Thus at the Illinois Conference of Charities in November 1899, Mrs. Alzina Stevens noted that the first effort of the probation officer should be to keep the child in its own home, for both the child's and the parents' sake. However, the best interests of the child should be paramount and this may mean that the child should be surrendered to an institution or home-finding society.<sup>46</sup> The development of the informal probation system clearly reflects the concerns of the Hull House women, that the children of the slums were not being given the opportunity to behave as children. In introducing the benevolent influence of a probation officer into the life of a child who was in danger of becoming criminal, they hoped to prevent it from becoming so. The probation officer was to act not merely as an educational influence, as Steven Schlossman suggests<sup>47</sup>, but as a means to ensure that the child's family recognised its responsibilities in properly bringing up the child. For this reason probation officers investigated a child's family before probation was suggested, in order to discover whether the necessary qualities of family life, of parental love and nurture, existed there. Probation was, therefore, important in assuring that children were properly nurtured and treated as children, and as a means to ensure that the child's family was

able to adjust to the strains of urban and industrial life.

While such informal methods of dealing with delinquent children gradually developed around Hull House, there was also a growing conviction among certain of the residents that there was a need for legislation to deal with the problem. Like the Chicago Woman's Club, the Hull House residents were clearly prompted by their perception of women's role as mothers and the need to save the children of the slums, but their experience with these children showed them that existing laws were not working, and existing institutions for the care of dependent and delinquent children were inadequate. Julia Lathrop was concerned that efforts by judges to minimise the sentences of delinquent children in order that they could be sentenced to institutions intended for dependent children, such as orphans, were backfiring. The presence of criminal children in these institutions only served to corrupt non-criminal children for whom the institutions were intended. Moreover, it was a crime, according to Julia Lathrop, that children were sent to the city prison or made to pay a fine, which if they were unable to pay it, meant they would be sent to prison. Julia Lathrop expressed a further concern: "But often they were let off because justices could neither tolerate sending children to the Bridewell nor bear to be themselves guilty of the harsh folly of compelling poverty-stricken parents to pay fines. No exchange of court records existed and the same children could be in and out of various police stations an indefinite number of times, more hardened



and more skilful with each experience."<sup>48</sup> The understanding gained by the Hull House residents in acting as probation officers further persuaded them that the existing system as regards children was inadequate and inconsistent. Not only this, it was also detrimental to the welfare of the children who became involved with it, and it would consequently have a dangerous effect upon society.<sup>49</sup> For this reason a change in the law for dependent and delinquent children was needed.

Increasingly from 1897 onwards the Hull House residents co-operated with the Chicago Woman's Club in their efforts for reform. Beginning in early 1898, Mrs. Henrotin and Mrs. Flower of the Chicago Woman's Club joined forces with Julia Lathrop to campaign for reform. Thus in April 1898 Miss Lathrop became chairman of the Woman's Club Joint Committee on Probation Work for Children in Police Stations and co-ordinated their efforts to establish a form of probation for children. This culminated in the appointment of Mr. Carl Kelsey as probation officer paid by the Chicago Woman's Club and the Illinois Children's Home and Aid Society to work in the East Chicago Avenue Police Station.<sup>50</sup>

Julia Lathrop did not confine her campaigning only to the Chicago Woman's Club. As a member of the Illinois Board of Charities she was in a position to influence the agenda of the annual Illinois Conference of Charities. The conference of 1898 concentrated its entire programme upon the question "Who are the Children of the State?" Various papers were read by

members of the Board of Charities and superintendents of state institutions, as well as leading attorneys and experts in child-saving, on aspects of the state's duties towards children. The conference concluded with a call by Frederick Wines, Secretary of the Board of Charities and a noted penal reformer, for reform of the Illinois justice system as regards children:

"We make criminals out of children who are not criminals by treating them as if they were criminals. That ought to be stopped. What we should have, in our system of criminal jurisprudence, is an entirely separate system of courts for children, in large cities, who commit offences which would be criminal in adults. We ought to have a "children's court" in Chicago, and we ought to have a "children's Judge," who should attend to no other business. We want some place of detention for those children other than a prison..."<sup>51</sup>

A resolution was drawn up by Julia Lathrop as chairman of the Conference Business Committee to push for legislative changes:

"The business committee desires to offer the following resolution:

"WHEREAS, It has been reported to this conference that committees of various organizations in the State have been and are engaged in the consideration of legislation for delinquent and dependent children, and

"WHEREAS, It is most fitting that all friends of such proposed legislation work harmoniously;

"Therefore, in order to bring about co-operation, be it

"Resolved, That the committee on legislation this day to be appointed take steps to bring about an early meeting of the other committees of the State dealing with the subject, and endeavor to agree upon the scope and form of the bills proposed to be submitted to the Legislature."<sup>52</sup>

The Legislation Committee of the conference was not, in the event, very prominent in agitating for a new law to deal with dependent and delinquent children, but the conference was

significant in bringing the issues before a wider audience and focusing attention upon the need for new legislation.<sup>53</sup> It also served to increase the momentum towards reform. By the time the conference met in November 1898, various other agencies had already seized the initiative and had begun to seek legislative reform. The conference was held back by more conservative members, such as superintendents of state institutions who were not in favour of non-institutional methods of dealing with dependent and delinquent children.<sup>54</sup>

Even before the conference met the Chicago Woman's Club had made overtures to the Chicago Bar Association. At its annual meeting on October 22, 1898, Ephraim Banning who was an associate of Julia Lathrop's on the State Board of Charities, offered a series of proposals to the Bar Association which pointed out the deficiencies in the proper care for delinquent children in Chicago; the presence of children in the jail and bridewell in close association with older, vicious criminals; the fact that Illinois made no provision for dependent children other than public almshouses; and the fact that the judges were so overburdened with other work that it was difficult for them to give due attention to children's cases. Many of which resolutions clearly reflected the concerns of the Hull House and Woman's Club women. The resolutions were accepted by the Bar Association and a committee appointed to draw up the necessary legislation.<sup>55</sup>

Although other agencies were also involved in the

campaign which produced the Juvenile Court Law and were prompted by different concerns from those of the women reformers, it was the Hull House community and the Chicago Woman's Club who provided the motivating force behind the campaign. Thus, the involvement of such agencies as the Visitation and Aid Society and the Illinois Children's Home and Aid Society, led respectively by Timothy D. Hurley and Hastings H. Hart, and the Chicago Bureau of Associated Charities, presented a united front of reformers which gave demands for new legislation more chances of success than if the measure had been strictly a women's measure. For although women might legitimately campaign for reforms which were closely connected with their interests, a measure too closely associated with women's concerns and without the endorsement of male reformers, was unlikely to succeed in the entirely male Legislature<sup>56</sup>. The child-saving agencies seem to have been motivated by rather different concerns, however. For, judging by Hurley's 1891 bill, they were more anxious to gain the protection of the state for their own part in the juvenile justice system, than they were early advocates of juvenile courts or probation.<sup>57</sup> They were, nevertheless, happy to accept the initiatives of the women reformers and accepted their leadership. For Hull House acted as a meeting place for many reform-minded people in Chicago, and clearly gave the women reformers involved in the agitation for what became the Juvenile Court Law many contacts and much expertise to draw upon.<sup>58</sup> It also seems to have acted as a centre of operations from which pressure was put on legislators at Springfield to

pass the bill.<sup>59</sup>

The Juvenile Court bill was introduced into the Illinois House of Representatives by John R. Newcomer on February 8, 1899 and by Hon. Selon H. Case in the Senate on February 15, 1899. It was known as the Chicago Bar Association Bill so as not to identify it as a woman's measure.<sup>60</sup> A committee was appointed to urge the passage of the bill, on which there were no women. The Hull House women continued to lobby for its passage, however, by trying to influence legislators and arouse public opinion. The Bill did not pass the Judiciary Committee stage of its passage without some substantial revisions, and delaying tactics in the House meant the Bill was almost lost. It was only through the intervention of Governor Tanner and Speaker Sherman, who were pressurised by Julia Lathrop and others from Hull House and the Woman's Club, that it was passed on the last day of the session.<sup>61</sup> Some features of the bill which had been important to Julia Lathrop, in particular, were lost as a result of opposition to the bill. Most notable of these was the provision to remove all children from the county poorhouses, and a provision which would have empowered the judges to order a child boarded at public expense.<sup>62</sup> The resulting bill, though deficient in some respects, was hailed by the Hull House Bulletin as a great step forward in state provision for child care: "The whole measure is in a true sense preventive, and while it is compulsive at few points it will certainly mark a great and wise change in the care of unfortunate children if

public interest gives its administration due support."<sup>63</sup>

The Juvenile Court Law of 1899 thus marked the culmination of a decade of efforts by the women of Hull House to deal with the problem of dependent, neglected and delinquent children. Not all their initiatives were directed towards legislation to correct what they saw as the deficiencies in the existing methods of treating such children. They were also concerned to find informal ways of easing the life of children caught up in the problems of the slums, by providing playgrounds, kindergartens and social clubs as alternatives to the streets and commercialised entertainment. Their involvement in developing an informal probation system centred around Hull House and in the agitation for the Juvenile Court Law should therefore be seen as part of a wider concern with child life in the slums.

In seeking legislation to deal with the problem of dependent and delinquent children and particularly in seeking legislation which embodied their ideas about the nature of childhood and family life, the Hull House women worked closely with the Chicago Woman's Club. They also utilised the contacts they had made with other reformers, both male and female, through the reform community attracted to Hull House. Like the women of the Chicago Woman's Club, they were motivated by their identification as women and mothers, and the ideas of educated motherhood, woman's proper place and the nature of childhood, which this entailed. However, while the

Club women were concerned that the family as they perceived it was in danger of breaking down under the pressures of slum life, the Hull House women had a more realistic view of what to do about it. Through their experience of living among the families of one of the poorest sections of Chicago, the Hull House women recognised the problems which these families faced. For this reason their concerns were as much to prevent children ever getting into trouble, as to prevent their further contamination and development into criminality, once they had got into trouble. The distinction between the Club women and the Hull House women in this respect is not very sharp. It is, however, significant that an informal probation system was developed by Hull House, whereas the Club concentrated its efforts upon providing a Jail School and separate court sessions for children. Both were, however, ultimately concerned to overcome the inadequacies of the existing system of treating problem children and to make sure that the state recognised its duty towards these children. Moreover, both were anxious to ensure that all children received the proper love and nurture that they regarded as the right of children, either by the support of the child's own family through probation, or by finding the child another home.

Their campaign to secure legislation to embody these ideas, was prompted by a recognition that they needed legal sanction for informal practices and a desire that the state should take the responsibility for protecting family life.

Thus, in reviewing the reasons for the law, Julia Lathrop suggested that the Juvenile Court Law was the result of, "...an almost simultaneous expression of a slowly matured, popular conviction that the growing child must not be treated by those rigid rules of criminal procedure which confessedly fail to prevent offenses on the part of adults or to cure adult offenders." Moreover, she argued, "Obviously, the new method of dealing with neglected children should take into account not an isolated child, but a child in a certain family and amid certain neighborhood surroundings, and a judge should base his action upon the value or the danger to the child of his surroundings."<sup>64</sup> The Juvenile Court Law of 1899 sought to embody these concerns.



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38. Julia C. Lathrop, "The Development of the Probation System in a Large City," Charities, XIII (Jan. 7, 1905) pp. 344-349.

39. Hull House Bulletin, October 1896 and from December 1897.

40. Helen Ranklin Jeter, The Chicago Juvenile Court (Washington, Govn. Printing Service, 1922), pp. 2-3, outlines the legal position in Illinois as regards children before 1899.

41. These cases appear in a series of Case Studies in Case Studies (Restricted) supplement 1, folder 7, August 1899, Juvenile Protective Association Papers, Special Collections, University of Illinois at Chicago (hereafter JPA Papers); "An

Interview with Hon. Oliver H. Horton on the Juvenile Court," Juvenile Record, II (Jan./Feb. 1901), pp. 12-13.

42. All these cases and those following are taken from Case Studies (Restricted), June 1897-August 1899, supplement 1, folder 7, JPA Papers.

43. Anthony M. Platt, The Child Savers: The Invention of Delinquency (Chicago, 1969), pp. 135-136.

44. Letter from Mrs. Lucy Flower, dated May 1917, volume II, Bowen Papers.

45. Henriette Greenbaume Frank and Amalie Hofer Jerome, Annals of the Chicago Woman's Club for the First Forty Years of its Organization, 1876-1916 (Chicago, 1916), p. 181; Letter from Lucy Flower, dated May 1917, and Memorandum from Julia Lathrop, dated May 3, 1917, volume II, Bowen Papers.

46. Mrs. A. P. Stevens, "The Juvenile Court Bill," Proceedings of the Illinois Conference of Charities, 1899, pp. 38-40.

47. Steven L. Schlossman, Love and the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825-1920 (Chicago, 1977), pp. 60-69.

48. Passage by Julia Lathrop as quoted in Addams, My Friend, Julia Lathrop, pp. 132-133.

49. See for instance, Addams, My Friend, Julia Lathrop, pp. 132-135; Carl Kelsey, "How does the Massachusetts Probation System affect children?" ; Draft of speech dated about 1901, miscellaneous file, Lathrop Papers.

50. October 26, 1898, box 21, volume 93, CWC Papers; December 28, 1898, box 21, volume 93, CWC Papers.

51. Dr. Frederick Wines, "Discussion," Proceedings of the Illinois Conference of Charities, 1898, p. 64.

52. Speech by Julia Lathrop, Proceedings of the Illinois Conference of Charities, 1898, p. 56.

53. The proceedings of the conference were widely reported in the Illinois Press, as for instance, "Denounces Truant School: Superintendent Smith of the John Worthy School Censures Institutions, Its Object and the School Board," Chicago Tribune, November 18, 1898, and "Chicago Club's New Protege," Chicago Tribune, November 20, 1898.

54. Chicago Tribune, Nov. 18, 1898, p. 7.

55. Unattributed cutting: "For Delinquent Children: Resolution adopted by the Chicago Bar Association," undated, p. 26, scrapbook 3, Flower Scrapbooks; William M. Lawton,

"Father of the Illinois Juvenile Court Law," Juvenile Court Record, VIII (Dec. 1907), p. 11; Chicago Bar Association Committee on Juvenile Courts, typescript dated Oct. 29, 1899, in possession of Manuscript Division, Chicago Historical Society.

56. Letter from Mrs. Lucy Flower, dated May 1917 and Memorandum by Julia Lathrop, dated May 3, 1917, volume II, Bowen Papers.

57. Timothy D. Hurley, Juvenile Courts and What They Have Accomplished (Chicago, 1904), pp. 17-18, 69-71.

58. This is explored further by Sklar in "Hull House in the 1890s."

59. Memorandum By Julia Lathrop, dated May 3, 1917, volume II, Bowen Papers.

60. Letter from Mrs. Lucy Flower, dated May 1917, volume II, Bowen Papers.

61. Timothy D. Hurley, Juvenile Courts and What They Have Accomplished, p. 20; Memorandum by Julia Lathrop, dated May 3, 1917 and letter from Mrs. Lucy Flower, dated May 1917, volume II, Bowen Papers; Report of the Chicago Bar Association Committee on Juvenile Courts.

62. Memorandum by Julia Lathrop, dated May 3, 1917, volume II, Bowen Papers.

63. Hull House Bulletin, April and May 1899, p. 10.

64. Julia Lathrop, "Introduction," to Sophonisba Breckinridge and Edith Abbott, The Delinquent Child and the Home (New York, 1912), p.5.

**Chapter Four: Ben Lindsey and the Denver Juvenile Court**

Every fortnight on a Saturday morning, a large number of boys would crowd into the courtroom in Denver, Colorado. They were greeted by the County Court Judge, Ben B. Lindsey, who proceeded to address them with a speech filled with homilies and anecdotes designed to illustrate a particular subject of interest to the boys. The session ended with each of the boys presenting his report to the Judge, who inspected it, and if it was a good report congratulated the boy before the whole assembly, but if it was a bad one commiserated with him, showing disappointment rather than anger - the aim of this being to hurt the boy's pride and encourage him to do better. This was report day at the Denver Juvenile Court and represented the pivot of Lindsey's method of dealing with juvenile offenders - a personal, child-centred approach which aimed to help the child through character building. It differed in some respects from the Chicago Juvenile Court, but rested on many of the same principles. While the Chicago Juvenile Court was the first in the United States, the Denver court became arguably the most famous due, in large part, to the personality of its judge, Ben B. Lindsey. This chapter will explore the origins of the juvenile court in Denver and consider the role played by Ben Lindsey in its formation.

The literature on the Denver Juvenile Court both contemporary and that written by present-day historians, is dominated by the character of Judge Lindsey. This is so much

the case that historians looking at his career have taken little cognisance of the possibility that other agencies may also have been involved in the crusade for the formation of a juvenile court in Denver. Indeed, they have seen it as a one-man crusade by Lindsey, with little other than moral support from the public of Denver.<sup>1</sup> This chapter aims to redress the balance and to explore some of the factors that helped to create the atmosphere which enabled Lindsey successfully to establish a juvenile court based on the County Court in Denver. It suggests that although Lindsey was clearly predominant in developing an informal juvenile court in Denver, the existence of the Colorado School Law of 1899 and the strong public support he received from women's clubs, the churches, and the general public, were important in ensuring the success of Lindsey's methods.

Benjamin Barr Lindsey was born on November 25, 1869 in Jackson, Tennessee, the son of a telegraph operator who had served as a captain in the Confederate army. The Colorado gold rush and the offer of a job in Denver, Colorado to Lindsey's father, led the whole family to move to Colorado in 1879. Lindsey's parents had converted to Catholicism and as a result in 1882, Ben and his younger brother, Chal went to Notre Dame, the Catholic university in South Bend, Indiana, to study in the "minim" department for younger boys. Ben and Chal had to leave the university when their father lost his job in Denver, and returned to Jackson to live with their mother's parents who were strict Presbyterians and attend the

Southwestern Baptist University, while their parents remained in Denver. After three years in Jackson, the Lindsey boys returned to Denver, where they both took jobs, Ben in a land office, and Chal in a lawyer's office. Since Ben had decided to become a lawyer, the boys traded places. In 1894 Ben Lindsey was admitted to the Bar and soon afterwards entered into partnership with Frederick A. Parks. The two young lawyers soon became involved in politics as a result of their work, Parks running for the State Senate and winning the election as a Silver Republican. Lindsey, on the other hand, worked for the "fusion" ticket of Democrats and Silver Republicans and helped to secure the election of Charles S. Thomas as governor. As a reward Lindsey was appointed public administrator of Arapahoe County. He continued to work in politics and in 1900 was again rewarded for his support of the Democratic governor when as a result of the elevation of Judge R. W. Steele of the County Court to the Supreme Court, Lindsey was appointed to fill the vacancy. Thus on January 1, 1901, at the age of thirty-one, Lindsey assumed his duties as County Court Judge in Denver. It was this post which he developed into that of Juvenile Court Judge.<sup>2</sup>

Lindsey's elevation to the post of County Court Judge through political influence was not unusual in Denver, for this was the way in which the city operated. Nor was Lindsey alone in turning against the political machines which had brought him to office, for by 1900 many of the more respectable middle-class citizens of Denver had begun a reform



drive to clean up the city.

First settled in 1858 during the Gold Rush, Denver had grown rapidly from a frontier town, to a boom town supported by silver and lead mining, to become by 1900 a thriving business and commercial centre. Its population which in 1870 had been only 4,759 and in 1880 35,629, had reached 106,713 by 1890 and 140,500 by 1900.<sup>3</sup> By 1890 Denver had lost its character as a frontier town and in population density surpassed other western towns and several more established towns such as Washington D.C., Kansas City and Minneapolis-St. Paul. In many respects it resembled the large industrial cities of the East more than a western frontier town, and had become more genteel.<sup>4</sup> Like many eastern cities, Denver also experienced an influx of European immigrants attracted by the new manufactures in the city. In 1880 Denver had an immigrant population of only 900, which by 1900 had swelled to 7000, coming mainly from Ireland, Scandinavia, Italy and Eastern Europe.<sup>5</sup> Such rapid growth brought with it many problems. Denver's municipal structures were unable to cope with the needs of a modern urban complex and struggled futilely with the undesirable accompaniments of size and the maldistribution of wealth. Municipal and corporate corruption were endemic in Denver at the turn of the century.<sup>6</sup> Moreover, as a result of such a rapid industrial growth and population increase, Denver suffered from many of the problems of industrialisation and urbanisation experienced by large eastern cities, such as overcrowding, disease and crime in the poorer sections of the

city centred around the stockyards, foundries and factories. Saloons, gambling dens and houses of ill-repute flourished in certain sections of the city, with the Fire and Police Board turning a blind eye to their activities.<sup>7</sup> Crime among children also became a problem, causing sufficient concern during the 1880s for a juvenile reformatory to be built at Golden. Most offences committed by children were crimes against property, and while not on the scale of the juvenile delinquency rates of cities such as Chicago and New York, contributed to the general impression of lawlessness in Denver.<sup>8</sup>

Concern about the problem of delinquent children predated Lindsey's appointment as County Court Judge. The State Board of Charities and Corrections in Colorado, like that in Illinois was concerned about the treatment of children after they had been sentenced by the courts. In some respects Colorado was more advanced in its institutions for criminal youth than Illinois. The State Industrial School for Boys at Golden was provided for the commitment of boys aged ten to sixteen "convicted of any offense known to the laws of this state and punishable by fine and imprisonment, or both, except such as may be punishable by death or imprisonment for life."<sup>9</sup> Since the Board did not believe that children were capable of crime under proper guidance, it was understood to be not a prison but a school for unfortunate and neglected children. It placed great emphasis on the idea that the Industrial School should operate as a school not as a juvenile prison, and that it was the State's duty to ensure that proper

instruction was given to wayward youth: "Back of the teacher is the state, and the state cannot, must not, flinch or fail. Our problem is with the children - ...and not with adults, and it is the duty of the state to see that competent adults are engaged to handle the problem."<sup>10</sup> The Industrial School already operated a system of parole, which allowed the Board of Control at its discretion to give boys leave of absence in writing, with conditions expressed, for a limited time or during good behaviour. Its aim was to enable pupils to earn and deserve unrestricted freedom, but it could only be used if home surroundings and the conduct of the child merited confidence in him. In its report for 1894 the Board recommended that the parole system should be extended to the Industrial School for Girls.<sup>11</sup> Thus there already existed in Colorado by 1901, a justice system which recognised that children required special treatment, and that they should not be punished for crimes for which they could not be held responsible. Instead they should be educated and properly guided along the right paths, by competent adults.

The Board of County Visitors also expressed concern about the presence of small boys in the county jail and suggested that they should be placed, in case of misdemeanours, in some of the homes for boys rather than in the jail. It is unclear whether the Board achieved this, but boys were still being held in the county jail to await trial, when Lindsey became County Court Judge.<sup>12</sup> Other attempts to try to deal with the problem of wayward youth included calls by the State

Conference of Charities and Correction for free kindergartens, manual training and industrial schools, a Girls' Industrial School and a state school for dependent children, as well as the supervision by the state of private institutions for children.<sup>13</sup>

Those who sought reform in the treatment of criminal children before the establishment of the Juvenile Court in Denver placed great emphasis upon the formative and reformatory powers of education. Thus in a speech before the State Conference of Charities and Correction in 1894, Judge E. W. Merritt expressed the idea that was to dominate the philosophy of the Juvenile Court, that if a child was not properly trained and cared for it would seldom fail to become a disturbing element in society. For, he argued, idleness and vagrancy soon produced criminals. He believed that society and the state should take the deepest interest in the proper education of children, for, he argued: "If the state neglects its duty to these children, it is manifestly unfair to hold them to a strict accountability for their delinquent or criminal acts."<sup>14</sup> He recommended that the state should establish a school for dependent children, and also that the law should be amended to provide a state agent to place criminal children in private homes and keep a general supervision over them. A method should be found for placing delinquents in family homes, as very few would become criminal if surrounded with the proper influences of a good home. He concluded that it was the state's duty and in society's

interests to help these children: "We are criminals if we neglect our opportunities to pluck that bright jewel of human intelligence - the dependent children - from evil surroundings, and educate them into useful members of society, instead of allowing them to sink deeper into the mire of illiteracy, pauperism and crime."<sup>15</sup>

Another factor which was to become prominent in Lindsey's work but which was already an element in reformers' thinking before Lindsey appeared on the scene, was the emphasis upon adult, particularly parental, responsibility for children's actions. Thus an act passed in 1895 for dependent and neglected children, provided that any child not having proper guardianship or who was dependent on the public for support could be taken from the parent and sent to the State Home for Dependent Children. A point of particular interest about this act is that it included a clause known as "the children's non-support law" which provided that fathers must support their children and failure to do so was made a misdemeanour punishable by a jail sentence if necessary.<sup>16</sup> This principle of parental responsibility for their children was also emphasised in the Compulsory School Law first passed in 1889, and which Lindsey was to use as the basis of his Juvenile Court. This law provided that "'Any parent, guardian or other person' failing to comply with our law requiring school attendance could be fined in a sum not less than \$5. or more than \$25. for each offense."<sup>17</sup> The revised law of 1899 provided further sanctions against parents who did not ensure

that their children attended school. Thus there was clearly an interest in Colorado in the welfare of children in trouble and those who did not attend school. There was a clear emphasis among reform-minded people upon the importance of education in the formation of children's lives and a growing sense that a child's environment was of great significance in its development. These factors were important in Lindsey's thinking, and existing legislation which expressed these ideas paved the way for Lindsey's work.

It is unclear what exactly were the motives of the reformers who lobbied for the Compulsory Education Law of 1899, or indeed who they were. It seems likely that many of the Teachers' Associations were involved since teachers played a role in enforcing the law. It is probable also that women's clubs, the Charity Organization Society and the State Board of Charities were also concerned to gain such a piece of legislation. Mrs. Izetta George of the Charity Organization Society, writing to Lindsey in April 1902, made it clear that if it had not been for the efforts of the Charity Organization Society, many of Lindsey's efforts in using the School Law would have been in vain. This suggests that the Society had been involved in lobbying for the original law.<sup>18</sup> Moreover, Mrs. George and the Charity Organization Society had been prominent in campaigning for a parental school law which would have provided further sanctions in enforcing school attendance.<sup>19</sup> Indeed, for several years the women of Denver had been involved, probably informally, in helping children

involved with the criminal law and relieving some of its severities by taking an interest in individual cases, although what this involved is unclear. The Humane Society of Colorado also rendered much assistance in the care and protection of dependent and neglected children.<sup>20</sup> Clearly these groups participated in securing the Colorado School Law of 1899, and later showed an interest, and eventually their active support, for Lindsey's work.

Thus when Lindsey became County Court Judge in January 1901 there already existed in Colorado a framework of legislation which would allow him to establish his juvenile court. There was also a network of reformers, male and female, concerned about the condition of the children of the slums in Denver. Moreover, Lindsey's predecessor, Judge Robert Steele, together with other district judges, had already begun to set aside one afternoon a week especially for children's cases, clearly in the hope that by so doing the children would be protected from contamination by adult criminals.<sup>21</sup> What is interesting, however, is that the Compulsory School Law had been little used by Judge Steele, possibly because the District Attorney persisted in filing cases which came under the School Law as criminal cases.<sup>22</sup> It was Lindsey's personal touch, however, and his desire to help children in trouble which enabled him to see the possibilities of the School Law and instigate a new system of dealing with wayward children in Denver. The Juvenile Court of Denver was, however, a much more personal system than that of Chicago and

until it received the support of the public and the sanction of legislation in 1903, it remained dependent almost entirely on Lindsey's personality.

Lindsey himself dated his first interest in wayward children from the time when he was appointed, while still a fledgling lawyer, to defend some burglars. He found these "burglars" to be two boys, whom he found gambling with hardened criminals in the Denver jail. In various accounts written some time after the juvenile court was well-established, Lindsey claimed this to be the formative experience in laying the foundations for his interest in children. In an account written in 1925 he observed that: "As I look back upon my experiences, I think it must have been some of the impressions, conscious or unconscious, that came to me in that experience of defending young criminals that really enlisted my interest in what afterwards was to become the Juvenile Court. Of course I could only see the whole subject vaguely then, as compared to the vision that came to me in after years. I had been very much interested in the change made in that school law and I remember I had some conferences and correspondence with Senator Stuart upon it."<sup>23</sup> It seems likely that Lindsey claimed this early interest in the School Law and the plight of children before the criminal law with the benefit of hindsight. There is little evidence to suggest that he took any active interest in changing the way in which children were treated by the courts before he became County Court Judge. Indeed his own reaction to what he



later called the Tony Costello case suggests little realisation of what it meant to the children and their families who got into trouble with the law.

The case which proved Lindsey's real spur to action occurred soon after he became County Court Judge and related to a boy whom he always referred to as Tony Costello.<sup>24</sup> One day Lindsey was presiding over a case which concerned the ownership of some mortgaged furniture, when he was interrupted by the Assistant District Attorney who asked him if would quickly dispose of a larceny case. He agreed to do so. A boy was brought in and arraigned before the court. The clerk read the indictment and a railroad detective gave his testimony. The boy had nothing to say in his defence, and since the case was clear, Lindsey found him guilty and sentenced him to a term in the State Reform School. He then returned to the previous case but was almost immediately interrupted by a woman's loud and continued screams, which forced him to adjourn court and retreat to his chambers. The woman screaming was the boy's mother, inconsolable at having her son taken away from her. Lindsey, shaken at the experience, telephoned the District Attorney and asked if he could suspend sentence. The District Attorney was doubtful as to the legality of this, but Lindsey took responsibility for the boy, whom he returned to his mother. Lindsey went to the boy's home in the Italian Quarter, found it poverty-stricken, and talked to the boy and his mother. He found, as he explained, that the boy was not a criminal, not even a bad boy, but a boy

trying to help his family. Tony was given a lecture on the need to obey the law and put "on probation" to report to Lindsey at regular intervals. The incident, Lindsey noted, set him thinking about the question of punishing children as if they were adults and of maiming their young lives. "It was an outrage against childhood, against society, against justice, decency and common sense," wrote Lindsey later. "I began to search the statutes for the laws in the matter, to frequent the jails in order to see how the children were treated there, to compile statistics of the cost to the county of these trials and the cost to society of this way of making criminals of little children. And the deeper I went into the matter, the more astounded I became."<sup>25</sup> It therefore appears from this account that Lindsey's conversion to the cause of childhood before the criminal law was fairly sudden, rather than a long term growing awareness of the problem. It seems that it was the case of Tony Costello and the realisation of the conditions in which many children who appeared before the courts lived, that prompted Lindsey to try to ameliorate the system. His response seems to have been rather a reaction to necessity than part of a philosophy about the nature of childhood - this came with experience.

The case of Tony Costello and other similar incidents led Lindsey to investigate the conditions of childhood in Denver. He found boys in the jail locked up with men of the "vilest immorality", taking lessons in what Lindsey called the "high school of vice." He also discovered that many of the hardened

criminals were simply graduates of the system. In an attempt to do something to help these children, he searched the statutes of Colorado and discovered a clause in the School Law of 1899 which pronounced children to be not criminals but juvenile disorderly persons, and as such a ward of the state to be corrected by the state in its capacity as parens patriae. What this in effect meant was that the state was to act as the parent of all children in its care and to work in the child's best interests rather than to punish him as a criminal. The law really only applied to children who violated the School Law by playing truant, but it could be construed to apply to all children who violated any criminal law. Lindsey was able to persuade the District Attorney to file all complaints against children under this law in Lindsey's court.<sup>26</sup> It provided the basis upon which Lindsey established his juvenile court, but the legality of this interpretation of the law was somewhat dubious. It depended very much upon the co-operation of the District Attorney and the other court officials, as Lindsey himself acknowledged: "...it is true that our Juvenile Court here is largely maintained through the friendly understanding of other officials, including the Justices of the Peace and District Attorney in particular, who file all cases of this character in this court."<sup>27</sup>

The Denver Juvenile Court was therefore established on an informal basis, using a law which while it could be construed to apply to all children who violated the law, was on doubtful

legal grounds. Lindsey exploited the School Law further to ask the School Board to provide truant officers to act as probation officers in the court, although Lindsey seems to have fulfilled this function himself.<sup>28</sup> The court relied heavily upon the co-operation of court officials and the School Board, and also upon teachers from whom Lindsey requested a report on his probationers every two weeks.<sup>29</sup> Thus while much of the credit for the establishment of the Denver juvenile court must go to Lindsey, his work was heavily dependent upon the co-operation of others, and it is significant that when he discovered the existence of the Chicago Juvenile Court Law in early 1902, it took him little time to realise the necessity for more concrete legislation on which to base the court.<sup>30</sup>

Lindsey's court developed gradually using the School Law. If a child under sixteen years of age was found guilty of any offence, he was charged with being a juvenile disorderly person under Section Four of the School Law of 1899. In extreme cases the boy would be sentenced to the State Industrial School at Golden and his sentence suspended during good behaviour. Lindsey would then keep track of the boy's behaviour by requesting him to attend school regularly and bring to the court on "report day" a report from his teacher detailing his record for attendance and deportment. On report day Lindsey would receive all the boys' reports and give them a talk upon some topic of interest to them. The main aim was, as Lindsey observed: "We always treat the boys soundly &

endeavor to impress upon them the consequences sure to result from their waywardness & by tactful appeals to their pride and better nature win them over to a different & proper course of conduct."<sup>31</sup> In more extreme cases Lindsey would talk individually with the boy, in a "companionable discussion" designed to reach the boy's confidence and bring out the good in him.<sup>32</sup> He operated by no hard and fast rules but as he noted: "The method of reaching them & getting them started on the right track sometimes differs & must depend on a sort of instinct and by the history or facts in the case."<sup>33</sup> Thus, until the passing of the Juvenile Laws of 1903 and subsequent years, the Denver Juvenile Court was heavily dependent upon Lindsey's own instincts. It did not seem to have the systematic investigation of a child's home surroundings upon which the Chicago Juvenile Court prided itself, and its main emphasis was upon the regular attendance of probationers at school, or if over school age, on securing a permanent job. The Denver Juvenile Court was thus predominantly an educational institution, for it sought to reinforce the influence of the school.

