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Growing Up Dependent: Family Preservation in Early Twentieth-Century Chicago

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On December 23, 1912, a Hungarian father brought his three young daughters (ages three, five, and seven) to the Cook County Juvenile Court to file dependent petitions on their behalf. He alleged that their mother had deserted the family, stolen their savings, and disappeared. As a single father, he could have and probably did argue that it was unreasonable to expect him to work and to raise his young children simultaneously. On Christmas Eve, after a six-man jury found each girl to be a "dependent child," Judge Merritt Pinckney ordered them committed to the Lisle Industrial School and arranged for their father to pay $15 a month for their support. Thus, the single father had used the juvenile court to arrange for a private institution to raise his now motherless children, who because they were the same gender were at least allowed to grow up together in the same industrial school.[1]

1. Case Numbers 45041–45043, Juvenile Cases, Cook County Circuit Court Archives, Richard J. Daley Center, Chicago, Illinois [Case Nos. 45041–45043]. There are approximately 2,700 extant case files from the court's founding in 1899 until 1926, but it is not known

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The death of the girls' father in February 1914 and the reappearance in May of their mother, who petitioned the juvenile court for custody, raised new questions about the girls' dependency. At the time, the Cook County Juvenile Court was running one of the largest mothers' pension programs in the country and paying some mothers to raise their dependent children at home. In this case, the mother, who as an alien was not eligible for state relief, had to prove to the judge that she not only was a capable mother but that she also had enough resources to provide for her daughters. In her petition the mother described herself as a loyal but abused wife, "the almost unceasing victim of [her husband's] brutality and abuse," who had been forced away from her home and children on the very day that her husband had filed the initial dependent petitions. She had found a job at a restaurant on Halsted Street to support herself, but once her husband "had succeeded in getting the children placed in the said Industrial School he came to the place where [she] was then employed and induced her to return to their home." Shortly thereafter, the father was critically injured in an industrial accident. His wife secured employment at a West Side dispensary and supported the couple during the husband's long and eventually unsuccessful convalescence, which ended on February 17, 1914. Now, two months later, the mother appeared in Judge Pinckney's courtroom to declare that she "has always been a good mother to the said children" and could provide them with "a suitable place" and that "it is consistent with the public good and the good of said children; that they be restored to the custody of your petitioner."[2] Judge Pinckney concurred, but for the girls'

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why these select records were preserved. Every child who entered the juvenile court system was assigned a permanent case number and all his or her subsequent legal papers were filed under this number. In dependency cases, which included applications for mothers' pensions, siblings were assigned consecutive numbers. The case files are impounded and researchers must receive permission from the presiding chief judge of the Cook County Juvenile Court to look at them. To protect the confidentiality of the families involved, per judicial request, I use no real names in this article.

2. The mother's petition, dated May 25, 1914, is in Case No. 45041. The mother stated that she had $865 in the bank and her attorney was selling some property of hers in Hungary that would approximately double her savings. Verifying all of the mother's account is impossible, but the petition did provide a narrative explaining why the mother had been absent and why she was now a worthy mother. On the importance of studying the "fictional" aspects of supplications, see Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987). On the use of narratives to structure identity, both at the individual and institutional level, see Regina G. Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890–1945* (New Haven: Yale University Press, 1993); and Kunzel, "Pulp Fictions and Problem Girls: Reading and Rewriting Single Pregnancy in the Postwar United States," *American Historical Review* 100 (1995): 1465–87.

safety placed them on probation with their mother until the end of the year. He permanently discharged them nearly two years to the day upon which they had become wards of the court.[3]

The three sisters had entered the juvenile court at a formative moment in welfare history. Beginning in 1911 with Illinois's passage of the Funds to Parents Act—the first statewide mothers' pensions legislation—the Chicago Juvenile Court built a two-track system for dependency cases that used the gender of single parents to track their children.[4] The first or "institutional" track followed a nineteenth-century model of family preservation that poor families had relied upon since before the Civil War, in which parents had used institutions to provide short-term care for their children during hard times.[5] As Kenneth Cmiel has noted, managers of late nineteenth-century asylums understood this reasoning and, accordingly, "did not think of the children as unique individuals, separate from the accident of their parents. . . . Instead, they thought of the children as an integral part of a family unit, a unit the orphanage was struggling to maintain."[6] Thus, although children might be physically separated from their parents for periods of time, they were still considered to be part of a "natural" family and were expected to return to their own homes when conditions improved.

The juvenile court also established a "home-based" track for dependency that reflected a new model of family preservation. Progressive child-savers denounced the nineteenth-century model because they claimed that

3. Case Nos. 45041–45043.

4. Recent research on the handling of delinquency cases reveals that using parental status to make determinations about how to track children has remained a feature of juvenile justice. Simon Singer, for example, discovered that prosecutors in Buffalo, New York, factored parental status heavily into their decisions about whether to indict juveniles as adults. "[P]arental status (a non-offense-related variable)," he discovered through multivariate analysis, "is the most important determinant of the prosecutor's decision to refer eligible juveniles to the grand jury." He added: "The above findings are compatible with other multivariate research on the case processing of juveniles in contemporary juvenile court. Mark Jacobs used a multivariate analysis of juvenile court dispositions and found that the strongest predictor of out-of-home placement is parental marital status. He concluded that juveniles 'from nontraditional families and children living apart from their parents are at risk of out-of-home placement entirely out of proportion to the risk of recidivism they pose.'" Simon I. Singer, *Recriminalizing Delinquency: Violent Juvenile Crime and Juvenile Justice Reform* (New York: Cambridge University Press, 1996), 94–95.

5. The best historical account of the use of orphanages from the Civil War until the Great Depression is Timothy A. Hacsi, *Second Home: Orphan Asylums and Poor Families in America* (Cambridge: Harvard University Press, 1997). For an excellent contemporary source, see Hastings H. Hart, *Preventive Treatment of Neglected Children* (New York: Charities Publication Committee, 1910), 57–73.

6. Kenneth Cmiel, *A Home of Another Kind: One Chicago Orphanage and the Tangle of Child Welfare* (Chicago: University of Chicago Press, 1995), 15.

institutions were too regimented and did not prepare children to live in the outside world.[7] As scholars of social welfare have long noted, the 1909 White House Conference on the Care of Dependent Children rejected institutionalization and instead endorsed the new model of family preservation. In its famous resolution, it declared: "Home life is the highest and finest product of civilization. It is the great molding force of mind and of character. Children should not be deprived of it except for urgent and compelling reasons."[8] Accordingly, families, if at all possible, should remain physically together in their own homes.

The actual practice of family preservation in the early twentieth-century Chicago Juvenile Court did not result from the ascendancy of the home-based model over the institutional but rather from a mixture of old and new approaches.[9] Children placed in the institutional track, such as the three sisters initially were, lived in training or industrial schools until they could be reunited with their families; children placed in the newer home-based track remained at home, partially supported by a state disbursement paid to their mothers. Moreover, gendered assumptions about single parenthood by parents and the court influenced how children were tracked. Motherless children generally ended up in the institutional track and fatherless ones in the home-based track. Once in either track, a child became a ward of the court, thus making a judge, not the parents, the final decision-maker in questions about the child's welfare. In effect, this placed the entire family under the court's jurisdiction.[10]

7. For an insightful and provocative account of the revolt against institutionalization, including the leading role played by managers of institutions, see Matthew A. Crenson, *Building the Invisible Orphanage: A Prehistory of the American Welfare System* (Cambridge, Mass.: Harvard University Press, 1998).

8. For good, if somewhat contrasting, accounts of the ideological significance to the development of the American welfare state of this first White House Conference on the Care of Dependent Children, see Crenson, *Building the Invisible Orphanage,* esp. 258–62; Walter I. Trattner, *From Poor Law to Welfare State: A History of Social Welfare in America,* 5th ed. (New York: The Free Press, 1994), 216–17; and Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York: Basic Books, 1986), 122–24. The standard accounts of the treatment of dependent children in the early twentieth century are Susan Tiffin, *In Whose Best Interest? Child Welfare Reform in the Progressive Era* (Westport, Conn.: Greenwood Press, 1982), and Ann Vandepol, "Dependent Children, Child Custody, and the Mothers' Pensions: The Transformation of State-Family Relations in the Early Twentieth Century," *Social Problems* 29 (1982): 221–35.

9. The best account of the tension between nineteenth-century traditions and public innovations in social policy during the early twentieth century is Morton Keller, *Regulating a New Society: Public Policy and Social Change in America, 1900–1933* (Cambridge, Mass.: Harvard University Press, 1994).

