CHANGE AGENTS

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Florence Kelley and Women's Activism in the Progressive Era

Florence Kelley was a remarkable woman who lived in a period when attempts to address the problems created by industrialization and urbanization generated both the early social sciences and the foundation of the welfare state. Kathryn Sklar, Kelley's biographer, provides in this authoritative and highly informative essay an account of a single individual that also illuminates the pursuit of social justice in which many progressive women of Kelley's generation were involved. Sklar reveals the factors that made it possible for these women to influence public policy even before they were allowed to vote. She also describes the changing political context that limited their influence following the Red Scare at the end of World War I.

What were the influences, personal and intellectual, that shaped Kelley's vision of social reform? What strategies did she employ in pursuit of that vision? What does Sklar mean when she says that Kelley used gender-specific legislation as a surrogate for class legislation? Precisely how did the Red Scare affect the political agenda of women's organizations? In what respects were at least three of the four significant features of women's power in the Progressive era that Sklar identified highly gendered? As we move into reading about the 1930s and beyond, think about which of the features persist and which do not.

One of the most powerful women in American history deserves to be better known today. Florence Kelley (1859–1932) was well known to her contemporaries as a leading champion of social justice legislation. For most of the 1890s she lived in the nation's leading reform institution, Hull House, a social settlement founded in Chicago by Jane Addams in 1889. Between 1899 and 1932 she served as head of the National Consumers' League in New York City.

Living collectively with other women reformers in Chicago and New York, Florence Kelley was able to make the most of her talents; for four decades she occupied the vanguard of social reform. Her forceful personality flourished in the combative atmosphere generated by her struggles for social justice. Jane Addams's nephew, who resided with Kelley at Hull House, was awed by the way she "hurled the spears of her thought with such apparent carelessness of what breasts they pierced." He thought her "the toughest customer in the reform riot, the finest rough-and-tumble fighter for the good life for others, that Hull House ever knew: Any weapon was a good weapon in her hand—evidence, argument, irony or invective." Nevertheless, he said, those who were close to her knew she was "full of love."[1]

Kelley's career, like that of many of her reform contemporaries, was responding to

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profound changes in American social and economic life. Rapid industrialization was recasting the economy, massive immigration was reconstituting the working class, and sustained urbanization was making cities the focus of social change.[2] In this context, college-educated women reformers often achieved what men and male-dominated organizations could not.

Florence Kelley's life helps us understand how women reformers accomplished their goals. Her reform career exemplified four significant features of women's power in the Progressive era: their access to higher education; their prominence in early social science; the political autonomy of their separate institutions; and their ability to challenge American traditions of limited government. Having experienced these ingredients of women's power in her own life before 1899, thereafter, as the General Secretary of the National Consumers' League, she integrated them into her strategies for pursuing social justice.[3]

WOMEN'S ACCESS TO HIGHER EDUCATION

When she graduated from Cornell University in 1882, Florence Kelley joined thousands of other young women in her generation who received college educations. Two changes in the 1860s and 1870s enabled white, middle-class women to attend college in sufficient numbers to become a sociological phenomenon. Elite women's colleges, such as Vassar, Smith, and Wellesley, began accepting students between 1865 and 1875, providing equivalents to elite men's colleges such as Harvard, Yale, and Princeton. And state universities, established through the allocation of public lands in the Morrill Act of 1862 and required to be "open for all," gradually made college educations accessible for the first time to large numbers of women in the nation's central and western states. By 1880 women, numbering forty thousand, constituted 33 percent of all enrolled students in higher education.[4] Though a small percentage of all women, they exercised an influence disproportionate to their numbers.

To Cornell Kelley brought a social conscience shaped by her family. Born into an elite Philadelphia family with Quaker and Unitarian political traditions, she grew up against the background of the Civil War and Reconstruction—dramas in which her father and her mother's aunt played major roles. Her father, William Durrah Kelley, one of the founders of the Republican Party, was reelected to fifteen consecutive terms in the U.S. Congress between 1860 and 1890. As a Radical Republican, he advanced the cause of black suffrage and tried to forge a biracial Republican Party in the South. Her mother's aunt, Sarah Pugh, served as president of the Philadelphia Female Anti-Slavery Society almost every year between 1838 and 1870. In the 1860s and 1870s, Pugh accompanied her close friend, Lucretia Mott, to early woman suffrage conventions. To young "Florrie," Sarah Pugh was conscience incarnate, a full-time reformer who lived her beliefs, never wearing slave-made cotton or eating slave-produced sugar.[5]

During six mostly schoolless years before she entered Cornell, Florence systematically read through her father's library, imbibing the fiction of Dickens and Thackeray, Louisa May Alcott and Horatio Alger; the poetry of Shakespeare, Milton, Byron, and Goldsmith; the writings of James Madison; histories by Bancroft, Prescott, and Parkman; and the moral and political philosophy of Emerson, Channing, Burke, Carlyle, Godwin, and Spencer. These readings helped her reach out to her moody and distant father. For that purpose she also began reading government reports at the age of ten and, on trips to Washington, began using the Library of Congress by the time she was twelve.