Lindsey's motives in seeking an improvement in the treatment of children before the law were somewhat ambivalent. On the one hand they seem entirely humanitarian, concerned simply to get children out of the clutches of the police and not send them to reform school. However, it is clear that, like the women reformers of Chicago, he was also motivated by a fear that if these children were not properly treated and

educated for proper citizenship when they were children, they would present a danger to society when they had become more and more hardened by a life of criminality. He, like the women of Chicago, was concerned that the family was breaking down with the pressures of city life and that parents were not taking proper care of their children:

"The country life with its wholesomeness, its sweetness and its beauty, nearer to God and all that's good and true in nature, is no longer for the great masses of the children of this nation...It is the city with its teeming masses that is abolishing the home and building up a new condition of life that our forefathers knew not of. It is the children of the city, the children of the toiling masses, who must sooner or later handle and solve the new problems new conditions present..."<sup>34</sup>

It therefore behoved the state and its representatives to guide these children along the right paths. Lindsey further argued that love and understanding would achieve more with these children than harsh treatment: "...Love, kindness, gentleness and patience mixed with a certain amount of firmness will do more for a boy than all the cursings, abuse, nagging or chastisements at home, or the swearing, threatening, cuffing and sweating of the police station or workhouse."<sup>35</sup>

In this attitude towards childhood and the family, Lindsey was echoing the accepted ideas about the nature of the family and the threats to it from the new urban environment which had prompted the women of Chicago to seek a solution to the problem of the children in the slums. His emphasis, however, was less upon supporting the family, and particularly

mothers to bring up their children to good citizenship through the use of probation officers, than on focusing on the child himself. Thus the keynote to Lindsey's system, at least in the early days, was the report day and Lindsey's direct influence upon the child, rather than the beneficial influence of the probation officer upon the child's family. Indeed Lindsey claimed that the juvenile court had a greater influence for good upon boys than their mothers could ever have:

"If you could read the hundreds of letters we have in this court from mothers who are unable to do anything with their boys when they arrived at a different age and a different period and they were 'up against' the proposition of the boy running out nights with the wild boys of the neighborhood and getting into mischief, and eventually into crime, in which they have voluntarily expressed their gratitude to the officers of this court for the help and assistance they have received, and even the redemption of their boys from a life of crime, which, in spite of all their knowledge and ability and in spite of the fact that nine-tenths of these boys had received a little more spanking and a few more 'lickings' than most any other boys, I think you would concede that the juvenile court does do something about one end of this important problem."<sup>36</sup>

Lindsey clearly had little faith in the mother's ability to control her sons.

Instead of accepting that it was the women's role to bring up children and prepare them for later life, Lindsey seems to have believed that a father's influence was of greater importance to a boy's upbringing at a certain age than a mother's influence, and in this his attitude towards family life was out of sympathy with much of the current thinking

about women's role in the family. This belief was possibly due to his own experience as a boy when his father "deserted" the family to go off to Denver to work and later committed suicide when Ben was eighteen, forcing Ben and his younger brother, Chal to go out to work to support the rest of the family.<sup>37</sup> One of Lindsey's formative experiences was, therefore, of a boyhood without a father's influence, thus suggesting to him that his own despair in early manhood might have been avoided had his father been a real presence at this time in his life. It is probable, therefore, that Lindsey's emphasis upon the importance of a father's influence in the home was more the result of personal experience than of current social thinking. For Lindsey's attitude towards family life was, in many respects dominated by the idea that a father's influence was of the greatest importance in a boy's upbringing. He considered the mother's contribution to be confined to the early years of a child's life and beyond this it was a father's duty. Thus the home without a father's influence was likely to fail to produce children who would be good citizens. "How many despairing cries I have heard from mothers who have been deserted by miserable husbands," he observed, "that they were unable to look after the boy when he arrives at this age, because there was no home and no father's care."<sup>38</sup> It was up to fathers, whether they came from poor families or prosperous ones, to make companions of their boys and give time to their needs. It was also important that both parents really got to know their children: "The great majority of boys who go wrong do so because their mothers or fathers do



not know them," wrote Lindsey. "Even for his serious faults I could never frame an indictment against the American boy; but there might well be an indictment against careless mothers and fathers."<sup>39</sup>

Thus it was that Lindsey blamed many of the misdemeanours of the children who came before his court upon the children's parents and the failure of their homes, but he seems to have had little sympathy for the reasons why such homes failed. He did not, however, see this as a reason for removing a child from its home, unless the circumstances were very extreme. Instead he relied upon the child himself to develop character enough to resist the temptations of a life of criminality and to keep on the path of good citizenship. To reinforce the child's own efforts to reform himself, Lindsey sought means to ensure that the child's environment should be as favourable as possible, and it is in this desire that we should see his campaign to secure an adult contributory delinquency law in the Legislature of 1903, to reinforce the other laws creating a juvenile court.

Lindsey seems to have been rather ambivalent in his thinking about the essential nature of childhood. The historian, Peter Gregg Slater, in an article written in 1968, has suggested that Lindsey had three ideas about human nature but that these were often contradictory and ultimately could not be reconciled.<sup>40</sup> Slater sees Lindsey's three views of human nature as, firstly, the idea that man is natively good

and that the environment is the main determinant of character. Secondly, he regarded the individual as embodying a bundle of impulses. The drives of these impulses could be good or bad depending upon the environmental context. This meant essentially that the child should be given every opportunity to do good by providing a suitable environment. Finally, Slater notes that Lindsey believed that the child was a "little animal" and that it was the task of social institutions such as the home, church and school, to impress upon the child the accepted norms of social behaviour. Children were basically amoral and had to be civilised. The reason for this ambiguity in Lindsey's thinking about the nature of childhood seems to have been because his ideas about children and the factors affecting their behaviour developed over time, both as a result of his experience in the juvenile court and the fight he had to preserve his position as juvenile court judge, and because of a growing awareness of more theoretical works upon the nature of childhood and adolescence. Some of Lindsey's later writing upon the "boy question" is clearly influenced by the work of the psychologist, G. Stanley Hall, although it seems likely, as Lindsey noted himself, that he was unaware of Hall's work until the publication of Hall's major study on "Adolescence" in 1904.<sup>41</sup>

In the earliest days of the juvenile court, Lindsey's attitude about the nature of childhood seems to have been that the child was basically good, but that it was his environment

which made him criminal. In this way a boy could be reformed by appealing to his better nature. "It is astonishing how much good there is in some boys apparently of criminal tendencies," he wrote, "if you can reach the boy in the right way. They are more often the creatures of environment than real criminals."<sup>42</sup> Many of the boys merely needed to overcome the disadvantages of their upbringing and home environment in order to become good citizens. It was this faith in the basic goodness of boy nature that prompted Lindsey to treat children in his court with as much patience and love as possible. For this reason Lindsey believed that wayward youth could not be brought to truth and light through the ways of force and violence, of hate and despair, but a real cure could only be achieved by a change in the human heart, by love, and because the boy was taught to do right because it was right, not because he was afraid of being caught.<sup>43</sup>

Much of the language employed by Lindsey in describing boy nature is almost evangelical and suggests that he was influenced by such movements as the Social Gospel Movement. This tried to apply the tenets of Christianity to society as a whole, and together with the principle of individual salvation, Social Gospellers sought to apply the doctrine of social redemption through the application of Jesus's teachings to everyday problems.<sup>44</sup> In Lindsey's case this meant putting a great emphasis upon the individual child, and by loving him and treating him with kindness and patience, bringing about his salvation. It also involved a belief that human conduct

was shaped by environmental factors, and again this is clear in Lindsey's writings on boy nature and his campaigns to protect the children of Denver from what he saw as bad influences. Thus Lindsey was prompted by the belief that if those boys who came to his court who showed criminal tendencies, were given a chance and encouraged to overcome the handicaps created by their environment, they would develop into good citizens. They merely required to be taught the right direction: "Our purpose is by this system to implant within wayward children results of purity, truth, honor and righteousness," Lindsey argued, "so that there may be a soul awakening, as it were."<sup>45</sup>

It was upon these ideas of the nature of boyhood that Lindsey based his juvenile court. It depended very much, at first, upon the personality of Lindsey himself and his ability to convince boys that it was in their own best interests to do right because it was right, not because they would be punished otherwise. A clear illustration of this was Lindsey's treatment of those boy offenders whom he considered to be in need of a spell in the State Industrial School at Golden. As one journalist explained: "The method of commitment is all Judge Lindsey's own. He simply gives the boy the warrant and tells him to go out to Golden and lock himself up. Not one boy has betrayed the judge's trust, although the trip furnishes numerous opportunities for escape in a street-car ride across the city to the railroad station, a train ride to the Golden station in the foothills and a half-mile walk to

the destination. The superintendent is not even notified to look out for the boy's arrival."<sup>46</sup> Such methods laid Lindsey open to charges by some journalists of hypnotising the boys, which charges Lindsey adamantly denied.<sup>47</sup> To Lindsey the explanation was much more straightforward: "...when I send a boy to the Industrial School, or a young criminal to the reformatory, I tell him that he can run away, if he wants to, but I proceed to convince him that he should not want to, - and so far, they have all been convinced."<sup>48</sup> This was an extension of Lindsey's belief that if the child was treated with love and kindness, and trusted to do his best, he would do what was asked of him. He believed that the boys who had to be committed to the Industrial School were weak rather than vicious and that the Industrial School would teach them strength of character. In order to impress upon the boy that he had no doubt that the boy would overcome his weakness, Lindsey trusted him to get himself to the Industrial School and made it obvious that he would not make any effort to enforce the commitment. He made it equally clear that failure to deliver himself to the authorities at Golden would be interpreted as a sign of weakness. Thus Lindsey appealed to the boy's pride and sense of honour. Also by allowing the boy to travel to Golden unaccompanied by any officer of the law and therefore not making it obvious where he was going, the boy was able to maintain his self-respect. One of the boys whom Lindsey treated in this way, observed that had he been shackled and accompanied to Golden he would have hated the judge and the person who took him there and would have tried

his best to escape. Instead, since he was sent alone, people did not stare at him and they did not know where he was going and as a result he was not ashamed.<sup>49</sup> Moreover, by making the boy feel that he alone was responsible for his condition, it ensured that he did not feel hatred towards the judge who had sent him to the reform school, and regarded him instead as a friend. In this way on his release from the reform school, the boy would not feel the hatred towards the state which often prompted further offences.<sup>50</sup>

Such methods relied heavily upon the judge's personality and his ability to convince the boy offenders that they should do right because it was right and not because they would get into trouble otherwise. It also placed great emphasis upon the boy's strength of character and his sense of loyalty to the judge. Moreover, it depended on Lindsey's belief that there was good in every boy and that vicious tendencies were signs of weakness rather than inherent badness. Thus in convincing a boy that he was strong enough to get himself to the Industrial School without being accompanied and without running away, Lindsey played upon the boy's sense of self-respect and pride. Such methods clearly could not be institutionalised nor embodied in legislation, but relied instead upon Lindsey's personality and the support he received for his work.

As his work became known to the general public of Denver, Lindsey received a good deal of public support. This came

particularly from the Denver Women's Club and from those who were themselves involved with the work, such as the truancy officers. Thus in 1901 in the elections for County Court Judge, Lindsey was endorsed by the Women's Club: "Many ladies of the Woman's Club, and the County truancy officers, endorse Judge Lindsey's active and efficient work in dealing with truants and bad boys, and the splendid results he has accomplished in this direction..."<sup>51</sup> Lindsey also received a stream of letters from other County Court Judges and District Attorneys in Colorado expressing an interest in his work, and asking how they could do similar work and on what legal basis Lindsey ran his juvenile court.<sup>52</sup> In reply he outlined the procedures of his court and the clause in the School Law of 1899 upon which he based his sentencing policy. It is clear that by the middle of 1902, however, Lindsey was having some doubts as to whether the law could continue to be construed in this way, and he was beginning to gather support to agitate for legislation to give full legal sanction to the court in Denver and to enable other counties to establish similar courts.<sup>53</sup>

It seems likely that one of the factors which prompted Lindsey to believe that it was necessary to place the juvenile court on a firmer legal basis, was his discovery in early 1902 of the Chicago Juvenile Court Law.<sup>54</sup> With this discovery Lindsey began a correspondence with Timothy D. Hurley, editor of the Juvenile Record and one of those interested in the promotion of the Chicago Juvenile Court and of the Juvenile

Court idea throughout the country. This correspondence also involved Lindsey in the nationwide reform community and secured for him an invitation to the National Conference of Charities and Correction held in Detroit in May 1902. Thus Lindsey became aware of the other juvenile courts already established in other states, and it is probable that this influenced him to seek legislation in Colorado. He was, nevertheless, very insistent that his own system was working well and that the Illinois system was in no sense a superior one. He realised, however, by mid 1902 that legislation was required: "Our 'school law' (compulsory education act) was passed the same year, and while we have, by a very elastic but doubtful construction, twisted it into a 'Juvenile Court Act' as much as possible, it is very imperative that the next legislature shall make it certain and substantial."<sup>55</sup>

The agitation for legislation appears to have been initiated by Lindsey himself, but was closely supported by the women's clubs, Charity Organization Society, and churches of Denver. These agencies had been in existence before Lindsey had become interested in the problem of the treatment of dependent and delinquent children in Denver and had been involved in charitable and reform work in Denver for some years. Thus, the Charity Organization Society had been founded in Denver in 1889, based on similar organisations in the East. It aimed to co-ordinate Denver's public and private social services and in so doing make the distribution of charity more "efficient." It had become particularly



prominent in the depression of 1893 when it provided immediate relief to the unemployed and helped to find employment for them. While it was fairly conservative in observing traditional attitudes to the poor as in large part responsible for their own poverty, it also supported such reforms as free kindergartens in the poorest sections of the city, designed, as Mrs. Izetta George of the Society explained, to elevate the poor.<sup>56</sup> Mrs. George and the Charity Organization Society became keen supporters of Judge Lindsey's work.

Other women apart from those involved in the Charity Organization Society were involved in a number of Denver's charitable enterprises, particularly in supporting a multitude of charities such as the Denver Cottage Home, which sought to shelter erring girls. Colorado women had gained the suffrage in 1893 and were therefore more politically powerful than the women of Illinois, but their concerns remained largely those of their sisters who were not enfranchised. Though only a handful of women became State Senators or Representatives in the first decade or so after they gained the suffrage, their influence was felt in a number of measures designed to protect women and children. They campaigned through women's clubs for many of the same issues as women in more established states, such as measures to restrict liquor consumption, prostitution and legislation to protect children.<sup>57</sup> The women of Denver were therefore a powerful source of support for Lindsey in his efforts to improve the treatment of children in the Denver justice system.

Not only did Lindsey receive support from the women and charitable organisations of Denver, he also received the encouragement and support, as well as the legal expertise of the Colorado County Judges Association, of which he was appointed chairman of a committee to draw up the necessary legislation. Even before he recognised the need for legislation to place the juvenile court upon a more secure legal footing, Lindsey had begun enquiries into the number of children held in the County Jail, in an attempt to obtain a separate detention room for children. He had also instigated a campaign against the saloons and wine rooms in Denver, in an effort to protect children from their evil influences. In order to achieve the maximum publicity and force the County Fire and Police Board to do something about the conditions for children in the County Jail and in the saloons, Lindsey mounted a publicity stunt in which he invited the newspapers and members of the Fire and Police Board together with prominent churchmen to a session of his court. At this session Lindsey gathered several of his probationers to tell of the horrors they had experienced in jail. This resulted in headline news in the newspapers which created public revulsion at the treatment of such children in the jails and produced public support for the legislation which Lindsey was trying to secure, as well as further public awareness of the juvenile court.<sup>58</sup> Such publicity stunts were not, however, Lindsey's only method of agitating for the legislation he wished passed.

Much of the work done to secure the Juvenile Laws in

Colorado was done by a committee of the Colorado County Judges Association, of which Lindsey was chairman and which first met in June 1902. This committee drew up a report which it presented to the annual meeting of the Association in December 1902, outlining the necessity for a law establishing a juvenile court and several other measures for the protection of children. Before the committee had finalised its report, Lindsey had begun lobbying some of his friends and particularly newspaper editors for their support in his campaign. One of the issues he concentrated upon in justifying the need for a juvenile court, was the financial saving to the State of his system. Thus in August 1902 he appealed to Hon. B. F. Montgomery, an influential Denver citizen, to read the report he had prepared on the juvenile court: "The report of the juvenile division, while very lengthy, I nevertheless consider of great importance, and I think you will so consider it if you find time to read it, especially that part relating to expenses to the state and county, and the facts shown by statistics concerning juvenile delinquents, who eventually become charges upon the state as convicts or paupers and vagabonds." This was an argument used consistently by Lindsey as a way of appealing to conservative opinion in his attempts to secure legislation to protect children.<sup>59</sup> It was, however, not the most important reason he gave for the need for such legislation. For while, he argued, the financial savings to the state of his methods were great, the savings to the state and society of children who would become better citizens, were even greater. Lindsey was also

finding it difficult to ensure that all children's cases were brought to his court where they could be charged with being "juvenile disorderly persons" rather than criminals, since it was in the interests of policemen to have them charged as criminals as they received fees for all arrests. Thus he sought legislation which would ensure that all children's cases came before the County Court and abolished the fee system for children's cases. Above all, however, he sought legislation to sanction the work he was doing already and remove any possibility that it could be challenged. Thus he emphasised that Colorado had no juvenile court law and that the results he had achieved with wayward children, were dependent upon co-operation between the District Attorney and the County Court and the stretching of the Compulsory Education Law to its limits. "All that has been done in any of the county courts is the result," Lindsey noted in his report,

"first of cooperation between the district attorney and the county court, whereby the present jurisdiction of the county court in misdemeanor cases, the chancery jurisdiction of the court as parens patriae in dealing with the welfare of the children, and the present compulsory education law have been invoked and stretched to their utmost by every possible excusable interpretation in order to deal with children offenders as delinquents, and not as criminals..."<sup>60</sup>

The main purpose in seeking legislation was, thus, to make permanent an already existing system. Clearly Lindsey did not wish to institutionalise his own methods, but he did require legal sanctions to ensure that all children's cases were referred to his court. He justified his demand that

children's cases should be dealt with in the county courts by suggesting that county courts acted much more quickly and promptly than other courts and this was desirable in children's cases, especially in those cases where children were kept in jail awaiting trial. Moreover, in seeking legislation Lindsey wished to ensure that there would be uniformity of practice in dealing with children's cases throughout the state, and the introduction of a probation system in all counties.<sup>61</sup> Thus the Juvenile Bill Number One which Lindsey sought to secure in the Legislature of 1903 did little more than formalise the already existing system in Denver. It did, however, enable other county court judges to adopt Lindsey's ideas in their own courts and gave them the legal basis to do so.<sup>62</sup>

The Colorado Juvenile Court Law was very clearly modelled upon that of Illinois. In fact, Lindsey asked the advice of Timothy Hurley as to how the bill should be drawn up, and requested details of any cases in which the Juvenile Court Laws in other states had been challenged. Hurley replied giving details of how the Illinois system worked and giving advice on certain sections of the bill.<sup>63</sup> The final section of the law echoed the philosophy of the Illinois Juvenile Court Law in stating: "The act is to be liberally construed to the end that its real purpose may be carried out, to-wit, that the care, custody and discipline of a delinquent child shall approximate as nearly as may be that that should be given by its parent, and that, as far as practicable, any delinquent

child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid and encouragement, help and assistance."<sup>64</sup> It is perhaps significant, however, that the Colorado law placed much less emphasis upon the influence of the home upon the child's formation than did the Illinois law. Lindsey placed the accent upon the need to give help and assistance to the child rather than relying upon the reformatory powers of the home given the support of a probation officer. It is in this that Lindsey differed from the women who agitated for the Chicago Juvenile Court Law - they were influenced by their own perceptions of women's rôle and their belief in the importance of the home and the mother's influence in the formation of the child, whereas Lindsey was, in many senses, more child-centred in his approach, believing that a child would be reformed by the strength of his own character with the love and encouragement of the juvenile court. This ultimately meant that the Denver Juvenile Court was heavily reliant upon the personality of its judge to achieve results with the wayward children who came before it, while on the contrary, the Chicago Juvenile Court was more dependent upon its probation officers and attempts to improve the child's home environment.

Lindsey's child-centred approach and his lack of understanding of the pressures placed upon the home by urban life help to explain why he was so concerned to secure an adult contributory delinquency law in 1903, when he was also agitating for the Juvenile Court Law. In this bill, Bill

Number Two, Lindsey sought to provide for the punishment of any persons responsible for, or contributing to, the delinquency of children. The bill aimed to place the responsibility for children's behaviour upon their parents, as the School Law of 1899 had done for children accused of truancy. The bill provided that a parent may be prosecuted and fined up to \$1000 or imprisoned in the county jail for the maximum of a year, where the parent could be shown to have been responsible for the delinquency of a child. It also applied to other adults, such as wine room and saloon keepers, who could be shown to be responsible for a child's misdemeanours. Lindsey claimed that the effect of this bill was: "...to enable us to get at the root of the difficulty and place responsibility where it truly belongs."<sup>65</sup> Lindsey saw the Adult Contributory Delinquency Law as one of the most important features of the series of laws making up the Juvenile Court Law. He reported soon after its implementation that it had the effect of stopping many parents from sending their children to saloons to fetch liquor, from allowing their children to run on the railroad tracks, and made parents send their children to school. Thus the law placed the responsibility for the delinquency of children firmly upon the parents. It sought to force parents and other adults to act as good moral examples to children, and to perform their proper duties towards their children. In this way Lindsey had enacted into the law of Colorado, the idea that children could not be held responsible for their crimes, but that instead responsibility lay with the failure of the child's parents

properly to guide the child, or with some other adult who failed to protect the child from evil influences. By so doing, Lindsey sought to compel the home to perform its duties towards the child, by punishing the parents if necessary, but, if the parent was helpless, by giving help through probation officers.<sup>66</sup>

The Adult Contributory Delinquency Law, in some respects, shows that Lindsey's thinking about the conditions of family life in the slums of a city was much less sophisticated than that of the women reformers of Chicago. The act was in many ways coercive, forcing the home to recognise and accept its responsibilities towards the child. Although Lindsey did, on occasion, note that poverty was a contributory factor in the failure of the home to prevent children from drifting into lives of crime, he did not, at least in the early days of the court, attempt really to understand the problems of family life, and did not recognise, as the women of Chicago did, that by fining or imprisoning the parent the child would not necessarily be helped. The act was used in part against other adults, the keepers of saloons and wine rooms, and the sellers of cigarettes to children, but it was also a way in which the Juvenile Court could enforce its will upon the child's parent. It marked the culmination of the idea that a child could not be held responsible for its actions, which had been prominent in the thinking of legislators and reformers in Colorado for some time. It also represented a much more forceful way of ensuring that the home fulfilled its functions, according to



middle class ideas of what these should be, than the more persuasive method of introducing the influence of a probation officer into homes with wayward children. The women of Chicago, especially those from Hull House, had a clearer idea of the problems of family life in the slums and for this reason placed their emphasis upon the development of a probation system and less formal means of enforcing parental responsibility. Lindsey's approach was more child-centred and because he could not reconcile himself to some of the misdemeanours of the children before the court, he blamed the child's parents, preferring in many cases to punish them rather than educate them. The Adult Contributory Delinquency Law did not apply only to a child's parents, however, and in making the law applicable also to other adults who might contribute to a child's misdemeanours, Lindsey showed an awareness of the need to manipulate a child's environment and remove the bad influences in it - something other reformers were slower to do. In this sense Lindsey was carrying to its logical conclusion his belief in the environmental causes of juvenile delinquency and giving teeth to his conclusions. Again though, it reflected Lindsey's much more child-centred approach rather than the family centred one of the Chicago women reformers.

The five bills which Lindsey placed before the Colorado Legislature in 1903 seem to have been secured with little opposition. This was because Lindsey had ensured that he had public opinion behind him and he had also lobbied members of

the Legislature to work for the bills. Through the sponsorship of the bills by the County Judges Association, Lindsey also ensured that not only were they constitutionally sound, but also that they would gain the respect of legislators. Lindsey himself admitted, however, that he would not have succeeded with his work without the women's clubs of Denver. Thus he noted: "We must depend on the women...for what they have done for the children of the nation, and for the encouragement, kind words and assistance they have always given me and those of us here in Denver, who have tried, in a poor, feeble way, I fear, to accomplish something in the interest of this great cause..."<sup>67</sup> Women's associations, such as the Denver Women's Club, the Women's Christian Temperance Union, the ladies of the West Side Neighborhood House and various mothers' groups, all helped Lindsey in his campaign to secure the laws, by putting pressure upon their legislators and writing to newspapers.<sup>68</sup> They do not appear to have been as directly involved in the agitation for the laws as were the women of Chicago, but nevertheless their influence seems to have been an important factor in securing the passage of the bills.

Although Lindsey was dominant in the establishment of a juvenile court in Denver, and it was clearly based upon his own perceptions of the nature of childhood and the best methods of dealing with youthful offenders, other factors also contributed to its success. The various influences of the churches, charities and, above all, the women's associations

in Denver, had created the atmosphere in which Lindsey's methods could be successful. Several years of agitation by reformers had promoted the idea that it was the state's duty to look after the welfare of its children. Clearly the principle of parens patriae, by which the state acted as parent to all children in its care, was well established in Colorado, and was reflected in such laws as the School Law of 1899 and the act for dependent and neglected children passed in 1895. Similarly, Lindsey encountered little opposition to his use of the School Law in dealing with delinquent children and what might have been seen as a more lenient method of dealing with these young offenders, because an atmosphere had already been created in Denver which took more note of the welfare of children than of the need to punish youthful criminals. Lindsey was also able to enforce his methods despite the opposition of the Fire and Police Board who had profited from the existing system by collecting fees every time a child was arrested. He was able to do this because there already existed in Denver a revulsion against such petty corruption, and by his judicial use of the newspapers he was able to exploit public opinion. Thus, although Lindsey was primarily responsible for initiating the methods of the Juvenile Court in Denver, and eventually for securing legislation to place the court on a more permanent basis, his methods could not have succeeded either without the developments in thinking about the treatment of juvenile offenders in the preceding years, or without the support of the existing reform organisations in Denver and Colorado.

Lindsey's motives in seeking a means to change the treatment of children before the law were ambivalent. On the one hand he appears to have been motivated purely by humanitarian considerations, and this is certainly the image he sought to maintain in his writings and publicity campaigns for the juvenile courts. On the other hand he was concerned that if these children were not corrected at an early age they would become hardened criminals by the time they were adults. He was prompted too by the fear that many homes in the poorer sections of the city were breaking down under the impact of poverty and urban life. His analysis of why this was the case and how to deal with the problem was not very sophisticated and for this reason he sought to punish parents for sending children out to work or to collect coal from the railroad tracks, without considering fully why they did this. Lindsey's main concern was to deal with the child who appeared before his court accused of some misdemeanour, rather than in helping to prop up the child's home. He believed that given love and encouragement by an interested adult, whether this was in the home, school, church or juvenile court, all children could have the strength of character to keep on the path of the upright citizen. Lindsey had the gift of inspiring confidence in the boys he dealt with, and it is this which really ensured the success of his court.

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2. Biographical details are taken from Benjamin Barr Lindsey and Rube Borough, The Dangerous Life (London, 1931, 1974 edition), chapters 1-3.
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14. Hon. E. W. Merritt, "A State School for Dependent Children," in State Board of Charities and Correction, Second Biennial Report, 1894, pp. 181-196.
15. Hon. E. W. Merritt, "A State School for Dependent Children," p. 196.
16. Note attached to a series of bills relating to dependent and neglected children, undated, box 294, folder 8, Ben B. Lindsey Papers, Manuscript Division, Library of Congress (hereafter BBL Papers).
17. Letter to T. D. Hurley, dated Sept. 21, 1904, box 2, folder 5, BBL Papers.
18. Letter from Mrs. Izetta George, dated 2 April, 1902, box 82, folder 4, BBL Papers.
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20. The Problem of the Children and How the State of Colorado Cares for Them (Denver, 1904), p. 33.
21. The Problem of the Children, p. 33.
22. Extract from speech presented to Friends of the Denver Juvenile and Family Court in Commemoration of 25 years of the Court, Feb. 1925, p. 3, box 277, folder 7, BBL Papers.
23. Ibid., p. 3.
24. Lindsey always used false names in relating stories about his work with children, as for instance in the case of Tony Costello. This was in order to maintain confidentiality and protect the identity of the children involved.
25. Judge Ben B. Lindsey and Harvey J. O'Higgins, The Beast (New York, 1910), pp. 79-85.
26. The Beast, pp. 85-87.
27. Letter to Hon. R. L. Chambers, dated June 21, 1902, box 83, folder 2, BBL Papers.
28. The Beast, pp. 87-88; Letter to T. D. Hurley, dated Jan. 1, 1904, box 87, folder 1, BBL Papers.
29. Lindsey sent letters to teachers asking for a report on the conduct of particular boys to be sent every two weeks. For instance, letter to Miss Ames, dated Feb. 16, 1901, box 80, BBL Papers.

30. Letter to Crawford Hill, dated July 21, 1902, box 83, folder 3, BBL Papers.
31. Manuscript letter, unaddressed, box 84, folder 5, BBL Papers.
32. Ibid.
33. Ibid.
34. Speech delivered at Trinity Church, dated Jan. 11, 1903, "Our City Children," pp. 1-3, box 277, folder 3, BBL Papers.
35. Ibid., p. 12.
36. Letter to Perry Clay, dated Nov. 17, 1904, p. 1, box 3, folder 3, BBL Papers.
37. Lindsey and Boroughs, The Dangerous Life, chapters 1-3.
38. Letter to Perry Clay, dated Nov. 17, 1904, p. 2, box 3, folder 3, BBL Papers.
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41. Lindsey corresponded with Hall about his work, for instance, Letter to Rev. G. Stanley Hall, dated Sept. 20, 1904, box 2, folder 6, BBL Papers. In this letter Lindsey stated: "I wish to say that the methods I have employed here have simply grown up as the result of my observations and experience, and I have up to this time purposely refrained from consulting or studying any sociological works for fear I might imbibe some theory, preferring to work things out from what seemed to me the practical standpoint, and after an experience of four years I am glad I have taken this course, but I shall now devote myself to more study along this line..." Hall's major work to which Lindsey referred was: G. Stanley Hall, Adolescence: Its Psychology and its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education, volumes I and II (1904, reprinted 1920).
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52. As for instance, Letter from Jesse C. Wiley, dated August 11, 1902, box 1, folder 1, BBL Papers; Letter from P. B. Jackson, dated August 28, 1902, box 1, folder 1, BBL Papers.

53. For instance, Letter to Hon. R. L. Chambers, dated June 21, 1902, Box 83, folder 2, BBL Papers.

54. Letter to T. D. Hurley, dated Jan. 17, 1902, box 82, folder 1, BBL Papers. Notes Lindsey's discovery of the Chicago Juvenile Court.

55. Letter to Crawford Hill, dated July 21, 1902, box 83, folder 3, BBL Papers; Report to the State Association of County Judges of Colorado, undated, box 284, folder 6, BBL Papers.

56. Mrs. Izetta George, "Denver's Plan," Proceedings of the National Conference of Charities and Correction, 1894, p. 56.

57. The role of women in Colorado is discussed in Abbott, et al., Colorado, pp. 183-188.

58. The Beast, pp. 101-110; Several Letters, dated May, 1902 congratulating Lindsey on his stand before the Fire and Police Board, box 83, folder 1, BBL Papers.



59. Letter to Hon. B. F. Montgomery, dated Aug. 5, 1902, box 83, folder 4, BBL Papers; Letter to Crawford Hill, dated December 1, 1902, box 83, folder 3, BBL Papers.

60. Report to the State Association of County Judges of Colorado, undated, box 284, folder 6, BBL Papers; Clipping from the Denver Republican entitled "Preparing a New Code of Laws," dated December 1, 1902, box 260, folder 5, BBL Papers.

61. Report to the State Judges Association of County Judges of Colorado, undated, box 284, folder 6, BBL Papers.

62. A Report of the Colorado Juvenile Court Law and Probation System, and a statement regarding the administration of the Juvenile Court of Denver under this law, October 1903, box 84, folder 6, BBL Papers.

63. Letter to T. D. Hurley, dated Sept. 20, 1902, box 84, folder 1, BBL Papers; Letter to T. D. Hurley, dated Jan. 1, 1904, box 1, folder 3, BBL Papers.