10. In her study of the Chicago court for the Children's Bureau, Helen Jeter made this point: "In these [dependency] cases and in aid to mothers cases as well, the jurisdiction is

To recover the histories of family preservation in early twentieth-century Chicago this article first explores why progressive child-savers believed that the juvenile court was the proper institution to administer mothers' pensions and what the consequences of this choice were. It then examines how placing the Funds to Parents Act under the juvenile court's jurisdiction created administrative problems for Judge Pinckney, who turned to the city's philanthropic community to assist him in the construction of the court's new home-based track for family preservation. After providing an overview of the safeguards established to limit eligibility for state aid, the article analyzes case files from 1912 to compare the experiences of the children in the institutional track with those of the children in the home-based one. It then examines the replacement of the Funds to Parents Act with gender-specific mothers' aid laws in the 1910s. In addition, an analysis of case files from 1921 reveals that the experiences of children in the two tracks had diverged because nonpensioned children were spending longer periods in institutions, while pensioned children continued to remain at home. The conclusion examines why states removed mothers' pensions programs from juvenile courts and instead placed them in local or state welfare agencies.

I. Historiography and Sources

The fact that juvenile courts had jurisdiction over child dependency and administered mothers' pensions programs in most states in the early twentieth-century places the history of family preservation policy into two scholarly fields: the history of welfare and the history of juvenile justice. Neither literature, however, has adequately addressed the judicial administration of mothers' pensions in the early twentieth century. Historians interested in the struggle for social security and, more recently, scholars working on the role of maternalism in state formation have drawn attention to the importance of mothers' pensions in the development of the American welfare state.[11] In addition, juvenile justice specialists have characterized

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technically exercised over the child. Actually, however, the entire family is brought under supervision." Helen Jeter, *The Chicago Juvenile Court* (Washington, D.C.: Government Printing Office, 1922), 12.

11. Important works on mothers' pensions include: Winifred Bell, *Aid to Dependent Children* (New York: Columbia University Press, 1965), 3–19; Roy Lubove, *The Struggle for Social Security* (Cambridge: Harvard University Press, 1968), 91–112; Mark H. Leff, "Consensus for Reform: The Mothers'-Pension Movement in the Progressive Era," *Social Service Review* 47 (1973): 397–417; Barbara J. Nelson, "The Origins of the Two-Channel

the Progressive Era juvenile court as a social welfare institution.[12] But neither literature adequately explores how or even why juvenile courts administered mothers' pensions. Too often welfare historians have been more concerned about the shortcomings of the American welfare state, rather than its actual day-to-day operations. From this perspective, the local administration of welfare programs has been viewed as the "fatal defect" that prevented the creation of a centralized, expanded, and rationalized (that is, more European) approach to public welfare.[13] This "missed opportunity" thesis points to what might have been but does not explain much of what actually occurred in the United States at the local level during the early twentieth century. Historians of juvenile justice, on the other hand, have focused almost exclusively on its role in policing juvenile delinquency and have skirted its handling of dependency cases.[14] As a result, assumptions about a flawed welfare state in concert with a narrow conception of juvenile justice have

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Welfare State: Workmen's Compensation and Mothers' Aid," in *Women, the State, and Welfare,* ed. Linda Gordon (Madison: University of Wisconsin Press, 1990); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Belknap Press of Harvard University Press, 1992); Christopher Howard, "Sowing the Seeds of 'Welfare': The Transformation of Mothers' Pensions," *Journal of Policy History* 4 (1992): 188–227; Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare* (Cambridge, Mass.: Harvard University Press, 1994); Molly Ladd-Taylor, *Mother-Work: Women, Child Welfare, and the State, 1890–1930* (Urbana: University of Illinois Press, 1994), 135–66; and Gwendolyn Mink, *The Wages of Motherhood: Inequality in the Welfare State, 1917–1942* (Ithaca: Cornell University Press, 1995), 27–52.

12. For a characterization of the early twentieth-century juvenile court as a social welfare institution, see Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999). Significantly, the annual reports of the Cook County Juvenile Court appeared in the *Charity Service Reports,* published by the Cook County Board of Commissioners.

13. Roy Lubove, *The Struggle for Social Security,* 111. His argument put the historian's seal of approval upon Edith Abbott and Sophonisba P. Breckinridge's study for the Children's Bureau, *The Administration of the Aid-to-Mothers Law in Illinois,* Publication no. 82 (Washington, D.C.: Government Printing Office, 1921). The phrase "fatal defect" is from Abbott and Breckinridge, *The Administration,* 167.

14. The three classic, historical studies of early twentieth-century American juvenile justice mention the administration of mothers' pensions only in passing. Anthony Platt, for example, in his famous study, *The Child Savers: The Invention of Delinquency,* 2d ed. (Chicago: University of Chicago Press, 1977), does not discuss them. Steven Schlossman and David Rothman discuss them, but only briefly, in Schlossman, *Love and the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825–1920* (Chicago: University of Chicago Press, 1977), 73–74, and Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America* (Boston: Little, Brown, 1980), 226. Other important works on early twentieth-century juvenile justice, which either do not discuss mothers' pensions or barely mention them, include: Ellen Ryerson, *The Best-Laid Plans: America's Juvenile Court Experiment* (New York: Hill and Wang, 1978); Eric C. Schneider, *In the Web of Class: Delinquents and Reformers in Boston, 1810s-1930s* (New York: New York University Press, 1992); Mary E. Odem, *Delinquent Daughters: Protecting and Policing*

ensured that, until recently, the history of the administration of mothers' pensions by juvenile courts had remained largely unwritten.

The state of scholarly affairs has begun to change, most notably with the publication of Joanne Goodwin's *Gender and the Politics of Welfare Reform,* the first major historical study of a mothers' pensions program at the local level.[15] Goodwin's study has not only brought local politics and administration back into the history of welfare reform but also shattered the myth that women on welfare were not required to work and raised important questions about the history of women's citizenship and economic standing in modern America. As her study demonstrates, only by examining the everyday practices of *local* administration can we see the consequences for poor families of what Michael Willrich has called "modern welfare governance."[16]

Modern welfare governance, according to Willrich, is an interlocking system of welfare initiatives and criminal sanctions that attempts "not merely to provide a modicum of economic security to citizens but also to keep legitimate claims upon the [public] purse to a minimum."[17] In order to accomplish these twin objectives of social security and fiscal parsimony, the progressive architects of welfare governance built upon the English tradition of poor relief, which dated back to the Elizabethan Poor Law of 1601. This legislation had declared that family members were liable to support paupers in the family and served as the basis of the developing poor law in the Anglo-American world.[18] During the Progressive Era (1890–1919), American reformers forged new connections between poor relief and

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Adolescent Female Sexuality in the United States, 1885–1920 (Chapel Hill: University of North Carolina, 1995); Elizabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park: The Pennsylvania State University Press, 1998); Christopher P. Manfredi, *The Supreme Court and Juvenile Justice* (Lawrence: University Press of Kansas, 1998); and Feld, *Bad Kids.*

15. Joanne Goodwin, *Gender and the Politics of Welfare Reform: Mothers' Pensions in Chicago, 1911–1929* (Chicago: University of Chicago Press, 1997).

16. Michael Willrich, "Home Slackers: Men, the State, and Welfare in Modern America," *Journal of American History* 87 (2000): 460–89. On the concept of "governance," see Graham Burchell, Colin Gordon, and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991); and William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996).

17. Willrich, "Home Slackers," 463. Other good introductions to the theoretical literature about the coupling of welfare and justice include David Garland, *Punishment and Welfare: A History of Penal Strategies* (Brookfield: Gower, 1985); Christopher Lasch, *Haven in a Heartless World: The Family Besieged* (New York: Basic Books, 1977); Andrew J. Polsky, *The Rise of the Therapeutic State* (Princeton: Princeton University Press, 1991); and Feld, *Bad Kids.*

18. For an overview of the poor law in the United States, see Trattner, *From Poor Law to Welfare State,* 1–78.

criminal justice. They refashioned the criminal law in order to make an individual's case into the starting point for social policies aimed at preserving and policing families. A combination of welfare initiatives—social insurance programs like workers' compensation for injured men and pensions for single mothers with small children—complemented by criminal sanctions, such as laws making nonsupport into a criminal act, helped to ensure that families would remain together.[19]

Progressives were concerned about whether the family could survive in the modern world. The expansion of the wage economy and the spread of market processes, the rise of large-scale industrialization, rapid urbanization, and mass immigration were all radically transforming American life.[20] The family, symbolized by the image of the home, appeared to be fracturing under these new pressures. As Miriam Van Waters, who served as a referee for the Los Angeles Juvenile Court in the 1920s, noted: "It is significant that it was in America that the first juvenile court arose [in 1899], for from America about the same time the civilized world received its first warning that all was not well with that ancient institution, the home. The first decade of the juvenile court marks the beginning of the rise of the curve of the broken home, which is still mounting."[21] State action, Van Waters explained, was required to mend broken homes and protect the welfare of children because "parenthood itself began to weaken, so that not only were thousands of children brought before the court who in happier conditions would never have come, but the children themselves had no conception of what a wise, good father and mother ought to be."[22] Clearly, the state had

19. Willrich, "Home Slackers," 478.

20. On the ascendancy of wage labor and its cultural meanings, see Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998). The best analysis of the transatlantic response to the expansion of market processes is Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1998). On progressivism generally see the classic studies by Richard Hofstadter, *The Age of Reform: From Bryan to FDR* (New York: Knopf, 1955); Samuel P. Hays, *The Response to Industrialism, 1885–1914* (Chicago: University of Chicago Press, 1957); and Robert H. Wiebe, *The Search for Order, 1877–1920* (New York: Hill and Wang, 1967).