A darker side of Kelley's childhood was shaped by her mother's permanent depression—caused by the death of five of her eight children before they had reached the age of six. Caroline Bonsall Kelley was a descendant of John Bartram, the Quaker botanist. Orphaned at the age of nine, she was raised in the Pugh family. With the death of her infants, Caroline developed a "settled, gentle melancholy" that threatened to envelop her daughter as long as she lived at home.[6] Florence grew up with two brothers, but no sisters survived. Keenly aware of the high social cost of infant mortality to nineteenth-century families, she developed a rage against human suffering that formed her lifelong career as a reformer.

WOMEN'S PROMINENCE IN EARLY SOCIAL SCIENCE

Like higher education, the newly emerging field of social science served as a critical vehicle by which middle-class women expanded

the space they occupied within American civic life between 1860 and 1890. Social science leveled the playing field on which women interacted with men in public life. It offered tools of analysis that enhanced women's ability to investigate economic and social change, speak for the welfare of the whole society, devise policy initiatives, and oversee their implementation. Yet at the same time, social science also deepened women's gender identity in public life and attached their civic activism even more securely to gender-specific issues.[7]

Kelley's early commitment to social science as a tool for social reform built on a generation of women's presence in American social science. Women came with the civic territory that social science embraced. Caroline Dall had been a cofounder of the association in 1865, and other women were especially active in the American Social Science Association's (ASSA) department of education, public health, and social economy, which gave them clear but limited mandates for leadership.

The question of "After college, what?" was as pertinent to Florence Kelley as it was to other women graduates.[8] Barred from admission to graduate study at the University of Pennsylvania because she was a woman, she faced a very limited set of opportunities. First she threw her energies into the New Century Working Women's Guild, an organization that fostered middle-class aid for self-supporting women. She helped found the Guild, taught classes in history, and assembled the group's library. Then, remaining a dutiful daughter, in 1882 she accompanied her brother when his doctor prescribed a winter of European travel to cure temporary blindness. In Europe she encountered M. Carey Thomas, a Cornell acquaintance, who had just completed a Ph.D. at the University of Zurich, the only European university that granted degrees to women. Thomas recommended that Kelley go to Zurich for graduate study.

Initially accompanied by her mother and younger brother, Kelley studied government and law at Zurich between 1883 and 1886. There she promptly befriended exiled socialist students from Russia and Germany. To the shocked amazement of her family and friends, in 1885 she married Lazare Wischnewetzky, a Russian, Jewish, socialist, medical student. She then gave birth to three children in three years.

Cloaked with her new personal identity as a European married woman, she stopped communicating with her family and began to forge a new political identity. Rejecting American public culture because it limited her opportunities for social service and because her father's career revealed so starkly that culture's tolerance of social injustice, she underwent a dramatic conversion to socialism, joined the German Social Democratic Party (SPD), and began to translate the writings of Friedrich Engels and Karl Marx. Outlawed in Germany, the SPD maintained its European headquarters in Zurich, where Kelley met many of its leaders. Since the death of Marx in 1885, Engels had become the chief theoretician of German socialism. Kelley's translation of his 1845 book, *The Condition of the Working Class in England,* is still the preferred scholarly version of that now-classic social science study. This project launched a close but troubled relationship with Engels that persisted until his death in 1895.[9]

When Kelley returned to the United States in 1886 with her small family, she searched without success for a political context capable of sustaining her newfound radicalism. Settling in New York City, within a year she was expelled from the Socialist Labor Party, predominantly a German-speaking immigrant group, for "incessant slander" against party leaders, whom she denounced for failing to recognize the importance of the writings of Marx and Engels.[10] Having reached a political dead-end, Kelley reoriented her use of social science as a vehicle for her activism. She resumed contact with her Philadelphia family and became a self-taught authority on child labor in the United States, as well as a sharp critic of state bureaus of labor, the agencies responsible for monitoring child labor. Writing articles on child labor that deployed both statistical and rhetorical power, she discovered that her most responsive publisher was the Woman's Temperance Publication Association, which printed her lengthy, hard-hitting pamphlet, *Our Toiling Children,* in 1889.

Lazare Wischnewetzky, meanwhile, never having managed to establish a medical practice, began battering her. After enduring this for more than a year, she borrowed money from a friend and fled with her children to Chicago. There she headed for the Woman's Temple, a twelve-story office building and hotel constructed by the Woman's Christian Temperance Union, where she was directed to an even more congenial place—Hull House,

the nation's preeminent social settlement founded by Jane Addams and Ellen Gates Starr in 1889.

THE POLITICAL AUTONOMY OF WOMEN'S SEPARATE INSTITUTIONS

"We were welcomed as though we had been invited," Kelley later wrote about her arrival at Hull House. "We stayed."[11] Addams arranged for Kelley's children, Nicholas, Margaret, and John, age seven, six, and five, to live with the family of Henry Demarest Lloyd and his wife, Jessie Bross Lloyd. That winter Kelley cast her lot with Addams and Hull House, remaining until May 1, 1899, when she returned to New York as a figure who had achieved national renown as a reformer of working conditions for women and children.