64. As quoted in Report to the State Association of County Judges of Colorado, undated, box 284, folder 6, BBL Papers.

65. Report to the State Association of County Judges of Colorado, undated, box 284, folder 6, BBL Papers; Letter to T. D. Hurley, dated Jan. 1, 1904, box 87, folder 1, BBL Papers.

66. Letter to the Editor Chicago InterOcean, dated Nov. 20, 1904, box 3, folder 3, BBL Papers; Untitled, undated typescript, box 284, folder 7, BBL Papers; Letter to Miss Frances Maule, dated Dec. 27, 1905, box 6, folder 2, BBL Papers.

67. Letter to Mrs. Sarah Platt Decker, dated March 19, 1906, box 7, folder 1, BBL Papers; Letter to Mrs. Frances E. Platfact, dated Oct. 10, 1904, box 3, folder 1, BBL Papers; George Creel and Ben B. Lindsey, Measuring Up to Equal Suffrage (New York, 1913), p. 3.

68. The Problem of the Children, pp. 137-140; "Note," Juvenile Record, IV (May 1903), p. 11; Typescript "Woman Suffrage in Colorado," undated, box 294, folder 8, BBL Papers; Letter to Mrs. Emma Lentz, dated March 22, 1902, box 82, folder 3, BBL Papers.

**Chapter Five: Philadelphia, Indianapolis, New York and Boston**

Many of the conditions which had prompted reformers in Chicago and Denver to seek new methods of dealing with problem children and which led eventually to the passing of juvenile court laws in Illinois and Colorado, existed in other cities in the United States, especially in the older cities of the North-East. It is therefore unsurprising that within a few years of the passing of the Illinois Juvenile Court Law, several other states had passed juvenile court laws, often based on that in Illinois. By 1909, ten years after the passing of the pioneer law, twenty-two states had juvenile court laws. While a large number of these states undoubtedly achieved their juvenile court laws through the efforts of the Juvenile Court Movement, which was mainly led by those who had played an important role in securing the pioneer laws in Chicago and Denver, there were a small number of other states which even before 1899 had begun to seek new methods of dealing with delinquent and dependent children. This chapter explores how reformers in two cities - Philadelphia and Indianapolis - had begun to realise the necessity for change in the way in which the law treated juvenile offenders, and had taken certain initiatives in this direction, before finding a solution in the example of the Chicago court. It examines parallels with the origins of the courts in Chicago and Denver and considers whether the paradigms established for the origins of the juvenile courts in these two cities hold true of others. It also investigates why Boston and New York

which had been pioneers in introducing separate hearings for children's cases and probation, were slow in following the example of Chicago and Denver and attaining full juvenile courts.

The Chicago and Denver courts suggest two different paradigms for the establishment of juvenile courts. The Chicago court was the result of several years agitation, largely by women reformers, for a change in the treatment of dependent and delinquent children by the law. These women, while prompted in part by humanitarian considerations, were also concerned at the apparent breakdown in family life in the slums of Chicago. They sought to remove children from the possibilities of corruption by adult offenders by creating a separate judicial system for such children. They also introduced into the lives of children on the edge of criminality the probation officer, who would act both as a mediator between the child's family and the court, and as a means of ensuring that the child was enabled to grow up into a good citizen. Their agitation took the form both of lobbying for legislation to deal with the problem and of developing informal methods of dealing with it. The reformers were, on the whole, conservative women working within the accepted bounds of society, who were prompted by their own identification as mothers and the perceptions of family life and childhood which this identification produced. The involvement of the settlement house residents of Hull House served to produce a fairly sophisticated rationale for the

treatment of problem children and ultimately for the juvenile court. While inspired in part by their identification as women, and, more rarely, mothers, the settlement residents were also influenced by their experiences of living in the slums of Chicago and their awareness of the problems for children and their families living in such an environment. Thus it was the model of family life as seen by both these groups of women reformers which motivated the agitation for and was embodied in the Illinois Juvenile Court Law. The law itself acknowledged the importance attached by these women to the family as a bulwark of society.

The Denver Juvenile Court, on the other hand, although other factors also played a part, was largely the result of the work of one man, Judge Ben B. Lindsey. Lindsey built up what was effectively a juvenile court based on his County Court in Denver. He did this, at first, informally and only later sought legislation when it became clear that legal sanctions were required not only to secure the continuation of the court but also to ensure that there would be uniformity of practice in dealing with children's cases and that children's cases were referred to Lindsey's court. Lindsey's methods were based very much on his own personality and his ability to influence children so that they would do right because it was right and not because if they did not they would be punished. The Denver Juvenile Court was, therefore, based less on the premise that the family was of the greatest importance in the upbringing of a child, than on the idea that the child himself

was the key to his own reform. As such, the Denver Juvenile Court depended very much, both in its origins and its working, upon Lindsey's own personality. However, in so far as Lindsey created a juvenile court on an informal basis by interpreting existing legislation in an unintended and somewhat dubious manner, the Denver Juvenile Court suggests another model for the formation of a juvenile court.

It is clear in examining the origins of the juvenile courts in Philadelphia and Indianapolis that there are parallels with the origins of the juvenile courts in Chicago and Denver. For, on the one hand, the Philadelphia Juvenile Court was created as the result of agitation by a group of women reformers led by Mrs. Hannah Kent Schoff and only operated after suitable legislation was secured. It therefore suggests parallels with the paradigm established for the origins of the Chicago Juvenile Court. The Indianapolis Court, on the other hand, operated for some time on an informal basis before its judge, George W. Stubbs, decided on the need for legislation to substantiate his work. This suggests parallels with the origins of the Denver Court.

Pennsylvania had not been as slow as Illinois in seeking methods of dealing with problem children. A number of attempts had been made to find a non-institutional method of dealing with dependent and delinquent children even before the passing of the Chicago Juvenile Court Law. As early as 1828 Philadelphia had established a House of Refuge, which while it

was little more than a prison for children, did at least recognise that children required different treatment from adults. The statute establishing the House of Refuge also provided a legal definition of juvenile delinquency. A juvenile delinquent was a child who broke the law or who was in danger of breaking the law, and the community hoped to keep him from becoming an adult criminal by providing reformatory treatment for him in the House of Refuge.<sup>1</sup> By the end of the nineteenth century those concerned with the question of how to deal with children in trouble had begun to seek ways of reforming these children without incarcerating them in institutions. One solution they came up with was that of the Children's Aid Society of Pennsylvania.

In 1890, the Children's Aid Society which had for some years been placing dependent and neglected children in foster families, began to experiment with placing delinquent children with such families. Children who were convicted of crimes were rescued by the Society before they were committed to correctional institutions and placed instead with private families in the hope that a home atmosphere might be more conducive to good behaviour than a penal institution.<sup>2</sup> The Society took great care to investigate boys awaiting trial in the county prison, to ascertain whether they were suitable for placing-out with foster families after the judge had pronounced them guilty of a crime.<sup>3</sup> Once the child was placed with a family, an agent of the Society would investigate the child's relations with his foster family and ensure that his

welfare was looked after. The families were also investigated before any children were placed with them, to be sure that they would have the child's best interests at heart, rather than simply being in search of cheap labour.<sup>4</sup>

The Pennsylvania Children's Aid Society was privately run and privately funded and its work was largely on an informal basis. It depended on good relations built up by its agents with the police, magistrates and judges. Of necessity, however, the work was on a fairly limited scale and it does not appear to have made a very great impact upon the way in which delinquent children were treated by the courts.<sup>5</sup> It is significant, nevertheless, in that it suggested a non-institutional means of dealing with delinquent children, as well as foreshadowing some of the methods used by probation officers. The Pennsylvania Children's Aid Society does not, however, appear to have taken part in the agitation for a juvenile court law, nor was it afterwards involved in the provision of probation officers for the juvenile courts. This seems to have been the work almost entirely of women's organisations in Philadelphia.<sup>6</sup>

It was not, therefore, as Robert Mennel has suggested for the Chicago Juvenile Court, that the Pennsylvania Juvenile Court Law was secured because of a deficient structure of "child-saving" in the large cities of Pennsylvania<sup>7</sup>, nor as Steven Schlossman has suggested were the non-institutional advantages of probation seized upon as being more economic

than institutional care.<sup>8</sup> For Pennsylvania already had a considerable number of state and private institutions for the care of delinquent children, and there were already some non-institutional methods of dealing with these children which could have been expanded and which would have provided a cheaper alternative to reformatory institutions. Nor was it the presence of a large body of immigrant families and their children in the large cities of Pennsylvania which prompted reformers to seek a new way of dealing with juvenile offenders. For Philadelphia, where the agitation for a juvenile court law in Pennsylvania began, had a much smaller proportion of immigrants than other cities of a similar size, and indeed Lincoln Steffens commented in July 1903 that Philadelphia was the most American of the larger cities.<sup>9</sup> Whereas reformers in Chicago might well have been prompted by fears about the presence in the city slums of a large number of immigrants who were believed to be undermining traditional American values, the population of Philadelphia was much less ethnically mixed. The proportion of immigrants among those children appearing before the courts of Philadelphia was hardly likely to have been large enough to have been the major reason why reformers sought a new method of dealing with delinquent children. Rather, the origins of the Pennsylvania Juvenile Court Law, like that in Illinois, should be sought in the concerns of women reformers. Motivated by their identity as mothers, they were fearful that juvenile delinquency was a symptom of the breakdown in family life caused by the strains of city life in the slums of Philadelphia. Moreover, they



were concerned that the existing methods by which dependent and delinquent children were dealt with by the law were neither conducive towards producing good citizens, nor did these methods recognise that children required different treatment before the law from that meted out to adult offenders. They therefore sought a change in the treatment of problem children by the law that not only recognised the special needs of children but that would also bolster family life in the slums.

The campaign for a change in the treatment of dependent and delinquent children by the law in Pennsylvania was led by Mrs. Hannah Kent Schoff. She was born on June 3, 1853 in Upper Darby, Pennsylvania, the oldest of the five children of Thomas and Fanny Kent. Her father was a woollen manufacturer and a native of England. Her mother, who was born in Bridgewater, Massachusetts, and was a graduate of Bridgewater Normal School, was a descendant of Solomon Leonard who was one of the original proprietors of Bridgewater. Hannah was educated by tutors and at a private school in Philadelphia and later a church school in Waltham, Massachusetts, but was not college educated. On October 23, 1873 she married Frederic Schoff, a Massachusetts engineer, and after a few years the couple moved to Philadelphia. Between 1874 and 1894 the couple had seven children.<sup>10</sup>

In 1897 Mrs. Schoff, representing the women's New Century Club of Philadelphia, attended the first meeting of the

National Congress of Mothers which was convened in Washington by Alice McLellan Birney. She immediately rose to prominence within the new movement, first as programme manager and then as vice-president between 1898 and 1902. In 1899 she founded the Philadelphia Congress of Mothers of which she was president until 1902 when she succeeded Mrs. Birney as president of the National Congress.<sup>11</sup> The National Congress of Mothers under the leadership of Mrs. Schoff became greatly involved in the juvenile court movement, promoting its ideals and aiding in the establishment of juvenile courts throughout the United States. It was the ideals of the Congress, as represented by Mrs. Schoff, which were at the heart of the campaign for a change in the law as regards children in trouble in Pennsylvania.

The National Congress of Mothers was not a radical feminist movement, but was rather representative of conservative women who worked within the accepted bounds of society. It was founded by Mrs. Alice McLellan Birney, who, as she sought guidance in the rearing of her own children was appalled at the dearth of good literature on the subject and the way that the lives of many children were warped through parental ignorance. She studied the works of G. Stanley Hall, Friedrich Froebel and Herbert Spencer, and in 1895, pondering the question of how mothers could be educated and the nation made to recognise the supreme importance of the child, conceived the idea of a great gathering of mothers in the nation's capital. In August 1895 she successfully presented

the idea to a group of mothers at the summer school held at Chautauqua, New York. Having gained the support of educational and civic leaders, on February 17, 1897 over two thousand women gathered in Washington D. C. for the mothers' congress. The leaders of the meeting were given a reception at the White House and it received great media attention. From this gathering emerged the National Congress of Mothers.<sup>12</sup> The Congress received considerable public support and by the reception of its leaders at the White House, the apparent endorsement of the president, for it posed no threat to accepted perceptions of the role of women. Rather it bolstered the idea of the woman as nurturer of children and clearly worked within the mould of nineteenth century ideals of womanhood.<sup>13</sup> Indeed the Congress made it clear that its aims were quite different from those of the wider women's rights movement.

The purpose of the Congress was "to recognize the supreme importance of the child," which meant to equip mothers to respond appropriately to this complex creature. It therefore advocated courses for women students in domestic science and promoted university chairs in child study to extend the work of psychologist, G. Stanley Hall. Not only did they promote the education of middle class mothers but also that of mothers in the slums of large cities in the latest child-rearing theories. The National Congress of Mothers argued that direct intervention into impoverished households was required in order that the children might be brought up as good citizens.

As one delegate at the meeting in 1897 observed: "Your children belong to me, to the neighbours, to everybody else, to everyone with whom they come in touch. You can not keep them to yourself...They are only lent to you to care for, to help, until they can stand on their own feet and live their own lives independently of you."<sup>14</sup> To some delegates of the Congress, the family life of the poor represented the antithesis of everything the National Congress of Mothers stood for, and they suggested that the best way to correct this was to send middle class women to the poor as missionaries. Thus in seeing themselves as missionaries going into city slums, members of the Congress clearly envisaged themselves as moral crusaders taking light into the savage world of the poor. They could see little of value in the family life of what one delegate called the "Submerged World." The "missionaries" of the National Congress of Mothers believed that they should take it upon themselves to teach the mothers of the slums not only scientific household management, but also the latest child-rearing theories, so that these women could gain the love and respect of their children and so ensure that the children would grow up to be good citizens. Unlike settlement house workers, such as Jane Addams and Julia Lathrop, who lived alongside the poor, the National Congress of Mothers evinced little understanding or appreciation of the difficulties of family life in the slums, believing that as long as poor mothers were taught essentially middle class child-rearing methods, they would become better mothers and housekeepers.

Delegates to the inaugural meeting of the National Congress of Mothers were, moreover, convinced that women in the slums would be only too grateful to learn "proper" methods of bringing up their children, if only their more knowledgeable social betters would recognise their duty to aid the poor. As one delegate expressed it: "These mothers are willing to learn how to cultivate respect for themselves in their children, but they do not know how. They need to be told of a better way to make a child obedient than slapping the child on the hand or screaming at it."<sup>15</sup> Thus in their efforts to educate the mothers of poor families in the new theories of child-rearing, the motives of members of the National Congress of Mothers were far from being purely humanitarian. They were working in the traditions of nineteenth century charitable workers and sought as much to prevent what they saw as the breakdown of family life among poor families as they did to improve the living conditions of these families: "Some people say that the first need of the submerged world is better tenements," argued another delegate in 1897. "But it seems to me that we must first elevate the woman herself, and then she will be capable of using a better tenement. The woman, the mother, must be helped by other women."<sup>16</sup>

The National Congress of Mothers while promoting new ideas about the nature of childhood and the importance of proper child-rearing in preventing delinquency among poor children, was clearly not a radical feminist organisation.

For while it emphasised the centrality of the well-informed mother in the up-bringing of children, it did not, by so doing, seek actively to enlarge the role of women outside the home. The aim of the Congress was rather to preserve and build upon the nineteenth century idea of separate spheres in which the woman's sphere was her family and home. By creating a national organisation of mothers the National Congress of Mothers sought not to encroach upon the male sphere or demand women's rights, but to bolster and enhance the woman's traditional role as mother of a family. By so doing the Congress campaigned for reforms which, they believed, would help poor families, and these campaigns incidentally brought women into the political sphere, but this was not their primary concern.<sup>17</sup>

Mrs. Schoff's involvement in the agitation for a juvenile court in Philadelphia and the rhetoric she employed in promoting the cause, clearly reflect the aims and ideals of the National Congress of Mothers. She argued that it was woman's place and her duty to help in the care, protection and treatment of unfortunate, friendless and erring children and in the drafting of the necessary laws to protect the interests of all children. For, Mrs Schoff believed, it was the lack of what she called "mother thought" in the state and the nation involving the welfare of children that was missing both in the public interest and in the individual home.<sup>18</sup> It was, however, the case of one little girl which appeared in the Philadelphia newspapers in May 1899 which apparently prompted

Mrs. Schoff to take action on behalf of children who got into trouble with the law.

This was the case of a girl of eight years old who was sentenced to the House of Refuge on a charge of arson. The perceived injustice of the treatment of this child led Mrs. Schoff to decide to rescue the child if at all possible. An interview with the judge and an appeal to be permitted to place the child in a good home that Mrs. Schoff had found for her resulted in the judge granting this request. Mrs. Schoff recalled that in remonstrating with the judge over sending such a young child to the reformatory, he said that he had no choice as there was no other place to send her. Further investigation into the methods of judicial procedure with children only served to intensify the feeling already aroused that injustice and wrong were being committed in the name of justice. Mrs. Schoff commented that the criminal justice system in Philadelphia did not give a child a chance, but rather it served to give the child an education in evil. Her investigations into conditions for children in Pennsylvania revealed that although the Children's Aid Society had been doing good work in placing children in family homes, they did not reach all the children who needed their help. Instead large numbers of children were to be found in the Philadelphia County Prison and from two to three thousand children were passing through the police stations of Philadelphia every month and were in need of intelligent direction and guidance. Moreover there were children throughout Pennsylvania who were

in the county prisons for trifling offences and subjected to influences which could not fail but confirm evil habits. "Such were the conditions in Pennsylvania in 1900," concluded Mrs. Schoff.

"Erring children standing at the bar of justice with their eternal future hanging in the balance! Children with infinite possibilities for good or for evil, victims of environment, neglect or bad homes, yet each one a child of the God who said, 'It is not the will of your Father in heaven that one of these little ones should perish.' Society ignores them. The churches giving millions to missions, yet blind, unconscious of the need at their very doors. No mother thought for these little ones; only the cold legal procedure of the criminal court."<sup>19</sup>

Mrs. Schoff was not alone in her indignation at the treatment of dependent and delinquent children by the law. Other women also expressed their concern, especially those who were members of the New Century Club of Philadelphia. This club had a membership of six hundred women, who were middle class, probably the wives and daughters of the prominent citizens of Philadelphia. The Club had been involved in various charitable projects and, according to Mrs. Schoff, members of the Club asked her to form a committee of Club members to investigate what various other states were doing for their problem children.<sup>20</sup> The Philadelphia Congress of Mothers, under the leadership of Mrs. Schoff, was also involved in the campaign for a change in the law as regards the treatment of problem children.<sup>21</sup> Besides these organisations of women, a number of individuals were prominent in the campaign. One such was Mary Smith Garrett, the founder and principal of the Pennsylvania Home for the Training in Speech of Deaf Children, who widened her interests from



physically handicapped children to include all disadvantaged children.<sup>22</sup>

The outrage of Mrs. Schoff and the other women reformers at the treatment of children in trouble with the law and especially their condemnation of the conditions in which children were held both before and after trial, suggest clear parallels with the arguments used by the women reformers in Chicago. They reflect moral outrage, humanitarian concern and a certain fear that if something was not done to improve conditions for these children and check the creation of criminals at the first downward step in childhood they would develop into criminals who would pose a threat to society.<sup>23</sup> Mrs. Schoff saw it as the duty of the women of Pennsylvania, as mothers not only of their own children, but of all children, to secure a means of saving these children from lives of criminality: "Unfortunate childhood must suffer unless women recognize that a larger motherhood is required of them than to care only for their own children. Until they give to every subject affecting childhood the mother thought and care, we shall see the same old system which has marred thousands of lives and made criminals of children who might just as easily have been made into good citizens."<sup>24</sup> The idea of women as universal mothers was not a particularly new one, nor was it unique either to Mrs. Schoff or to the National Congress of Mothers, for it was an argument used by the Chicago women reformers in their campaign for an improvement in the treatment of dependent and delinquent children. The

notion of women as the mothers not only of their own children but of all children was used, in part, to justify women's involvement in campaigning for reforms in conditions for children, but also it was seen as imposing a duty upon middle-class women to help children less fortunate than their own.<sup>25</sup>

Whereas the women reformers of Chicago sought a solution to the problem of juvenile delinquency in their city by finding informal means to improve conditions in the jails for children and also by encouraging judges to hold separate sessions for the hearing of children's cases, Mrs. Schoff and her colleagues decided to investigate what other states were doing for their problem children and find a solution to Pennsylvania's needs in the example of other states. As a result she mobilised the resources of the New Century Club of Philadelphia and, with herself as chairman, formed a committee of the Club to investigate the various child care systems of the United States. The committee secured the use of the Philadelphia Bar Association's library to pursue their research and members of the committee visited Massachusetts, Michigan and Illinois to study their systems and made a compilation of the various child welfare laws of the states which they had published in 1900. Having decided that the recently passed Illinois Juvenile Court Law represented the best solution for the treatment of dependent and delinquent children, Mrs. Schoff and her colleagues lobbied the Governor of Pennsylvania and various other political leaders to gain their support for such a measure. The Governor and other

politicians soon gave their support and sympathy for the movement, noting that they had felt dissatisfied with the methods currently in use and willingly promised to aid the women in their campaign. The committee of the New Century Club met in October 1900 and employed a lawyer to draft the bills for the Legislature. These were very similar to the Illinois bills, and though they eventually passed the Legislature and became law in June 1901, they were not without opposition. This opposition, while not overtly party political, since the juvenile court bills do not appear to have been adopted by a particular political party, was, nevertheless, the opposition of a particular party of vested interests. The Board of Managers of the Eastern House of Refuge mounted a fierce campaign against the bills, presumably because they saw it as a threat to the income they received from the state to look after the children placed in their custody by the criminal courts, and they were able to muster a considerable number of supporters. Those supporters of the juvenile court bills proved to be greater in number, however, and the bills eventually passed the Legislature.<sup>26</sup>

The resulting Pennsylvania Juvenile Court Law provided for a separate time and place for the trial of children's cases; it forbade the detention of children in police stations or prisons and provided for a house of detention for children awaiting trial; probation officers were to be appointed by the court but they were not to be paid by the public treasury; and there was to be a Board of Visitors composed of men and women

to visit all children's institutions. Thus, while the Pennsylvania Law legislated for many of the same provisions as the Illinois Law, it also suffered from many of the same inadequacies, such as the failure to provide salaries for probation officers or an appropriation to provide for the maintenance of a house of detention in which to keep children awaiting trial in the juvenile court.<sup>27</sup> As a result of this law Pennsylvania became the third state to pass laws against placing children in prison or hearing their cases in a criminal court, and Philadelphia became the second American city to establish a juvenile court - it was not until 1903 that Denver and Pittsburg followed suit.

Thus it was that Pennsylvania women took the initiative to secure better treatment for children in trouble with the law. Their arguments do not seem to have been as sophisticated nor based on such intimate knowledge as their counterparts in Chicago, but nevertheless, their conviction that it was their duty as mothers to improve conditions for unfortunate children, clearly parallels the arguments of the Chicago women. Similarly, as in Chicago, the women who sought reforms which required a change in the law had to utilise what political influence they had. In lobbying the Governor and other political leaders they sought the political support necessary to secure legislation for, as in Illinois, it was unlikely that such a law could have been secured if it had been too closely identified as a woman's measure, even though child welfare was considered to be a matter legitimately

within woman's province. Where there was a marked departure from the Chicago model, however, was that none of the judges appear to have been involved in the agitation for the juvenile court law, and it apparently came as an unwelcome surprise to them when they had to implement it.<sup>28</sup> Nevertheless, several of the judges in Pennsylvania soon became keen promoters of the juvenile court even though they never played as prominent a part in its development as Judge Ben Lindsey of Denver or even the judges of the Chicago court.<sup>29</sup>

The women, and especially Mrs. Schoff, who had played such a large part in securing the juvenile court legislation in Pennsylvania, did not abandon the cause of the children after legislation was secured, for it was they who not only paid the salaries of the probation officers, but acted as officers themselves.<sup>30</sup> Moreover, it was these same women who were again instrumental in securing further juvenile court laws after the original legislation was challenged and declared unconstitutional in October 1902 on technical grounds. The new bills, like those of 1900-1901, met with some hostility in the Legislature, but despite opposition which was at times fierce, they were eventually passed. To many the juvenile court had proved its worth and so the advocates of the new juvenile court bills were able to muster sufficient support to defeat the opponents of the bills.<sup>31</sup> Mrs. Schoff quite clearly believed that women were much better suited and more efficacious in working with children than men could ever be: "Dealing as they do with the child and the

mother, they come into closer relations than a man ever can, and child care is every woman's work, the mother work which the work needs."<sup>32</sup>

The first probation officers serving the Philadelphia Juvenile Court were presented to the Court and their salaries paid by the women of the New Century Club and the Pennsylvania Congress of Mothers. Members of a committee of the New Century Club also sat with the judge during the early sessions of the Court, both to advise him on how to dispose of the children before him and also to ensure that their standards were adhered to. The New Century Club continued to pay the salaries and select probation officers, and also mounted a campaign to educate public opinion in the importance of the juvenile court's work. In choosing probation officers the Club committee, led by Mrs. Schoff, insisted that women were most suitable for the work and especially educated women. As Mrs. Schoff explained, they should be: "Women of tact, judgment, and common sense, women who were fitted to understand child nature and who give their lives to the work for love of the child rather than love for the salary, were chosen [by the Club Committee], and then they were asked to study and read books that would help them to the most intelligent work."<sup>33</sup> Clearly in the selection of probation officers, Mrs. Schoff adhered to the ideals of the National Congress of Mothers, seeking women who would act as missionaries to educate and enlighten the poor families of the slums. She also saw probation officers as a means of entry

into the slum family to ensure that the family provided the necessary nurture and guidance to make the child a good citizen. The probation officer, with what Mrs. Schoff and her fellow reformers regarded as the necessary training, could therefore save the wayward child and through the child, his family. In this way the women reformers sought not only to improve the treatment of the problem child by the law and to ensure that he was treated as a child according to their understanding of the nature of childhood, but also to make certain that the families in the slums functioned properly.

The Pennsylvania Juvenile Court Law, like the Illinois one, was, therefore largely the result of the initiative of women reformers who saw in the existing system of juvenile justice the need for great improvement. They were prompted not only by humanitarian concerns for the welfare of the children caught up in the system, but also by fears for the future of society if these children were not properly guided in their formative years. The solution offered by the Illinois Juvenile Court Law, as well as the example of the Massachusetts probation system, clearly suggested a means by which the ideals of the National Congress of Mothers could be implemented, by sending middle-class women as missionaries, in the guise of probation officers, into poor families.

Thus in Pennsylvania the juvenile court undoubtedly bears the imprint both of maternal initiatives and their continued influence in the court's administration. The judges played a

relatively minor part except when called upon to implement the law. This clearly belies Robert Mennel's suggestion that women's organisations played only a secondary role in the formation of juvenile courts and that it was men, as members of charitable organisations and as legal experts in Bar Associations and as judges, who took the initiative and played prominent roles in securing juvenile court legislation.<sup>34</sup> In neither the case of Chicago nor of Pennsylvania does this hold true. Mennel's thesis does, however, highlight the difficulties of making any sweeping generalisations about the origins of the juvenile courts in the United States. For his thesis does have some validity in the case of the Denver Juvenile Court, as discussed earlier, and also of the court in Indianapolis. For in Indianapolis, as in Denver, the initiative for the establishment of a juvenile court came from one of the judges involved in dealing with children who got into trouble with the law, and as in Denver, he operated what was effectively a juvenile court on dubious legal grounds until he secured the necessary enabling legislation.

Indiana, like Pennsylvania and indeed Colorado, was not so entirely lacking in methods of dealing with problem children as perhaps Illinois had been. Indeed the example of Indiana had been one of the precedents upon which the pioneer Illinois law had been based. In 1891, as the result of agitation for a method of dealing with the problem of overcrowding in the orphan asylums and homes for dependent children, as well as many abuses of the system, a Board of



Children's Guardians was established. This had strong powers in the direction of rescuing children from evil influences, though it had only limited jurisdiction. The Board of Children's Guardians was authorised to file a petition in the circuit court if it should have cause to believe that any Indiana had been one of the precedents upon which the pioneer Illinois law had been based. In 1891, as the result of agitation for a method of dealing with the problem of overcrowding in the orphan asylums and homes for dependent children, as well as many abuses of the system, a Board of Children's Guardians was established. This had strong powers in the direction of rescuing children from evil influences, though it had only limited jurisdiction. The Board of Children's Guardians was authorised to file a petition in the circuit court if it should have cause to believe that any child under fifteen years of age was dependent, neglected or delinquent. If the child was found by the court to fall into any of these categories, he was committed to the care of the Board until he became of age. There was thus, in Indiana, the recognition by the state of its responsibility towards children in trouble, and some state protection for these children. The Board of Children's Guardians also regulated and inspected homes for dependent children, and gave guardianship of the child to the home in which he was placed even without parental consent, as well as providing some protection for children placed out in family homes. It did not, however, represent any new thinking about the way in which children were treated by the courts, nor did it embrace

new ideas about the nature of childhood which suggested that children in trouble with the law were more in need of guidance and protection than of punishment.<sup>35</sup>

The juvenile court in Indianapolis grew out of the work of one man, Judge George W. Stubbs. He became judge of the Police Court of Indianapolis in October 1901, but had previously held office as judge from October 1893 to October 1895, and then was out of office until re-elected in October 1901. When he assumed office the second time he was astounded by the number of children brought before him charged with offences against the law, and charged with violating the city ordinances. This increase in the number of children appearing before the police courts was most probably due to a large increase in the size of Indianapolis between 1890 and 1900. The city grew from a city with a population of 105,436 in 1890 to one of 169,164 in 1900, with a large proportion being children of school age.<sup>36</sup> A remarkably small proportion of the population of Indianapolis was foreign-born so that the presence of large numbers of immigrant children in the police courts of the city was unlikely to have been a factor in Judge Stubbs' concern about an increase in juvenile delinquency. Such large numbers of children passing through the Police Court did, however, suggest to Judge Stubbs that there must be a better method of dealing with these offenders. Moreover, further investigation revealed that boys and girls who were arrested were sent to the police stations in the police wagon. They were then lodged in the City Prison, where they were

subjected to evil influences.<sup>37</sup>

Judge Stubbs' first efforts were to secure the co-operation of the Chief of Police in preventing the arrest and detention of children in the City Prison. Instead patrolmen were instructed that when arresting boys and girls under the age of sixteen they were to be taken to their homes and their parents were to be instructed to bring them to the police court on the following Friday at two o'clock. Judge Stubbs set that afternoon apart for the hearing of children's cases. However, he was still only able to deal with the children as adults, and punish them as adults might be punished. Thus, although Judge Stubbs had established separate hearings for children's cases and was able, through the co-operation of the police, to ensure that children were not associated with adult offenders while awaiting trial, his methods of dealing with the children who came before him were not very different from the methods of the criminal court. He does not seem to have suspended the sentences of child offenders nor to have introduced an informal system of probation as Lindsey did in Denver and as had been done in some of the police courts in Chicago. Nevertheless the provision for the separate hearing of children's cases, together with the existence of the Board of Children's Guardians which provided a measure of protection for the children in its care, represented a departure from the strictly punitive system of the criminal courts and recognised that children required special treatment.