21. Miriam Van Waters, "The Juvenile Court from the Child's Viewpoint. A Glimpse into the Future," in *The Child, the Clinic and the Court,* ed. Jane Addams (New York: New Republic, 1927), 218–19. Also see Estelle B. Freedman, *Maternal Justice: Miriam Van Waters and the Female Reform Tradition* (Chicago: University of Chicago Press, 1996). Illinois had also established the world's first juvenile court in 1899; see David S. Tanenhaus, "Justice for the Child: The Beginning of the Juvenile Court in Chicago," *Chicago History* 27 (Winter 1998–1999): 4–19.

22. Van Waters, "The Juvenile Court," 220.

to exercise its authority of *parens patriae* ("the state as parent") over these practically parentless children.[23]

This article uses two series of previously unexamined case files from the Chicago juvenile court (1912 and 1921) to examine how the state acted like a parent for its dependent children.[24] These case files are especially illuminating because they allow researchers to follow children from when they first entered the juvenile court and were assigned a permanent case number until they were discharged from the juvenile justice system. In addition, the article uses these records to draw comparisons between the experiences of dependent children whose families received pensions with those that did not. The findings suggest that the state, in its efforts to preserve families, assumed the role of a father for fatherless children by partially supporting their mothers. But for motherless children the state often found substitute mothers in the form of private institutions.

By uncovering cases like those of the three sisters, this article builds upon the work of Goodwin, Willrich, and many others who have made the regulation of women and men visible parts of modern welfare governance.[25] It begins the process of writing the regulation of dependent children into this history.[26] More important, it cautions against allowing the progressive conception of family preservation—families remaining physically together at home—to distort our understanding of early twentieth-century social policy.[27] Juvenile courts, as the article argues, used more than one form of fam-

23. For a good overview of the doctrine of *parens patriae* and its relationship to juvenile justice, see Feld, *Bad Kids,* 52–53. The following is Feld's useful definition: "The legal doctrine of *parens patriae*—the right and responsibility of the state to substitute its own control over children for that of the natural parents when the latter appeared unable or unwilling to meet their responsibilities or when the child posed a problem for the community—provided for the formal justification to intervene"(52).

24. The 296 case files include the only extant dependency cases from the 1910s and the only extant mothers' pensions cases from the 1920s. Although the number of cases is limited and they come from two brief periods, the cases do allow the researcher to see the long-term consequences of tracking decisions. This longitudinal quality of the case files reveals a great deal about the overarching structure of family preservation policy in this period.

25. See, e.g., Mimi Abramovitz, *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present* (Boston: South End Press, 1988), and Polsky, *The Rise of the Therapeutic State.*

26. The regulation of delinquent children has already become a part of this literature. See, e.g., Odem, *Delinquent Daughters.*

27. Child welfare experts currently use the term "family preservation" to describe programs that prevent the break-up of families. Once a child is removed from his or her home, the process of putting the family back together is called "family reunification." For an excellent introduction to the recent history of family preservation policies, including the backlash against these programs, see John R. Schuerman, *Best Interests and Family Preservation in America* (Chicago: Chapin Hall Center for Children, 1997).

ily preservation in this period. In the process, they helped to establish different methods for handling the cases of fatherless and motherless children that would be incorporated into the framework of the American welfare state.

II. Why Did Juvenile Courts Administer Mothers' Pensions?

It is important to consider why progressive child savers thought that the juvenile court was the *natural* choice to administer welfare programs before examining how this decision allowed for the construction of a two-track system for family preservation.[28] The legislative history of the Funds to Parents Act hardly explains why the juvenile court gained jurisdiction over mothers' pensions, for no public campaign led to the law's passage.[29] As Joanne Goodwin has documented, since the turn of the century there had been discussions about mothers' pensions at national conferences of charity and social workers, social research into the subject by Chicago's leading social justice feminists, and calls by Chicago's juvenile court judges for family preservation programs. However, she notes that "the first state law that authorized voluntary public funding to families with dependent children slipped into existence without their consultation" and the actual origins of the Funds to Parents Act remain quite mysterious.[30] State Senator Carl Lundberg, a Republican from Chicago, introduced the bill, which was amended once, passed without opposition, and signed by the governor on June 5, 1911.[31] This bill, which had received little public attention before its passage, quickly became famous as word of its existence spread throughout Chicago and the nation.

The decision to entrust juvenile courts with the administration of mothers' pensions reflected both a nineteenth-century tradition of judges "governing the hearth" and a newer faith in the capacity of urban courts to police social problems.[32] In the United States over the course of the nineteenth

28. As part of the 1930 White House Conference on Child Health and Protection, the subcommittee on Mothers' Aid reported, "Since it was in the juvenile court that dependent children appeared, in certain states, to be sent to institutions, it was *natural* that in the inception of the plan its judge should be given the opportunity of ordering payment to the mother instead of an institution." *White House Conference on Child Health and Protection* (New York: D. Appleton-Century, 1933), 224 (italics added).

29. Claims of the law's authorship would actually postdate its enactment. Goodwin, *Gender and the Politics of Welfare Reform,* 104–12.

30. Ibid., 87. Goodwin has used the term "social justice feminists" to emphasize these women's broad understanding of political economy.

31. Ibid., 104–5.

32. Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), esp. chap. 8. On the

century, as Michael Grossberg has revealed, courts, not legislatures, had often played a leading role in establishing child welfare policies. With the creation of the nation's first juvenile court in Chicago in 1899, this trend of judicial intervention into domestic relations continued into the twentieth century.

Once a city opened a juvenile court, reformers began to consider it as the local child welfare center and as an institution that could be expanded to meet new needs. This tendency was especially pronounced in midwestern and western states, in which social services were less developed than in the east.[33] Moreover, progressive child savers conceived of all children as being different from adults and, accordingly, did not draw sharp distinctions between dependents and delinquents and believed that a unified children's court could serve both.[34] Thus, the juvenile court appeared to many progressives, who saw the roots of delinquency in dependency, to be the obvious site for administering mothers' pensions.[35] In "Pensioning the Widow and the Fatherless," an article published in *Good Housekeeping* in 1913, Frederic C. Howe and Marie Jenney Howe made this argument matter-of-factly. They stated that the juvenile court already had "charge of child life" and "could be enlarged to take over one more department, and more appropriately so than any other agency, since the children who suffer from lack of home care are those brought to the juvenile court. When delinquency is due to this cause it can be looked into and remedied by a

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use of municipal courts in the early twentieth century to police social and moral jurisdictions, see Michael Willrich, "The Two Percent Solution: Eugenic Jurisprudence and the Socialization of American Law, 1900–1930," *Law and History Review* 16 (1998): 63–111. On the importance of urban reform for progressives in Europe and American in the late nineteenth and early twentieth centuries, see Rodgers, *Atlantic Crossings,* 112–59.

33. *White House Conference on Child Health and Protection,* 223.

34. For an excellent analysis of the progressive conception of childhood, see Janet E. Ainsworth, "Re-Imagining Childhood and Reconstructing the Legal Order: The Case for the Abolition of the Juvenile Court," *North Carolina Law Review* 69 (1991): 1083–1133.