Chicago and the remarkable political culture of the city's women opened opportunities to Kelley that she had sought in vain in Philadelphia, Germany, and New York. Exploiting those opportunities to the fullest, she drew on the strength of three overlapping circles of politically active women. The core of her support lay with the community of women at Hull House. This remarkable group helped her reconstruct her political identity within women's class-bridging activism, and provided her with an economic and emotional alternative to married family life. Partly overlapping with this nucleus were women trade unionists. By drawing women and men trade unionists into the settlement community, she achieved the passage of pathbreaking legislation. Toward the end of her years in Chicago, she worked with the circle of middle-class and upper-middle-class women who supported Hull House and labor reform.

Florence Kelley's life in Chicago began with her relationship with Jane Addams. Julia Lathrop, another Hull House resident, reported that Kelley and Addams "understood each other's powers" instantly and worked together in a "wonderfully effective way."[12] Addams, the philosopher with a deep appreciation of the unity of life, was better able to construct a vehicle for expressing that unity in day-to-day living than she was capable of devising a diagram for charting the future. And Kelley, the politician with a thorough understanding of what the future should look like, was better able to invoke that future than to express it in her day-to-day existence. Addams taught Kelley how to live and have faith in an imperfect world, and Kelley taught Addams how to make demands on the future.

At Hull House Kelley joined a community of college-educated women reformers who, like Addams and herself, sought work commensurate with their talents. Julia Lathrop, almost twenty years later the first director of the U.S. Children's Bureau, had joined the settlement before Kelley. Alice Hamilton, who arrived in 1897, developed the field of industrial medicine. These four, with Mary Rozet Smith, Jane Addams's life partner, became the settlement's main leaders. In addition to these women, Kelley forged close ties with Mary Kenney, a trade union organizer affiliated with the settlement, who lived nearby with her mother.

Since her father had lost most of his money before his death in 1890, Kelley had to support herself and her children. She first did so by working for the Illinois Bureau of Labor Statistics and the U.S. Department of Labor, collecting data for governmental studies of working conditions. A good example of the empowerment of her Hull House residence lay in her use of data collected for the U.S. Department of Labor, which in 1895 formed the basis of the maps published in *Hull House Maps and Papers*. She and four government "schedule men" collected responses to sixty-four questions on printed schedules from "each house, tenement, and room" in the ward surrounding Hull House.[13] From this data Carroll Wright, head of the Department of Labor, constructed scores of tables. But Kelley and Hull House associates, using only data about nationalities and wages in conjunction with residential information, created color-coded maps that displayed geographic patterns that told more than Wright's charts. Because the maps defined spatial relationships among human groups, they vividly depicted social and economic relationships: the concentration of certain ethnic groups in certain blocks; the relationship between poverty and race; the distances between the isolated brothel district and the rest of the ward; the very poor who lived in crowded, airless rooms in the rear of tenements and those with more resources in the front; and the omniscient observer and the observed. Expressing the democratic relationship among Hull House residents, *Hull House Maps and Papers* listed only "Residents of Hull House" as the volume's editors.

Kelley described the transformative effect of the Hull House community on her personal life in a letter to her mother a few weeks after her arrival. "In the few weeks of my stay here I have won for the children and myself many and dear friends whose generous hospitality astonishes me. It is understood that I am to resume the maiden name and that the children are to have it."[14] By joining a community of women, she had achieved a new degree of personal autonomy.

CHALLENGING TRADITIONS OF LIMITED GOVERNMENT

In the spring of 1892, Kelley used Hull House as a base to exert leadership within an anti-sweatshop campaign that had been launched in 1888 by the Illinois Woman's Alliance, a class-bridging coalition of women's organizations. At mass meetings that attacked the sweatshop system, Kelley shared the podium with Mary Kenney, Henry Demarest Lloyd, and other Chicago notables such as Reverend Jenkin Lloyd Jones, minister at All Souls' Unitarian Church, the most liberal pulpit in Chicago, and with young trade union organizers in the clothing industry such as Abraham Bisno.

Campaigns against sweatshops were widespread in American cities in the 1890s. These efforts targeted "predatory management" and "parasitic manufacturers" who paid such low wages to their workers as to require them to seek support from relief or charity, thereby indirectly providing employers with subsidies that enabled them to lower wages further.[15] Supported by trade unions, these campaigns used a variety of strategies to shift work from tenement sweatshops to factories. In factories, union organizing could more easily succeed in improving working conditions and raising wages to levels necessary to sustain life.

Outcries raised by anti-sweatshop campaigns prompted government inquiries, and in 1893, after intense lobbying in Springfield by Hull House residents and other well-known Chicago women, the passage of pathbreaking legislation drafted by Florence Kelley. That year Governor John Peter Altgeld appointed Kelley to a position the new statute created: Chief Factory Inspector of Illinois. Nowhere else in the Western world was a woman trusted to enforce the labor legislation of a city, let alone of a large industrial region the size of Illinois. With eleven deputies, five of whom were required to be women, and a budget of $28,000, for the next three years Kelley enforced the act's chief clauses. The act banned the labor of children under fourteen years of age; it regulated the labor of children age fourteen to sixteen; it outlawed the production of garments in tenements; it prohibited the employment of women and minors for more than eight hours a day; and it created a state office of factory inspection.