While Judge Stubbs was experimenting with the treatment of juvenile offenders in Indianapolis, he learnt of the work being carried out in Chicago. In August 1902, accompanied by William M. Hersdell of the Indianapolis News and Judge James Collins, Stubbs spent three days in Chicago watching the proceedings of the Juvenile Court and gathering information which might help in dealing with the problem in Indianapolis. On his return, Stubbs determined that he must have better quarters than his official chambers to work out his plans for handling juvenile offenders and he had a room in the Police Station set up as a courtroom. Out of this he developed further an embryo juvenile court based on the Chicago model, but without any legal sanction.<sup>38</sup>

Judge Stubbs' work soon came to the attention of others who were interested in the problem of how the law treated dependent and delinquent children. Among these men and women were Timothy Nicholson and Amos Butler of the State Board of Charities, as well as other judges, such as Judge James Collins and Judge Fremont Alford, and club women, most notably Mrs. Helen Rogers, who later became chief probation officer for Indianapolis, and Mrs. Julia Goodhart.<sup>39</sup> They realised that in order that Judge Stubbs' work with these children should be secure and children's cases should be dealt with uniformly, there was a need to co-ordinate the various laws relating to the welfare of children and to place all children under the jurisdiction of one court. Thus, like Lindsey's court in Denver, the rather uncertain legal groundings of the

Indianapolis Juvenile Court, and the need to bring more uniformity to the treatment of children in trouble with the law, prompted the campaign to secure juvenile court legislation. While Judge Stubbs was prominent in the agitation for legislation, he was aided by other judges, members of the State Board of Charities and various charitable persons including several women.<sup>40</sup> A meeting was held in the Union Trust Building attended by the judges and various others and steps were taken to urge the enactment of a Senate Bill prepared by Senator Thompson, which covered every phase of the problem of dependent and delinquent children as considered necessary by the reformers. The bill met with some opposition in the Legislature from those who were unwilling that the state should have to pay the salary of the additional officer required for the new children's court and also possibly from those who had a vested interest in the existing system by which the state subsidised the various private child saving institutions and for whom the introduction of probation seemed to offer an unwelcome alternative to custodial sentences. Nevertheless, the bill passed the Legislature and was approved by the Governor on March 10, 1903.<sup>41</sup>

The Act placed the jurisdiction over juveniles in the Circuit Courts of the state, except in Marion County where provision was made for a separate court. The Indiana Law also differed from the Illinois Law in another respect - it provided for the payment of probation officers by the county in which they worked.<sup>42</sup>

The Indiana Juvenile Court Law had largely originated in the initiative of one man, who created an embryo juvenile court based on dubious legal grounds, but which, nevertheless, survived for over a year without challenge. He was motivated in part by humanitarian considerations, but also by the fear that these children would grow into adults and that if they were allowed to continue on what was considered to be their downward path, they would grow into vicious adults, whereas a little attention at the right time would make good adults of them. Like Judge Lindsey, he had great faith in the basic goodness of children: "The sweetest flower with which God has blessed the world is a little child, and if the juvenile court can do anything to preserve its sweetness and purity, the establishment of such tribunals will be more than justified." However, he warned, if these children were not set on the right paths when they were young, they would later be a danger to society: "Let the boys of our country become corrupted and their manliness destroyed, the hope of a nation poisoned at its fountain head, and the abomination of desolation spoken of by Daniel will be upon us."<sup>43</sup> Stubbs, like Lindsey laid great emphasis upon the "personal touch" - the personal relationship between the judge and the boy before him, as well as the close relationship between the boy and his probation officer. He did, however, have a rather unusual, and perhaps superficial, understanding of one of the main causes of delinquency among boys - cigarettes. "Cigarettes lead to craps, craps lead to playing the horse races, horse races lead to larceny, larceny leads to burglary, and burglary leads to the State prison. I

can say more than that," argued Judge Stubbs. "Out of the great number of boys that came before me last year, the majority of them smoked cigarettes, and when you find a boy that is a cigarette fiend, he is the hardest of all to reform."<sup>44</sup>

Thus the origins of the Indianapolis Juvenile Court clearly show some parallels with the origins of the Denver Juvenile Court, in so far as the court was the result of the initiative of its judge in introducing new methods of dealing with the children who came before him and operating an embryo juvenile court on dubious legal grounds. It may also be argued, however, that various judges in Chicago operated informal juvenile courts before legislation was achieved, but these were generally the result of requests to hold separate court sessions for children by women reformers. In emphasising the "personal touch" of the judge, there are also clear parallels with Lindsey's methods, but Judge Stubbs also stressed the importance of the probation officer, and it is interesting that in Indianapolis the chief probation officer was a woman. Thus, while the male judicial influence was undoubtedly instrumental in securing both the informal juvenile court in Indianapolis and the juvenile court legislation, the feminine influence was still of some importance both in lobbying for the legislation and in the administration of the court after the legislation was secured.

While both Pennsylvania and Indiana had been moving

towards a change in their methods of dealing with juvenile offenders before they decided that the Chicago Juvenile Court, modified so as to suit local needs, represented a solution to the problem, New York City which had provided some of the inspiration for the Chicago Court, was much slower to adopt the Chicago model. Indeed when New York City did decide to establish its own children's court, it differed in a number of important respects from both the Chicago and the Denver examples. For not only was the Children's Court of New York City much more formal than the juvenile courts of the pioneer cities, it also remained, in theory at least, a criminal court and convicted children of crimes for which they were to be punished, rather than using chancery proceedings which aimed to look after the child's best interests and guide him along the paths to good citizenship.

New York at the turn of the century was the largest city in the United States. It was possibly also the city which had the greatest need in the country for a children's court, for it had the largest population and the greatest number of immigrants of any city in the United States. Poor and immigrant families lived in crowded conditions and their lives were a constant struggle against poverty. Moreover, the crowded conditions meant that many children had no place to play except the streets and this often led to their arrest when their games came into conflict with city ordinances.<sup>45</sup> One consequence of such conditions was that the rates of crime among the children of New York City were greater than in other



cities. From the early nineteenth century men and women, concerned with the high levels of juvenile delinquency in New York, had recognised the need to provide separate institutions to punish children who got into trouble with the law. The first of these institutions was the New York House of Refuge, established in 1825, but the founders of this institution did not see its purpose as being much more than that of a juvenile prison. The work of Charles Loring Brace and the Children's Aid Society had made some attempts at preventing criminality among children by sending those who appeared to be falling into lives of crime to families in the West, in the hope that country life would reform them. Thus by the late nineteenth century New York had some well-established non-institutional methods of dealing with children in trouble. It also had a large number of state and privately run institutions for the incarceration of delinquent children.<sup>46</sup>

Prominent among the child-saving agencies which placed children in institutions was the New York Society for the Prevention of Cruelty to Children. This was founded in 1875 by Elbridge Gerry in answer to a call by a woman missionary trying to find an agency to help a child who was being cruelly treated by her parents. The only agency able to help was the Society for the Prevention of Cruelty to Animals of which Gerry was counsel. As a result of this case Gerry established the Society for the Prevention of Cruelty to Children, which was soon also known as the Gerry Society. The Society became very influential both in its efforts to secure legislation

against such problems as child-begging and to prevent children from going into saloons and dance halls, and also in its aggressive child-saving techniques in its attempts to redeem children regardless of their parents' wishes. By the end of the nineteenth century, the Society, a private corporation, had become so influential that it was able to control the reception, care and disposition of destitute, neglected and wayward children in New York.<sup>47</sup> It was therefore an influence to be reckoned with in any attempts to change the method of dealing with problem children, and it tended to be a fairly conservative force.

In 1892 the New York Legislature passed a statute which prohibited "the detention of children in station houses, prisons, courts vehicles, etc. in company with adults." It also insisted upon the trial of all children's cases in rooms apart from those in which adults were tried.<sup>48</sup> The law appears to have resulted from agitation by the Society for the Prevention of Cruelty to Children for it was very similar to a bill of 1877 sponsored by the Society in an attempt to keep children apart from adult offenders before trial. The new law set a precedent by providing for the trial of juvenile offenders in separate surroundings to those for adults. However, there were some reformers who wished to secure entirely separate courts for the trial of children's cases in New York City, especially since the Magistrates' courts in which the majority of children's cases were heard still allowed children to associate with adult criminals. One

magistrate noted that: "Several thousand children are arraigned yearly in the eight Magistrate's courts in the city. The establishment of such a court will save many from following a criminal career. The association of children with criminals, as is now the case, has a bad influence on the minds of the young."<sup>49</sup>

Under New York City's revised charter, which took effect on January 1, 1902, the power to try all cases except capital ones affecting children under sixteen, was vested in the Court of Special Sessions, thus removing children from the jurisdiction of the Magistrate's Court and beginning a modified juvenile court system. A further act, signed by the Governor on April 16, 1902 provided for an additional Special Sessions Justice to be appointed to preside over the court. The law also provided that all offences of children under sixteen years, except capital offences, should be regarded as misdemeanours, with the effect that such cases could be finally dealt with in the Children's Court without the necessity of going to a higher tribunal. This law was the result of agitation by several of the magistrates who had presided over children's cases, and the law itself was drawn up by Magistrate Joseph M. Deuel, President of the Board of City Magistrates. He saw the purpose of the new court as to guard against the exposure of children to the environment of crime in the criminal courts. He was also concerned that New York lagged behind other cities in their treatment of juvenile delinquents and it was clearly to some degree a matter of

prestige to secure such a court. As Magistrate Deuel commented: "The new court will be a great improvement over the present system. It will be a model for other cities, and you will find we will have delegations here to see it. It is something that the Magistrates, and, I must admit, I myself, have given much consideration to..."<sup>50</sup>

The new building which was prepared for the Children's Court clearly reflected the continuing influence of the Society for the Prevention of Cruelty to Children over the treatment of children in trouble. For, as well as including rooms for children awaiting trial, it provided offices for the officers of the Society, who were to look after these children until their hearing, no other child-saving agency having similar privileges.<sup>51</sup>

Thus the separate trial of children's cases in New York City, and the establishment of a separate court which had exclusive jurisdiction over children's cases, resulted from the insistence by the Society for the Prevention of Cruelty to Children and of several magistrates that children should be kept apart from adults at all stages of the judicial process.<sup>52</sup> The court remained a criminal court and children were still charged as criminals and found guilty of a particular offence. Adult court procedures remained, with the child represented by an attorney and required to plead "guilty" or "not guilty" to the charge. Since the court dealt only with children's cases, however, its supporters claimed

that it had a different atmosphere from the adult courts, designed to protect the interests of the child. "That is the keynote of the Children's Court," argued one of its defenders. "There is none of the atmosphere which prevails in other judicial sessions. There is nothing of the impersonal, nothing of the unprejudiced, of the unfeeling, emotionless. Judge, counsel, witnesses for and against are banded together in one ambition - to save the boys."<sup>53</sup> The New York Children's Court did not, however, fulfil one of the criteria advocated by pioneers such as Lindsey - by remaining a criminal court and insisting upon the trial of a child for a particular offence, it continued to stigmatise the child and - by convicting him - branding him as a criminal.<sup>54</sup>

Juvenile courts in other states placed great emphasis upon the importance of probation in the effective treatment of wayward children, but the laws providing for the establishment of a separate court for children in New York did not make any provision for the introduction of a probation system. Nevertheless, when the Children's Court was organised and placed under the jurisdiction of the Court of Special Sessions, the magistrates conferred and agreed to try a parole system instead of sending some of the boys to institutions. This seems to have operated on a fairly informal basis and does not appear to have involved the use of probation officers. Rather the boy placed on parole with a suspended sentence was expected to report directly to the Court with a letter from the pastor of his church, announcing that he had

been reformed and was leading a religious and honest life, and also from his school or employer to show that he was going to school or working.<sup>55</sup> This parallels the early methods of Judge Lindsey in Denver and his reliance upon the personal influence of the judge over boys in trouble with the law. Whereas Lindsey operated his probation system on a personal level since the number of boys involved was fairly small, the New York City judges could hardly have operated such a personal system for the numbers of children before their courts were much greater than in Denver. Moreover, it was likely that in a city the size of Denver Lindsey was acquainted with a large number of the rectors, teachers and employers from whom he requested reports. The New York system, on the other hand, operated on a much more haphazard level, with no close supervision of a boy's behaviour while he was on parole.

Probation was formally enacted into New York State law in 1901, but the legislation specifically excluded offenders under sixteen from its provisions as a concession to the demands of the Society for the Prevention of Cruelty to Children, who did not consider it to be in their interests to introduce a non-custodial method of treating children. In 1903 the exclusion of children from the provisions of the act was removed, but instead a provision that the officers of the Gerry Society might be probation officers was inserted.<sup>56</sup>

For several years a probation system operated in the

Children's Court in a fairly chaotic fashion. Probation officers were not paid, but the Court was authorised to appoint a police officer, a clerk of the Court or any other discreet person to perform the duties of a probation officer. As a result several police officers were appointed, together with agents who were paid by charitable organisations. Among these were a number of women from various church and women's clubs. The chief probation officer was, however, Superintendent E. Fellows Jenkins of the Society for the Prevention of Cruelty to Children, and it was this agency which dominated the appointment of probation officers.<sup>57</sup>

The domination of the probation system of the Children's Court by an agency which had little commitment to the ideals of probation - which, indeed, saw it less as a means to protect and guide the child than as a method of supervision which carried with it the threat of punishment if the child once started to violate the terms of his suspended sentence - caused several reformers to lobby the Governor for a change in the way the system was administered.<sup>58</sup> Dominant among these reformers were Homer Folks of the State Charities Aid Society and Lawrence Veiller, who was prominent in lobbying for tenement house reform in New York. These men were prompted not only by their resentment at the domination of the Gerry Society in the probation system, but also by their belief that the existing system was inefficient and did little to exercise a restraining influence over children disposed to continue in their evil ways. In 1905 Folks suggested to the Governor of

New York that he appoint a committee to study all phases of probation and examine its operation in the different courts in the state. The idea met with the approval of the Governor and a bill was passed providing for the appointment of a special commission "to investigate and report upon the operations of the probation system throughout New York State." Folks was appointed to and elected chairman of the Commission of fourteen, together with Samuel J. Barrows of the New York State Prison Association, Lawrence Veiller and Frederick Almy of the Buffalo Charity Organization Society.<sup>59</sup> The report produced by the Commission condemned the probation work practiced in the state as irresponsible and inefficient, and concluded that better results would be obtained if the power to appoint probation officers was taken from the magistrates, that the chief probation officer in each city should be appointed as the result of a competitive examination, and that all probation officers should be paid.

It was not until 1907, however, that Folks and his fellow reformers were able to secure legislation which placed probation work under the supervision of the state in the form of a newly created probation commission, thus removing it not only from political influence, but also from that of the Society for the Prevention of Cruelty to Children. By so doing, the state was able to secure competent and independent probation officers, and ones committed to the ideals of probation. The measure had been violently opposed by officers of the Gerry Society who were fearful of state supervision and



in favour of retaining magistrates' control over the appointment of probation officers, and also by judges of the magistrates' courts, police stations and politically appointed probation officers who also saw own their interests threatened by the proposed legislation. It was, however, supported by the State Charities Aid Association and various other charitable societies who saw in the legislation a way of achieving a more efficient probation system which would put the needs of the children it sought to help before those of the various child-saving agencies.<sup>60</sup>

While probation in New York still implied a suspension of sentence even after the Gerry Society was ousted from its dominant position, reformers like Homer Folks, succeeded in bringing it more in line with the ideals of probation elsewhere. "It is the personal influence of the probation officer," argued Folks, "going into the child's home, studying the surroundings and influences that are shaping the child's career, discovering the processes which have been exercising an unwholesome influence, and, so far as possible, remedying these conditions - this is the very essence of the probation system."<sup>61</sup> To Folks and his fellow reformers, the political and Gerry Society appointees of the New York Children's Court were not committed to these ideals of probation and so failed to achieve the results which were hoped for from the juvenile courts. They believed that the new system by which probation officers were to be appointed and the fact that they were paid would produce a more committed and efficient probationary

force.<sup>62</sup>

New York remained something of an anomaly in its treatment of juvenile offenders, for although in 1909 the Legislature changed the law so that the child coming under the jurisdiction of the juvenile court could not be convicted of a crime, but should be deemed guilty of juvenile delinquency only, the child was still convicted of a particular offence, and punished for that offence. Unlike the situation in other juvenile courts, the offence remained the central issue rather than the child and the reasons which had led up to him committing the offence. In practice, however, the New York City Children's Court operated in a similar fashion to other juvenile courts, depending a great deal on the personality of the judge as to whether the ideals of the juvenile court were maintained.<sup>63</sup>

The establishment of the New York City Children's Court does not appear to have been the result of the kind of concerted effort by reformers to achieve a change in the methods of treatment of juvenile offenders which there had been in other states, and indeed in other cities in New York State. It seems rather to have been achieved in a piecemeal fashion, first with the securing of a special court for children's cases, and then with the separate introduction of probation officers. Neither do the two measures appear to have been lobbied for by the same interest groups. For the separate court was achieved through the efforts of the city

magistrates and of the Society for the Prevention of Cruelty to Children and other child-saving agencies, who saw it as a continuation of their own work of keeping children separate from adult offenders at all stages of the judicial process. Within the tradition of separate institutions for children, it was a fairly conservative measure. The introduction of a state-supervised probation system met with more opposition, not least from child-saving agencies such as the Society for the Prevention of Cruelty to Children, who saw it as a threat to the dominance of their institutional methods. It was the result of agitation by reformers who believed that the best method of preventing crime was to help the wayward child in his own home through the beneficial influence of the probation officer. What is interesting is that the initiative for the introduction of a formal probation system in New York similar to that in Massachusetts and Chicago does not appear to have come from women reformers or from settlement house workers as it had in Chicago. Rather, it came from reformers such as Homer Folks and Lawrence Veiller who were involved in a wide variety of reform efforts to improve the conditions of poor families in New York City, who had, no doubt, been made aware of the probation systems of Massachusetts and Chicago through their contacts with the national reform community.<sup>64</sup> New York City, with its high rate of juvenile delinquency, adopted some of the ideas of the pioneer juvenile courts, but stopped short of final acceptance of their views, that the child should be treated as a child in need of guidance and protection rather than as a criminal in need of punishment. By maintaining its

status as a criminal court, the New York Children's Court still effectively convicted children as criminals.

Massachusetts, like New York, had been one of the pioneers in new methods of dealing with child offenders. Indeed it was in Boston that probation was first developed by one man, John Augustus who, prompted by humanitarian concern for the children in the criminal courts, took responsibility for an increasing number of these children on suspended sentences whom he encouraged to reform. Before John Augustus died in 1859, several volunteers from various charitable organisations had taken up his work, and it was these volunteers who, no doubt, lobbied for the bill which gave legal recognition to probation in an act of 1869. The Massachusetts State Board of Charities, having investigated the two state reform schools in 1868, also supported the formalisation of probation in Massachusetts as an alternative to the commitment of juvenile offenders to the state reformatories. In 1880 the Ninth Annual Report of the Massachusetts Commission of Prisons complained of the lack of any provision for the classification of offenders in prison and drew attention to the necessity of seeking better treatment for criminals, especially young offenders. Thus, various state agencies and charitable organisations in Massachusetts had been instrumental in securing legislation and developing a probation system, particularly in Boston, and by 1891 it had become the duty of all courts in Massachusetts to appoint probation officers.<sup>65</sup> Massachusetts had also

introduced separate hearings for delinquent children in 1875. This was the result of a belief by judges and the State Visiting Agents, who had responsibility for all children brought before the courts, as well as others concerned with the problem of juvenile delinquency, that children were contaminated by the adults around them and their association with adult criminals in the criminal courts would expose them to evil influences.<sup>66</sup> Thus, some twenty years before Illinois achieved her Juvenile Court Law, Massachusetts had already secured two of the main features of a juvenile court - separate hearings for children's cases and a probation system. With the establishment of juvenile courts in Illinois and Colorado followed by other states, Massachusetts seemed to be falling behind other states until in 1906 the Massachusetts Legislature created the Boston Juvenile Court.

Where the Massachusetts Juvenile Court Law of 1906 differed from the already existing system in Massachusetts was that it specifically noted that "proceedings against children under this act shall not be deemed to be criminal proceedings," although proceedings continued to be against the child rather than on behalf of the child, and the purpose of the proceedings was to determine the child's guilt or innocence. The new law also included a clause allowing for the liberal construction of the act, as the Illinois Law had done.<sup>67</sup> What this effectively meant was that "wayward children" who had not committed a specific offence but who habitually associated with vicious persons and were growing up

in surroundings exposing them to immoral or criminal influences and liable to lead them into lives of crime, could be brought into the court and set upon the path to good citizenship. It also meant that the juvenile court was able to deal with cases that the criminal court had neither the time nor the expertise to deal with.<sup>68</sup>

Thus the establishment of the Boston Juvenile Court clearly illustrates that the purpose of juvenile court legislation was not only to introduce separate court hearings for children or even to introduce a probation system which would guide and protect children after they had appeared in court, its aim was more to establish the principle that children should be treated as children, and not as criminals to be punished. This meant that the juvenile court should remove offenders from the taint and contagion of crime with which they came into contact in the ordinary courts. It also involved the juvenile court exerting steady pressure, through probation officers, to bring children back into what was regarded by the courts' officers as their normal relation to society, to get them back to school and to their families. Judge Harvey H. Baker of the Boston Court did not entirely disregard the necessity of punishment in dealing with wayward children, but he considered this to be subordinate to the main function of the juvenile court: "The punishments thus administered are always considered by the court as subsidiary and incidental to its main function of putting the child right, and they are not given for retribution or example."<sup>69</sup>

Nevertheless, the Boston Court like that in New York seems to have been more concerned with the offence committed by the child than with the child's welfare, and in this respect fell short of the ideals of child-centred treatment espoused by Lindsey or of family-centred treatment advocated by the Chicago Court.

The origins of juvenile courts in Philadelphia, Indianapolis, New York and Boston clearly show that wide generalities about the origins of juvenile courts in the United States cannot be made. While the initiatives taken by reformers in Philadelphia and Indianapolis show some parallels with those taken by the founders of the Chicago and Denver courts, there are fewer and less clear-cut parallels in the cases of New York and Boston. This was because both New York and Boston had pioneered some of the key elements of the juvenile court before Chicago established its pioneer court, and therefore different criteria presented themselves in these cities in their need for new methods of dealing with children in trouble with the law. It is difficult to ascertain the motives of reformers who agitated for juvenile court legislation in New York and Boston, for their publicists were more concerned to describe the methods of their courts than their origins. Ultimately the New York and Boston juvenile courts did not fully embrace the ideals of the Chicago and Denver courts in their legislation and children continued to be treated, in theory at least, as criminals in need of punishment rather than children to be cared for and guided.

Reformers in New York and Boston were clearly less concerned with the ultimate aims of their juvenile courts than with the immediate need to remove children from the contaminating influence of adult criminal courts and the need to provide an alternative to custodial forms of treatment. What does become apparent from the study of these four courts, however, is that the reformers in Chicago and Denver in particular had found a solution to a need deeply felt, throughout the United States but especially in the large industrial cities, to define how the law should deal with child offenders. Juvenile court legislation, generally on the Chicago model, was soon to be adopted in cities and states throughout the United States.



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14. As quoted in Schlossman, Love and the American Delinquent, p. 76; David J. Rothman, Conscience and Convenience: the Asylum and its Alternatives in Progressive

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15. As quoted in Schlossman, Love and the American Delinquent, p. 78.

16. Ibid., p. 77.

17. For a discussion of the concept of separate spheres see Barbara Welter, "'The Cult of True Womanhood:' 1820-1860," in Michael Gordon, ed., The American Family in Social-Historical Perspective (New York, 1978), pp. 313-333; Paula Baker, "The Domestication of Politics: Women and American Political Society, 1780-1920," American Historical Review, 89 (1984), pp. 620-647; Carl N. Degler, At Odds: Women and the Family in America from the Revolution to the Present (New York, 1980), pp. 298-327.

18. Hannah Kent Schoff, "Pennsylvania's Unfortunate Children," p. 425.

19. Hannah Kent Schoff, "A Campaign for Childhood," pp. 133-135; Hannah Kent Schoff, The Wayward Child: A Study of the Causes of Crime (Indianapolis, 1915), Introduction.

20. Schoff, "A Campaign for Childhood," pp. 136-137.

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22. Biographical details taken from Notable American Women, Volume II, pp. 22-23.

23. Schoff, "A Campaign for Childhood," p. 136.

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25. This idea is discussed by Paula Baker, "The Domestication of Politics," pp. 631-632; Carroll Smith-Rosenberg, Disorderly Conduct: Visions of Gender in Victorian America (New York, 1985), pp. 263-264.

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27. Schoff, "A Campaign for Childhood," p. 137; Charities, VII (December 21, 1901), p. 562.

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## Chapter Six: The Juvenile Court Movement

By 1909, ten years after the passing of the Illinois Juvenile Court Law, twenty-two states had passed similar laws. Some of these were the consequence of local initiatives, using the Chicago Juvenile Court as a model, but many others were the result of conscious agitation by the juvenile court movement. Although it was not until 1907 that any formal organisation was established to spread the juvenile court message, there had been a deliberate policy by those involved in establishing the Chicago and Denver courts to secure a juvenile court in every state.<sup>1</sup> While few generalisations can be made as to why juvenile court legislation was adopted in each state, for much depended on local circumstances, it is clear that the involvement of those who had been instrumental in the foundation of the juvenile courts in Chicago and Denver was a decisive factor in many states. The remarkable success of the movement is suggested by the fact that by 1920 all but three states had some form of juvenile court legislation.<sup>2</sup>

That juvenile court legislation was adopted so quickly by so many states suggests that it answered a perceived need in the United States to find a new method of dealing with dependent and delinquent children. By the last decade of the nineteenth century it had become clear to many of those involved in charitable work in the United States that earlier solutions offered to the problem were not adequate. During the 1890s debates in the children's section of the National

Conference of Charities and Correction were dominated by the conflicting arguments of the advocates of reformatory institutions and of child-placing societies who sought non-institutional methods of dealing with these children.<sup>3</sup> There was a growing disenchantment with institutional means of dealing with problem children, but to many the alternative of placing children in foster homes was no more satisfactory and it was believed that this could only really be used in the case of dependent rather than delinquent children. The conflict between supporters and opponents of institutional care became increasingly intense within the National Conference of Charities and Correction until, in 1899, a truce was agreed in the Committee on Dependent and Neglected children.<sup>4</sup> What it clearly pointed to was the need for an alternative method of dealing with both dependent children and those in trouble with the law and helps to explain why the juvenile court was so quickly seized upon as the answer to this problem.

Reform initiatives did not, however, begin at the National Conference of Charities and Correction. While it acted as a forum for the discussion of the various issues involved in finding a solution to the problem of how best to deal with dependent and delinquent children, it tended to be dominated by those who had a vested interest in the continuance of juvenile institutions or were the advocates of child-placing agencies. Indeed, it was not until 1901, two years after the passing of the Illinois Juvenile Court Law,



that this was so much as mentioned at the Conference. It was, moreover, only a passing mention: "In 1899, Illinois enacted a law similar to the Massachusetts probation law, but more comprehensive. Its chief feature was the establishment of a court to deal with both dependent and delinquent children."<sup>5</sup> Another year elapsed before there was any discussion of the juvenile courts at the Conference and it was probably no coincidence that 1902 was also the first year in which Judge Ben Lindsey attended the conference.<sup>6</sup>

It was at the state level that reformers began to seek new methods of dealing with dependent and delinquent children. Even before Illinois secured her Juvenile Court Law a number of other states had succeeded in improving their child welfare methods, so that the women reformers in Chicago had some precedents to call on in claiming that Illinois was far behind other states in its methods of dealing with troublesome children.<sup>7</sup> Massachusetts had introduced probation as part of her justice system earlier in the century, and a law of 1891 made the appointment of probation officers mandatory. Massachusetts had also introduced the separate trial of juvenile offenders, following the example set by New York in 1892. Indiana had introduced a Board of Children's Guardians in 1891 and Rhode Island provided some similar protection for children in 1898. The Children's Aid Society of Pennsylvania had also made some attempts to find a non-institutional means of treating delinquent children by placing them in foster homes.<sup>8</sup> Thus, some efforts had been made in several states to

improve the methods of dealing with children in trouble with the law, but there was no change in the idea that underpinned the justice system as regards children - they were still to be treated as criminals. Children were to be tried for the commission of a specific crime and were treated as adults with all the formalities of the criminal law. Throughout the United States, despite efforts to keep children separate from adult offenders and to provide less severe methods of punishment, most child offenders were indicted, prosecuted, and tried as ordinary criminals and were imprisoned in reformatories or jails, or their cases were dismissed because judges felt the alternatives were too harsh.

It was, thus, hardly surprising that when Illinois secured a law which not only introduced probation and separate court hearings for children, but also ceased to treat children as criminals but instead as children in need of help, other states should have taken an interest in this measure. For while many other states had already recognised the duty of the state towards its dependent and delinquent children, none had actually gone so far as to change the basis on which the law treated children, and few had changed their methods of dealing with children either in the courtroom or in sentencing them.

The Illinois Juvenile Court Law was, at first, only really applied in Chicago where informal methods had foreshadowed the passing of the law. Reports of the working of the Chicago court, and the difficulties it had in

implementing the law, soon publicised the aims of the juvenile court outside Chicago. Other counties within Illinois soon established their own juvenile courts despite the difficulties they had in securing suitable people to act as probation officers. In these early days the Illinois Conference of Charities and Correction and the Chicago press acted as forums for the discussion of the problems of administering the newly established juvenile court, but, possibly of more importance, they acted as a means of publicising the existence of the Chicago court.<sup>9</sup>

In late 1899, Timothy D. Hurley, President of the Visitation and Aid Society and Chief Probation Officer of the Chicago Juvenile Court, started to publish the Juvenile Record. This seems at first to have been a purely local paper representing the Chicago Court and also the Visitation and Aid Society, but it soon became national in scope. Even from its earliest days the Juvenile Record clearly aimed to present a favourable picture of the Chicago Juvenile Court. Articles about the working of the Chicago court, the benevolent nature of its work with children and the good results it was achieving, made up the majority of the articles in the early issues. There were also editorials calling for amendments to the Juvenile Court Law which would make clearer the duties of probation officers and the role of child-saving agencies. While the Juvenile Record was in part a vehicle for Hurley's own desire for self-promotion - according himself a much larger part in the establishment of the Chicago Juvenile Court

than seems to have been the reality - it also served a useful purpose in advertising the Chicago Juvenile Court.<sup>10</sup>

The earliest states to adopt legislation similar to that of the Illinois Juvenile Court Law and which were most clearly influenced by the Chicago model were, not surprisingly, two states which bordered on Illinois - Missouri and Wisconsin. While the Juvenile Court Laws in both these states resulted largely from local initiatives, it is clear that they were aware of the Chicago reform and modelled their own courts on that in Chicago. In Missouri the leadership for this reform came from the Humanity Club of St. Louis. This was an informal association of ladies whose object was to aid in securing legislation which would remedy existing evils in the public institutions of St. Louis. The ladies of the Humanity Club visited the city jail and were horrified by the conditions there in which they found children were kept. Their first action was to raise funds to pay an agent of the Humane Society to "look after the boys in jail." It was soon decided that legislation was required to remedy the situation but, because of the fear that if they attempted too much they would lose everything, the women reformers contented themselves with pushing for a juvenile probation law. Although the St. Louis reformers were aware of the Chicago Juvenile Court, they seem to have been concerned that there would be too much opposition to achieve such a measure in Missouri. Indeed, even the probation bill met with opposition from the representatives from Kansas City and St. Joseph and

had to be framed to apply to St. Louis alone.<sup>11</sup> In its administration, too, the probation law met with opposition from the judge of the Court of Criminal Correction who refused to recognise probation or the probation officers as a method of treating juvenile offenders. Other judges, however, availed themselves of the law, and their use of the probation law prepared the way for the passing of a juvenile court law in the winter of 1902-3. This law had much wider support than the earlier measure had had. It had the endorsement of the Missouri Conference of Charities, of the police court judges and those of the circuit courts, as well as the women of the Humanity Club. Judge Tuthill of the Chicago court also addressed the Missouri Conference of Charities in the Autumn of 1902.<sup>12</sup> The Missouri law continued to meet with opposition and questions as to its constitutionality but it was soon established and juvenile courts operated in St. Louis and Kansas City based on the Chicago model.

In Wisconsin, too, it was women reformers who led the agitation for a juvenile court in Milwaukee. The movement was led by middle-class women who had had previous experience in philanthropic work with children - Mrs. Annabelle Cook Whitcombe, head of the boys' club; Miss Marion Ogden, a frequent visitor to children in jail; and Mrs. Kathryn Van Wyck, head of the Associated Charities. These women were personal acquaintances of Jane Addams and Louise deKoven Bowen of Chicago and had travelled to Chicago on a number of occasions to see the juvenile court in operation.<sup>13</sup> They had

also had frequent discussions on legal strategies with Judge Tuthill and virtually adopted the Illinois law in full. They persuaded Timothy Hurley and a number of others involved with the Chicago Juvenile Court to testify before the legislature in Madison on the law's effectiveness and constitutionality. As a result of the agitation of these women and various others interested in the welfare of the children in Wisconsin, together with the endorsement of the Milwaukee Sentinel and the Chicago Juvenile Court reformers, a Juvenile Court Law passed the Wisconsin legislature in 1901, and became operative in July 1902.<sup>14</sup>

There were clearly some parallels between the establishment of the juvenile courts in Missouri and Wisconsin and those in Chicago and Philadelphia, but the paradigm outlined for the establishment of the Chicago Juvenile Court does not really hold true for these later courts. Although women reformers in St. Louis and Milwaukee led the juvenile court movements in these two states and it seems likely that they were motivated by many of the same concerns as the women reformers in Chicago, the fact that they were aware of the existence and practicality of the Chicago Juvenile Court gave them a model on which to base their legislation. The support of the Chicago reformers in securing juvenile court legislation in these states makes their cases rather different from that of Chicago. However, a number of other states followed the examples of Missouri and Wisconsin, beginning their own reforms of the way in which children were treated by

the law and then asking for the help and advice of the Chicago reformers.

As a number of cities throughout the United States became interested in the Chicago Juvenile Court and sought to introduce their own form of juvenile courts, the Chicago reformers began to mobilise themselves to provide advice and information about the juvenile court. It was at this point that Hurley's Juvenile Record came into its own. It not only publicised the workings of the Chicago court, but also printed details of the Illinois Juvenile Court Law and the various amendments made to it, as well as giving accounts of how the reformers in Chicago had secured their legislation.<sup>15</sup> It soon also started to advocate the establishment of juvenile courts in every state in the Union. At first, Hurley's editorials suggested only that states might wish to adopt only certain parts of the Illinois Juvenile Court Law -a separate court for children's cases, probation officers, the recognition of child-saving societies or a law preventing children from being confined in prisons.<sup>16</sup> It was not long, however, before the Juvenile Record was advocating the adoption of the juvenile court legislation in its entirety throughout the Union, with only some concessions to suit local conditions.<sup>17</sup>

Hurley was not alone among the Chicago reformers to become involved in spreading the "gospel" of the juvenile courts. Judge Tuthill and later Judge Julian Mack were in great demand to address various legislatures on the legal

aspects of the juvenile courts. Harvey B. Hurd, the President of the Illinois Children's Home and Aid Society, and one of those involved in drawing up the Illinois juvenile court bill, also addressed a large number of audiences interested in securing such legislation for their state or locality. The women reformers of Chicago do not seem to have been as prominent as the men in campaigning for juvenile court legislation in other parts of the country, although Julia Lathrop and Mrs. Lucy Flower both addressed their share of meetings in other states.<sup>18</sup>

The Chicago Juvenile Court reformers and the Juvenile Record played a significant part in the early dissemination of the idea of the juvenile court. They also had an influence upon the establishment of juvenile courts in other states, not so much by directly lobbying for such legislation in these states, but by giving assistance to those within the state already agitating for this reform. The Chicago reformers made addresses urging the importance of the juvenile court and gave help through reports and information showing how the Chicago Juvenile Court worked.<sup>19</sup> It was with the arrival on the national scene of Judge Ben Lindsey of Denver that the campaign to secure a juvenile court in every state became more aggressive and ceased to rely only on local initiatives.