35. In 1910, Henry W. Thurston, a former chief probation officer of the Chicago Juvenile Court and superintendent of the Illinois Children's Home and Aid Society, explained how close these connections between dependency and delinquency were. "Perhaps the most fundamental fact revealed by the recent investigation of delinquent children of the Chicago court is the intimate relation of delinquency to truancy and dependency. In a great majority of cases of delinquent boys, the economic, family and school conditions of the child were unsatisfactory. It has long been possible for the charity worker, the truant officer and the school teacher to prophesy that the children of certain families would develop into delinquents. It is the duty and the opportunity of an efficient community to care so well for its truants and dependent children from the very moment when such a prophecy can be made, that it will never be realized. It perhaps goes without saying that in Chicago, at least, such a community efficiency has not yet been developed." Thurston, "The Juvenile Court as Probationary Institution," in Hart, *Preventive Treatment of Neglected Children,* 347.

mothers' pension."[36] As a result of such reasoning, legislatures entrusted juvenile courts with the administration of mothers' pensions in the majority of states that passed pension laws in the early 1910s.[37]

Some early critics questioned the expansion of the juvenile court into all areas of child welfare. In 1914, Thomas D. Eliot, a professor of sociology at Northwestern University, warned about the consequences of adding "extra-activities" to juvenile courts, which transformed them "into all things to all men" and taxed their limited resources.[38] More disturbingly, as Eliot pointed out, many of these new functions, such as mothers' pensions, were not "essentially judicial in character."[39] This pronouncement echoed the growing concerns of social workers and some juvenile court judges, who believed that juvenile courts were "ill-adapted" to administer welfare programs. It also foreshadowed criticisms of legal scholars in the 1920s, who warned about the dangers of "socialized" courts that disregarded the rule of law in the pursuit of "individualized" justice.[40]

Though the Funds to Parents Act epitomized the process of adding "extra-activities" to the juvenile court that Eliot had criticized, the law offered the possibility of preserving homes in a seemingly disorderly city.[41] Chi-

36. Frederic C. Howe and Marie Jenney Howe, "Pensioning the Widow and the Fatherless," *Good Housekeeping* 57 (1913): 291.

37. Twenty state legislatures passed mothers' pension laws between 1911 and 1913. By 1920, forty states had enacted such laws. Skocpol, *Protecting Soldiers and Mothers,* 424. According to Grace Abbott, "While Judge Pinckney had said that if any other public agency were available the administration of mothers' aid did not belong in the juvenile court, in twenty states it was placed there with the general approval of those interested in dependent children because no other local administrative agency seemed at the time as well qualified. While two of the states adopting the court as the administrative agency were in the East [New Jersey and Vermont] and four in the South [Arkansas, Louisiana, Oklahoma, and Tennessee], the great majority were in the Middle West and Northwest [Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Washington, and Wisconsin]." Grace Abbott, *The Child and the State,* (Chicago: University of Chicago Press, 1938), 2:235–36.

38. Thomas D. Eliot, *The Juvenile Court and the Community* (New York: Macmillan, 1914), 17.

39. Ibid., 17–18.

40. For an accounting of social workers' concerns about judicial administration of welfare programs, see *White House Conference on Child Health and Protection,* 224–25. On concerns about socialized justice, see Edward F. Waite, "How Far Can Court Procedure Be Socialized Without Impairing Individual Rights?" *Journal of Criminal Law and Criminology* 12 (1921): 339–47. For two excellent historical accounts of the concerns in the 1920s over socialized law, see Thomas A. Green, "Freedom and Criminal Responsibility in the Age of Pound," *Michigan Law Review* 93 (1995): 1915–2053, and Willrich, "The Two Percent Solution."

41. For an excellent introduction to American concerns about urban disorder and the quest for social control, see Paul Boyer, *Urban Masses and Moral Order in America, 1820–1920* (Cambridge, Mass.: Harvard University Press, 1978).

cago, the nation's fastest growing city, as the muckraking Lincoln Steffens observed, was "first in violence, deepest in dirt; loud, lawless, unlovely, ill-smelling, new; an overgrown gawk of a village, the teeming tough among cities. Criminally it was wide open, commercially it was brazen; and socially it was thoughtless and raw."[42] The Funds to Parents Act, which reflected faith in the capacity of the juvenile court to serve as a social welfare institution, promised to help restore social order by strengthening the home.

III. Problems in Administering the Funds to Parents Act

Sometimes judges get what they ask for. Merritt W. Pinckney, who became the third judge of the famous Chicago juvenile court in June 1908, had supported the idea of mothers' pensions because he believed that they would prevent the court from separating dependent children from their morally worthy but impoverished mothers. But the Funds to Parents Act, which created the possibility for the juvenile court to build a home-based family preservation program, raised a host of administrative problems for the judge. It also thrust Pinckney into the national limelight, especially after the Russell Sage Foundation commissioned C. C. Carstens, the director of the Massachusetts Society for the Prevention of Cruelty to Children, to investigate how the new program worked.[43] Social workers would be watching to see how the judge administered the welfare program.

Charity reformers since the Civil War had condemned "outdoor" (non-institutional) relief, as the historian Amy Dru Stanley has argued, because it "constituted an 'unmitigated evil' that not only destroy[ed] the 'habit of industry' but also taught the poor to view dependence as a 'right' rather than a stigmatized status."[44] Although in the 1910s supporters of mothers' pensions tried to differentiate this new form of state aid from poor relief, they still shared many of the Gilded Age's assumptions about the potentially pauperizing effects of public aid to the poor. Thus, even though Pinckney supported the Funds to Parents Act, he feared creating new forms of

42. Quoted in Martin Bulmer, *The Chicago School of Sociology: Institutionalization, Diversity, and the Rise of Sociological Research* (Chicago: University of Chicago Press, 1984), 13–14.

43. Although it was the first statewide mothers' pensions program, Pinckney was only responsible for its administration in Cook County. Carsten's early findings and conclusions were published in "Public Pensions to Widows With Children," *The Survey* (4 January, 1913): 459–66. He also incorporated his analysis of the Chicago program into *Public Pensions to Widows and Children: A Study of Their Administration in Several American Cities* (New York: Russell Sage Foundation, 1913).

44. Stanley, *From Bondage to Contract*, 112.

adult dependency and knew that Carstens and other social workers would be examining the family preservation program to see whether it would "inevitably create a new class of dependents."[45]

Part of the problem that Pinckney faced was that while the progressive child savers did not want to make adults into dependents, at the same time reformers did want to make children and adolescents into a dependent class. Progressives attempted to prolong youth dependency through truancy, compulsory education, and child labor laws aimed to keep children off the streets, in school, and out of the labor market.[46] The founders of the *juvenile* court had in fact envisioned that the court, by removing juveniles from the adult criminal justice system, would be part of this larger project to prolong child dependency.

The juvenile court, however, had never done a good job of defining what exactly constituted "child dependency." This difficulty stemmed in part from the belief that "all children are dependent, but only a small number are dependent on the state."[47] If all children were dependent by definition, how could a judge determine which ones required state assistance? In addition, the multiple meanings of dependency, which, as Sylvia Schafer has noted in her work on French child welfare, can also include "negative facts," not just a lack of material resources, complicated the issue.[48] In its annual reports, the Chicago court, for example, had listed the causes of dependency generally as "lack of care" without explaining what specific "care" was missing from the child's life. The reports also specified cases in which a child was dependent because of an "abnormal" family situation created by desertion, sickness, death, insanity, imprisonment, immorality, cruelty, or

45. Although Pinckney shared this concern, the quoted phrase is from Carstens, "Public Pensions," 465.

46. *Youth in Transition: Report of the Panel on Youth to the President's Science Advisory Committee* (Chicago: University of Chicago Press, 1974), 24–26. In *The Delinquent Child and the Home,* Sophonisba P. Breckinridge and Edith Abbott explored the interconnections among truancy, schooling, and the labor market. They concluded: "A strong plea is presented for the adaptation of the school curriculum to the actual demands of industrial and commercial life, the multiplication of uses of the school buildings, the prolongation of the school year by means of vacation schools, the establishment of continuation schools, the further development of industrial and trade training, and the perfection of the machinery for apprehending all truant children and securing their regular presence at school, as well as the working out of some plan by which the connection between their school life and their working life may be economically and intelligently made." Sophonisba P. Breckinridge and Edith Abbott, *The Delinquent Child and the Home: A Study of the Delinquent Wards of the Juvenile Court of Chicago* (New York: Russell Sage Foundation, 1912), 176–77.

47. Grace Abbott quoted in Alan Wolfe, "The Child and the State: A Second Glance," *Contemporary Crisis* 2 (1978): 407.

48. Sylvia Schafer, *Children in Moral Danger and the Problem of Government in Third Republic France* (Princeton: Princeton University Press, 1997), 4–5.

separation of the parents.[49] Over the years, dependency cases had accounted for about half of the annual calendar, but given the court's ambiguous reporting system it is unclear why some cases were classified as "lack of care" and others assigned more specific causes.

Before the passage of the law in 1911, the judge had limited options in a dependency case.[50] He could allow the child "to remain at its own home subject to friendly visitation of a probation officer," place the child under the guardianship of a "reputable citizen" who would find "a suitable home for the child," or commit the child to a private institution.[51] These options, however, did not include providing financial assistance to destitute families. Consequently, the judge could be forced to remove a dependent child from worthy parents who could not provide for their offspring.