The statute's eight-hour clause made it the most advanced in the United States, equaled only by an eight-hour law for all workers in Australia. The limitation of hours, whether through statutes or union negotiations with employers, was the second most important goal of the labor movement between 1870 and 1910, the first being the recognition of the right of workers to form unions. Skilled workers had acquired the eight-hour day for themselves in many trades by the 1890s, but since women were not admitted to most skilled occupations, their hours remained long, often extending to twelve or even fourteen hours a day. In the late 1880s more than 85 percent of female wage earners were between the ages of fourteen and twenty-five and only about 5 percent were married.[16] Excluded from access to skilled jobs and presumed to leave the paid labor force upon marriage, they were crowded into a few unskilled occupations, where they were easily replaced, and employers exploited them by requiring long hours and paying low wages. Statutes that limited women's hours limited this exploitation. How to achieve such reduction of hours without reducing wages was a challenge that Kelley's office met by promoting the formation of unions among affected women workers, thereby helping them negotiate better wages for the hours they worked.

But the reduction of women's hours by statute had other beneficial effects: in many occupations it also reduced the hours of unskilled men, as was the case in garment-making sweatshops. In this and many other occupations, it proved impossible to keep men working longer than the legal limit of the working day for women. Therefore, hours statutes drove sweatshops out of business, since their profits could only be achieved through long hours. In the United States more than in other industrializing nations, the union movement

consisted with few exceptions (miners being the chief exception) of skilled workers who shunned responsibility for the welfare of unskilled workers. Therefore, in the United States more than in elsewhere, gender-specific reforms like Kelley's 1893 legislation—undertaken by women for women—also had the effect of aiding all unskilled workers, men as well as women and children. In the United States, where labor movements were not as strong as they were elsewhere, gender-specific reforms accomplished goals that elsewhere were achieved under the auspices of class-specific efforts.[17]

In an era when courts nullified legislative attempts to intervene in the laissez-faire relationship between capital and labor, Kelley's enforcement of this new eight-hour law was inevitably challenged in the courts. In 1895 the Illinois Supreme Court found the eight-hour clause of the 1893 law unconstitutional because it violated women's right to contract their labor on any terms set by their employer. This setback made Kelley determined to change the power of state courts to overturn hours laws for women.

The high tide of Kelley's achievements between 1893 and 1896 ebbed quickly when Altgeld lost the election of 1896. His successor replaced her with a person who did not challenge the economic status quo, and she was unable to find work commensurate with her talents. German admirers came to her rescue. For fifty dollars a month she provided a leading German reform periodical with assessments of recent American social legislation. She also worked in the Crerar Library, a reference library specializing in economic, scientific, and medical topics.

Needing to reach beyond the limits of Hull House activities, Kelley began to work more closely with Ellen Henrotin. Wife of a leading Chicago banker, Henrotin had supported Kelley's legislation in 1892, and spoke vigorously at a rally to defend the law in 1894, urging those in attendance to "agitate for shorter hours for women because it means in the end shorter hours for all workers, men and women."[18] Henrotin's organization in 1893 of thirty women's congresses at the Chicago World's Fair catapulted her into the presidency of the General Federation of Women's Clubs (GFWC; founded 1890) from 1894 to 1898. By 1897 the GFWC served as an umbrella organization for more than five hundred women's clubs, including the powerful Chicago Women's Club. Fostering the creation of over twenty state federations to coordinate those clubs, Henrotin moved the GFWC in progressive directions by establishing national committees on industrial working conditions and national health. In this way she directed the path of what was to become one of the largest grass-roots organizations of American women beyond the minimal goals of good government and civil service reform to the more challenging issues of social inequalities and social justice.

Reflecting her growing awareness of the potential power of women's organizations as a vehicle for her social justice agenda, in 1897 Kelley began to work closely with Henrotin in organizing an Illinois Consumers' League. They built on the example of the New York Consumers' League, which had been founded in 1891 to channel consumers' consciousness toward political action on behalf of workers who made the goods that consumers purchased.

THE NATIONAL CONSUMERS' LEAGUE AND NEW STRATEGIES FOR SOCIAL JUSTICE

Kelley's work with Henrotin helped her make the biggest career step of her life when, in 1899, she agreed to serve as Secretary of the newly formed National Consumers' League, a position she held until her death in 1932. With a salary of $1,500 plus traveling and other expenses, the job offered financial stability and a chance to develop a more radical and more focused women's organization than the GFWC.

When she carried her formidable talents into the National Consumers' League in 1899, women's political culture gained a warrior with formidable rhetorical and organizational skills. She quickly made the National Consumers' League (NCL) into the nation's leading promoter of protective labor legislation for women and children. Between 1900 and 1904 she built sixty-four local consumer leagues—one in nearly every large city outside the South. Through a demanding travel schedule, which required her to spend one day on the road for every day she worked at her desk, Kelley maintained close contact with local leagues, urging them to implement the national organization's agenda and inspiring them to greater action within their states and municipalities. At the

age of forty she had finally found a platform that matched her talents and goals.