Until early 1902 Lindsey's efforts to help children in trouble with the law had been confined to Colorado and he seems to have been unaware of the existence of the Chicago



Juvenile Court. With his discovery of the Juvenile Record and of the Chicago court Lindsey became involved in the Chicago reformers' efforts to spread the idea of the juvenile court. Lindsey contributed articles to the Juvenile Record, full of anecdotes about the Denver Juvenile Court and his own part in setting the boys who came before his court on the path to good citizenship.<sup>20</sup> He soon became the greatest publicist of the juvenile courts, at first, like the Chicago reformers, confining himself only to giving answers to enquiries about his own methods, but later taking the initiative in pushing for juvenile court legislation in other states.

In the summer of 1902 Lindsey attended the meeting of the National Conference of Charities and Correction at Detroit. Although he had no official place on the programme he was involved in discussions in the Children's Section at the Conference and explained his work with children in the juvenile court of Denver. He also began his efforts to promote the idea that other states should secure juvenile court legislation: "Before I leave this conference," he announced, " I desire to impress upon the delegates the necessity of earnest work in your respective states to have your legislatures next winter enact the proper laws to establish juvenile courts."<sup>21</sup> He also clearly made many less formal contacts during the conference, for on his return from Detroit he received many letters asking about his methods from people who claimed his acquaintance at the conference.<sup>22</sup>

On his return to Denver after the meeting of the National Conference of Charities and Correction Lindsey prepared a report on the work of the Denver Juvenile Court which was published by the Denver Republican. This was, in part, for local use to secure a juvenile court law in Colorado, but he also mailed it out to reformers and educators all over the country, among them Judge Tuthill, Mrs. Lucy Flower, Booker T. Washington, and others involved in charitable work. In his covering letter to Mrs. Flower he noted: "...we will send them all over the United States to legislators, governors and others, to help along the good work of our friend Hurley, Judge Tuthill and others in getting juvenile courts established in every state in the Union."<sup>23</sup> He also gave a lecture to the Kansas Society for the Friendless in the Autumn of 1902, which was full of anecdotes and stories of his personal involvement in the reformation of boys. This was to become the trademark of the many speeches and addresses he gave in the next few years in the cause of the juvenile courts.

Lindsey continued to receive requests about his methods in the Denver Juvenile Court and calls for him to address meetings of various kinds on the merits of the juvenile courts. In June 1903 he was asked to contribute to a report for the International Prison Congress and at much the same time he made his first speech before the National Conference of Charities and Correction in Atlanta. Later in that year he also wrote an article for Charities magazine, a periodical

published in New York by the Charity Organization Society which had a circulation among many of those involved in charitable work in the United States.<sup>24</sup> As part of the World's Fair in St. Louis in early 1904, Lindsey organised a Juvenile Court Exhibit with contributions from the Chicago Juvenile Court and the support of the National Congress of Mothers, led by Mrs. Hannah Kent Schoff. It was believed that the exhibit at the World's Fair would be the most effective method of spreading the "gospel" of child-saving that had yet been devised. It covered all aspects of the work of the juvenile courts and included photographs, charts and model laws. It is difficult to tell quite how effective this exhibit was, although it is likely that it reached an audience which might not previously have been particularly concerned with the problem of the children, and clearly the advocates of the juvenile court had great hopes from it.<sup>25</sup>

By the Autumn of 1904 the juvenile court movement had become more organised, with Lindsey as its acknowledged leader. By this time, too, it had become more recognisably a movement with leaders, a definite set of aims and a propaganda machine. It was centred upon the Juvenile Court Sub-Committee of the National Conference of Charities and Correction, to which Lindsey was appointed chairman. It included among its members Timothy Hurley and many juvenile court judges, among them Robert Wilkin of the Brooklyn Juvenile Court and those of the Chicago Court. The size of the committee and the difficulties of communication resulting from the great

distances between the various committee members, meant that much of the work devolved upon Lindsey and Hurley. It is, however, a mark of the great faith in the efficacy of the juvenile court as a solution to the problem of dependent and delinquent children, that many of the judges of juvenile courts should have been prepared to help in the dissemination of information about the juvenile courts. The committee undertook a national campaign of propaganda, addressing it to every state legislature which did not already have a juvenile court law and to many other individuals and organisations. Amongst the propaganda prepared for their campaign was a pamphlet compiled by Lindsey entitled "The Problem of the Children," which gave a detailed account of the work of the Denver Juvenile Court, its activities and how the Juvenile Court Law was secured.<sup>26</sup>

The committee sent a circular to the press in every city of the United States and Canada, as well as to philanthropic, educational and religious journals, urging the establishment in every state of juvenile court laws which should be uniform in principle and application as much as possible. It also urged the adoption of detention homes, contributory delinquency laws for adults, and the replacement of jails by schools for juvenile offenders. The aim of the Committee was, as Lindsey expressed it: "To encourage personal, practical, active work and earnest effort to bring about correction, as far as possible, through aid, help, encouragement, proper firmness and assistance, rather than punishment, fear, hate

and degradation."<sup>27</sup> As well as this propaganda campaign, Lindsey sought the endorsement of the juvenile courts by various national figures. To this end he wrote to President Roosevelt's Secretary asking that he might bring a booklet on the juvenile court of Denver to the President's attention and that he might urge the President to consider the question of a juvenile court in the District of Columbia. He also sought the endorsement of the work by Cardinal Gibbons of Baltimore, of Jacob Riis, a reformer in his own right and a friend of the President's, and of Roosevelt himself. He was rewarded, when in his annual message to Congress in December 1904, President Roosevelt praised the work of the juvenile courts and urged the establishment of a juvenile court in the District of Columbia. "In the vital matter of taking care of children," said Roosevelt, "much advantage could be gained by a careful study of what has been accomplished in such States as Illinois and Colorado by the juvenile courts. The work of the juvenile courts is really a work of character-building... by profiting...[from] the experiences of the different states and cities in these matters, it would be easy to provide a good code for the District of Columbia."<sup>28</sup>

While it was not until 1906 that a juvenile court law was passed in the District of Columbia, several other states secured such legislation in the winter legislative session of 1904-5. Not only this, but public awareness, particularly among those involved in charitable work, of the juvenile courts was becoming very high. Lindsey and some of the other

juvenile court reformers also began to receive requests about the juvenile courts from abroad, most notably from England and Australia.<sup>29</sup> Several of those involved in the juvenile court movement were beginning to feel by 1906, however, that the National Conference of Charities and Correction did not give the juvenile courts sufficient recognition, but that they were submerged in other work for children at the Conference. Calls for a National Juvenile Court Committee quite apart from any other national organisation seem to have come first from those interested in spreading the juvenile court idea who had not been involved in establishing the pioneer juvenile courts. The idea was soon adopted by Timothy Hurley and later taken up by Lindsey. Throughout 1906 and early 1907, as Lindsey and the Chicago reformers continued to lecture throughout the United States in the cause of the juvenile courts, moves were made to establish a formal juvenile court committee.<sup>30</sup>

Moves were made by Hurley to organise a conference of juvenile court workers with addresses to be given, among others, by President Roosevelt and Jacob Riis, but this does not seem to have come off. The idea of a national juvenile court committee was taken up by Lindsey and by others of the Chicago reformers, among them Julia Lathrop and Timothy Hurley, and gradually a formal organisation began to be formed. While Lindsey seems to have taken the leadership of the nascent organisation, Julia Lathrop was also involved in establishing it, and it was centred upon Hull House in Chicago. It is, perhaps, unsurprising that Chicago should

have been chosen for the gathering of the Juvenile Court Committee, since not only was it fairly central, but also because the Chicago Juvenile Court was acknowledged as the pioneer court and next to Lindsey's own court was the most famous. The choice of Hull House as the venue for the first meeting of the Juvenile Court Committee testifies to the important part the women of Hull House played in both establishing the Chicago Juvenile Court and in continuing to foster the juvenile court idea.<sup>31</sup> The new organisation held its inaugural meeting on January 4, 1907, and on this occasion Lindsey was authorised to correspond with other societies interested in juvenile court work with a view to forming an international juvenile court society. Among those it was hoped would be directors of the society were those most prominent in publicising the work of the juvenile courts across the country - Bernard Flexner of Kentucky, Judge Murphy of Buffalo, Judge Mack of Chicago, Timothy Hurley, Mrs. Hannah Schoff of the National Congress of Mothers, Mrs. Louise deKoven Bowen and Henry Thurston of the Chicago court, and Jane Addams and Jacob Riis. Lindsey also tried to persuade William R. George of the George Junior Republic to become a director.<sup>32</sup>

The International Juvenile Court Association was incorporated on September 13, 1907, with Lindsey as its president. The directors included Lindsey, Jane Addams, Judge Mack and Henry Thurston. Its aim was to act as a clearing house for information concerning juvenile courts, and it

sought to do so by establishing a central bureau with a paid secretary and assistant to send out copies of model laws and other details of how juvenile courts should be established and administered. Its work concentrated upon securing juvenile courts and the essential agencies which should accompany them in every state of the Union. As Lindsey pointed out to William R. George: "...It was believed at the various meetings that much good could be done by such an international society, especially in the next few years, while the juvenile court is in its formative period, and so much needs to be done in the way of propaganda and educational work, in getting the law securely and firmly established in the States and building up a system of effective work for the protection of child-life of the community..."<sup>33</sup> If the success of the Association can be judged by the number of states which adopted juvenile court legislation of some description in the next few years, it was indeed a successful organisation. However, the Association seems to have got into financial difficulties and much of its work devolved upon Lindsey and the Chicago reformers. They continued to answer the enquiries about the juvenile courts from within the United States and all over the world, and to address meetings of various kinds to press for the introduction of juvenile court legislation. Various journals also printed articles about the juvenile courts, some of the folksy kind describing the human side of the juvenile court, while others emphasised the legal aspects of the courts and still others pointed out that the juvenile courts were much more economic than the criminal justice system with its



criminal courts and reformatory institutions.<sup>34</sup>

In talking of the juvenile court movement we should not concentrate only on the publicists of the movement, those who led the campaign to secure juvenile court legislation in every state of the Union at the national level. Clearly in order to achieve legislation in every state by the end of the second decade of the twentieth century, there had to be a great deal of support at the state and local level both to create the demand for reform and to lead the reform movement in their state. The juvenile court movement sought to increase public awareness of the juvenile courts as a more humane and effective way of dealing with problem children and, by increasing public awareness, to create a demand in the states for juvenile court legislation, but it does not seem to have actually taken the initiative for reform in the states. The exception to this was, perhaps, the District of Columbia which because it was directly ruled by the U.S. Congress had a unique position in the United States. In the majority of states, having once become aware of the apparent effectiveness of the Chicago and Denver Juvenile Courts, the initiative for reform came from many different groups and individuals.

In some states agitation for reform would come from local branches of national organisations. Most prominent of these was the National Congress of Mothers, for whom the juvenile courts with their emphasis upon the wayward child's home and the role of the middle-class probation officer in helping to

reform what was seen as the failing working class home clearly had an appeal. Moreover, Mrs. Hannah Schoff who was, first, vice-president and then, president of the National Congress of Mothers, made it her business to agitate for juvenile courts within the organisation, asking various of the national leaders to address the Congress.<sup>35</sup> Other women's organisations were also involved in agitating for juvenile court legislation, especially local women's clubs, which like the Chicago Woman's Club had fairly widespread interests but which had a particular interest in the welfare of children in the slums of the cities. Settlement houses in the large cities of the United States also played their part, though none were as prominent as Hull House. Women were very much in evidence in the juvenile court movement and their involvement in securing or simply agitating for juvenile court legislation, was used by the leaders of the National American Woman Suffrage Association as an argument in favour of giving women the vote. For instance, one of their leaders wrote to Lindsey asking for his endorsement of the woman suffrage movement in May 1904: "...I therefore write to ask whether you will just send a few lines of endorsement, saying that you believe that a constituency of voting women, the mothers of families, would have the greatest determining power in favor of the prevention of crime among children than any other factor you know of..."<sup>36</sup> While it is likely that the vast majority of those women who agitated for the juvenile courts were not concerned to win the suffrage by so doing, and certainly this was not the aim of the National Congress of Mothers, their

involvement in reform movements for the welfare of children was seen by those who were fighting for woman's suffrage as a powerful factor in favour of their arguments.

While the juvenile court movement was, in many respects, a movement concerned with the preservation of the home and was, as such, a matter which concerned women, male reformers were also involved. At a national level the juvenile court movement was dominated by Lindsey and several other juvenile court judges, as well as Timothy Hurley. On the local level too, many men were involved. In some cities the judges of the police courts or circuit courts, like Lindsey and Judge Stubbs of Indianapolis became so concerned with the way in which the children who came before their courts were treated, that they began to hold separate hearings for children's cases or to suspend children's sentences and operate a kind of informal probation system. In these cities it was often the judges who sought to have their informal methods endorsed by legislation. In other cases, members of the State Board of Charities, or the superintendents of juvenile reformatories would take the initiative, while in others philanthropic associations took the lead, and in still others child-saving agencies which had an interest in having their own agencies protected by legislation, were enthusiastic advocates of at least some aspects of juvenile court legislation. As an editorial in Charities in July 1905 observed, not the least significant part of the juvenile court movement was the involvement of many groups and individuals who were not perennial reformers,

but who, nevertheless, set out, almost spontaneously to ease the treatment of juvenile offenders.<sup>37</sup>

It is difficult to ascertain the motivation of many of those who were involved in the juvenile court movement. Clearly a number of the organisations involved saw the juvenile courts as a means to enlarge their own influence and freedom of action, as David Rothman has suggested.<sup>38</sup> Others were concerned that there was a generation growing up surrounded by what were seen as the evil influences of the city and that if something were not done about this, society itself would suffer. There were others who believed that the juvenile court would act as a way of forcing parents to do their duty, and that by influencing children for the good at an early age, when they themselves became parents they would be responsible parents bringing up their children to be good citizens. For still others, the considerations were possibly entirely humanitarian, a desire to remove innocent children from the misery and degradation of the old criminal justice system. Just as those who were involved in the juvenile court movement were many and varied, so were their motives, and there were, no doubt, a certain number who simply jumped on the bandwagon of reform. Many of the women's organisations involved, however, like the women of Chicago and Philadelphia, seem to have been primarily motivated by their identification as mothers and their concern to protect the home and to ensure that working-class children, like their own children, should be protected and treated as children.<sup>39</sup>

The great variety in the motives of those involved in the juvenile court movement and the eclectic nature of the movement itself, ensured that the juvenile court legislation which was secured in the various states of the Union was far from uniform. Indeed, in 1905 one reformer who had sought to draw up a digest of the laws relating to juvenile courts, noted that there was no clear definition of what was meant by a juvenile court, since this varied from state to state.<sup>40</sup> While many of the juvenile court laws were based on that of Illinois, a number of the laws had to be adapted so that they would not be found unconstitutional in the individual states. In some states local circumstances and the opposition of certain elements, meant that some aspects of the model juvenile court laws had to be dropped. Attempts were made by the national leaders of the juvenile court movement to outline the minimum principles needed to constitute a juvenile court: the appointment of probation officers, the separate trial of children, the provision of a detention home and the recognition of child-saving agencies. Possibly most important of all, however, was the requirement that the jurisdiction of the juvenile court should be that of a chancery court rather than that of a criminal court and that it should act in its capacity as parens patriae - the ultimate parent of all children of the state. It was, however, this principle which was most difficult to achieve in many states. For while most jurisdictions were prepared to legislate for the separate hearing of children's cases, and for the introduction of probation officers, though not always paid probation officers,

many juvenile courts remained criminal courts. Indeed this was a question which vexed the leaders of the national juvenile court movement after many states had adopted most of the other principles of the juvenile courts.<sup>41</sup>

In their administration, too, juvenile courts differed considerably. In the South there were segregated courts for white and negro children - the negro children often still being dealt with as criminals and being placed less often on probation and more frequently in segregated juvenile reformatories. The juvenile courts in rural areas often suffered from a lack of resources and probation officers, which meant that the judges of these juvenile courts had difficulty in carrying out the principles of the juvenile courts, if, indeed, they were concerned to do so. Few judges tried to emulate Lindsey's "personal touch" and one judge who did was so arbitrary in his methods that he was quickly disowned by Lindsey as bringing discredit to the whole juvenile court movement.<sup>42</sup> To a large extent the administration of individual juvenile courts depended on the interest taken in it by its judge, by its officers and by the community it served. In many cases the juvenile courts, because the legislation which established them was so vague, provided little more protection or more enlightened methods of dealing with problem children, than what went before. Thus, as the juvenile court idea was spread throughout the United States, the principles behind the original juvenile courts became diluted.

Despite this dilution of its message, the juvenile court movement clearly had a great influence upon the way in which dependent and delinquent children were treated by the law in the various states of the United States. Moreover its influence stretched beyond the United States itself to Britain, the Australian colonies, Japan, Canada and parts of continental Europe. The success of the juvenile court movement was in large part due to the efforts of the Denver and Chicago reformers in acting as the evangelists of the juvenile court "gospel," but it is also testimony to the fact that the juvenile court offered a solution to a perceived need in the cities of the United States. For the Chicago reformers and Ben Lindsey in Denver were clearly not alone in believing that there was a need for a new method of dealing with dependent and delinquent children, and the solution advocated by these reformers was soon seized upon by other states. The Chicago and Denver Juvenile Courts provided most of the leadership needed to encourage many other states to follow suit. Through a sustained campaign of propaganda and lecture tours, they encouraged reformers in the various states and cities who were already beginning to feel the necessity for new methods of dealing with problem children, to agitate for the adoption of juvenile court legislation in their own states.

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P A R T C

## Chapter Seven: The Working of the Chicago Juvenile Court

Several years after the opening of the Chicago Juvenile Court on July 1, 1899, a journalist writing for the Chicago Illustrated Review observed that it was the women of Chicago who had played the most significant role in both the establishment and development of the court. He did not seem in the least surprised by this, for these women appeared to him to have been acting in their traditional role as mothers and nurturers in pursuing this reform, and as a result were working within a conservative view of the role of women. Thus, he wrote: "When the juvenile court system of this city was started it was inspired and sustained by Chicago's women friends who opened their purses and paid the salaries of probation officers in order to keep the work alive until the city government should be compelled, in view of demonstrated results, to give the work a municipal standing and basis. And to-day, in this field of collective misfortune, patient women, untiring in faith and devotion, are in a big sense 'mothering' Chicago..."<sup>1</sup> The women of Chicago did more than simply pay the salaries of probation officers. They had been instrumental in securing the Juvenile Court Act and they were not content simply to watch as the work of the previous decade fizzled out due to the failure of the law to make any provision for its implementation. This chapter explores the ways in which those women reformers who had agitated for the passage of the Juvenile Court Law helped to overcome the inadequacies of the law and to ensure the success of the

Chicago Juvenile Court. It also aims to examine whether the ideas which had motivated the women of the Chicago Woman's Club and the Hull House community to seek a change in the treatment of dependent and delinquent children by the Illinois judicial system, were adhered to, developed along similar lines or were betrayed by the Juvenile Court judges or child-saving organisations who had their own concerns. Further it considers the question of how the idea that the family was an important socialising instrument in the proper rearing of children, which had been one of the main concerns of the women reformers, was embodied in the aims and working of the Chicago Juvenile Court. Above all, however, this chapter seeks to follow the development of the Chicago Juvenile Court and the ways in which male and, especially, female reformers worked to implement and develop the ideas which had caused them to agitate for such a court.

The Illinois Juvenile Court Law, more formally entitled "An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children," came into effect on July 1, 1899. It contained comprehensive definitions of dependent, neglected and delinquent children; it conferred on the county and circuit courts original jurisdiction concerning such children and provided that in counties with a population of over 50,000, the judges of the circuit court should designate one of their number to deal with the cases under the law, and that children's cases coming before a justice of the peace or police magistrate should be immediately transferred to the

judge so designated. Thus separate courts for children were finally a legal reality, but in order that the juvenile court should be constitutional, the law did not create a new court, but rather it remained a division of the Circuit Court, nor could the referral of children's cases to the juvenile court be made compulsory. Thus, in this respect the law had to be permissive rather than compulsory and as a result did not entirely deal with the problem of uniformity in the treatment of children by the courts, for it still allowed children to be tried in other courts.

The law also provided for the separate detention of children while their cases were pending, and prohibited the committal of children under twelve years to a common jail or police station. It also recognised all child-saving organisations approved by the State Board of Charities, and gave validity to their contracts in reference to the surrendering of children by their parents and the adoption of children, and provided for a system of supervision by the State Board of Charities over children placed in homes throughout the state, thus making legitimate the role of these agencies in the juvenile justice system. The law further provided for the appointment by the court of probation officers, and outlined their duties: to make investigation as required by the court, to be present in the court to represent the interests of the child, and to take charge of any child before and after trial as directed by the court. Thus a probation system became a formal part of the juvenile justice



machinery in Illinois. The law also laid down the procedure by which a child was to be brought before the court, with the aim of avoiding arrest and therefore the stigma of criminal charges. Of perhaps most significance was the final clause which embodied the spirit of the law and recognised the state's obligation to the child, and clearly reflected the influence of the women reformers who had agitated for the law: "This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done the child be placed in an approved family home and become a member of the family by legal adoption or otherwise."<sup>2</sup> Consequently as well as emphasising the importance of the family, this clause gave judges considerable discretion in their handling of children.

Thus the law recognised the role of the state as parent of all children - parens patriae - and embodied the fundamental idea, which women reformers had been agitating for, that the state must step in and exercise guardianship over a child found under such adverse social or individual circumstances as might develop into crime. It also aimed to keep children separate from adult offenders at all stages of the judicial process, so that they would not be corrupted. Moreover, the juvenile courts were to be chancery courts rather than criminal ones. This meant that the juvenile courts were to look after the best interests of the child, and

he was to be found dependent or delinquent, rather than criminal.

The passing of the law was greeted with enthusiasm by those who had agitated for its adoption and was seen as a great step forward in helping to deal with problem children. It was regarded as a preventive measure, with great possibilities for the saving of children from lives of crime and pauperism.<sup>3</sup> It was clear to the reformers and others who took an interest in the law, however, that it had serious deficiencies which would make its implementation difficult, if not impossible, to carry out.<sup>4</sup> Some features of the Bill were lost in its passage through the Legislature, notably the clause which would have removed all children from the county poorhouses, and a provision which would have empowered judges to order a child boarded at public expense. Of more serious consequence for the working of the law was the fact that though the law legislated for the appointment of probation officers, it did not provide for their payment, and similarly while the law forbade the holding of children under twelve in a jail or police station, it did not provide for any alternative place of detention. Neither deficiency had been allowed for in the original bill, probably because reformers were concerned that if the bill had contained any new financial burdens, it would not have passed the Legislature.<sup>5</sup> Moreover, some reformers, mostly male, also began to demand that the state should provide a reform school for boys who were sentenced by the court to a reformatory institution.

This had not been included in the Juvenile Court Bill, in part because it was not an overriding concern of women reformers who had agitated for the Bill, and in part because this too would have involved heavy expenditure by the state which might have jeopardised the passage of the whole Bill.<sup>6</sup>

Of more immediate concern to the women reformers who had played such a large part in securing the Juvenile Court Law, was not so much the future building of a reform institution for boys, but the problems of how to administer the Law as it had emerged from the Legislature. The choice of a judge to preside over the Juvenile Court was made by the judges of the circuit court, but it seems likely that the ladies of the Chicago Woman's Club and the Hull House Community played a large part in securing their own choice, Judge Richard Tuthill, who had already been running a separate court session for children's cases at the request of the Woman's Club.<sup>7</sup> Judge Tuthill proved a fortuitous choice for not only had he already shown his interest in working with children, but he also proved an enthusiastic publicist for the court. Thus, a few days before the Juvenile Court was to hold its first session, Judge Tuthill called a meeting to consider plans for the organisation of the court. To this meeting were invited a committee of judges appointed to assist in preparing plans of procedure, the Judiciary Committee of the County Board and a representative appointed by the Mayor. Of perhaps more significance, since they had no obvious knowledge of judicial procedures, was an invitation to the Woman's Club to send

representatives, and to other interested societies to do likewise.<sup>8</sup>

At the meeting held by Judge Tuthill, he briefly stated the needs of the new Juvenile Court. He noted that the court would need four detention rooms and a man and a woman to have the children in their charge. The court would be held in the Judge's own courtrooms, although at this point there does not appear to have been any attempt to modify the appearance of the courtroom nor its procedure in any way. A more difficult problem was the question of where children, especially those under twelve, should be held pending trial. It was suggested that the county should continue its care of dependent children using the Detention Hospital as a place of confinement pending commitment and trial, but there still remained the problem of delinquent children who had hitherto been held in police stations. The meeting came to no conclusions, but resolved to find out the number of delinquent children in the city who were likely to need such confinement pending trial, and the kind of place required for the purpose.<sup>9</sup> On further occasions Judge Tuthill urged the co-operation of the various child-saving societies and women's clubs in the efforts to secure the best results from the law governing the Juvenile Court. In a speech at the opening of the new dormitories of the John Worthy School on June 30, 1899, which was reported in the Chicago Tribune the following day, Judge Tuthill urged each citizen and the Police Department to aid in this work, and asked that the boys who might come before him should

understand that he did not intend to administer punishment alone, but was their friend.<sup>10</sup> Thus it was Judge Tuthill, through a number of speeches which were reported in the Chicago Tribune and others before charitable and civic meetings, who publicised the problems of administering the Juvenile Court Law and who also advertised the aims of the court during its early days.<sup>11</sup>

The women reformers of the Chicago Woman's Club and the Hull House community did not, however, abandon the Juvenile Court once they had achieved the necessary legislation to establish it, nor did they passively watch while the judges and child-saving agencies administered the law. Rather they were active in many efforts both to bring publicity to the the Court, and in ensuring that it worked to fulfil their aims. Thus, members of the Chicago Woman's Club negotiated with the Illinois Industrial Association, a charitable organisation with an interest in children, to donate a building to act as a detention home. The Club, through donations by its members, paid for many of the administrative costs of the home, while the city and county reluctantly paid something towards the costs of feeding the children there. A committee of the Woman's Club continued, in co-operation with the Illinois Industrial Association, to run the detention home with intermittent help from the city and county, but it was effectively the Woman's Club which ensured that it was run smoothly.<sup>12</sup>

Of more significance than the administration of the detention home, which merely provided a means to ensure that children were at no point brought into contact with adult offenders, was the involvement of the women reformers in the development of probation in connection with the Juvenile Court. Both the Chicago Woman's Club and, more directly, the Hull House community, had been involved in the creation of an informal system of probation in some of the Police Courts of Chicago where many child offenders were taken, before the passing of the Juvenile Court Law. The Woman's Club, in cooperation with the Illinois Children's Home and Aid Society, had paid the salary of Mr. Carl Kelsey to act as probation officer at the East Chicago Avenue Police Station, while members of the Club had acted as volunteer officers who visited the homes of children on probation once the sentence had been suspended.<sup>13</sup> Mrs. Alzina Stevens of Hull House, and probably other Hull House residents, was more directly involved in probation work with children, looking after their interests in court, investigating their home circumstances, advising the judge as to the most suitable means of dealing with a child's case, and supervising children whose cases had been suspended.<sup>14</sup> All this probation work had been on an informal basis, but it provided a body of expertise on which the administrators of the Juvenile Court Law could draw. It had also been the women reformers, particularly those centred around Hull House, who had agitated for the inclusion of probation in the Juvenile Court Bill, since they saw it as a means to ensure that the children of the slums were given the

opportunity to behave as children. They hoped that the introduction of a probation officer into the lives of children who appeared to be in danger of becoming criminal would act as a benevolent influence and prevent the child from developing further criminal tendencies. It is therefore unsurprising that these women played such a large part in further developing the probation system once the Juvenile Court Law came into operation.

With the coming into effect of the Juvenile Court Law on July 1, 1899, the probation work of the Chicago Woman's Club and the Hull House community ceased to be an informal part of the justice system and became a formal part. This did not, however, mean that the women reformers abandoned their involvement with probation allowing professional child-savers to take over the work; rather they continued to be actively involved in this work. At the first session of the court, Mrs. Alzina Stevens volunteered her services and was appointed as the first probation officer and Mrs. Lucy Flower, representing the Chicago Woman's Club, offered to pay her salary. In this way, probation officers continued to be volunteers though appointed by the court, since the County was unable to pay their salaries. Other probation officers were supported by other charitable agencies, most notably the Catholic Visitation and Aid Society and the Protestant Children's Home and Aid Society, while the Mayor of Chicago contributed the services of several policemen to act as probation officers, and the Board of Education similarly gave

the services of several truant officers. A number of unpaid volunteers helped the paid probation officers in looking after a small number of cases. Finally the law department of the City of Chicago aided the court by providing a legal representative who became the Chief Probation Officer. This post was filled by Timothy D. Hurley, who was also President of the Visitation and Aid Society.<sup>15</sup> It was, however, the probation officers whose salaries were paid for by private agencies, and particularly the Woman's Club, who seem to have made the greatest contribution to the development of probation, for they were able to devote their whole time to the cases assigned to them.

The women reformers not only offered to pay the salary of the first probation officer of the Juvenile Court, they were also invited by Judge Tuthill to sit on the bench with him during the first sessions of the court. This clearly shows the respect Judge Tuthill felt for these women both as important influences upon the creation of the court, and as advisers in the treatment of children before the court. For some time members of the Probation Committee of the Woman's Club and Julia Lathrop from Hull House sat on the bench with Judge Tuthill, or simply visited the court in order to be of assistance in its work.<sup>16</sup> In this way they were able to influence the sentencing policy of the court and to ensure that their aims were carried out.

While male reformers and judges played a part in ensuring



the smooth administration of the Juvenile Court in its daily working and were also concerned to develop the legal aspects and rationale of the court, the women reformers continued their involvement with probation work and in fund-raising to pay the salaries of an increasing number of probation officers, many of whom were themselves women. The Joint Committee of the Woman's Club on Probation Work in the Police Courts of necessity changed its focus and name to the Committee on Probation Work in the Juvenile Court. In its annual report made on April 28, 1900, ten months after the opening of the Juvenile Court, this committee outlined what it considered to be the importance of its work: "The efficiency of the law depends upon the efficiency of the probation officers and at present these officers must be either policemen or unpaid volunteers, or paid volunteers." Clearly, it argued, paid volunteers were the most essential probation officers, since: "The policemen are strategically and structurally unfit for this work, the unpaid volunteers are excellent strategically, but often fail structurally. (That is they are not always present in the body) and the work in the long hard run must depend on paid volunteers."<sup>17</sup> This was because paid volunteers could devote all their time to the work since they had no other duties.