In a December 1911 speech before Chicago's Hamilton Club, Pinckney explained that his "chief endeavor has been to keep the home intact—to preserve the family circle," but that before the passage of the Funds to Parents Act earlier that year, he had often made the painful decision to break up

49. See, e.g., *Charity Service Reports, Cook County, Illinois Fiscal Year 1910* (Cook County, Board of Commissioners, 1911), 166.

50. According to the 1907 Juvenile Court Act, the definitions of the "dependent" and "neglected" child included: "any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, for any reason, is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame or with any vicious or disreputable person; or has a home which by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child who while under the age of ten (10) years is found begging, peddling or selling any articles or singing or playing any musical instrument for gain upon the street or giving any public entertainments or accompanies or is used in aid of any person so doing." *Laws of Illinois* (Springfield: State Printers, 1907), 71.

51. According to the Juvenile Court Act, "If the court shall find any male child under the age of seventeen years or any female child under the age of eighteen years to be dependent or neglected within the meaning of this act, the court may allow such a child to remain at its own home subject to the friendly visitation of a probation officer, and if the parent, parents, guardian or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate or discipline such child, and that it is for the interest of such child and the people of this State that such child be taken from the custody of its parents, custodian or guardian, the court may make an order appointing as guardian of the person of such child, some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child or the court may enter an order committing such child to some suitable State institution, organized for the care of dependent or neglected children, or to some training school or industrial school or to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided." *Laws of Illinois* (Springfield: State Printers, 1907), 74.

destitute families and send the children to private institutions.[52] These brutal moments in the courtroom, when he ordered the separation of a mother from her children, haunted him. "Words cannot express a child's fear or a mother's agony at such a time," he said. He asked the audience to think of the heartbroken mother: "Will she survive the test and continue to lead an honest upright life or will she drift along the lines of least resistance ending in the brothel or in the mad house? It was just such a problem as this some three years ago that first challenged my attention. Such cases have multiplied and made me realize the need of this new law."[53] The Funds to Parents Act now allowed the judge to keep such children at home with their mothers.

The law, however, was not exactly what he had envisioned and proved to be an administrative nightmare. It consisted of a single, loosely worded paragraph:

> If the parent or parents of such [a] dependent or neglected child are poor and unable to properly care for the said child, but are otherwise proper guardians and it is for the welfare of such child to remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the County Board, through its County Agent or otherwise, to pay to such parent or parents, at such times as said order may designate the amount so specified for the care of such dependent or neglected child until the further order of the court.[54]

52. Quoted in Ruth Newberry, "Origin and Criticism of Funds to Parents Act" (master's thesis, University of Chicago, 1912), 12–12a. Cf. Pinckney, "Public Pensions to Widows: Experiences and Observations Which Lead Me to Favor Such a Law," *Proceedings of the National Conference of Charities and Corrections* (1912): 473–80. The best account of Pinckney's career is Frank T. Flynn, "Judge Merritt W. Pinckney and the Early Days of the Juvenile Court in Chicago," *Social Service Review* 28 (1954): 20–30. Although limited outdoor public relief and a poorhouse still existed in Cook County, there were no publicly managed institutions designed specifically for dependent children in the county during this period. Public funds were, however, paid to private institutions and associations organized under the state's Industrial School Acts of 1879 and 1883. For contemporary accounts of how the Chicago juvenile justice system worked, see "Testimony of Judge Merritt W. Pinckney," in Breckinridge and Abbott, *The Delinquent Child and the Home,* 202–46; Cook County, Ill., *Report of a Committee Appointed under Resolution of the Board of Commissioners of Cook County, Bearing Date August 8, 1911* (1912); and Jeter, *The Chicago Juvenile Court.* The best historical overview of child welfare in Illinois, broadly conceived to include both dependency and delinquency, is Joan Gittens, *Poor Relations: The Children of the State in Illinois, 1818–1990* (Urbana: University of Illinois Press, 1994).

53. Pinckney, "Public Pensions," 142–43. Other notable juvenile court judges, including Julian Mack, constructed similar narratives about such separations of mother and child. See, e.g., Leff, "Consensus for Reform," 400, 410; and Sonya Michel, "The Limits of Maternalism: Policies toward American Wage-Earning Mothers during the Progressive Era," in *Mothers of a New World: Maternalist Politics and the Origins of the Welfare States,* ed. Seth Koven and Sonya Michel (New York: Routledge, 1993), 294.

54. *Laws of Illinois* (Springfield: State Printers, 1911), 126.

The lack of guidelines created the possibility for disparate interpretations by judges across the state because no limits on aid were set, no standards for eligibility were specified, and no means for raising revenue for the program were provided. Although considered to be the first statewide *mothers'* pension legislation, the inclusive language of the law did not limit aid to mothers. If the original intent of the law was that funds would be given only to mothers, constitutional concerns about "class legislation" are one explanation for the gender-neutral wording of the act.[55] It is also possible that its author and the legislature did envision that financial assistance would be given to poor two-parent families to tide them over difficult times.

After the law went into effect on July 1, 1911, a flood of applications left the staff of the juvenile court reeling. They had expected that pension cases would emerge from the daily operations of the court; instead churches and newspapers spread the word and encouraged single mothers to apply.[56] Judge Pinckney, after realizing that his current staff was neither properly trained nor adequately equipped to handle all these new cases, created a separate mothers' pensions department (later known as the Aid-to-Mothers Division) to oversee the handling of the cases in the court's new home-based family preservation program. He also sought assistance from the Cook County Board of Commissioners "to meet these new conditions."[57]

The Funds to Parents Act, however, by vesting its administration in the juvenile court had divided the jurisdiction over outdoor poor relief between the court and the county board. The county board's meager response to the judge's request for additional funding strained the already tense relationship between the two agencies.[58] The county board had been solely responsible for public relief before the creation of the juvenile court. It still ran the county's poorhouse located in Oak Forest as well as a system of outdoor poor relief, which provided in-kind benefits to destitute families in the form of coal, food, clothing, and medical care. By allotting the court only $2,000 for the first fiscal year that the law was in effect, July 1 through November 30, 1911, the county board rendered administration of the new law nearly impossible.[59] For the following year, it did grant $75,000 but

55. Ben Lindsey, the famous judge of the Denver juvenile court, offered this explanation about the gender-neutral wording of the Illinois and Colorado laws. See Ben B. Lindsey, "The Mothers' Compensation Law of Colorado," *The Survey* 29 (15 February 1913): 714–16.

56. Goodwin, *Gender and the Politics of Welfare Reform,* 117–18.

57. Pinckney, "Public Pensions," 475. Also see Newberry, "Origin and Criticism," 16–17; Joel D. Hunter, "Administration of the Funds to Parents Law in Chicago," *The Survey* (31 January 1914): 516–18; and Carstens, "Public Pensions."

58. For the political economy of poor relief in Cook County, see Goodwin, *Gender and the Politics of Welfare Reform,* chaps. 2 and 4. Also see Sophonisba P. Breckinridge, *The Illinois Poor Law and Its Administration* (Chicago: University of Chicago Press, 1939), 33–45.

59. Pinckney, "Public Pensions," 474.

this was still only 60 percent of the $125,000 Pinckney requested. The judge had to look elsewhere for help with the implementation of the new law.

IV. The Scientific Administration of the Funds to Parents Act

The judge sought to make the Chicago court into a model of scientific administration. As Pinckney explained to social workers from across the nation, gathered in Cleveland in 1912 for the National Conference of Charities and Corrections, the Funds to Parents Act was "either the best law for our dependent poor ever enacted, or else it is the worst, depending upon its administration."[60] Effective administration, in his opinion, required incorporating the casework techniques developed by private charity organizations to infuse the new law with the spirit of scientific charity.[61] Like the leaders of the Charity Organization Society movement who crusaded against outdoor relief in the Gilded Age, Pinckney worried about the pauperizing effects of public aid upon its recipients and the possibility that governmental intervention might loosen family ties.[62] He did not want to either break a mother's "spirit of self-dependence" or encourage "indifferent husbands" to abandon their families.[63]

Frustrated by the county board, Pinckney opted to work with the leaders of Chicago's private charities to formulate scientific guidelines for the new home-based program and to assist him in its administration. By bringing the city's philanthropic community into the process, the juvenile court merged public power with private resources, as it had many times since its creation in 1899. "It was but natural," Pinckney stated, "to turn for assistance to those great charitable, social and civic welfare societies and associations in Chicago which are most active in relief-giving and in advancing the cause of good citizenship and a purer body politic."[64] The leaders of the philanthropic community selected Julia Lathrop of Hull House, Mrs. L. L. Funk of the Children's Day Association, James F. Kennedy of the St. Vincent de Paul Society, Sherman Kingsley of the Elizabeth McCormick Memorial Fund, and the Reverend C. J. Quille of the Catholic Charities to serve as an executive committee to work with the judge to determine eligibility requirements, fashion a workable system for investigating appli-

60. Ibid.

61. For a good overview of the Charity Organization Movement and its ideology, see Trattner, *From Poor Law to Welfare State,* chap. 5.