In New York she lived until 1926 at Lillian Wald's nurses' settlement on Henry Street on Manhattan's Lower East Side. Her children moved east with her. Supported by aid from Jane Addams's life partner, Mary Rozet Smith, Nicholas Kelley graduated from Harvard in 1905 and then from Harvard Law School. Living in Manhattan, he became his mother's closest advisor. In a blow that caused Kelley to spend the rest of that year in retirement in Maine, her daughter Margaret died of heart failure during her first week at Smith College in 1905. After this bereavement Kelley maintained a summer home on Penobscot Bay, Maine, where she retreated for periods of intense work with a secretary each summer. John Kelley never found a professional niche, but remained close to his mother and joined her in Maine each summer.

THE WHITE LABEL CAMPAIGN: NEW WAYS OF EDUCATING MIDDLE-CLASS WOMEN ABOUT INDUSTRIAL WORKING CONDITIONS

The national branch of the Consumers' League was formed in 1898 to coordinate the efforts of previously existing leagues in New York, Brooklyn, Philadelphia, Boston, and Chicago, all of which had conducted campaigns against sweatshops. At a convention of the local leagues called to coordinate their anti-sweatshop efforts, Kelley proposed the creation of a consumers' label as a way of identifying goods made under fair conditions. Her proposal galvanized the convention into creating a national organization "for the express purpose of offering a Consumers' League Label" nationally, recognizing that local efforts against sweatshops could never succeed until all producers were "compelled to compete on a higher level," and agreeing that the label could be a means of achieving that goal.[19] The NCL awarded its label to manufacturers who obeyed state factory laws, produced goods only on their own premises, did not require employees to work overtime, and did not employ children under sixteen years of age. To enforce the label, however, factories had to be inspected. Local leagues had employed their own factory inspectors; Kelley became the league's national inspector.

In determining whether local factories qualified for the label, local league members had to educate themselves about local working conditions. They had to pose and answer questions new to middle-class women, though painfully familiar to union organizers: Did the manufacturer subcontract to home workers in tenements? Were children employed? Were state factory laws violated? Could workers live on their wages, or were they forced to augment their pay with relief or charitable donations? How far below the standard set by the consumers' label were their own state laws? Even more technical questions arose when leagues came into contact with factory inspectors, bureaus of labor statistics, state legislatures, and courts. Should the state issue licenses for home workers? What was the relationship between illiteracy in child workers and the enforcement of effective child labor laws? Was their own state high or low on the NCL's ranked list showing the number of illiterate child workers in each? Should laws prohibit the labor of children at age fourteen or sixteen? Should exceptions be made for the children of widows? How energetically were state factory laws enforced? How could local factory standards be improved? These questions, recently quite alien to middle-class women, now held the interest of thousands of the most politically active among them. This was no small accomplishment. State leagues differed in the degree to which they worked with state officials, but wherever they existed they created new civic space in which women used their new knowledge and power to expand state responsibility for the welfare of women and children workers.

On the road steadily between 1900 and 1907, Kelley inspected workshops, awarded the label to qualified manufacturers, and strengthened local leagues. Her efforts were rewarded by the spectacular growth of NCL locals, both in number and location. The NCL's 1901 report mentioned thirty leagues in eleven states; by 1906 they numbered sixty-three in twenty states.

Flourishing local leagues sustained the national's existence, channeling money, ideas, and the support of other local groups into the national office. At the same time, locals implemented the national's agenda at the state level. Most league members were white, urban, northern, middle-class Protestants, but Jewish women held important positions of leadership. Catholic women became more visible after Cardinal James Gibbons of Baltimore consented

to serve as vice president of a Maryland league and Bishop J. Regis Canevin of Pittsburgh encouraged members of that city's Ladies Catholic Benevolent Association to join. Two important reasons for the absence of black women from the NCL's membership and agenda were the league's focus on Northern urban manufacturing, and the residence of 90 percent of the nation's black population in the South, employed primarily in agriculture, in 1900.

10-HOUR LAWS FOR WOMEN: NEW USES OF SOCIAL SCIENCE

The work of educating her constituency being achieved by 1907, Kelley implemented a second stage of league work. With the use of social science data, the NCL overcame legal obstacles to the passage of state laws limiting women's hours. The overturning of Illinois's 1893 law by Illinois's Supreme Court in 1895 made Kelley determined to defend such laws before the U.S. Supreme Court. When an Oregon ten-hour law came before the court in 1907, she threw the resources of the NCL into its defense. This case, *Muller v. Oregon*, pitted the NCL and its Oregon branch against a laundry owner who disputed the state's ability to regulate working hours in non-hazardous occupations. For what became known as the "Brandeis Brief," Kelley's Research Director, Josephine Goldmark, gathered printed evidence from medical and other authorities (most of whom were British or European) to demonstrate that workdays longer than ten hours were hazardous to the health of women. Goldmark obtained the services of her brother-in-law, Louis D. Brandeis, a leading Boston attorney, who successfully argued the case on sociological rather than legal grounds, using the evidence that Goldmark had compiled. Thus at the same time that this case cleared the way for state hours laws for women, it also established the court's recognition of sociological evidence, a strategy that sustained the court's ruling against segregated schools in *Brown v. Board of Education* in 1954.