The Chicago Woman's Club Committee on Probation Work, under the chairmanship first of Julia Lathrop and later of Mrs. Flower, continued to pay the salaries of several probation officers, and members of the Committee seem also to

have acted as volunteer probation officers under the direction of paid officers. The Club also invited several of the probation officers to talk of their experiences before Club meetings.<sup>18</sup> In December 1902, the Club proposed forming a general committee of delegates, from clubs and other organisations, which would enlist public interest in probation work and secure the necessary funds. As a result Mrs. Lucy Flower formed the Juvenile Court Committee, which while a separate entity from the Chicago Woman's Club, drew much of its membership from the Club. Julia Lathrop was the chairman of this Committee, with members of the Club who had been involved in agitating for the Juvenile Court Law acting as many of its officers. Its main aim was: "...to aid in the work of child saving, by securing salaries for probation officers, and by such other means as might seem advisable... Feeling that there was no more valuable work for children than that done by the probation officers, which substitutes wise, kindly personal care, for neglect and prison..."<sup>19</sup>

By the end of the first year of the Juvenile Court's existence, its supporters were pronouncing it to be a success, and probation work was seen both by the judges who could now formally use it as an alternative sentence, and by the probation officers themselves, as an essential part of the Juvenile Court law. Thus Judge Tuthill announced that probation was the keystone which supported the arch of the law: "...an arch which shall be as a rainbow of hope to all who love children and who desire that all children shall be

properly cared for and who would provide such care for those who are, without it, and who else would almost inevitably come to lead vicious and criminal lives, so that they may be saved and develop into good citizens, honest and useful men and women."<sup>20</sup> Alzina Stevens, who worked from Hull House and had already had several years experience as an informal probation officer before the passing of the law, also believed that probation was the keynote of the law. She noted that the duties of a probation officer were to visit the homes of children before the court, ascertain their school and police record, as well as their home environment, and to take note of their physical and mental development together with their moral habits. After this it was the duty of the probation officer to report to the court the result of her investigations and then to take charge of any children paroled to her. She concluded that it should be the first effort of the probation officer to keep the child in its own home for both the child's and the parents' sake. However, the child's best interests should be considered above all and this might mean that the child should be surrendered to some institution or home-finding society.<sup>21</sup>

Other women reformers heavily involved in the development of probation emphasised the importance of probation not only to the child himself, but also to the child's family. Thus, Louise deKoven Bowen, chairman of the Juvenile Court Committee, noted the importance of the probation officer: "The judge, recognizing the results that have led to the child's

violation of law, places him in charge of a probation officer, the officer becomes the friend of the family, the parents try harder to do better for the child because they consider him under the protection of the law, the standard of the home is raised; it gradually assumes a different aspect; the child learns the meaning of right and wrong and grows up to be a self respecting citizen, and the state is saved the burden and support of a criminal."<sup>22</sup> Mrs. Bowen elaborated on this idea in a speech made in 1904, again emphasising the importance of the home, supported by a probation officer, in the treatment of the delinquent child: "...recognizing the principle that if the child can be helped in the home it is the best thing to do, the judge reprimands the child and sends him home." The probation officer should regularly visit the child at home, and become an adviser and friend to the family, requiring that the home be made decent. Furthermore, the emphasis of probation work was formative rather than reformative and it was the preventive character of probation which made it worthwhile, for, it was argued, it hindered children from becoming criminals.<sup>23</sup>

The preventive nature of probation work was stressed by other women involved in the work. It was especially noted by several of the female probation officers that much of their work was concerned with keeping children out of court. In this respect probation officers based at Hull House were particularly anxious to ensure that parents who feared their children were in danger of getting into trouble should come

and seek the help of a probation officer.<sup>24</sup> Thus it was the main aim of probation officers to keep families together and to prevent children from developing into criminals. It was, however, the best interests of the child and the welfare of the community which should be considered before the interests and feelings of the parents and relatives. In a set of instructions issued to probation officers in 1901, this point was emphasised, noting that in most circumstances a child would not be separated from his parents, but that in certain cases where it was in the best interests of the child, he should be removed from his natural home. These circumstances were stated as: where the parents were criminal; where the parents were vicious or cruel; where the parents were entirely unable to support the child; and where the home was in such a condition as to make it extremely probable that the child would grow up to be vicious or dependent. The instructions concluded that the court should not be used by parents for the purpose of relieving themselves of their parental obligations.<sup>25</sup> It is difficult to tell from the records of the Juvenile Court why some children were sentenced to an institution while others were placed on probation, but no doubt consideration as to the suitability of the home in the prevention of delinquency in a child was a major factor.<sup>26</sup>

Anthony Platt has suggested that the child savers who lobbied for the Juvenile Court Law recommended increased imprisonment as a means of removing delinquents from corrupting influences, while he virtually ignored the

importance placed by reformers on probation as a means of treating the delinquents who came before the Juvenile Court.<sup>27</sup>

Further he noted that:

"Although the child savers affirmed the value of the home and family as the basic institutions of American society, they facilitated the removal of children from 'a home which fails to fulfill its proper function.' The child savers set such high standards of family propriety that almost any parent could be accused of not fulfilling his 'proper function.' In effect, only lower-class families were evaluated as to their competence, whereas the propriety of middle-class families was exempt from investigation and recrimination."<sup>28</sup>

He offers very little evidence for this, whereas it is clear from the writings and speeches of the reformers that they placed great importance upon family life in the slums as a preventive to juvenile delinquency and that probation was the preferred method of dealing with delinquent children, certainly during the early years of the court, though they always recognised the need for a reformatory institution for those cases unsuitable for probation. For those who were involved with the early development of the Chicago Juvenile Court, probation was the keynote to the juvenile justice system and where this was unsuitable, non-institutional care with an approved family or child-placing society was the preferred method of treatment, with institutional care being the last resort. This was a marked change from the position before the passing of the 1899 Juvenile Court Law when imprisonment or a fine, which often meant imprisonment, were the only strictly legal sentences available to the judge with a delinquent child before him.

The emphasis placed upon probation by the Juvenile Court judges and reformers in Chicago clearly reflects the importance they attached to the family and home as the formative influences in a child's life. In this way the juvenile court marks the triumph of female values in the treatment of juvenile offenders. For it was women above all who were seen by society and saw themselves as the protectors of the home and the nurturers of childhood. In seeking reform in the way in which the judicial system treated children, women reformers had been motivated by a concern that the apparent increase in juvenile crime in Chicago was a symptom of the gradual breakdown of family life in the slums. Moreover, it seemed clear to them that children living in the poorer areas of the city were not being treated as children and in some cases were not being given the nurture and love which would enable them to grow up to be useful and upright citizens. Once these values had been embodied in the juvenile justice system in Chicago, women reformers sought to develop them further. Thus, the predominantly female probation officers went into the homes of the children who had got into trouble and sought to find the cause. This investigative work was an important part of the probation officers' role for it determined whether the child would be left in its natural home or moved to some other one. If it was decided to be in the best interests of the child, he would be left in his own home but with a probation officer to guide him. Consequently, the probation officer was seen as a benevolent influence in the life of the child, ensuring that he received the necessary

nurture to make him a good citizen and also that he attended school regularly or, if beyond school age, that he secured a steady job. Thus probation sought to reaffirm the values of home and family life and in this way to prevent the apparent breakdown of family life in the slums. It operated within the prevailing middle class ideas about childhood and child nature, and sought to apply these to poor and largely immigrant families, but nonetheless recognised the importance of family ties among these families.<sup>29</sup>

It is significant that in Chicago the majority of the paid volunteer probation officers, who did the most important work for the court, were women, particularly since in Denver it was not considered to be a suitable job for women.<sup>30</sup> It is also worthy of note that many of these women were married, especially since at this time married women who undertook paid work were still frowned upon.<sup>31</sup> Part of the explanation for this no doubt lies in the fact that the women's clubs under the auspices of the Juvenile Court Committee were paying the salaries of these officers, but of more importance was the fact that women were recognised as having the necessary qualities for this work. Probation workers needed to be nurturing and benevolent and these were exactly the characteristics attributed to women in their role as mothers. Moreover, when viewed in this way, women's work as probation officers could be seen merely as an extension of their role as mothers and therefore a legitimate activity. As probation work became more professional and part of the growing



profession of social work, it continued to appeal to women and be considered a proper activity for women in the same way; that settlement work had been accepted as such.<sup>32</sup> For indeed several of the probation officers lived in the settlements or worked for them.

In its early days the aims and administration of the Chicago probation system were dominated by conservative women and the traditional female values they espoused, tempered by the settlement idea. The working of the court itself, however, while influenced by these factors, was of necessity also effected by the concerns of the juvenile court judges. The advocates of the Chicago Juvenile Court placed emphasis on three factors; the state's responsibility for the welfare of all children in the state; the insistence that children should be kept apart from adult offenders at all stages of the judicial process; and the idea that children should be treated not as criminals but as erring children. All reflect the influence of women reformers. However, in the daily working of the Juvenile Court, the women reformers were very much dependent upon the personality of the judge to ensure that their aims were carried out. Indeed, since the law left so much to the discretion of the judge in his dealings with dependent and delinquent children, the choice of the judge was very important. In this the Chicago Juvenile Court was fortunate, for, as Mrs. Flower pointed out in a letter, the post of Juvenile Court Judge was not considered to be an attractive one and could indeed prove a bar to political

advancement, with the result that the post was left open to those judges who were committed to the cause of children.<sup>33</sup>

It also seems that the women reformers, especially once they had formed themselves into the Juvenile Court Committee and played a large role in promoting the work of the court, had considerable influence upon the choice of the judge, although on some occasions political considerations intruded despite the unpopularity of the post among judges.<sup>34</sup>

The earliest Juvenile Court judges in Chicago, Richard Tuthill, Julian Mack and Merritt Pinckney, were very close to the women reformers in their thinking and the values they promoted. In particular, they emphasised the importance of the family in the nurturing of children, and also stressed that the court itself acted in a fatherly fashion. Thus, Judge Tuthill noted:

"I have always felt and endeavoured to act in each case as I would were it my own son that was before me in my library at home charged with some misconduct. I know of no more helpful principle to be guided by in dealing with this class of cases than that embodied in the Golden Rule, modified so as to read, 'Do unto this child as you would wish to have another in your place do unto yours.'"<sup>35</sup>

He further noted that no child under sixteen should be considered or treated as a criminal, nor should he be arrested, indicted, convicted, imprisoned or punished as a criminal. While he recognised that some children may commit acts which in an adult would be criminal, the Juvenile Court Law provided that a child in his early life should not be branded as a criminal nor brought into contact with vicious or criminal adults. The object of the court was therefore to

exercise that parental care which every parent should exercise over his own child.<sup>36</sup> Judge Tuthill was a keen exponent of the juvenile court ideal both in his work as a juvenile court judge and in publicising this work. He acknowledged on a number of occasions the indebtedness of the court to the work of the women reformers and was probably influenced by them in his treatment of the children who came before him. His emphasis on the need to treat children as children before the court and not as adults or criminals, and his desire to make children feel as if they had a friend in the judge, reflect the prevailing attitudes towards childhood which had been at the base of the campaign by the women of the Chicago Woman's Club and the Hull House community for a change in the law as regards dependent and delinquent children. Like many of the women reformers, Judge Tuthill saw the children who appeared in the Juvenile Court as victims of city life and also of parental neglect. He was not as sympathetic as the women of Hull House in believing that probation could do much towards improving a child's environment and so improving his chances in life, for he believed in many cases that the child should be taken out of a detrimental environment, but he remained, nevertheless, a firm believer in probation for first offenders.<sup>37</sup>

Judge Tuthill was replaced as Juvenile Court Judge in the spring of 1904 by Julian Mack. Judge Mack came from a Jewish background, had been educated at Harvard Law School and later spent some time at universities in Germany. In 1890 he joined

the firm of Julius Rosenwald in Chicago, a group of well-respected Jewish lawyers. He was not prominently involved in working with children until he became Juvenile Court Judge in 1904.<sup>38</sup> However, once he became judge of the Juvenile Court he promoted its cause with enthusiasm. He was especially interested in tracing the legal antecedents of the juvenile court. Thus he traced the origins of the court through the chancery procedure of English courts and the doctrine of parens patriae which recognised the state as the ultimate parent of all children and therefore responsible for the welfare of all children. As a result the state should be more concerned to help the child than to punish it: "...the state," he argued,

"as the greater parent of all of the children within its border, must deal with the child as the wise, the kind, the just but the merciful parent would deal with his own child, must abandon the idea that for every petty offense the great authority of the state must be vindicated, and its punishment visited upon the minor."<sup>39</sup>

He argued that instead the court should look into the background of the child:

"Why isn't it the duty of the state instead of asking merely whether a boy or girl has committed a specific offense, to find out what he is, physically, mentally, morally and then, if it learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen."<sup>40</sup>

In this Judge Mack's ideas reflected those of the women reformers in so far as they argued that children should be helped towards better citizenship rather than being punished for offences. He also noted that some of the acts for which

children were brought before the court were little more than childish pranks and should be treated as such: "Don't let's forget that boys will be boys and don't let's term them delinquents because of mere mischief."<sup>41</sup>

Judge Mack also had something to say about the institution of the Juvenile Court itself, believing that its procedures should be much less formal and that though the child should be impressed by the authority of the court he should be made to feel not so much the power of the state but its friendly interest in him. Similarly the child's parents should be shown that the object of the court was to help them to train the child to do right, and wherever possible it aimed to keep the family together, if necessary with the aid of public or private assistance. Mack recognised that as a result the success of the treatment of delinquent children was very much dependent on the personalities of both the judge and the probation officers.<sup>42</sup> What he was most concerned about, however, was that the court should investigate closely the circumstances of each child who was brought before the court, and should consider not the only offence with which he was charged, but the reasons which had led to the offence. Furthermore he noted that the court should not be seen as a panacea for all the evils of childhood, but that its function was purely curative, and that judges and reformers should therefore look beyond the juvenile court to preventive measures and efforts to alleviate the conditions which led to delinquency. The court could only deal with the child once he

had gone wrong, but efforts should be made to prevent him from going wrong in the first place. For, he noted: "...we are not doing our duty to the children of today, the men and women of tomorrow, when we neglect to destroy the evils that are leading them to careers of delinquency, when we fail not merely to uproot the wrong, but to implant in place of it the positive good."<sup>43</sup>

Judge Mack in his three years as Juvenile Court Judge of Chicago had a profound impact on the institution. He helped to develop many of the procedures of the court, as well as ensuring that its aims were carried out. He worked closely with the Juvenile Court Committee and especially with Julia Lathrop, both as a member of this committee and of the Board of Charities, to make sure that the Juvenile Court and probation system ran smoothly and fulfilled their functions. He absorbed the ideas of the women reformers in their emphasis upon the family as an important bulwark of society, and upon the need to treat children as children and to do all in his power to enable them to grow up to be good citizens. In some respects, however, he went beyond the ideas of those who had first advocated a change in the treatment of child offenders before the law, in looking at means to prevent children from ever becoming offenders. Some of the women of Hull House and the Juvenile Court Committee, and indeed some of the probation officers, had, however, already begun to look at ways of preventing delinquency, but it was not until the formation of the Juvenile Protective Association in 1907 that this was done

on any formal basis.

Judge Mack was succeeded, after a brief period in which Judge Tuthill again acted as Juvenile Court Judge, by Merritt W. Pinckney. Pinckney was less of an innovator or a publicist than either Judge Tuthill or Judge Mack had been. He presided over the Juvenile Court at a time when it was under attack from various quarters, and it is possibly this which caused him to be less vocal in spreading the ideals of the juvenile court than either of his predecessors. Nevertheless he was a supporter of the work of the juvenile court, noting the importance of both the court and probation in which the court acted as a benevolent parent towards the child in trouble. The juvenile court, he observed, "...stands in relation to the children not as a power, demanding vindication or reparation, but as a sorrowing parent anxious to find out and remove all the causes of delinquency and to reform the child."<sup>44</sup> In seeking the causes of delinquency, Judge Pinckney argued that there was a decay in respect felt by children for their parents, and conversely that in seventy per cent of Chicago's delinquent children the direct cause of their delinquency was parental neglect and incompetence. Moreover, he noted, many of these children were also physically unhealthy and mentally weak. He concluded that it was necessary to study and eradicate the influences leading to delinquency and dependency, and that preventive work should go hand in hand with curative work with the stress upon preventive work.<sup>45</sup>

Thus the judges of the Chicago Juvenile Court acted within the spirit of the Juvenile Court Law as advocated by the women reformers during the 1890s. They absorbed and made their own those attitudes towards childhood which had prompted the women of Chicago to advocate a change in the justice system as it affected children. As the juvenile court developed the judges emphasised less the curative aspects of the court and the idea that the juvenile court was a cure-all for childhood evils, and began to stress the need for more preventive work. While they believed that the court itself was a preventive agency in so far as it prevented children from slipping further into a life of crime and pauperism, Judge Mack and later Judge Pinckney, began to realise that the court itself could only act upon a child when he was already in trouble. What was really needed were measures to prevent children from ever getting into trouble. The women of the Juvenile Court Committee had already come to this conclusion and had begun working to improve the environment of the children who were coming before the juvenile court, not just on an individual basis as provided by probation, but on a more general basis. To this end several women, notably those based at Hull House, also began to undertake extensive surveys of the causes of delinquency. While it is significant that it was mainly women who undertook this work in Chicago, it should also be noted that it reflects the growth of the social work profession in Chicago, and was, moreover, clearly a development from the settlement idea.



The body which undertook much of the work which aimed to prevent juvenile delinquency was the Juvenile Protective Association. This was formed in 1907 from the Juvenile Court Committee which had as its main aim the raising of funds for probation officers, and the detention home. This function ceased to be needed in 1907 with the passing of a county merit law and a law providing for the payment by the county of the salaries of probation officers. This had long been a source of concern for women reformers, who believed that until a merit law providing for the civil service examination of all probation officers was secured, the payment of a salary to these court officials would place them in danger of becoming political appointees. With the passing of a merit law this concern was alleviated and with the county's assumption of the salaries of probation officers and the building of a new Juvenile Court building which included in it a detention home and the funds to run it, the Juvenile Court Committee's function as a fund raiser for the Juvenile Court ceased to be necessary. The members of the Committee had agitated for the passing of the merit law and the assumption by the county of the costs of the Juvenile Court, so it was with a sense of achievement that they turned their attention to other matters.<sup>46</sup>

The chairwoman of the Juvenile Court Committee and later of the Juvenile Protective Association was Louise Haddock deKoven Bowen, and it was Mrs. Bowen who played a large part in promoting the aims of the Association to try to protect and

prevent Chicago's youth from becoming delinquent. Mrs. Bowen was born on February 26, 1859 in Chicago, the daughter and only child of Helen and John deKoven. She was thus the daughter of a successful banker, and the granddaughter of Edward Hiram Hadduck who had built a large fortune through investments in land. She grew up conscious of this great wealth and was taught from an early age the responsibilities of wealth. As a girl she enjoyed the privileges of Chicago's elite and attended the prestigious Dearborn Seminary. In June 1886 Louise deKoven married Joseph Bowen, a banker, and between 1887 and 1893 the couple had four children whom Mrs. Bowen spent much of her early married life raising. In 1893 Jane Addams asked Mrs. Bowen to help with the fledgling Hull House Women's Club which Mrs. Bowen agreed to do. From that time onwards her connections with Hull House were intimate, becoming in 1903 a trustee and in 1907 the treasurer. She was also a prominent member of the Chicago Woman's Club, serving for a period as its president, and later as chairman of its committee on probation work in the Juvenile Court, which was later to become the Juvenile Court Committee. She was involved in many reform activities both in Chicago and nationally, very often in close association with members of the Hull House community. It is interesting to note that she does not seem to have been involved in the agitation for the Juvenile Court Law in 1899, bearing in mind her close connections with both Hull House and the Chicago Woman's Club, and her later close association with the Court. This was probably because she was busy with family matters.<sup>47</sup>

On its formation in 1907 the Juvenile Protective Association was not only created from the Juvenile Court Committee, but also absorbed a smaller agency, the Juvenile Protective League which had been in existence since July 1905. The Juvenile Protective League had been started by Judge Mack, Hastings H. Hart and Miss Minnie Low, and its aims (which became essentially those of the Juvenile Protective Association) were largely to protect children and prevent delinquency in the congested areas of the city. They sought to do this by an education campaign to inform parents and other adults of their responsibilities towards children and of the laws regarding minors, and also by investigating and sometimes prosecuting persons who demoralised children and who encouraged or permitted unwholesome conditions to exist.<sup>48</sup> The League was absorbed by the Juvenile Protective Association in 1907 apparently because their aims coincided and because the Association had the necessary additional resources both financial and in terms of volunteers to carry out the work.

While the Juvenile Protective League was formed by officials of the Juvenile Court and included several men, the Juvenile Protective Association, while working in close association with the court, was an independent body and was dominated by women. It also had close connections with Hull House, and the two agencies co-operated with each other on a number of projects. It was composed mainly of volunteers, though it did have several paid staff, and sought to support the work of the Juvenile Court by investigating causes of

delinquency and by various measures to prevent children getting into trouble. In this respect the Juvenile Protective Association was clearly prompted by the belief that the greatest influence upon a child for good or bad was its environment, and it therefore sought to manipulate this environment and therefore prevent delinquency.

Through close observation of the children who came before the Juvenile Court, Mrs. Bowen and her colleagues came to the conclusion that though the court could do much to help the child once he had got into trouble, the more important work for childhood lay in preventing the child from ever getting into trouble, and that for as long as the city offered temptations children would continue to appear before the court. For, while reformers had been busy agitating for and establishing institutions to care for the delinquent child, little attention had been paid to the process by which the delinquents were produced. This was the work the Juvenile Protective Association tried to do. As Mrs. Bowen noted: "It is endeavoring to get at the child before he goes down, to influence his parents, to raise the standards of the home, to do away with demoralizing conditions, and to try and keep the child from committing the crimes and misdemeanors which take him into the courts."<sup>49</sup>

For this purpose, the Juvenile Protective Association divided the city into fourteen districts and in each of these districts there was a paid officer whose duty was to prevent,

among other things, cocaine dealing, and to keep children out of disreputable dance halls and houses, and to try in every way to safeguard and protect children. In each of these districts there was also a local league of concerned citizens whose duty it was to get to know their neighbourhood and know where the problem areas were and discover what constructive work could be done. The Association also sought to persuade dance hall managers not to sell liquor to children and to have chaperones to safeguard the morals of the young people who attended their establishments. As well as this protective work the Association sought to understand the reasons for delinquency. Thus Mrs. Bowen noted that most children go wrong because they are in search of pleasure, as shown by the records of the Juvenile Court. The average boy, she observed, goes on to the street because his home is small and because he wants action. He stands around on the street corner and eventually joins a gang, then, just for fun, he gets into trouble with the police. The average girl, on the other hand, goes out because the home is uncomfortable and she does not want to see her boyfriends in the presence of the family. Business enterprise had taken advantage of this great desire for pleasure on the part of children and commercial undertakings had sprung up everywhere, often endangering the morals of children. The Association therefore advocated that the city should establish a recreation commission to supervise all commercial recreation, since recreation, when properly organised, could act as an antidote to delinquency. Thus the city should provide for more parks, playgrounds, swimming

pools, athletic fields and gymnasias to draw children away from the streets and the temptations they offered. The Juvenile Protective Association sought to prevent juvenile misbehaviour through the provision of sport and other recreational facilities, and like the various boys' clubs, the Boy Scouts and the Young Men's Christian Association, sought to direct children's energies into what were considered to be constructive activities rather than harmful ones.<sup>50</sup> The Juvenile Protective Association therefore spent much of its time lobbying for the provision of recreation facilities, and also in providing the funds for these facilities. It also carried out surveys to test the efficacy of its solutions.<sup>51</sup>

Mrs. Bowen also expressed a concern that such a large number of delinquent children before the Juvenile Court were the children of foreign born parents, many of whose parents did not speak English. The tendency to crime among such children was almost wholly the result of city life, she believed, because immigrants tended to live in the most crowded and insanitary parts of the city, where the conditions taught a disregard for the laws and where the family was under constant pecuniary pressure. Moreover, children felt separated from their parents because the children were more easily able to adapt to American life and learn English. As a result children began to feel superior to their parents and parental discipline broke down. Furthermore, many immigrant parents were ignorant of the law and so flouted such measures as the compulsory education law and child labour laws. The

Association therefore tried to work with immigrant families to prevent this breakdown in family life and make immigrant parents aware of American laws to protect their children.<sup>52</sup>

Clearly Mrs. Bowen was prompted by many of the same considerations as had led the women of the Chicago Woman's Club to advocate a change in the law regarding the treatment of dependent and delinquent children, a belief that family life in the slums of Chicago was in danger of breaking down. Her analysis was somewhat more sophisticated than that of the early reformers, since the work of the Juvenile Protective Association had shown ways in which these families could be helped. There was a certain degree of ambivalence in the motives of those who, like Mrs. Bowen, undertook preventive work for the Juvenile Court, for there was a fear that if nothing was done to improve the conditions of life for children in the poorer sections of the city, society would suffer from an increase in the number of hardened criminals when these juvenile delinquents became adults. On the other hand the work of the Juvenile Protective Association shows a marked degree of understanding of what life was like for children in the slums of Chicago, and a belief that given more chances in life, these children would grow up to be good citizens. In some respects these reformers sought to restrict the freedom of youth by introducing adult supervision in dance halls and places of public recreation, but this should be seen less as an attempt by middle class reformers to impose their class values upon working class and immigrant youth, and more

as the introduction of parental discipline to children who seemed to be lacking it. The work of the Juvenile Protective Association should, therefore, be seen as a continuation of those concerns of the women reformers who had lobbied for the Juvenile Court Law in an attempt to protect family life in the slums and to ensure that children should grow up according to prevailing ideas about childhood. Thus they were motivated by a desire to protect the family and children, and in so doing were acting within accepted ideas of what the role of women should be.

The Juvenile Protective Association worked closely with members of the Hull House community and they often co-operated on projects, but some of the women of Hull House who knew their neighbours in the slums more intimately than could those who did not live there, reveal a greater depth of analysis and sympathy in their writings than that shown by Mrs. Bowen and her colleagues. Thus, Jane Addams' book "The Spirit of Youth and the City Streets" reveals a remarkable sympathy and understanding of young people in the crowded areas of the city, which Mrs. Bowen failed to achieve in her writings. She, like Mrs. Bowen, argued that many of the problems of youth could be traced to the failure by the city to provide any legitimate outlets for their desire for recreation and adventure. Instead many commercial entertainments which attracted city youth were little more than lures into vice and degradation by men and women who had little thought for youth than the money which could be made out of them. Moreover, the



city seemed to be totally blind to the needs of young people and constantly failed in its duty towards them, with the result that sometimes a mere spirit of adventure or a desire to escape the confines of city life, could lead a young person into crime. "The young people are overborne by their own undirected and misguided energies," wrote Jane Addams. "A mere temperamental outbreak in a brief period of obstreperousness exposes a promising boy to arrest and imprisonment, an accidental combination of circumstances too complicated and overwhelming to be coped with by an immature mind, condemns a growing lad to a criminal career."<sup>53</sup> Many of the offences for which children were brought before the Juvenile Court could be attributed to this desire for excitement. Often the railways were the centre of attraction for deeds of daring, but other aspects of the city also inspired a sense of adventure which led a boy into court. Such a need for excitement is natural in youth and the fact that it so often led to arrest showed a clear failure on the part of the city and of adults to understand or recognise the need of young people for excitement and pleasure. "Possibly these fifteen thousand youths were brought to grief because the adult population assumed that the young would be able to grasp only that which is presented in the form of sensation;" wrote Jane Addams,

"as if they believed that youth could thus early become absorbed in a hand to mouth existence, and so entangled in materialism that there would be no reaction against it. It is as though we were deaf to the appeal of these young creatures, claiming their share of the joy of life, flinging out into the dingy city their desires and aspirations after unknown realities, their unutterable longings for

companionship and pleasure. Their very demand for excitement is a protest against the dulness [sic] of life, to which we ourselves instinctively respond."<sup>54</sup>

Jane Addams also noted the difficulty of adjustment of immigrant families to city life and American ways, and the growing generation gap between foreign born parents and their Americanised children. She observed too, the breakdown of traditional family practices under the pressure of city life, such as chaperonage of daughters, which often became merely restrictive in the American city. She recognised, however, that there was much that was worth preserving in immigrant culture and sought to reconcile immigrant children to their parents' old world ideas by such means as the Hull House Labor Museum and by festivals and societies. She realised, however, that in some cases the restrictive codes of behaviour imposed by immigrant parents on their children could lead these children into crime. Moreover, in some cases parents were degenerate. Especially in families where the mother was dissolute, children never had the chance of an innocent childhood. Jane Addams offered few solutions to the problem of youth in the city, but nevertheless her book shows an understanding and sympathy for young people, and a realisation of why so many of them came to grief, which is lacking among many of the other reformers.<sup>55</sup> She concluded that it was the responsibility of the city and of all adults to recognise the special nature of youth and to provide legitimate outlets in the city for its need for excitement and idealism. If this was not done, the misdirected energies of youth would result in crime, as she concluded: "We may either smother the divine

fire of youth or we may feed it. We may either stand stupidly staring as it sinks into a murky fire of crime and flares into the intermittent blaze of folly or we may tend it into a lambent flame with power to make clean and bright our dingy city streets."<sup>56</sup>

Jane Addams' panegyric to the spirit of youth was unusual in being a literary rather than sociological analysis of the causes of delinquency in the city. It, however, reflects many of the concerns of those who sought to prevent juvenile crime and reveals a clear understanding of the problems of city youth. It also marks an attitude towards childhood and youth which went beyond that embodied in the Juvenile Court Law of 1899. It shows an awareness and understanding of the work of the psychologist, G. Stanley Hall. In his major study, Adolescence (1904), Hall argued for the existence of a period of life between childhood and adulthood, which he named adolescence. He regarded this stage of life as a period of storm and stress, during which, if not properly directed, and in the restrictive atmosphere of the slums of a large city, the adolescent's instincts would almost naturally lead him into crime. Hall explained: "As the social demand for a larger mutual helpfulness increases, prohibitions multiply. Hence the increase of juvenile crime, so deplored, is not entirely due to city life or growing youthful depravity, but also to the increasing ethical demands of society."<sup>57</sup> Many reformers came to recognise the period of adolescence as a criminal age, and Jane Addams' recognition of this and the

need to find legitimate outlets for these impulses is the plea of her book.

While Jane Addams explored the causes of juvenile delinquency in the congested areas of the city by means of a literary plea to recognise the spirit of youth, others of her colleagues at Hull House did so in more prosaic terms. Several studies were made by the settlement workers into the reasons for the large number of offences committed by young people, concentrating especially upon family life in the slums. One such study concluded that the delinquent child was the victim of his circumstances, whether these be a poor, degraded, crowded or immigrant home. It was up to the community to lift these children out of the danger which might lead to crime, for the child who came before the Juvenile Court was above all a victim of neglect: "...we believe that the delinquent child appears in this study as likewise a neglected child - neglected by the home, by the school, and by the community."<sup>58</sup> The Juvenile Court was the instrument by which the community attempted to direct and supervise the care of the delinquent child and this largely depended upon the conditions in the child's home and neighbourhood. Thus to the competent parent all aid should be given to help in the efficient performance of his parental duties. The inefficient parent should be supervised, whereas in the case of degraded parents no concessions should be made. The study finally concluded that the only way of curing delinquency was to prevent it, and the only way to do this was to remove the

conditions in which delinquency arose.

These studies and the work of the Juvenile Court clearly mark the belief by those concerned with the problem of child life in Chicago, that the child could not be held responsible for his actions, but that rather he was the victim of his environment and circumstances. In this respect it reflected the prevailing ideas about childhood which had prompted the agitation for the Juvenile Court Law, but went beyond these earlier ideas to the belief that not only should the child not be punished for offences which in an adult would be crimes, but that it was the positive duty of the state to prevent the circumstances which led a child to commit these offences.

By 1911, when an exhibition was held in Chicago to show what had been accomplished for children in that city and what still needed to be done, the Juvenile Court of Chicago had been in operation for twelve years. It had succeeded in achieving much more than its creators had hoped for when it first opened, and had become, by 1911, one of several institutions to help with the problems of childhood. There was, therefore, a municipal court which dealt with matters concerning domestic relations, a well-developed probation system with paid probation officers, and a purpose-built Juvenile Court building which included a detention home and a clinic where children could be examined for any physical defects which might have caused their delinquency. In 1909 the Juvenile Psychopathic Institute was established with Julia

Lathrop as its president and William A. Healy, a psychologist, as its director. The institute aimed to look at the whole child, the influences on the formation of his character and conduct, and to establish what treatment was required. Thus it marked a move away from the belief that environment alone was responsible for a child's behaviour, and undertook a more scientific study of the physical and mental make up of the child. 1911 marked somewhat of a watershed in the history of the Juvenile Court in Chicago, as a new generation of more professionally trained workers began to take over the work of the Juvenile Court. It was also a year in which the court came under severe attack from its critics and had to fight for its survival. Its critics charged that children were taken from their parents without regard to the due processes of the law and that moreover, probation officers snoop around families and waited for mothers to neglect their children so that they could then have the children removed from their homes.<sup>59</sup> These were criticisms which were constantly to recur, but it was not until 1967 that the Juvenile Court's critics achieved any notable success. By 1911, however, while the ideals of the women reformers who had first agitated for the Juvenile Court continued to motivate those who dealt with the problems of children in Chicago, considerations other than theirs began gradually to dominate juvenile court policy. Most notable among these considerations was the growing insistence that probation officers should no longer be volunteers but should be college-trained professionals, with the result that new aims and methods began to predominate in

the juvenile courts.

The Chicago Juvenile Court had resulted largely from the agitation by women reformers for a change in the treatment of children by the judicial system in Illinois. They were motivated by considerations which were regarded by society as predominantly female and accepted as such by these mainly conservative women reformers. Their concerns were, therefore, with the family and childhood and they sought to embody these values in the Juvenile Court Law. As a result the law of 1899 reflected the idea that the state had a responsibility for the welfare of all the children of the state in its capacity as parens patriae. This meant that children should be kept separate from adult offenders at all stages of the judicial process in order to guard against corruption by hardened criminals and, moreover, that the child should not be regarded as a criminal to be punished but as an erring child in need of guidance. Of probably more significance to many of the women reformers was the introduction of probation into the juvenile justice system. This was seen as the means by which the families in the slums of Chicago could be helped and prevented from breaking down under the pressure of city life.

The development of the Chicago Juvenile Court during the first decade of the twentieth century owed as much to women reformers and female values as had the agitation for such a court in the last decade of the nineteenth century. It was the fund-raising efforts of the Juvenile Court Committee, an

outgrowth of the Chicago Woman's Club, which kept the court going in its earliest years. It was, too, the work of predominantly female probation officers, first as paid volunteers and later as employees of the Juvenile Court, which ensured the success of probation in Chicago as a preventive force in order to stop children slipping further into lives of criminality. It was also women reformers who played a prominent role in promoting the idea that the juvenile court was not a panacea for all childhood evils but that the most important work with children should be centred upon the curative functions of the Juvenile Court, placing emphasis on preventing children from becoming delinquent before they ever got into trouble. By the end of the first decade of the Chicago Juvenile Court, surveys were being undertaken, again often by women, to ascertain the causes of juvenile delinquency and find the means to prevent it. In this they were aided by the judges of the Juvenile Court who had adopted many of the same values as the women reformers and developed them further. Thus, although by the end of the first decade of the Chicago Juvenile Court, it was beginning to move away from the considerations which had motivated its initiators, it remained, nevertheless, an embodiment of the belief that the family was the bulwark of society and therefore should be protected and aided in its functions - an idea which though accepted by the male Juvenile Court judges, was essentially a female consideration.