62. On the efforts to abolish outdoor relief in the nineteenth century and the rise of scientific charity, see Katz, *In the Shadow of the Poorhouse,* 36–84.

63. Pinckney, "Public Pensions," 477, 479. On concerns about male desertion in this period, see Willrich, "Home Slackers."

64. Pinckney, "Public Pensions," 475.

cants, devise procedures for supervising the recipients, and select a staff of qualified social workers to run the program.[65]

The committee established a searching process of review for all applicants.[66] Observers of the review process, such as C. C. Carstens, were appalled by its "brutality."[67] Staff probation officers conducted the initial investigations and presented their findings to the citizens' committee, which met on a semiweekly basis. Unfortunately, President Peter Bartzen of the county board, who was trying to wrest control of the juvenile court away from the city's progressives, had appointed a number of temporary probation officers who lacked charity work experience and their findings were often inadequate in the opinion of the committee members.[68] These officers had to make multiple inquiries and report on a case two or three times before the committee had enough information to make a decision. If a family appeared eligible at this point, its name and address were forwarded to the county agent, who had ten days to conduct a second investigation. This follow-up might include spreading rumors about the mother's immorality in the neighborhood to "arouse interest in his inquiry, and by means of which he hoped to get incriminating information."[69] The family would then have its day in court along with the probation officer and a representative from the county agent's office.

This entire review process for a family attempting to enter the home-based track for family preservation could be time consuming, costly, and demeaning. Judge Pinckney, nevertheless, declared this system to be "the ideal co-operation of society and the state in administering a worthy law."[70] He was pleased by the fact that this procedure produced a rejection rate of

65. The citizens' committee that choose these representatives from its ranks included Jane Addams; Louise de Koven Bowen, the president of the Juvenile Protective Association; Charles Wacker of the United Charities; Sol Sulzberger of the Jewish Aid Societies; Adolph Kurtz of the Jewish Home-Finding Association; Mrs. Arthur T. Aldis of the Visiting Nurse Association; Mary H. Wilmarth of the Woman's City Club; Dr. Henry Favill of the City Club; Gustave Fischer of the Industrial Club; A. A. McCormick of the Immigrant's Protective League; and Minnie Low of the Bureau of Personal Service.

66. The following description of the review process draws upon Newberry, "Origin and Criticism," and Carstens, "Public Pensions."

67. Carstens, "Public Pensions," 461.

68. The Funds to Parents Act triggered a political battle between Bartzen and progressive reformers for control of the juvenile court. The expansion of the court's staff and the granting of pensions made the court into a potentially powerful tool with which to collect political support through patronage jobs and the delivery of relief. The political history of the administration of mothers' pensions is beyond the scope of this article but has been recounted in Goodwin, *Gender and the Politics of Welfare Reform,* chap. 4, and David Spinoza Tanenhaus, "Policing the Child: Juvenile Justice in Chicago, 1870–1925," 2 vols. (Ph.D. diss., University of Chicago, 1997), 2: 209–75.

69. Carstens, "Public Pensions," 461.

70. Pinckney, "Public Pensions," 476.

well over 60 percent during the period from July 1, 1911, to September 30, 1912, when only 522 out of the 1,450 families who applied received pensions.[71] This high rejection rate ostensibly demonstrated that the review process guaranteed that only morally worthy mothers with no other means of support would receive aid. Moral considerations, such as "unfit parents or home," "no established home," "illegitimate child in the family," and "unmarried mothers" accounted for roughly one tenth of the rejected applications. Significantly, economic factors, such as "income sufficient," "family had money or interest in property," "husband alive and able to support," and "relatives able to support" led to more than one half of the rejections.[72] The classification of "causes" for rejection provided additional evidence that the home-based program was being administered in a scientific manner that would promote traditional values, ensure that families met their legal obligations to provide for their relations, and, most importantly, protect the taxpayers' pockets.

The judge also began meeting with the citizens' committee to draft a new piece of legislation to replace the open-ended Funds to Parents Act and to formalize the safeguards that in practice had narrowed the entrance to the home-based track for family preservation.[73] Chief Probation Officer Joel Hunter later called these new requirements the "safeguards" for the administration of the law. They included the following working principles:

1. No funds will be granted to any family where there are relatives able to support and liable for support of that family.[74]
2. No funds will be granted to any family which has been in the county less than one year.

71. Ibid.

72. On the importance of economic considerations, see Joanne Goodwin, "An American Experiment in Paid Motherhood: The Implementation of Mothers' Pensions in Early Twentieth-Century Chicago," *Gender & History* 4 (1992): 323–41.

73. Hunter, "Administration of the Funds to Parents Law," 516.

74. Under the common law, the father was always first in the line of responsibility. The principle of extended familial responsibility for poor relations dates back to the Elizabethan poor laws. In Illinois under the Pauper Act of 1874, those liable for support included: "the father, grandfather, mother, grandmother, children, grandchildren, [and the] brothers or sisters" of the poor person in question. The lines of responsibility were: "The children shall first be called on to support their parents, if there be children of sufficient ability; and if there be none of sufficient ability, the parents of such poor person shall be next called on if they be of sufficient ability; and if there be no parents or children of sufficient ability, the brothers and sisters of such poor person shall be next called on if they be of sufficient ability; and if there be no brothers or sisters of sufficient ability, the grandchildren of such poor person shall next be called on if they be of sufficient ability; and next the grandparents, if they be of sufficient ability." *The Revised Statutes of Illinois, 1874,* ed. Harvey B. Hurd (Springfield: State Printers, 1874), chap. 57, 754–59. The Pauper Acts are reprinted in Breckinridge, *The Illinois Poor Law,* 243–71.

3. No funds will be granted to any deserted woman whose husband has been away less then two years.[75]

These principles reflected the strong belief that family members must first meet their legal responsibility to provide for their own poor relations before public aid would be granted. In addition, these principles also demonstrated concerns about the welfare program becoming either a magnet that pulled poor families into the county, or one that pushed fathers away from their wives and children.

V. The Two-Track System for Family Preservation

Fortunately, the discovery of a series of case files from the year 1912 provides an opportunity to examine the impact of the original Funds to Parents Act on poor children and their families before the law was later revised. These records—the only extant files from the 1910s—cover the holiday season from Thanksgiving until Christmas, a time when Chicago relief agencies shouldered heavy cases loads owing to the arrival of winter.[76] An examination of the case files suggests that gendered assumptions about single parenthood by parents and the court contributed to the dual tracking of dependent children in which fatherless children often remained in their own homes, while motherless children often ended up in private institutions.

The first track comprised the families to whom the court did not award pensions. The children in this institutional track were generally committed to training or industrial schools, although some stayed at home on probation and a few were placed in foster care. The majority of these children sent to institutions were, however, ultimately reunited with their families. The second track contained the home-based cases. The court awarded pensions to these families and all these children remained at home.

None of the children from any of the families who received cash assistance spent any time in an institution, but their own homes became sites for state supervision and intervention. This staying at home contrasted

75. Hunter, "Administration of the Funds to Parents Law," 516.

76. The following section is based upon 197 consecutive case files (Case Nos. 44851–45050) from November 26, 1912, until December 26, 1912. Out of the 197 first-time petitions filed in the juvenile court by family members, probation officers, and the police from November 26 through December 26, 1912, eighty were for a "dependent child." In 1911 this broad category was expanded to include the applications for mothers' pensions. By comparing the twenty-nine applications for financial assistance with the fifty-one "nonpensioned" dependency cases handled by the court, we can see how the court's administration of the new law fundamentally transformed the juvenile justice system.

sharply with the experiences of the majority of children from the "nonpensioned" families who spent from a few months to a couple of years and, in some instances, nearly a decade in industrial schools. The scholarship on the hidden history of family violence and reassessments of orphanages has challenged the idealized image of the home as a safe place and the Dickensian depiction of institutions as brutal warehouses for children. This makes it difficult to generalize about which situation was better for the majority of the children.[77] Still, if the policy behind the Funds to Parents Act was to keep children in their own homes, then the law appears to have met its objective in the cases in which it was applied.