In the years immediately following the *Muller* decision, inspired by Kelley's leadership, and supported by other groups, local consumer leagues gained the passage in twenty states of the first laws limiting women's working hours. Also responding to the decision, nineteen other states revised and expanded their laws governing women's working hours.

The Supreme Court's 1908 opinion tried to block the possibility of extending such protections to men by emphasizing women's special legal status (they did not possess the same contractual rights as men) and their physiological difference from men (their health affected the health of their future children). Nevertheless, in 1917 Kelley and the NCL again cooperated successfully with the Oregon league in arguing another case on sociological grounds before the U.S. Supreme Court, *Bunting v. Oregon*, in which the Court upheld the constitutionality of hours laws for men in non-hazardous occupations. Viewing laws for women as an entering wedge for improving conditions for all working people, Kelley achieved that goal in the progression from *Muller* to *Bunting*. In this as in other aspects of her work with the League, though nominally focused on gender, her reforms had class-wide effects.

THE MINIMUM WAGE CAMPAIGN: NEW USES OF THE POWER OF WOMEN'S ORGANIZATIONS

As early as 1899, Florence Kelley had hoped "to include a requirement as to minimal wages" in the NCL's White Label. Australia and New Zealand had already organized wage boards as part of compulsory arbitration, but the path to an American equivalent did not seem clear until she and other Consumers' League members in 1908 attended the First International Conference of Consumers' Leagues, in Geneva, where they learned about the proposed British wage law of 1909, which that year implemented minimum wages for all workers in certain poorly paid occupations.

Almost immediately on her return, Kelley established her leadership in what became an enormously successful campaign for minimum wage laws for women in the United States. In her campaign she denounced the large profits made in three industries: retail stores, sweatshop garment making, and textile manufacturers. "Low wages produce more poverty than all other causes together," she insisted, urging that "goods and profits are not ends in themselves to which human welfare may continue to be sacrificed."[20]

Kelley argued that minimum wages would raise the standards in women's employment by recognizing their need to support themselves. "So long as women's wages rest upon the assumption that every woman has a

husband, father, brother, or lover contributing to her support, so long these sinister incidents of women's industrial employment (tuberculosis, insanity, vice) are inevitable." She urged that "society itself must build the floor beneath their feet."[21]

Minimum wage legislation was much more difficult to achieve than maximum hours laws because, as one of Kelley's allies put it, wage legislation "pierces to the heart the classic claim that industry is a purely private affair."[22] For this reason, Kelley and the NCL were unaided in their efforts by their male-dominated equivalent, the American Association for Labor Legislation (AALL). When Kelley appealed in 1910 to their executive director, John Andrews, he loftily replied: "I question very seriously the wisdom of injecting the minimum wage proposal into the legislative campaign of this year, because I do not believe our courts would at the present time uphold such legislation, and I am afraid it would seriously jeopardize the splendid progress now being made to establish maximum working hours."[23] Two years later the AALL still opposed wage legislation as premature.

Kelley and the NCL were able to move ahead with this pathbreaking legislation because they could mobilize grass-roots support for it at local and state levels. The AALL had no local branches; instead, their power flowed from a network of male academic experts who advised politicians about legislation. If politicians were not ready to move, neither was the AALL. The NCL, by contrast, had in its sixty-four local branches enough political muscle to take the initiative and lead politicians where they otherwise wouldn't have gone.

In 1912 Massachusetts passed the first minimum wage law for women, followed in 1913 by eight additional states: California, Colorado, Minnesota, Nebraska, Oregon, Utah, Washington, and Wisconsin. By 1919 fourteen states and the District of Columbia and Puerto Rico had enacted minimum wage statutes for women. The success of these laws influenced the inclusion of a minimum wage for men *and* women in the Fair Labor Standards Act (FLSA) of 1938. In 1942, when the U.S. Supreme Court approved the constitutionality of the FLSA, the eight-hour day and the minimum wage became part of the social contract for most American workers. The class-bridging activism of middle-class women in the NCL forged the way with these fundamental reforms.

GAINS AND SETBACKS IN THE 1920S

At Henry Street, Kelley continued to benefit from the same consolidation of female reform talents that had sustained her efforts at Hull House in Chicago. The creation of the U.S. Children's Bureau in 1911 sprang from her discussions with Lillian Wald. The Children's Bureau was the only governmental agency in any industrial society that was headed and run by women. Kelley thought that her most important contribution to social change was the passage in 1921 of the Sheppard-Towner Maternity and Infancy Protection Act, which first allocated federal funds to health care. She was instrumental in the creation of the coalition that backed the act's passage, the Women's Joint Congressional Committee, and in the coalition's successful campaign for the bill in Congress. Although limited to a program administered by the Children's Bureau to combat infant and maternal mortality, Kelley thought the Sheppard-Towner Act marked the beginning of a national health care program.[24]