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## Chapter Eight: The Working of the Denver Juvenile Court

The development of the Denver Juvenile Court was dominated by the personality of its judge, Ben B. Lindsey. His unorthodox methods of dealing with juvenile offenders and his "personal touch" captured the public imagination both in Denver and in the rest of the United States. This tended to obscure the more formal aspects of the Denver Juvenile Court, such as the probation system and the work of the Juvenile Improvement Association, which underpinned the juvenile court.

As one commentator noted:

"The reform of gangs, the honor system, 'snitching bees,' and recreation features, though not the real heart and secret of the success of the Denver court, were made prominent in the public eye because of their possibilities of picturesqueness; and such things, rather than sober considerations of social economy influenced the early ideals of some courts. Thinking people have grown somewhat tired of this sort of explanation. All credit is due to Judge Lindsey, however, for really valuable service in spreading ideas of the court faster than any one else did, and for his real accomplishments in Colorado."<sup>1</sup>

Although Lindsey was not generally as concerned with developing institutions and ideas about the causation of juvenile delinquency as, for instance, the women and judges of the Chicago Juvenile Court, nevertheless he and his supporters did establish various institutions and support agencies around the juvenile court which sought both to deal with juvenile offenders and to prevent juvenile delinquency. Lindsey's concern remained with the individual child, however, and how best to overcome the weaknesses within the child which had led him to commit an offence. Unlike the women of Chicago who

focused upon the role of the probation officer in propping up the child's home and saw in this the best way to prevent juvenile delinquency, Lindsey believed that the home was often most at fault in causing a child to commit an offence and through the use of the Adult Contributory Delinquency Law sought to make parents face up to their responsibilities for child-rearing.

In examining the development of the Denver Juvenile Court, this chapter will concentrate upon the initiatives and concerns of Judge Lindsey, his ideas about juvenile delinquency and his fight to preserve his position as Juvenile Court Judge as he became increasingly involved in the fight against the political interests in Denver. It was, however, Lindsey's "personal touch" which remained the motivating force in the working of the Denver Juvenile Court, as it had been in its establishment, and the fact that Lindsey's ideas about how to deal with wayward children remained little altered in the first decade of his work with children in Denver, had a considerable impact upon the development of his juvenile court.

In many respects the five bills which passed the Colorado Legislature in March 1903 and which constituted the Colorado Juvenile Court Laws did little other than acknowledge and give full legal sanction to the Juvenile Court as it had existed in Denver since early 1901. For, unlike the Chicago Juvenile Court, the Denver Juvenile Court already had the machinery and

personnel necessary to enforce the laws and the laws sought only to make the existing system more workable and less open to attack.

The first bill - the Juvenile Delinquent Law - defined in considerable detail those children who came under the jurisdiction of the juvenile courts. It provided that:

"...every child under the age of sixteen who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is, or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time; or who uses vile, obscene, vulgar or indecent language, or is guilty of immoral conduct in any public place or about any schoolhouse, shall be deemed a juvenile delinquent."<sup>2</sup>

By giving such a comprehensive description of what was meant by juvenile delinquency the law sought to extend the jurisdiction of the juvenile court beyond truancy cases and thus sanction the work it was already doing. The Colorado law encompassed many of the actions included in the earlier Illinois Juvenile Court Law but added several more, though it was not the case that the law actually created any new categories of delinquency as Anthony Platt has suggested.<sup>3</sup>

The other bills emphasised that the child was not to be treated as a criminal, that no fees were to be collected for prosecuting a child under sixteen years of age and that the



county court was to have exclusive jurisdiction over children's cases. Another clause of the laws attempted to avoid the incarceration of children in jails or lock-ups, except as specifically ordered by the judge or where such incarceration was needed to secure the presence of the child in court - in most cases parents or relatives of the child were to stand surety for the appearance of the child in court.<sup>4</sup> Moreover, in the larger counties all cases arising under the Juvenile Court Laws were to be recorded on a separate court roll called the "Juvenile Record," with a separate calendar called the "Juvenile Docket." As well as this, the statistics of the juvenile court were to be kept separate from those of the county court and these statistics of the "juvenile division" were to be submitted to the State Board of Charities and Correction, although it was forbidden to disclose the names of any of the children or their parents who had appeared before the court.<sup>5</sup> Thus the bills did not actually create separate juvenile courts in Colorado, but by making their records separate and by holding the hearings of the court at a different time from adult cases, the juvenile court was, for practical purposes, a separate court. In this respect the Colorado Juvenile Court Law reflected that of Illinois in not creating an entirely separate juvenile court system.

The Colorado Juvenile Court Laws also adopted many of the other features of the Illinois Juvenile Court Laws. Indeed, Lindsey sought the advice of Timothy Hurley of the Chicago

Juvenile Court in drawing up the Colorado legislation.<sup>6</sup> Lindsey's experience of having run an informal juvenile court, based on the School Law of 1899, for two years also clearly had an influence upon the legislation he sought in 1903. His reliance upon the co-operation of School and County officials had shown him the need for a more formal probation department attached to the court. While the Illinois Juvenile Court Law had made provisions for probation officers,<sup>7</sup> and outlined their duties, the Colorado laws went a stage further and provided for the payment of a limited number of probation officers. The Colorado Law provided for three paid probation officers in counties with a population of over one hundred thousand, and one paid probation officer in counties with a population exceeding ten thousand. The appointment of such officers was to be in the gift of the county court judge and the board of county commissioners.<sup>8</sup> In some respects it seems odd that Lindsey was able to secure payment for probation officers where the women of the Chicago Court were unable to do so, but what seems stranger still was that Lindsey should have wished for salaried probation officers whose posts might become political spoils. Certainly this was a consideration for the Chicago women and other juvenile court campaigners, but it does not appear to have been of particular concern to Lindsey, despite his constant fights with the political machine in Denver.<sup>9</sup>

The Colorado Juvenile Court Laws of 1903 departed most markedly from those of Illinois and other states in their

inclusion of an Adult Contributory Delinquency Law. This was, to Lindsey, the most important feature of the series of laws making up the Juvenile Court Law, for it placed the responsibility for the delinquency of children firmly upon the parents. It also allowed the Juvenile Courts to prosecute those such as wine-room keepers and saloon keepers, as well as employers, who contributed to the delinquency of children. Its penalties included a one thousand dollar fine and a jail sentence of up to one year.

Thus, like the Illinois Juvenile Court Law of 1899, the Colorado Juvenile Court Laws of 1903 recognised in statute form, as indeed had the School Law of 1899, the state's responsibility towards the child in trouble with the law. It also accepted the principle that the child was not responsible for his actions and therefore should not be treated as a criminal to be punished but as a child to be formed and educated. Instead, the state should treat the child with love and understanding. Lindsey defined the object as being: "That the responsibility of the child to the state for its behavior and conduct, of the parent or other person to the child for its part in the child's behavior and conduct, and finally of the state, both to the child and the parent, should be expressed through other forces than those of violence and vengeance: namely, the higher and finer forces of understanding, patience, kindness, firmness, charity, and education."<sup>10</sup>

Since Lindsey had already effectively been running a juvenile court in Denver for almost two years when he secured the passage of the Colorado Juvenile Court Laws, he was able to avoid many of the inadequacies which had confronted the reformers in Chicago after they had secured their Juvenile Court Law. The passing of the 1903 laws did seem, however, to herald some changes in the juvenile court in Denver.

Lindsey noted in September 1903, six months after the passage of the Juvenile Court Laws, that there had been a large reduction in the number of children who were incarcerated in jail. He observed, however, that this was made difficult because of the lack of any alternative to the jail.<sup>11</sup> This problem was solved in part by sending boys alone to the Industrial School at Golden, thus getting around the problem of where to put children sentenced to the Industrial School while they awaited an officer to take them to Golden.<sup>12</sup> In fact, by 1903, the number of children who needed to be incarcerated must have been very few, since most children awaiting an appearance before the court were placed in the custody of their parents or relatives who were to stand surety for the child's appearance in court. There were, however, some children who still required to be placed in jail and, even before the passing of the laws of 1903, Lindsey had begun agitation for a detention home in Denver.

Lindsey's main concern in seeking a detention home was that children should not be held in jail, since in jail they

were subject to contaminating influences from the older, hardened criminals held there. He was supported in his campaign for a detention home by the club women of Denver, themselves concerned about the deleterious effects of jail upon children. He was able to raise public support for a detention home by such methods as he had previously used to secure the juvenile court legislation. By publicity stunts such as inviting clergymen and politicians to a special session of the juvenile court during which a number of boys who had been in jail related their experiences there - much to the horror of the invited audience.<sup>13</sup> As a result of the public indignation aroused from the reporting of this session in the newspapers and from the pulpits of Denver, Lindsey was able to secure a grant for a detention home to replace the jail for children under sixteen in Colorado cities of the first class - that is Denver. Despite having secured these measures it seems to have taken some time before a detention home became part of the juvenile court machinery in Denver, and it would appear that some boys were being held in jail even after the detention home was firmly established.<sup>14</sup> Nevertheless by December 1903 a detention home had been established in Denver and a superintendent appointed.<sup>15</sup>

The detention home was not only a place to keep children awaiting a hearing before the juvenile court, but sought to have a positive effect upon those detained there. For as Lindsey observed: "Detained there, the young offender came immediately under the influence of a first-class teacher

assigned to the work by the school board instead of the old-time guard... They had wholesome play. They had special tutoring in their studies..."<sup>16</sup> The detention home also seems to have been used as an alternative to the Industrial School where short periods of incarceration were required. Such institutional aspects of the juvenile court system in Denver were not of the greatest importance to Lindsey, however. He preferred to place much greater emphasis upon the role of the judge in the juvenile court and on the strengths within the boys to effect their own reformation.

While Lindsey emphasised his own role as the judge of the Denver Juvenile Court, glorying in his ability to set even the most hardened boy criminals on the road to reformation, he did acknowledge that in some cases he was not the best person to deal with a particular case.<sup>17</sup> This was so in the case of girl offenders. While Lindsey clearly did deal with some of the girl offenders who came before his court, he decided in 1903 to appoint a female assistant judge to act in girls' cases. It is unclear why Lindsey decided on the necessity of appointing a woman assistant judge, but it seems likely that it was considered expedient to do so in view of the fact that Lindsey saw many of the children alone in his chambers or with only a probation officer present, and clearly having a woman to deal with girls' cases protected him from charges of immorality. It was also felt that since many girls were brought before the juvenile court for what was euphemistically called "immorality", a woman judge could deal more delicately

with these matters.<sup>18</sup> In 1903 the woman assistant judge was appointed informally, but this arrangement was placed on a more formal basis in 1909, by an act of that year which enabled the court to appoint a woman clerk of the court as referee or "assistant judge."<sup>19</sup>

Lindsey's attitude towards the involvement of women in the work of the juvenile court was somewhat ambivalent, for while he was prepared to accept a woman to deal with some of the cases in his court, he was not prepared, at least in the early days, to appoint a woman as probation officer.<sup>20</sup> His appointment of a woman as assistant judge to deal with girls' cases was probably motivated by expediency, for his resistance to appointing a woman as probation officer to deal with boys' cases was marked. In April 1902, for instance, he wrote to Mrs. Izetta George of the Charity Organization Society:

"I want to say that I carefully considered this question, and I became actually satisfied of two things; first, the character of boys and work here at the present time make it absolutely impracticable for a woman to successfully do the work in hand. There are no doubt certain parts which she might do if we had any chance of getting more help than we can hope for, ...Second; From my talk with the present truancy officer and members of the board of education I am absolutely certain that there is not the slightest possibility of getting a lady appointed to the place."<sup>21</sup>

Thus while Lindsey was prepared to accept a woman to work in a position in which she dealt with obviously female concerns, he did not consider a woman capable of dealing with problem boys, nor did he consider this to be a suitable occupation for women. As the Denver Juvenile Court became more established women did become probation officers, but certainly in the

early years Lindsey reflected prevailing social attitudes towards the idea of women working outside the home, except in their capacity as a moral influence in girls' cases. He was, therefore, essentially conservative in his views about the involvement of women in work outside the home. Nevertheless, Lindsey was always grateful for the support he received from women's clubs and accepted this support as part of women's role as mother. Clearly he did not see probation in the same light as did the women reformers of Chicago, for at least in the early years, he did not consider probation officers to be in need of the delicacy and nurturing qualities which were considered to be essentially female qualities. Lindsey's early ideas of the nature of probation seem to have been more as a means of policing boys' activities than of introducing a benevolent influence into the boys' home.

Lindsey's appointment of a female assistant judge to deal with the girls' cases had little effect upon his position at the centre of the working of the Denver Juvenile Court, and the legislation of 1903 served only to enhance Lindsey's position further. He developed new methods of dealing with the children who came before his court, but these were of a gradual evolution and came about mainly through experimentation. It is also possible that he was influenced by his visits to the juvenile courts of other cities.

One such change was that Lindsey's court became less and less formal, although it is difficult to date when exactly



this change came about. The most public feature of Lindsey's court was his fortnightly session on Saturday mornings with those boys he had placed on probation.<sup>22</sup> Much of his work was, however, on a more personal basis, for he held his new cases not in open court, but on what he called the "five o'clock docket" in his private chambers. By so doing he avoided the necessity of having lawyers or a jury - although these were available should a child and his parents insist on them - and discussed the child's case with only the child's parents and probation officer. As Lindsey noted: "There was no judge sitting high and mighty on a throne handing down formidable decrees and sentences. The boys and girls and other interested parties sat around a table in my chambers and I there gained their confidence."<sup>23</sup> Lindsey's court seems, thus, to have been much less formal than the Chicago court and by emphasising his own central role in the treatment of juvenile offenders, Lindsey made the Denver court increasingly dependent upon his own "personal touch" - something which could not be institutionalised. This, at least, was the impression Lindsey wished to create in the various articles he wrote about his work. In reality, the Denver Juvenile Court was able to function well enough without Lindsey's presence, judging by the large number of absences he took from Denver to promote the juvenile courts on lecture tours. It seems likely, in fact, that probation officers played a much more important role in the day to day functioning of the Denver court than Lindsey's flamboyant promotion of his own part in the juvenile court would suggest. Indeed, other judges were

able to step in for Lindsey when he was away from Denver on one of his fairly frequent lecture trips, suggesting that Lindsey was not so all-important as he would have his contemporaries believe.<sup>24</sup>

Nevertheless, this is not to belittle Lindsey's very real influence upon the children who came before his court. It is clear from the many letters he received from admirers, and from boys he had helped in the past, that it was Lindsey himself who contributed most to the uniqueness of the Denver Juvenile Court.

Lindsey's insistence upon the informality of his court and his own approachability won him the confidence of many children who came to the Denver Juvenile Court where they would not have come to a more formal court. As Lindsey explained, some of the boys and girls came alone to his court: "They did not wait for the law to bring them. When boys and girls were in trouble they sought the court as a place of refuge, driven by the necessity for human understanding and the knowledge that they would be helped."<sup>25</sup> Thus children who had got into trouble of some form would come to see Lindsey in his chambers secure in the knowledge that they would receive a sympathetic hearing. These included among them not just burglars and children involved in neighbourhood feuds, but others with troubles at home. Lindsey would accept the child's confidence and try to sort out the problem in many cases adding the child who "came alone" to the number of his

Saturday morning probationers.

Lindsey was particularly proud of the fact that he was able to help out in the so-called "sex cases," where young people who had been involved in what was considered to be illicit sexual activity, would come to Lindsey's court for advice, and sometimes help. Most of the girls who came to Lindsey's court because of this kind of trouble would "come alone" and because they were helped, encouraged others to go to Lindsey with similar troubles. As Lindsey observed in his autobiography: "We estimated at one time that as the result of assistance given to one girl "gone wrong" 300 others came to us in the space of less than a year. Of course no official records or conventional case sheets were made of these cases, or they would never 'come alone.'"<sup>26</sup> Such cases seem to have become more frequent after the formation of the Denver Juvenile and Family Relations Court in 1907, but it seems likely that they were especially frequent in the 1920s, as Lindsey himself noted in his book on the changing morals of young people, published in 1928 - The Revolt of Modern Youth.<sup>27</sup> Clearly, Lindsey, his wife, and the various women who were, by this time, probation officers of his court, provided a much needed service for the young people of Denver as attitudes towards sexual morality changed in the early years of the twentieth century. "Because they came alone and of their own volition to us, because they knew our purpose was to help them through affirmative methods not to judge and punish them, they told us the truth and a picture of the

erotic life of the young in Denver unrolled before us that should certainly have convinced even the most obdurate and thick-headed defender of the status quo that something new and strange - whether good or bad - was happening in the world."<sup>28</sup> Such work inevitably got Lindsey and his court into trouble with the more conservative elements in Denver on the grounds that he was encouraging immorality, but by the late 1920s, Lindsey was no stranger to opposition.

While in the 1920s Lindsey's work in the Juvenile and Family Relations Court seems to have shifted emphasis from dealing with juvenile delinquency to helping to deal with the consequences of the "sexual revolution" of the 1920s, it was upon his earlier work with juvenile offenders that this later work was built. In the early days of Lindsey's court those who "came alone" were children who wished to confess misdemeanours to Lindsey of a more conventional "criminal" kind. By being prepared to listen to a child's confession without condemning him, Lindsey was able to help the child out. In many articles Lindsey explained this method: "He had been 'swipin' things,' he said, and wanted to 'cut it out.' And would I give him a chance - as I had another boy he knew? We gave him a chance. He reported regularly, for more than a year, and proved to be an honest, sturdy boy."<sup>29</sup> Lindsey's simple explanation of the reformation of a boy thief illustrates how he was able to win the confidence and loyalty of the children who came to him for help. He used the boys' language and appealed to their gang instincts and loyalties to

help themselves. At times he exploited the hatred young offenders felt for policemen to encourage their loyalty to the court, so that they would do right. As one journalist described it: "Another impression among the boys which Judge Lindsey does nothing to correct is that the police of Denver are against the court and in favour of putting all the boys in jail. Therefore, it is believed that every time a boy on probation is caught in a new offense the 'cops' have a joke on the judge. The result is a universal pride in 'fooling the cops' and 'staying with' the court."<sup>30</sup> Lindsey, largely through the force of his own personality, was able to inspire the loyalty of the boys and to get them working for the court instead of against it. By so doing the boys were prepared to do for the judge what they would probably do for no other adult. This great loyalty to the judge was shown by the same journalist in an incident involving crap-shooting, an activity which many policemen had tried in vain to wipe out in Denver: "'Now, Judge,' said the boy, 'dere ain't no use tryin' to get de cops to stop de kids shootin' craps and swipin' t'ings. De 'cops' can't do it. De kids is too sharp for 'em. De way to git it stopped is to git de gang up here an' tell 'em you want it done. Dere ain't a kid, in my opinion, dat won't go down de line wid you."<sup>31</sup>

By gaining the loyalty of the boys and by turning the gang spirit towards good purposes rather than bad ones, Lindsey was able to have a very remarkable effect upon the boys who came before his court. He also continued to exploit

the loyalty of those boys he felt required the educational influences of the Industrial School and the Reformatory by sending them alone to these institutions. Lindsey believed the "chains unseen" would enable a boy to take himself to the industrial school without an escort and without attempting to escape. This method apparently met with great success for it used the boys' loyalty to the judge, and also Lindsey encouraged the boys to believe that only their own weakness would stop them from fulfilling their duty and delivering themselves to the guard at the industrial school. The success of this method was, however, largely due to Lindsey's "personal touch", his ability to influence the boys so that they considered it a matter of honour to take themselves alone to the industrial school. It was met with a certain degree of hostility and disbelief by many of Lindsey's critics.<sup>32</sup>

Stories of how Lindsey turned a previously uncontrollable boy from his criminal ways to lead the life of a good citizen were frequent in the literature promoting the Denver Juvenile Court. In part these were, no doubt, an exercise in self-promotion by Lindsey and their aim was to show both the people of Denver and of the United States how inextricably linked were the Denver Juvenile Court and Judge Ben Lindsey. This should not, however, obscure the fact that Lindsey's "personal touch" was central to his success with many of the boys who came before his court, but other factors were also of importance. The juvenile court needed the support of its various officers to function smoothly. Also because Lindsey

soon became involved in a fight against the political machine in Denver, it needed the support of the public if Lindsey were to be re-elected as Judge.

As with the Chicago Juvenile Court, the Denver Juvenile Court did not rely simply upon its judge to carry out the work of the court. Other agencies were also involved which sought to improve the conditions which bred juvenile delinquency. While Lindsey concentrated most upon his dealings with individual delinquents and the child-centred nature of his work, he was not unaware of the wider implications of juvenile delinquency.

From the earliest days of his work with children Lindsey seems to have been aware that a child's environment played a large part in causing juvenile crime. Thus, in 1903, he noted: "We could see no difference between the boy of twelve who was abandoned in the streets through no fault of his own, and the boy of the same age who because of environment, lack of care, or the fault of others, thoughtlessness, misdirected energy, or even meanness, had technically become a thief."<sup>33</sup> In this respect Lindsey was in the mainstream of ideas about the causation of crime. This idea had prompted the women of Chicago to agitate for the Illinois Juvenile Court and also to continue their work to improve conditions in the slums of Chicago. In Chicago they had done this, first through the Juvenile Court Committee and the Juvenile Protective League, and then through the Juvenile Protective Association, and it

seems likely that Lindsey was influenced by these organisations in setting up the Juvenile Improvement Association in Denver.

Lindsey's biographer claims that it was Lindsey himself who was the instigator of the Juvenile Improvement Association. While Lindsey was, no doubt, the prime mover in establishing this association in Denver, he was clearly influenced by the work of the Juvenile Court Committee in Chicago and was supported in this work by the women's clubs of Denver. Miss Gregory, the assistant judge of the Denver Juvenile Court, was also involved in the formation of the Association.<sup>34</sup> The Juvenile Improvement Association received its Certificate of Association in March 1905, but it seems to have operated even before this date. Its purpose, as outlined in the Certificate of Association was: "...to present and consider practical means and methods for securing to the children of Denver higher physical, social, intellectual and moral conditions with a view to the improvement of such children, their environment, opportunities for good and conditions under which they live, and generally to encourage all enterprises for the aid, comfort, pleasure and education of the children of Denver, and to carry out or assist others to carry out such plans and use such means as may tend to the physical and moral improvement and welfare of such children ..."<sup>35</sup>

What this meant in practical terms was that the Juvenile



Improvement Association sought to raise funds to help needy children in their homes where the delinquency which brought them into the juvenile court seemed to be the result of poverty. It is unclear what such aid actually entailed. It seems most likely that it was simply a charitable fund to help with providing basic necessities such as coal, clothing and food, where poverty had caused children to steal these things. The Association also operated a Fresh Air Fund which enabled orphans and children from the slums of Denver, to spend the summer in camps in the mountains. Neither of these enterprises was a new idea having been in operation for several years in cities such as New York and Chicago, and they had their precursors in the Charity Organization Society of Denver. What the Juvenile Improvement Association did was to focus these funds on the families of those children whose poverty had caused them to commit an offence.

While the Fresh Air Fund was meant largely for the younger children, the Juvenile Improvement Association also had a scheme for keeping older boys, and especially those already on probation, off the streets during the long summer vacations. Lindsey arranged with farmers in the northern parts of Colorado to employ some of his probationers in their beet fields. As Lindsey explained: "...we want to keep idle boys off the streets, during school vacation especially, and we are arranging now to employ five to ten young men who will act as probation officers during the three summer months and chaperone and direct as many as thirty boys each to the

northern beat fields this summer. We want to provide tents and make it a joint camping expedition as well as working expedition."<sup>36</sup> The main purpose of this enterprise seems to have been to keep these boys out of trouble during the long summer vacation, but clearly by having the boys supervised by probation officers Lindsey hoped to introduce beneficial influences into the lives of these boys and do more than simply remove them from what he saw as the temptations of city life. Lindsey was more concerned to strengthen the individual boy and place him on the path to good citizenship than he was to have the probation officer work with the boy's family. In this he was reflecting his more child-centred approach, compared to the more family-centred approach of the Chicago court.

The Juvenile Improvement Association did not only seek to prevent juvenile delinquency by removing children from the environment which caused such behaviour, it also sought to improve the conditions in which these children lived. Working on this premise the Juvenile Improvement Association agitated for legislation to perfect the juvenile court and to provide a detention home and children's building to include the detention home, the juvenile court and its officers, and a parental school - a kind of boarding school for persistent truants to ensure that they attended school. It also pushed for improvements in the industrial school and for the provision of a farm school. The Association campaigned for public playgrounds, a public swimming bath, and bathing

facilities in some of the boys' clubs. The Association seems to have met with more success than other organisations in its agitation for public playgrounds, as one of its reports noted: "Members of the Association succeeded in interesting the Park Board in the necessity of public playgrounds, after the efforts of other organizations seemed to have produced little effect. Members of the Board were taken to different sites, urged as proper places for playgrounds in the city, with the result that we now have one well equipped play ground in Denver, and the prospect of two or three more in the near future."<sup>37</sup> That the Juvenile Improvement Association was able to gain such facilities where other organisations had failed was probably because the Association numbered among its members many of the women of the Woman's Club of Denver, who wielded considerable influence, and several of the city's most prominent businessmen. Lindsey also had considerable influence with the press in Denver, until his persistent attacks upon the political machine alienated the party newspapers in the city and also some of the business interests, particularly after his attempt to run for Governor in 1906.<sup>38</sup>

Besides agitating for public playgrounds the Juvenile Improvement Association also helped to run clubs for boys and girls. It ran a baseball league and organised a boys' band. Some of the boys aided by the Juvenile Improvement Association also helped to improve their surroundings, as one journalist explained: "[The boys]...were intensely interested as the

judge showed them pictures of backyards dilapidated and dirty before the boys took hold, and the same yards neat and orderly, adorned by flowers and vines. It is such work that the Juvenile Improvement Association expects to undertake, and the boys are counted upon to become interested."<sup>39</sup>

Thus the Denver Juvenile Improvement Association like its counterpart, the Juvenile Protective Association in Chicago, acted as a support agency to the juvenile court. Like the Juvenile Protective Association, it sought to prevent juvenile delinquency by improving conditions in the slums. By establishing boys' and girls' clubs and supervised entertainment, it also sought to provide alternatives to the kinds of commercialised vice that already existed in Denver, such as the saloons and gambling dens. It was not as far-reaching as the Chicago Juvenile Protective Association, however, for it did not carry out investigations as to the causes of juvenile delinquency, nor does it seem to have attempted to provide the protection for young people in the city that the Chicago organisation sought to do. This was probably because the problems in Chicago were on a much larger scale than those in Denver, but it also suggests that the Chicago organisation was much more sophisticated and took a much more "scientific" attitude towards juvenile delinquency. The Denver Association was, perhaps, too dominated by Lindsey's own personality to carry out the systematic investigations of the causes of juvenile delinquency which were carried out in Chicago. Lindsey was much more interested

in a case by case approach than with investigating the wider causes of delinquency.

Lindsey's work with the juvenile court in Denver and with the Juvenile Improvement Association received a great local deal of support. This came especially from women's organisations, such as the Denver Woman's Club and the Denver branch of the Women's Christian Temperance Union. These were largely middle-class agencies of women with considerable financial and political influence, not only because they were married to or were the daughters of influential Denver businessmen, but because women in Colorado received the vote in 1893. Thus since Lindsey's position as an elected court judge was always in the political firing-line, it was important that he maintain the support of these women.<sup>40</sup> This became particularly essential as Lindsey gradually alienated many of the other influential elements in Denver.

Lindsey had, himself, received his post as County Court Judge through political influence, but it was through his work in this same post that he gradually alienated many of the political supporters who had originally given him the judgeship. Lindsey first encountered what he called "The Beast" - the network of business and political interests which controlled the political machine in Denver - even before he became County Court Judge. He crossed swords with the "interests" over a court case involving an attempt to secure compensation from an employer in an industrial accident. The

inability of Lindsey and his partner to win this case because the jury was always hung, led the two of them to enter politics in order to secure legislation which would allow for a three-fourth jury decision.<sup>41</sup> It was not until Lindsey became County Court Judge, however, that he really came up against "The Beast."

Despite the fact that in the early days Lindsey's work with the children received almost universal support in Denver, it was this same work which gradually alienated the political interests. Lindsey refused to appoint purely political appointees as court officers, and he discovered corruption in the printing contracts of the County Court which he sought to expose. Both actions caused him to lose the support of the Democratic Party leadership in Denver. His reform of the fee system by which policemen received payment for every arrest made, further alienated the machine politicians and the spoilsmen who benefitted from the fee system. But it was his fight against the wine rooms and saloons of Denver, and his introduction of the Adult Contributory Delinquency Law in 1903, which completed his estrangement from the political machine. As Lincoln Steffens observed in his autobiography, Lindsey: "...started to clean up, and at first there was no opposition. Who would not help save the kids? A politician then, Lindsey went to other politicians, and they did some of the things he wanted done - quietly but well... He had not gone very far when he encountered opposition from bad men... Gamblers, the keepers and owners of brothels, brewery and

liquor interests, rose and united to stop him."<sup>42</sup>

Lindsey's exposure of graft in the County Court and his alienation of the political machine through his attacks upon organised vice in Denver meant that his nomination on the Democratic ticket in the elections in the spring of 1904 was by no means certain. Moreover, Lindsey was concerned that the leaders of the Democratic machine, even if they did nominate him on their ticket in order to exploit the popularity of the juvenile court to their own advantage, would then defeat him by some kind of election fraud.<sup>43</sup> In order to avoid this, Lindsey decided to run as a non-partisan candidate and declared his intention to do so in the Denver newspapers. Although he was warned repeatedly against such a move by various machine politicians, Lindsey continued the fight. He soon received the support of many of the prominent women of Denver, most notably the leaders of the Denver Woman's Club who had supported his work with the children throughout - Mrs. J. B. Belford, Mrs. Sarah Platt Decker and Mrs. M.A.B. Conine. These women organised meetings in support of Lindsey, protested against the opposition of the Democratic political machine, and led the campaign for Lindsey's election. Newspaper reports in Denver noted this campaign and some also supported Lindsey's candidacy. The churches then took the cause up, and the newsboys, many of whom had been helped by Lindsey's court, also joined the campaign for Lindsey.<sup>44</sup> As a result of the support Lindsey was receiving from the women of Denver, the Democratic leaders became concerned that if

they did not nominate Lindsey on their ticket, the Republicans would nominate him and the women would vote a straight Republican ticket. Equally the Republican leaders were concerned that if Lindsey received the Democratic nomination they would be defeated. Consequently both parties nominated Lindsey for the post of County Court Judge on their tickets.