VI. The Institutional Track

Since it opened in 1899, the juvenile court had devoted about half its annual calendar to dependency cases and had sent many of these children to private institutions, such as the Chicago Half-Orphan Asylum, "whose chief work [was] to provide temporary care for the children of parents who are in temporary distress."[78] The court continued this practice after the passage of the Funds to Parents Act, even though Judge Pinckney and his Chief Probation Officer John H. Witter had condemned the practice of institutionalizing dependent children from morally worthy families. The court's annual report for 1910, for instance, employed the maternalist rhetoric of the campaign for mothers' pensions legislation to criticize the separation of children from their mothers. As Witter explained, "Purely a lack of funds for support should never be reason enough to separate mother and child; to rob a child of that for which no institution can render a proper substitute—a mother's love."[79] He added, "Were we to consider this from the standpoint of expense alone, private organizations have proved, in a limited way, that the ordinary parent can, by keeping the family together, provide for the child with less money than it costs the state to care for the child in an institution."[80]

77. On family violence, see Elizabeth Pleck, *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987), and Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York: Penguin Books, 1988). Revisionist accounts of orphanages include Nurith Zmora, *Orphanages Reconsidered: Child Care Institutions in Progressive Era Baltimore* (Philadelphia: Temple University Press, 1994); Cmiel, *A Home of Another Kind;* Hacsi, *Second Home,* and *Rethinking Orphanages for the Twenty-First Century,* ed. Richard B. McKenzie (Thousand Oaks, Ca.: Sage Publications, 1999).

78. Hart, *Preventive Treatment of Neglected Children,* 70.

79. "Report of Chief Probation Officer," *Charity Service Reports* (1911), 143.

80. Ibid., 144. Witter provided two examples of private charities paying mothers small sums to keep their children at home. He recounted, "An example of this is the case of three

Despite this anti-institutional rhetoric, the court continued to use institutions to preserve families, especially single male-headed ones.

The "nonpensioned" dependency cases from 1912 reflected the disparate needs of the fifty-one first-time wards of the court. They ranged in age from Maud, an eight-day-old baby born out-of-wedlock, to Jane, a fifteen-year-old whose parents were "unable" to support her.[81] The juvenile court relied upon many different institutions to preserve their families when possible. In this regard, the court in its role as a parent to these dependent children, legally its wards, used private institutions to serve as temporary "second homes" to tide families over in tough times. Pinckney committed thirty-two of these children to institutions, including Jane, who spent three months at the Illinois Industrial School for Girls before being paroled by the court to live with her parents.[82] The expectation, as in Jane's case, was that these children would be reunited with their families and in close to seventy percent of the cases this did happen.[83]

According to this nineteenth-century model of family preservation, parents were expected to contribute to their children's upkeep in institutions because this would ensure that they retained a sense of responsibility toward their offspring. The parents, such as the Hungarian father discussed in the introduction, were required to pay a monthly amount, typically $5 per child, to the clerk of the court. The representative of an institution or foster home collected the money from the clerk. This system of indirect payment also allowed the juvenile court to serve as a mediating force between the concerned parties, whether a parent and manager of an institution or occasionally even family members. If a parent fell behind in child support, the juvenile court had the authority to bring contempt charges against him.[84]

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children brought to the attention of the Court about three months ago, but for private charity stepping in at least two of these children would have been sent to institutions at a monthly expense to the county of $7.50 per child; add to this the amount supplemented by the institution, and the amount aggregates $30 per month, making a total of $90 for the three months. The actual amount expended by the Children's Day Association in keeping the children with the mother was $36" (144).

81. Case Nos. 45023 and 45037.

82. Case No. 45037. She was paroled to live with her parents on March 31, 1914, and was permanently discharged that December.

83. According to the case files, twenty-one of the thirty-two children committed to an institution were reunited with a family member. See Case Nos. 44858 (mother), 44859 (aunt), 44860 (parents), 44862 (father), 44863 (aunt), 44865 (aunt), 44895 (father), 44898, 44899 (siblings, mother), 44901, 44902 (siblings, father), 44948–44951 (siblings, parents), 44962 (mother), 45024 (mother), 45037 (parents), 45041 (mother), 45042, 45043 (siblings), and 45044 (parents). The number of reunions was most likely higher but missing papers from a few case files make it impossible to ascertain to whom children were paroled. See, e.g., Case Nos. 44952–44956.

84. For a contempt charge, see, e.g., Case No. 44897.

Long separations could strain these efforts to keep family ties secure through the use of institutions and financial contributions. It could take years, and in some cases up to a decade, before parents and children were finally reunited. The three sisters discussed in the introduction, for example, spent a year and a half at the Lisle Industrial School. This separation from their mother might have been much longer if their father had not died, or if their mother had not convinced Judge Pinckney that she was capable of raising them.

In many cases, because of the death or desertion of both parents, the court had no chance to reunite children with their natural parents. One sad case, for instance, involved an unnamed baby boy born on September 9, 1912 to a poor couple, the Rileys, who lived in a rooming house.[85] The parents advertised the baby in the newspaper and gave him to a wealthy Hyde Park couple, the Smiths, to raise. The "care of the baby," however, made Mrs. Smith "a nervous wreck," forcing the couple to return the newborn to his parents. When the Smiths visited the baby the next day to see how he was doing they were shocked at the poor care he was receiving. According to Mrs. Smith, "[he] was nearly nude when she recovered [him], had but little milk in bottle and [he] was cold." Again, the Smiths decided to take the baby, but Mrs. Smith's nerves were still not up to the task. This time they were unable to locate the baby's parents and brought the child to the juvenile court.

During the hearing the Smiths produced a remarkable extralegal document, which had been drawn up by the baby's father. It read:

> This is to certify that we this day in our good sense and sober minds give our child to [the Smiths] for adoption for the reason that the said [Smiths] are in better financial circumstances and can therefore provide for and supply it's [sic] wants and give said child a more desirable home than we ourselves can at present. The said [Smiths] have shown all affections towards said child which leads us to believe that it will be properly and lovingly cared for, and that the promises made by the said [Smiths] will be faithfully fulfilled. We the undersigned can in no way claim said child and cannot compel the said [Smiths] to give it back unless the said party become financially embarrassed and cannot give the said child its proper care.

The father added that he and his wife required sixty day's notice in case of any unforeseen misfortunes "to prepare for and receive our child."[86] An angry Judge Pinckney demanded that the parents, who had given away their baby, be found and brought to court. They never reappeared and the un-

85. Case No. 44900.
86. Ibid.

named baby was sent to St. Vincent's Infant Asylum, where after six months he became legally eligible for adoption.[87]

Close to one quarter of the children from "nonpensioned" families, such as Baby Maud, were "illegitimate" and legally had no father.[88] The sketchy nature of the records for these children makes it difficult to determine what happened to many of them. A few were placed on probation with reputable citizens to locate foster homes for them, several appeared to have stayed with their mothers, and at least two were adopted.[89] These "fatherless" children tended not to be institutionalized, which suggests that the court found homes, not institutions, for dependent children in cases where family preservation was not the goal.

The court did, however, institutionalize children from single male-headed families, whose cases did not fit the ideological framework for mothers' pensions. Supporters of mothers' pensions had focused on the role of "a mother's love" in raising good citizens, not the role of men as fathers. According to the maternalist rhetoric of the mothers' pensions campaigns of the 1910s, if a father died, the children lost both their parents because the mother would be forced to assume the dual roles of breadwinner and homemaker.[90] This meant that the mother would have to go to work and leave her children improperly cared for or unsupervised. Accordingly, a pension that paid her to care for her children at home could solve this social problem. The supporters of mothers' pensions, on the other hand, did not publicize the plight of children from single male-headed families. This silence about single fathers may have derived from assumptions about the inability of men to serve as primary caretakers for young children and the belief that men could either hire somebody else to look after their children or remarry.[91]

The juvenile court did not award any pensions to single fathers, although

87. Unfortunately, the case file does not tell us what ultimately became of the baby with no name.

88. See Case Nos. 44857; 44896; 44952–44956 (five siblings); 44963; 44993, 44994 (two siblings); 45023; and 45050.

89. An officer of the court and his wife adopted James, a six-month-old African-American baby. It was later discovered, however, that James's mother was a minor at the time of the original adoption and thus could not legally consent to the proceedings. In 1915, a second adoption occurred after the mother reached the age of majority. Case No. 44963.