After this high point in 1921, however, the decade brought a series of reversals that threatened to undo most of her achievements. In 1923 the U.S. Supreme Court in *Adkins* v. *Children's Hospital* found Washington, D.C.'s wage law for women unconstitutional. Many state wage boards continued to function during the 1920s and 1930s, however, providing ample evidence of the benefits of the law, but no new wage laws were passed. In 1926, Congress refused to allocate new funds for Sheppard-Towner programs, and responsibility for maternal and infant health returned to state and county levels.[25]

Just as important, by 1922 Kelley's strategy of using gender-specific legislation as a surrogate for class legislation had generated opposition from a new quarter—women who did not themselves benefit from gendered laws. The National Woman's Party (NWP), formed in 1916 by the charismatic leadership of Alice Paul and funded almost entirely by Alva Belmont, created a small coalition consisting primarily of professional women with some wage-earning women who worked in male-dominated occupations. Despite Kelley's strong objections over the damage they would

do to gender-specific legislation, including the Sheppard-Towner Act, in 1921 the NWP proposed an Equal Rights Amendment to the U.S. Constitution (ERA). Although mainstream organizations such as the General Federation of Women's Clubs and the League of Women Voters continued to support gender-specific legislation, the NWP's proposed amendment undercut the momentum of such gendered strategies. In the 1920s most wage-earning women opposed the ERA because they stood to lose rather than benefit from it. By the 1970s changes in working conditions and protective labor laws meant that most wage-earning women stood to benefit from the amendment, and many more supported it.[26]

Even more damaging than these reversals, however, were the right-wing attacks launched by hyperpatriots against Kelley and other women reformers during the "red scare" of the 1920s. *The Woman Patriot* exemplified these attacks. Launched in 1916 and published twice a month, before the enactment of the woman suffrage amendment this newsletter was subtitled *Dedicated to the Defense of Womanhood, Motherhood, the Family and the State AGAINST Suffragism, Feminism and Socialism.* After 1920 the newsletter dropped its reference to suffrage, but continued its virulent attacks on the social agenda of women reformers. "SHALL BOLSHEVIST-FEMINISTS SECRETLY GOVERN AMERICA?" their headlines screamed, referring to the Sheppard-Towner Act. When *The Woman Patriot* referred to Kelley as "Mrs. Wischnewtzky" and called her "Moscow's chief conspirator," Kelley urged Addams to join her in a libel suit against them. Addams gently persuaded her to ignore the attacks. Kelley then wrote an impassioned series of autobiographical articles that established her lineage as an inheritor of American ideals and a dedicated promoter of American values.[27]

Attacks on women reformers in the 1920s were in part generated by supporters of American military expansion in the aftermath of World War I, when Kelley and many other women reformers were actively promoting peace and disarmament. For example, *The Woman Patriot* characterized the support that women reformers were giving to disarmament as "an organized internationalist Bolshevist-Feminist plot to embarrass the Limitation of Armaments Conference." Government employees joined the attack in 1924, when Lucia Maxwell of the Chemical Warfare Department of the Department of War issued a "Spider Web Chart" entitled "The Socialist-Pacifist Movement in America Is an Absolutely Fundamental and Integral Part of International Socialism." Depicting the connections between women's organizations and Congressional lobbying for social legislation and for disarmament, the chart sought to characterize as "pacifist-socialist" most women's organizations in the United States, including the National Consumers' League, the National League of Women Voters, the General Federation of Women's Clubs, the Woman's Christian Temperance Union, the National Congress of Mothers and Parent-Teachers Association, the National Women's Trade Union League, the American Home Economics Association, the American Association of University Women, the National Council of Jewish Women, the Girls' Friendly Society, the Young Women's Christian Association, and the National Federation of Business and Professional Women.[28]

Historians have not measured the effect of these attacks on the political agendas of women's organizations, but after these attacks the agendas of many women's organizations, for example that of the League for Women Voters, shifted from social justice to good government projects, from support for a Child Labor Amendment to the U.S. Constitution to advocacy for a city manager form of government.[29] Such a shift was in keeping with the demise of the Progressive movement after World War I. But that demise was hastened by the rise of "red scare" tactics in American political culture.

Florence Kelley did not live to see many of her initiatives incorporated into federal legislation in the 1930s. Faced with the collapse of the American economy in the Great Depression of 1929–1939, policymakers drew heavily on the legacy of Progressive reforms initiated between 1890 and 1920. Florence Kelley's legacies, including the minimum wage and maximum hours legislation incorporated in the Fair Labor Standards Act of 1938, were strong enough to survive the reversals of the 1920s. In 1933, with the inauguration of Franklin Delano Roosevelt, Kelley's protégée Frances Perkins became the first woman to serve as a cabinet member. Reflecting the power of women's organizations in shaping a new social contract for American working people, Perkins was appointed Secretary of Labor.[30]

But Kelley's legacy reaches beyond any specific policies. U.S. Supreme Court Justice Felix Frankfurter said in 1953 that the nation owed Kelley an "enduring debt for the continuing process she so largely helped to initiate, by which social legislation is promoted and eventually gets on the statute books."[31] As Kelley shaped it during her long reform career between 1890 and 1930, that process relied heavily on women's organizations and their ability to act independently of the political status quo.

Notes

1. James Weber Linn, *Jane Addams: A Biography* (New York, 1938), 138.

2. For an overview of social change in the Progressive era, see Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York, 1998).