Not surprisingly, Lindsey was re-elected as County Court Judge with a vast majority of over 53,000 votes out of a total of 54,000 votes cast - the only opposition to Lindsey having been a Socialist candidate. Lindsey's victory was acclaimed in both the Denver and the national reform press, as a triumph of the high ideals for which men and women were working in the cause of the uplift of humanity.<sup>45</sup> The victory also showed the determination of the people of Denver to keep the juvenile court out of politics, though Lindsey, by his own actions, had been largely responsible for politicising it. By his stand against political corruption, however, Lindsey had won the support of the reform community in Denver, who were not so much concerned with the welfare of child offenders as with the fight against political corruption. Lindsey thus became involved in the wider efforts of Progressive reformers in Denver to clean up city government and wrest political control from the party stalwarts. As Lindsey's fight against the political machine in Denver became ever more personal, he - like other reformers in both Denver and the United States - came to believe that the vice, corruption and election frauds of the politicians in Colorado, were part of a conscious,



corporation-centred conspiracy. His book, The Beast, published in 1910, should therefore be seen in the muckraking tradition of Lincoln Steffens's The Shame of the Cities - it was a reflection not just of what was happening in Denver in the early years of the twentieth century, but all over the United States.<sup>46</sup>

Lindsey's triumph in the Spring 1904 elections was shortlived. In Autumn 1904 the Spring elections were declared invalid due to an irregularity in the charter which had called the elections in May. As a result Lindsey had to run again for the post of judge of the County Court. This time Lindsey had to fight hard to secure the Republican Party nomination since the machine politicians were determined not to support his candidacy this time. With the support of the reform elements within the Republican Party and of the women, however, Lindsey was able to sway the Republican Party convention and secure their nomination for the judgeship. Again, the Democratic leadership, alarmed at Lindsey's apparent popularity, also nominated him. Lindsey still had to overcome an attempt to block his candidacy through the Supreme Court, but this was thrown out. In Lindsey's account of this election in The Beast, he recounts the various means the "interests" used to discredit him and to get him defeated in the election.<sup>47</sup> None of these succeeded and Lindsey was re-elected as County Court Judge. Again Lindsey won because he had the support of the women of Denver, together with that of the reform elements in the city. He also had the endorsement

of other juvenile court reformers who supported his candidacy and praised his work with children in such national publications as Charities and The Juvenile Court Record.<sup>48</sup>

Lindsey's position as the judge of the juvenile court was still not entirely secure, however. Various efforts were made to limit his powers as County Court Judge and legislation was introduced into the state legislature in an attempt to attack him personally by making it illegal for County Court Judges to call in other judges to assist them or to be absent from their courts except in the month of July. Lindsey saw this as a clear attack upon himself and an effort to limit his lecture trips advancing the cause of the juvenile courts, which often took him out of Denver. He mobilised his forces and was able to get his supporters to defeat the bill in the state legislature.<sup>49</sup>

In 1906 in a further move by Lindsey to curtail the power of "The Beast", the Judge decided to stand as an independent candidate for Governor. His candidacy had been suggested to him by the Denver Post newspaper which had previously supported his attacks on political corruption. Lindsey at first stated that he would only accept the Democrats' nomination for Governor if Alva Adams, who had previously held the position of Governor, refused the nomination. When Adams received the Democratic nomination, Lindsey - having learnt that Adams was apparently as much an instrument of "The Beast" as many other machine politicians - decided to continue his

campaign for the governorship as an independent candidate. Lindsey was criticised for this move by some elements in Denver on the grounds that he was putting his personal ambitions above the interests of the children and his work as Juvenile Court Judge.<sup>50</sup> Lindsey denied that it was personal ambition which had motivated him to stand for the governorship, but that he was forced to enter politics in order to protect his work in the juvenile court and to prevent his political enemies from destroying his work. Lindsey feared that if the Denver Juvenile Court were divided in order to reduce the work load of the court, he would be pushed out in the process. Thus, he equated his campaign for the governorship of Colorado with the continuance of the Denver Juvenile Court, which he claimed could not survive unless he ran for Governor. "If the political powers that have opposed me control the next Legislature and the Governor, when this court is divided, it is not beyond their purpose to eliminate the present Judge," observed Lindsey. "They have tried it before, and almost by a miracle was I preserved. If, therefore, I should not run for Governor I shall, in all probability, in case the candidate of the opposition is elected, be denied the power and be bereft of the work that is now done in this court for the children."<sup>51</sup>

Lindsey did not explain how he expected to continue his work with the juvenile court, if he was elected as Governor. It is probable that to some degree he was motivated by political ambition in running for Governor, but he also

perceived himself as a crusader against political corruption and the power of "The Beast" and saw being elected Governor as a way to defeat it. By 1906 the political fight had become almost an obsession with Lindsey and it is possible that his campaign for Governor was as much to show that he was willing to fight against those who sought to curtail the work of his court, as it was a serious attempt to be elected.

According to Lindsey one of the main results of his campaign for governor was that he lost the support of the party newspapers, and also that of some of the churches in Denver. Lindsey claimed that the reason for this was that the churches were agents of "The Beast." It is difficult to tell how far this was true, since Lindsey seems to have been adept at alienating anyone who did not see matters exactly in the same light as he did and seeing them as corrupt as a result.<sup>52</sup> Lindsey failed to win the election for governor, but he did not cease to fight the "interests" in Denver. In 1907 legislation was passed which split the Juvenile Court from the County Court in Denver. This seems to have been an attempt by the political parties to remove Lindsey from the County Court where he had the power to decide disputed elections. Lindsey believed, however, that he was able to get the better of "The Beast" in this matter because he was able to retain all the powers of the Juvenile Court as he had developed them. As he observed: "We have succeeded in getting from the Legislature laws that give the Juvenile Court not only power to go over the heads of the police in children's cases - so as to arrest

offenders whom the System may wish to protect - but power also to act independently of the District Attorney in children's cases and to file complaints against offenders whom the District Attorney might wish to protect."<sup>53</sup> Thus, Lindsey had gained a separate juvenile court in Denver with the power to deal with all children's cases and jurisdiction over those adults who contributed to the delinquency of minors. He later claimed this as a victory for the juvenile court, but it seems rather to have been, at first at least, a compromise arrangement between Lindsey and the political interests, by which Lindsey preserved the juvenile court but effectively had any political functions removed from his court.<sup>54</sup>

Despite having been confined to the juvenile court, Lindsey still continued his fight against the political interests, and became more open in his attacks upon political corruption in a written expose entitled "The Rule of the Plutocracy in Colorado: A Retrospect and a Warning." This was published as part of his election campaign in 1908, when he fought as an independent candidate to preserve his position as juvenile court judge. He also attempted to secure various measures to ensure popular democracy in Colorado and to curtail the political power of big business.<sup>55</sup> Lindsey's fight against the "interests" or "System" in Denver was by no means unique - it was a campaign carried out by many Progressive reformers in many of the cities of the United States at this time, and indeed it is also one of the facets of the work of Hull House. What is perhaps unusual is that

Lindsey came to the fight through his work with children.<sup>56</sup>

Lindsey was able to remain juvenile court judge because his work with children was considered very valuable among voters and he received the continuing support of many women and of many of the churches, as well as that of organised labour. As a result he was able to remain juvenile court judge in Denver until 1928, when having alienated the church and the Ku Klux Klan, as well as having made many political enemies, he was no longer able to rally sufficient support.<sup>57</sup> In the first decade of the Denver Juvenile Court, however, the opposition to Lindsey was never sufficiently great to oust him from the court.

Lindsey's fight against political corruption in Denver had a considerable impact upon his ideas about the causation of juvenile crime. Other factors also influenced the development of Lindsey's ideas about juvenile delinquency. He absorbed many of G. Stanley Hall's ideas about adolescence. For instance, in 1907, he wrote in a letter of advice to a mother: "...Sometimes during the period of adolescence, between fourteen and twenty, boys go through the troubles that you describe. I think I have read of some cases in Dr. Stanley Hall's books..."<sup>58</sup> He came to recognise the age of adolescence, especially those years between nine and twenty, as what Hall called the "criminal age." He noted that there were more arrests among young people between these ages than among grown people in the cities, and that many older

criminals had begun their criminal careers during this age period. Lindsey believed the reason for this was because parents did not do their duty towards their children, though in some cases, he believed, it was simply the gang spirit among mischievous boys which caused them to commit misdemeanours.<sup>59</sup>

Lindsey's ideas about the causation of juvenile delinquency remained ambivalent. On the one hand he saw child offenders as the victims of their environment and the failure of their parents, the schools and the churches to do their duty to the child, but on the other hand, he saw the child's salvation in his own individual strengths and weaknesses. It was the child's strength of character which would cause him to do right because it was right, rather than the interference of any outside agencies, except perhaps the juvenile court judge. Nonetheless, in order to prevent juvenile delinquency, Lindsey believed that the child should be protected from contaminating influences and the temptations of city life. Lindsey also absorbed some of the ideas of the other juvenile court reformers in establishing a clinic to examine the children who came before the juvenile court, to discover whether there was any physical reason for their delinquency, although Lindsey never put any great emphasis upon this aspect of the juvenile court.<sup>60</sup>

By the end of his first decade as juvenile court judge in Denver, Lindsey had not developed any very sophisticated

explanation of the causes of juvenile delinquency. It is, perhaps, significant in this respect that after almost a decade of work with children, Lindsey should have published The Beast - an account of his fight against political corruption in Denver. In the same year, Jane Addams of Hull House published The Spirit of Youth and the City Streets - an examination of some of the reasons why children got into trouble in the city and the temptations to which they were exposed. Many of Jane Addams's observations were the result of the studies of the Juvenile Protective Association and show a very real understanding of the problems of growing up in the city slums. Lindsey's muckraking expose is much less concerned with the plight of the children in the slums, although he does argue that it was because of his desire to improve the lot of children in Denver that he made a stand against political corruption.

"We should have been false to the child had we failed to point out that the rule of social, economic, industrial and political injustice maintained by the corporations was responsible for much of the child's misfortune and most of the increase in crime; and we should have shirked our duty had we failed to help in educating the public to see that the greatest wrongs to the home, the child and the community are inflicted by the rich criminals of the community."<sup>61</sup>

In an article which was one of several published in The Survey, a national social work periodical, to mark ten years of the work of the juvenile courts, Lindsey explained what he had learnt from his experiences as Juvenile Court Judge in Denver. He noted that the work of the juvenile courts, though important, was merely a palliative, as was the work to secure



playgrounds, detention schools, a probation system and other measures to improve the conditions for children in the slums. These palliatives were necessary, however, because of the injustice of the existing social and economic system. He argued further that in the fight for justice for the child, reformers had to fight against big business and the power of the church, which might have helped the children's court in small ways but did not wish to help deal with fundamental problems. He had learnt from his work with children that the "System" was debauching the homes of the city through big business, graft and the interests, and it was this partnership from which the child suffered the most. Moreover, he believed, there could be no real fight for the child without opposition unless reformers shut their eyes to political, business and social crimes. His final lesson from the juvenile court was the need to fight the causes of social injustice. As he observed: "If the Juvenile Court, through the misfortunes of childhood, can help us see better the real causes of poverty and crime, and help raise up those who will fight these causes, it will have performed its chief service to humanity."<sup>62</sup>

While by the end of his first decade as juvenile court judge in Denver, Lindsey had become increasingly concerned about the power the corrupt political interests had to prevent any real changes in the social conditions which caused poverty and crime, he was still optimistic that the juvenile court was able to do some good. On a number of occasions he noted that

although the juvenile courts were not a cure-all for all the ills of childhood they were a definite improvement over the previous system of prosecuting children in the criminal courts. In this respect he argued that there could be no question as to the success of the juvenile courts, for their success should be measured not so much by the number of children corrected as by the superiority over the former methods used to deal with children.<sup>63</sup> Moreover, although he believed that the "System" had debauched many homes and had caused the influence of the schools and churches to be corrupted, he still had great faith that it was through these institutions that juvenile offenders could be reformed and juvenile delinquency prevented.

Lindsey continued to believe that the character necessary for a child to resist further temptation could only really be developed through individual work with the child. He maintained, however, that in many cases a child's wrongdoing was due to the failure of the home to do its duty. Moreover, he considered the home to be the most important agency in preventing the child from succumbing to the temptations of city life. Like the women and judges of the Chicago Juvenile Court, Lindsey believed that the child should be reformed in his own home where this was possible. Despite his belief that the "System" had debauched these homes, Lindsey still believed that the parents who had allowed their children to get into trouble were careless and that they should be compelled to do their duty. In Denver, unlike Chicago, the Adult Contributory

Delinquency Law was to ensure that the home conformed to middle class ideas of child-rearing and protection. Lindsey did acknowledge that some homes were helpless and needed aid to be able to fulfil their duties. He placed more emphasis, however, upon pushing for reforms which might have helped these homes than upon the work a probation officer might do. As he noted: "The purpose of the court has been as far as possible to correct the children in the home, to preserve and strengthen it by compelling it to do its duty where it is careless, and helping it where it is helpless."<sup>64</sup>

In some instances, however, Lindsey did not believe that the best place for a child who had gone wrong was his own home. In these cases he would sometimes have a child placed in an approved foster home, but in others he would send the child to the State Industrial School at Golden, or, where the boy was older, the State Reformatory. Lindsey always stressed that the Industrial School was the last resort to be used only where other methods had failed or where he considered a boy needed more help than probation could give him. In explaining to a boy why he was to be sent to the Industrial School, Lindsey would suggest that it was because the boy was weak and needed help in overcoming his weakness. "'You've been a weak boy'", Lindsey would explain. "'You've been doing bad things. I want you to be a strong boy and do what's right. We don't send boys to Golden to punish them. We do it to help them. They give you a square deal out there - teach you a trade so you can earn an honest living and look anybody in the

face.'"<sup>65</sup> Lindsey always insisted, however, that commitment was not necessary in most cases, but that there should be no hesitation in sending a child to an institution in an appropriate case. Thus, while Lindsey believed that the Industrial School and Reformatory had their place in the juvenile justice system, they should only be used in the last resort.<sup>66</sup>

Hardly surprisingly considering that Lindsey had first used the School Law of 1899 as the legal basis of his juvenile court and had used truant officers as his early probation officers, he considered the schools to be an important factor in the moral education of children. While he did not believe that schools could be held to blame for juvenile crime if they failed in their moral education of the child, he did believe that schools could play a large part in teaching children a trade and properly equipping them to withstand the temptations of the city. It remained the home, however, that had the real duty to educate the child, although the schools should neglect no opportunity to make as perfect citizens as possible within the reasonable scope of their purposes and functions. Thus, while Lindsey felt that the school was an important element in the formation of the child, parents could not abandon their responsibilities to the school. "I find the home always more to blame than the school. There is a disposition upon the part of thousands of parents in every city to shirk duties because of the idea they seem to have that it should be all performed by the school. Such parents are certainly dangerous

citizens."<sup>67</sup>

Lindsey was much less sophisticated in his ideas about the causes of juvenile delinquency than were the women and judges of the Chicago Juvenile Court. Neither he nor any of his juvenile court workers carried out the kind of systematic investigations of the reasons why children committed offences that were carried out by the women of Hull House and the Juvenile Protective Association. By the end of his first decade of work with children, Lindsey had come to the conclusion that much juvenile crime could be traced to the opposition of the "interests" to any fundamental reforms in the social and economic conditions in the cities. He believed that it was the "System" which had debauched the homes of rich and poor alike, and it was this which caused juvenile delinquency. Although Lindsey's experience in fighting the political machine in Denver had led him to this conclusion, he still believed that the juvenile court was a great source for good in the community and that it could greatly reduce the rate of juvenile delinquency by bringing a little love into the law. He therefore remained a great optimist, believing that the "personal touch" of the juvenile court judge, though it might not bring about a fundamental reformation in society, would alleviate the miseries of children in trouble with the law.<sup>68</sup>

Although Lindsey was not very profound in his ideas about the causes of juvenile crime and much of his work was

dependent upon his personal relations with children before the juvenile court, he nevertheless played an important part in establishing a juvenile court in Denver and in spreading the idea of the juvenile court throughout the United States and beyond. He was indeed, as Joseph Hawes has pointed out, one of the greatest publicists of the cause of the juvenile courts.<sup>69</sup> Clearly Lindsey played an important role in establishing and developing the juvenile court in Denver, but it seems unlikely that the initiatives were his alone. After 1903 with the passing of the Colorado Juvenile Court Laws, many of the new developments were influenced by Lindsey's contacts with other juvenile court reformers and by the support he received in Denver, particularly from the women. His fight against the political machine in Denver and his constant need to fight elections meant that his work with children in trouble was exploited for its favourable publicity value. As David Rothman has pointed out, Lindsey's court-room was his stage and the cases recounted in the many articles about Lindsey's work were used to set off Lindsey's charm and the fact that he was indispensable to the work of the Denver Juvenile Court.<sup>70</sup> Such a judgement is too harsh in suggesting that Lindsey was concerned more with his own ambitions and popularity than with helping the children before his court, but it is valid in pointing out the heavy reliance Lindsey put upon his "personal touch" with these children.

It is above all the "personal touch" with which Lindsey was most concerned in the first decade of the children's court

in Denver. He placed great emphasis upon his talks with individual children in trouble and his own ability to make these children avoid temptation and do right because it was right and not because otherwise they would be punished. Clearly, it was this aspect of his work with children which appealed most to readers and was therefore sought by journalists. In his speeches promoting the juvenile courts, however, Lindsey was more concerned to promote such aspects of his court as the probation system, the separate hearing of children's cases and the use of the principle of parens patriae in dealing with juvenile cases.<sup>71</sup> Nevertheless, he was never as concerned with the legal aspects of the juvenile court as, for instance, Judge Julian Mack of the Chicago court, nor was he as interested in the problems of the working-class family in the slums and how these families could best be helped as, for instance, the women of Hull House. Lindsey's approach remained throughout a child-centred one and grew out of a desire to put a little love into the law. This work led him to seek wider reforms and this in turn caused him to alienate the political interests in Denver. He saw the children as victims of these conditions, but he believed that it was the strengths within these children which would allow them to overcome these conditions and become good citizens. It was thus, in Lindsey's opinion, the role of the juvenile court judge to overcome the bad influences of the slums and careless parents and to help children to overcome the weakness of temptation and become good citizens. As Lindsey put it in a speech before the Teachers' Association: "...one of our

greatest difficulties is to overcome this careless teaching and to teach the child to do right because it is right, because he hurts himself when he does wrong and because he owes it to himself to do right, because it is weak and cowardly to do wrong and because it is strong and brave to do right."<sup>72</sup> Thus, despite his growing feeling that the real reason behind juvenile delinquency was the evil effect of the political interests upon their environment, after a decade as juvenile court judge in Denver, Lindsey's approach to dealing with children in trouble with the law remained very largely child-centred.



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## Chapter Nine: Conclusion

The Illinois Juvenile Court Law of July 1899 and the establishment of the Denver Juvenile Court soon afterwards represented a major departure from earlier methods of dealing with dependent and delinquent children. For the new system not only created a separate judicial system for children but also symbolised a new attitude towards young people in the justice system which saw juvenile delinquents as children in need of help rather than as criminals to be punished. While juvenile delinquency was by no means a problem unique to the late nineteenth century, new ideas about the nature of childhood and the problems of family life in the slums caused reformers to re-evaluate the problem and force the state to recognise its duty towards dependent and delinquent children. The Chicago and Denver reformers were remarkably diverse in their motivations and methods, but they found a very similar solution to the problem of how best to deal with children in trouble with the law - the juvenile court. The Chicago and Denver examples were soon emulated by other states and cities across the United States. By 1909, ten years after the passing of the Illinois Juvenile Court Law, twenty-two states had passed similar laws.

Several historians have sought to examine the origins and development of the juvenile courts, but none of their accounts have been very convincing. Some reflect the fact that, during the 1960s, the civil rights movement severely criticised

juvenile courts for denying children the rights of due process and legal representation. Consequently they tend to portray the juvenile courts as instruments of social control. Anthony Platt in his study of the origins of the Chicago Juvenile Court, argued that the juvenile court reformers were a coercive and conservative influence who wanted to control youthful deviance and restore traditional institutions such as parental authority and rural values.<sup>1</sup> While seeing the juvenile courts generally as paternalistic, therefore, he argued that this paternalism was backed up by force. Platt's argument has several flaws. His characterisation of the women reformers who sought by means of the juvenile courts to gain a larger place for themselves in society as feminists shows a misunderstanding of the motives of the women reformers. This study seeks to demonstrate that most women reformers were not feminists in the sense understood either in the late nineteenth century or in the late twentieth century. The majority of them, certainly during the 1890s, were not seeking women's rights or even the suffrage. Instead, they were conservative women working within the accepted bounds of society and were motivated by their identification as mothers to seek an improvement in the way in which children were treated by the justice system. This is true as much of the women reformers of Chicago as of the members of the National Congress of Mothers who very clearly proclaimed that they were acting as universal mothers in seeking to change conditions for wayward children. While these women were motivated in part by fears of social disorganisation should the perceived



increase in juvenile delinquency remain unchecked, they were more concerned that juvenile delinquency was a symptom of a more fundamental breakdown in working class family life. As a result they placed great emphasis upon the importance of probation not only to rehabilitate the wayward child, but also as a benevolent influence in the child's family in helping it to adjust to the stresses of family life in the city. Platt's suggestion that the reformatories were the keynote of the juvenile justice system for these reformers is not borne out by the evidence. To the women reformers of Chicago and the judges who enforced the law, probation was very clearly the most important part of the juvenile court system.<sup>2</sup>

Where Platt sees the juvenile courts as an instrument of class control, Joseph Hawes portrays them as a humanitarian response to the problems created by urbanisation and industrialisation.<sup>3</sup> The weakness of Hawes's work is that it largely ignores the motives of the reformers. These motives were a combination of the desire to prevent social disorganisation which it was feared might occur if juvenile delinquency were not controlled, and a very real humanitarian concern for children in the city jails and poorhouses. There was a certain ambivalence in the reformers' motives, for while they condemned the crimes of the juvenile offenders, they saw the children themselves as victims of their environment rather than as criminals. As well as this, the women reformers were motivated by concerns about the integrity of family and child life in the slums and their desire to ensure that working

class children received the nurture and guidance necessary to their proper upbringing.

Platt's account concentrates entirely upon the origins of the Chicago Juvenile Court and does not go into any detail over how it worked in practice nor does he examine whether his arguments hold true of other courts. Hawes's study of juvenile delinquency throughout the nineteenth century is more balanced in this respect, giving accounts of both the origins of the Chicago Court and that in Denver, as well as brief mention of some of the later juvenile courts. His study of the Denver Juvenile Court and its judge, Ben Lindsey, is, however, largely uncritical and suggests that Lindsey created an informal juvenile court out of a vacuum. Yet, although Lindsey did play a dominant role in creating the juvenile court in Denver, he could not have done so without the support of many of the women's clubs, churches and philanthropic agencies in Denver, nor without the existence of measures which had gone some way towards finding new ways of dealing with wayward children. Lindsey's attitude towards child offenders was also ambivalent: on the one hand he believed that a child's offences were due mainly to weakness and that therefore a child could be reformed only through the "personal touch" of the judge, on the other hand he believed that the child's parents were responsible for his delinquency and in these cases the parents should be prosecuted. Lindsey's ideas about how best to deal with juvenile offenders differed quite markedly from those of the Chicago reformers, though Hawes

largely ignores this.

The juvenile court movement, which produced not just the Chicago and Denver courts but juvenile courts across the United States in the first decade of the twentieth century, was a highly diverse movement. David Rothman has stressed this diversity in his study of the origins of the juvenile courts and has examined the reform coalition which produced the juvenile courts in various states.<sup>4</sup> His study is, however, superficial, for it does not analyse how juvenile court laws were secured nor the motives of the reformers who originally agitated for the juvenile courts. Contemporaries noted the great diversity among those who sought new methods of dealing with dependent and delinquent children, from women's clubs and church organisations to the superintendents of juvenile reformatories and child-saving agencies.<sup>5</sup> Consequently, since the motives of these reformers were often varied, it is difficult to make sweeping generalisations about the origins of the juvenile courts.

The juvenile courts developed out of a growing concern among reformers in the late nineteenth century with the way in which children were treated by the justice system. This seems to have been common to the majority of those involved in the juvenile court movement. This concern was brought about because of changes in the middle class family in the late nineteenth century, especially changes in middle class ideas about the nature of childhood. These new ideas suggested that

children were special, that they should be nurtured and carefully prepared for later life. By the end of the nineteenth century children had become recognised as a distinct group whose interests were no longer identical with those of their parents or of the larger community. The kindergarten movement and the child study movement led by the psychologist, G. Stanley Hall, during the 1890s served to nurture a growing awareness of the unique nature of childhood and the basic emotions and interests characteristic of the child. The new ideas about the nature of childhood were still confined to the middle classes in the late nineteenth century, but it was this new understanding of the nature of childhood which prompted many middle class observers to become concerned that the children of the slums were lacking the necessary nurture and guidance which would fit them to become the future citizens of the country.

This study has sought to show that women reformers in particular, but male reformers as well, were prompted to seek new methods of dealing with dependent and delinquent children because of their belief that if children were not properly nurtured at a young age they would grow up to be criminals. Thus, in Chicago two groups of women reformers - the women of the Chicago Woman's Club and those of the Hull House community - confronted by the conditions in which children were held in the city jails and police stations, and by the large numbers of children who roamed the streets apparently without proper parental guidance, sought ways in which these children could

be removed from the evil influences of the jails and police stations and have benevolent influences introduced into their lives. They did this at first through informal methods - by funding a school in the jail and by persuading one of the police court judges to hear children's cases on a separate day from those of adult offenders - only later did they seek legislation when they realised that this work needed legal sanction if it was to be effective. The women of Hull House also operated an informal probation service in their neighbourhood: investigating the home conditions of child offenders before they came to trial, liaising between immigrant parents and the police courts, and supervising children placed on suspended sentence. It is significant that some of the women who acted as informal probation officers before the Juvenile Court Law was passed were appointed by the Juvenile Court as probation officers after the legislation was secured. Thus there was a body of expertise on which the administrators of the Juvenile Court could draw in the early days of the Court, suggesting parallels with other voluntary agencies which formed the basis of various formal welfare agencies in the United States.<sup>6</sup>

While women's agencies and female values were dominant in the agitation for the Illinois Juvenile Court Law, because women were politically impotent they required the help of male reformers and particularly the Chicago Bar Association in securing the legislation they required. It was, however, women's initiatives and their ideas about how best to deal

with dependent and delinquent children which were at the heart of the Chicago Juvenile Court, and not, as some historians have suggested, those of the male reformers or child-saving agencies.<sup>7</sup> This study has also argued that the female reformers in Chicago continued to support the Juvenile Court during its early years, both through the provision of paid probation officers and by providing funds for the Court. Female probation officers ensured the success of the probation system in the early years of the Juvenile Court, and many of the early juvenile court judges adopted many of the same values as the women reformers in administering the Juvenile Court. By the end of the first decade of the Chicago Juvenile Court, it had become clear to many of the women reformers that the juvenile court was not a panacea for all childhood evils, but that emphasis should be put less on the curative functions of the juvenile courts and more on preventing children from ever getting into trouble by providing alternatives to the temptations of the city. Thus in the first decade of the Chicago Juvenile Court women, acting as probation officers and as supporters of the juvenile court through the Juvenile Protective Association, continued to ensure that their values were adhered to and that the juvenile court functioned in the way they envisaged. The Chicago Juvenile Court continued to be the embodiment of the belief that the family was the bulwark of society and therefore should be protected and aided in its functions - a belief that was particularly espoused by the women reformers.

The Denver Juvenile Court had rather different origins and its emphasis was different. Ben Lindsey, the judge of the Denver County Court, operated an informal juvenile court based on the Colorado School Law of 1899 for several years before he came to realise that his work required the sanction of legislation. He gained this in a series of laws which made up the Colorado Juvenile Court Laws of 1903. Among these was an Adult Contributory Delinquency Law which allowed for the prosecution of a child's parents or any other adult who contributed to the delinquency of a child. Lindsey's approach was quite different to that of the Chicago reformers, for his emphasis lay less upon the role of the probation officer in aiding the child and his family to adjust to the stresses of city life, than upon the part played by the juvenile court judge in personally encouraging the child to do right because it was right not because otherwise he would be punished. Lindsey's was thus a much more child-centred approach to the question of how best to deal with children in trouble with the law, for he concentrated on encouraging the strengths within a child to resist temptation, rather than upon the interference of a probation officer in the child's family. In this he differed from the Chicago women reformers for, although he accepted the ideas of G. Stanley Hall that adolescence was the "criminal age," he placed much more emphasis upon the child as an individual rather than as part of a family.<sup>8</sup> He was also not prepared to accept the argument that the mother was the most important influence in nurturing a boy, claiming that a father's presence was of the greatest

importance when the child reached a certain age. In this respect Lindsey's ideas about family life were out of sympathy with much of the contemporary thinking about women's role in the family and the importance of the mother in the proper upbringing of the child. As a result he did not, at first, accept women as probation officers in the Denver Juvenile Court although he did later recognise the role of women in juvenile reform. The Denver Juvenile Court's emphasis was fundamentally upon the "personal touch" of the judge, rather than upon aiding the child's family through a probation officer.

It was Lindsey's personality that dominated the first decade of the Denver Juvenile Court, although a formal probation service and other institutions of the juvenile court were established in Denver under the 1903 Juvenile Court Laws. While it seems likely, judging by his frequent absences, that the Court could function very efficiently without him, to many Lindsey was the Denver Juvenile Court.<sup>9</sup> Lindsey was a great publicist of the juvenile court and travelled all over the United States promoting its cause. In Denver, however, because he was so politically involved, the Juvenile court came under attack. This was exacerbated by Lindsey's own self-promotion and his attacks on the "interests", so that not only was his own tenure as Juvenile Court Judge threatened at times, but also the survival of the Juvenile Court itself. While credit must be given to Lindsey for creating and operating an informal juvenile court in Denver prior to the



Juvenile Court Laws of 1903, others also helped the Court to function and the idea that without Lindsey the Denver Juvenile Court was nothing needs to be treated warily.

The Chicago and Denver Juvenile Courts have, understandably, received the most coverage from historians, for these were the pioneer courts. This study has shown, however, that in other cities and states in the 1890s reformers had begun to look for new methods of dealing with problem children and some had begun to make moves at least towards separate hearings for children before the passing of the Illinois Juvenile Court Law. An examination of the establishment of the juvenile courts in Philadelphia and Indianapolis has shown parallels respectively with the establishment of the juvenile courts in Chicago and Denver. In Philadelphia women reformers, led by Mrs. Hannah Kent Schoff of the National Congress of Mothers, dominated the campaign for a juvenile court in that city, and used many of the same arguments as the Chicago reformers. In Indianapolis moves to reform the justice system as it affected children were begun by one of the Police Court Judges, George Stubbs, who became concerned about an apparent increase in the number of child offenders before his court and the way in which they were treated by the law.

It is, however, difficult to make generalisations about the origins of the juvenile courts. Many states adopted juvenile court legislation as a result of the efforts of the

Juvenile Court Movement, led by Lindsey and the Chicago reformers, to secure a juvenile court law in every state. While many of these states accepted the juvenile court in principle, the way in which the courts were administered did not always live up to the ideals of the pioneers. This was particularly the case for New York City and Boston. These cities were slow to adopt juvenile court legislation, in large part because they had already pioneered some aspects of the juvenile courts, including separate hearings for children and the system of probation, but there was also a good deal of resistance in these states to the introduction of juvenile court legislation. Indeed, even when it was finally adopted, these two juvenile courts remained criminal courts and thus did not accept one of the fundamental criteria of the pioneers of the juvenile courts, that children should be treated as children in need of help not as criminals to be punished.

The juvenile court movement did not become a formal organisation until 1907, but even before that there was a movement to secure juvenile court laws in every state, with an identifiable leadership and set of aims. It could not have succeeded, however, without initiatives at local level and those who led these initiatives were remarkably diverse. Many of the reformers who pushed for the introduction of juvenile courts in their states and cities formed a coalition to achieve this reform, but did not necessarily support each other in pushing for other reforms. The juvenile court movement was thus remarkably eclectic, including women

reformers, clergymen, members of child-saving agencies and members of the legal profession. In many states, however, it was the women reformers who led and dominated efforts to secure new methods of dealing with problem children.

This study has shown that although the juvenile courts were part of the continuity of reform in penal methods for children during the nineteenth century, this is not the only context in which they should be viewed. Nor should the juvenile courts be seen merely as a response to the inability of existing child-saving agencies to deal with the problems of dependent and delinquent children, as some historians have suggested.<sup>10</sup> The origins of the juvenile courts should rather be seen in the context of changes in the middle class family which caused many observers, especially women to believe that the family was under threat. Middle class city women, armed with new ideas about the nature of childhood and the best methods of child-rearing, were confronted with large numbers of working class children who did not conform to their ideas about the proper behaviour of children. They interpreted juvenile delinquency as the product of the failure of the working class family to adjust to the stresses of life in the slums and, as a result, sought a new method of dealing with problem children which would help both the child and his family.

The juvenile court was, in some senses, an instrument of social control for it sought to impose middle class values on

working class children and their families. But it also represented a humanitarian concern for children in the slums growing up amidst vice and poverty. Moreover, the emphasis by women reformers upon maternal values ensured that their greatest concern was that delinquent children should be properly nurtured and prepared for adult life. This was the product less of social control than of women reformers' perceptions of themselves as universal mothers, and their desire to ensure that all children, not just their own, were given the opportunity to behave as children in the sense that they understood this.

There were also male reformers involved in the establishment of the juvenile courts, especially judges, and they shared some of the same concerns as women reformers. The dissimilarities between the solutions found by male and female reformers to the question of how best to deal with child offenders were, however, marked. This has been shown particularly in the difference of emphasis between the Chicago and Denver Juvenile Courts. While these differences cannot be attributed to gender alone, for other factors were involved, it nevertheless played a significant part in shaping the solutions advocated by the reformers.

The juvenile courts were not the only reform in the Progressive Era which concentrated upon the family and the child. Indeed, the juvenile courts were part of a widespread campaign to protect the child and preserve the family at this

time, which encompassed reforms such as attempts to restrict child labour, efforts to improve the public education system, and campaigns to introduce mothers' pensions to enable single mothers to remain at home with their children. Women reformers were undoubtedly involved in many of these reforms.<sup>11</sup> This suggests that the existing male-centric view of Progressivism needs to be at least questioned. The central involvement of women reformers in the campaign to secure the juvenile courts may also be true of other Progressive reforms.

Female reformers were central to the establishment of the juvenile courts in the Progressive Era. It was their concerns and preoccupations that were at the heart of the campaign for juvenile courts. Male reformers of many kinds were, nonetheless involved in both the creation and the development of these courts. Indeed, the juvenile court movement was marked by its diversity, both in the kinds of reformers involved and in the motivations of these reformers. Nevertheless, despite this diversity, there were certain unities. First, and most significant, were the new ideas about childhood which the vast majority of these reformers both acknowledged and espoused. Secondly, the early champions of the juvenile courts, both male and female, felt that they should be the publicists of the courts, promoting and developing their functions. Finally, by 1907, many of the early champions of the juvenile courts had joined together in an organised movement to crusade for a juvenile court in every state - something they were remarkably successful in

achieving. Thus, despite its diversity the campaign to find a new solution to the problem of dealing with dependent and delinquent children displayed several unities and ultimately sought one thing - to improve the condition of children in the the cities.

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