3. For more on Kelley before 1900, see Kathryn Kish Sklar, *Florence Kelley and the Nation's Work: The Rise of Women's Political Culture, 1830–1900* (New Haven, 1995). Specific page references are provided for quotations used below.

4. Mabel Newcomer, *A Century of Higher Education for American Women* (New York, 1959), 37, 46. See also Barbara Miller Solomon, *"In the Company of Educated Women": A History of Women and Higher Education in America* (New Haven, 1985), 62–77.

5. For Kelley's childhood, see Kathryn Kish Sklar, ed., *The Autobiography of Florence Kelley: Notes of Sixty Years* (Chicago, 1986).

6. Sklar, *Autobiography of Florence Kelley*, 30.

7. Kathryn Kish Sklar, "Hull House Maps and Papers: Social Science as Women's Work in the 1890s," in Helene Silverberg, ed., *Gender and American Social Science: The Formative Years* (Princeton, 1998).

8. See Joyce Antler, "After College, What?: New Graduates and the Family Claim," *American Quarterly* 32 (Fall 1980):409–34.

9. See Dorothy Rose Blumberg, "'Dear Mr. Engels': Unpublished Letters, 1884–1894, of Florence Kelley (Wischnewetzky) to Friedrich Engels," *Labor History* 5 (Spring 1964), 103–33.

10. Sklar, *Florence Kelley*, 129.

11. Sklar, *Autobiography of Florence Kelley*, 77.

12. Jane Addams, *My Friend Julia Lathrop* (New York, 1935), 77.

13. Residents of Hull House, *Hull House Maps and Papers* (New York, 1895).

14. FK to Caroline B. Kelley, Chicago, Feb. 24, 1892, Nicholas Kelley Papers, New York Public Library.

15. Kathryn Kish Sklar, "Two Political Cultures in the Progressive Era: The National Consumers' League and the American Association for Labor Legislation," in Linda K. Kerber, Alice Kessler-Harris and Kathryn Kish Sklar, eds., *U.S. History as Women's History: New Feminist Essays* (Chapel Hill, N.C., 1995), 58.

16. U.S. Commissioner of Labor, *Fourth Annual Report, Working Women in Large Cities* (Washington, D.C., 1889), 62–64.

17. For a full argument of this point, see Kathryn Kish Sklar, "The Historical Foundations of Women's Power in the Creation of the American Welfare State, 1830–1930," in Seth Koven and Sonya Michel, eds., *Mothers of a New World: Maternalist Politics and the Origins of Welfare States* (New York, 1993).

18. "Hit at Sweat Shops," *Chicago Tribune*, April 23, 1894; Sklar, *Florence Kelley*, 261.

19. Sklar, *Florence Kelley*, 309.

20. Florence Kelley, "Minimum Wage Boards," *American Journal of Sociology* 17 (Nov. 1911), 303–14.

21. Florence Kelley, "Ten Years from Now," *Survey*, March 26, 1910, 978–81.

22. Sklar, "Two Political Cultures," 60.

23. See, for example, John B. Andrews to Erich Stern, New York, Dec. 14, 1910, American Association for Labor Legislation Papers, Cornell University.

24. See Molly Ladd-Taylor, *Mother-Work: Women, Child Welfare, and the State, 1890–1930* (Urbana, Ill., 1994), 167–96.

25. See J. Stanley Lemons, *The Woman Citizen: Social Feminism in the 1920s* (Urbana, Ill., 1973), 169–76.

26. For the opposition of the progressive mainstream of the women's movement, see Kathryn Kish Sklar, "Why Did Most Politically Active Women Oppose the ERA in the 1920s?" in Joan Hoff-Wilson, ed., *Rights of Passage: the Past and Future of the ERA* (Bloomington, Ind., 1986).

27. *The Woman Patriot*, Vol. 5, no. 29, Nov. 1, 1921, 1. For the complete documents of this correspondence between Kelley and Addams, see Anissa Harper, "Pacifism vs. Patriotism in Women's Organizations in the 1920s: How Was the Debate Shaped by the Expansion of the American Military," in *Women and Social Movements in the United States, 1830–1930*, an Internet website edited by Kathryn Kish Sklar and Thomas Dublin, http://womhist.binghamton.edu. See also Nancy F. Cott, *The Grounding of Modern Feminism* (New Haven, 1987), 243–67.

28. The Spider Web Chart is reproduced in Helen Baker, "How Did the Women's International League for Peace and Freedom Respond to Right Wing Attacks in the 1920s?" in *Women and Social Movements* at http://womhist.binghamton.edu.

29. For example, see the furor aroused within the League of Women Voters over the proposed Child Labor Amendment to the U.S. Constitution in 1924, in Louise M. Young, *In the Public Interest: The League of Women Voters, 1920–1970* (New York, 1989), 97–98.

30. For Perkins see Susan Ware, *Beyond Suffrage: Women in the New Deal* (Cambridge, Mass., 1981), *passim*.

31. Felix Frankfurter, "Foreword," in Josephine Goldmark, *Impatient Crusader: Florence Kelley's Life Story* (Urbana, Ill., 1953), v.