90. Leff, "Consensus for Reform," 398.

91. There is growing literature on fatherhood, but unfortunately the historical works had little say to say about single fathers in the early twentieth century. See, e.g., Robert L. Griswold, *Fatherhood in America: A History* (New York: Basic Books, 1993). For the history of women and child care in America from colonial times to modern times, see Sonya Michel, *Children's Interests/Mothers Rights: The Shaping of American Child Care Policy* (New Haven: Yale University Press, 1999).

nothing in the Funds to Parents Act precluded this possibility. Instead the institutional track for preserving these father-only families was used.[92] As cases like the three sisters suggest, fathers probably requested that the court use private institutions to care for their children. In six out of the eight father-only families the children were institutionalized and with a single exception these "motherless" children were later reunited with family members, generally with their fathers.[93] In these cases, the father, if financially able, contributed from $5 to $10 per month for each child's stay in an institution.[94]

Although these father-only families were generally reunited, the road to reunion could be long and rocky. The court had to threaten one father with contempt for nonpayment, and in another case a girl spent ten years in the juvenile justice system first as a dependent and then as a delinquent child.[95] Yet, even these children who entered the juvenile court at the respective ages of five and six were reunited with their fathers, though a decade later and when they were old enough to work legally. Thus, in the institutional track single fathers paid the state to act as a mother and raise their dependent children.

VII. The Home-Based Track

By contrast, in the new home-based track, the state acted as a father and paid a mother to raise her children. During the holiday season for 1912,

92. More than one-third of the "legitimate" children brought to the court were growing up dependent because they had lost their mothers to death (nine or 18 percent), desertion (six or 12 percent), or commitment to an insane asylum (three or 6 percent). For the following discussion of children growing up without mothers, I am only examining the family situations where the father was still present. I have excluded children born out-of-wedlock as well as cases in which both parents either died or deserted their children. The eleven cases of single male-headed families are: 44862, 44895, 44901 and 44902 (siblings), 44960, 44991, 45041–45043 (siblings; the case of the three sisters), 45044 and 45045 (siblings). The other motherless children were: 44859 (mother dead, father missing); 44863 (mother dead, father deserted); 44865 (mother dead, father deserted); 44992 (both parents deserted); 45925 (mother deserted, father dead); 45026 (both parents deceased); 45041 (mother deserted, father dead); There were also a couple of cases in which an illegitimate child's mother had died, 44857 and 45050 . These children, accordingly, had no legal parents.

93. Case Nos. 44862 (reunited with father), 44895 (reunited with father), 44901 and 44902 (siblings, reunited with father), 44991 (reunited with grandmother), 45041–45043 (siblings, reunited with mother [i.e., the case of the three sisters]), 45044 (reunited with parents [mother had been in insane asylum; missing information in sibling's case file 45045 makes it impossible to determine whether he was reunited with family]).

94. Case Nos. 44862 (father contributes $10 per month), 44895 (father unable to contribute), 44901 and 44902 (siblings, father contributes $20 per month), 45041–45043 (siblings, father contributes $15 per month), 45044 and 45045 (siblings, father unable to contribute).

95. Case Nos. 44862 and 44895.

the court ordered cash payments to eleven families who had a total of twenty-nine children, ranging in age from two-month-old Hilda to thirteen-year-old Mary.[96] These children, who were now considered "dependent," became wards of the court. They were approximately the same age as their fellow wards in the institutional track.[97]

Mothers and their children traveled to the county agent's office to pick up their monthly pensions. The monthly payments not only caused budgeting problems for women accustomed to working with weekly or biweekly wages, but the disbursement process also raised concerns among the city's charity workers. The citizens' committee, for example, criticized the process because it resembled the administration of outdoor relief. "The result," cautioned the committee, "is gossip among the women and consequent dissatisfaction. Such a public distribution is demoralizing and destructive of self-respect among these people. Moreover, children are being kept out of school to accompany mothers . . . on the day the funds are paid." The social work pioneers Edith Abbott and Sophonisba Breckinridge reached different conclusions. It appeared to them to be a social outing for some mothers, who seemed to "rather enjoy the excitement of the occasion and the opportunity for leisurely gossip." The judge ultimately ordered women to keep their children in school and eventually payments were made on a biweekly basis, although the women still went to the county building to receive them.[98]

Once a mother accepted a pension, she had to structure her life according to the standards set by the juvenile court. Home visits by a probation

96. See Case Nos.: 44876–44870 (5 siblings), 44881–44883 (3 siblings), 44884 and 44885 (2 siblings), 44886 and 44887 (2 siblings), 44888 and 44889 (2 siblings), 44890–44892 (3 siblings), 44893 and 44894 (2 siblings), 44981–44983 (3 siblings), 44984, 44985 and 44986 (2 siblings), and 44987–44990 (4 siblings). Hilda is case no. 44985 and Mary is case no. 44877.

The cash payment was part of the probation decree, which read: "And the Court further finds that the defendant _____ parent _____ of said dependent child _____ poor and unable to properly care for the said child, but _____ are otherwise proper guardian. It is therefore ordered that the said _____ be and remain a ward of this Court, and that said ward be permitted to go hence and be and remain in the custody of _____ parent _____ of said child, subject to the friendly visitation of the Chief Probation Officer of this Court or such assistant Probation Officer as may, from time to time, be designated by him.

It is further ordered, adjudged and decreed, that the sum of _____ dollars per month be and hereby is fixed by the Court, as the amount of money necessary to enable the parent _____ to properly care for said child at home, and that the Board of Commissioners of Cook County, Illinois, through its County Agent, or otherwise, be and hereby is directed and ordered to pay to _____ parent _____ the sum of _____ dollars per month, beginning _____ until further order of the Court."

97. The average and median age of the twenty-nine home-based track children was seven and a half years. The average of the fifty-one institutional track children was a little over six and a half years and their median age was eight years.

98. Abbott and Breckinridge, *The Administration*, 25–27.

officer brought the state into a family's life on an intimate basis and transferred the authority to make decisions for the family's welfare from the mother to the official. Studies from the late 1910s reveal that families were generally visited at least once a month and occasionally more often.[99] These encounters resembled the "friendly visits" of private charity workers and guaranteed a continued state presence in the social lives of the wards of the court. Moreover, many of the women were "enabled or persuaded to move to new quarters."[100] According to a December 1914 report, 116 out of the 313 families receiving pensions during the preceding three months had moved. Thus, not only did a probation officer visit the home, he or she often helped to decide where the home would be.

Though it is nearly impossible to tell how the women involved viewed these moves, the reasons for uprooting families offer some clues. In over 70 percent of the cases, families left because of "bad" housing conditions, which included poorly ventilated rooms, dark basements, rundown buildings, and overcrowded quarters. A change of residence, in such instances, was probably welcomed. The rest of the families had to move because of "bad moral surroundings" or high rents.[101] These cases are more ambiguous and one can imagine situations where a mother's conceptions of proper morality or an appropriate rent clashed with the views of a probation officer.

The kitchen was another potential site for conflict between a mother and the state. A court dietician worked with mothers to help them economize, especially with respect to family meals.[102] Women were encouraged to use sample menus, which left little room for ethnic tastes. For a mother and her six children, the following was suggested:

> Breakfast—Oatmeal with sugar and top milk; corn-meal muffins with home-made caramel syrup; coffee for adult; cocoa for children.
>
> Lunch—Puree of split peas served over stewed carrots; home-made bread with butterine; tea for adult; cambric tea for children.
>
> Supper—Flank steak, braised, with brown gravy; baked potato; home-made bread and stewed figs; cocoa [for all].[103]

99. Ibid., 27.

100. This information comes from a 1914 conference committee report, whose findings are discussed by Abbott and Breckinridge, *The Administration,* 30.

101. Ibid., 31.

102. In 1919 the dietician was replaced by the written document "Chicago Standard Budget for Dependent Families," which was prepared by the Chicago Council of Social Agencies. *Juvenile Court Annual Reports* (1919), 8.

103. *Charity Service Reports* (1913), 300.

An individual's gender, age, and "size and degree of muscular activity" determined the quantity of food that he or she required.[104]

In addition to regulating the lives of women and children in the home-based track, the court used the ages of children, their race, and the status of their fathers to narrow the entrance to the new welfare program. The court, for example, considered any child above fourteen years to be ineligible for relief.[105] At that stage of their lives, children were expected to find work and help support the family. Thus, when Mary, the oldest girl in this track, turned fourteen the following April, the juvenile court entered an order permanently staying the $8 a month her mother had been receiving in child support. Her mother continued to receive pensions for Mary's four young siblings for several more years. These funds allowed the family to stay together and none of the children was placed in an institution.

The court also limited the number of African-American families in the home-based track. Although roughly one-third of all dependent children's families were pensioned during the fiscal year, African-American families were pensioned at the startlingly low rate of 3.1 percent. The assumption that African-American women had always worked and raised families and could continue to do so without adversely affecting their children may have accounted for this differential treatment.[106] This low rate was in sharp contrast with rates of over 40 percent for Austrian, English, Irish, and Russian families.[107]

The court also excluded children whose fathers had deserted the family. Pinckney feared that mothers' pensions could have the unintended consequence of encouraging desertion so he decided not to give relief to women deserted by their husbands.[108] The judge believed that aid in these cases would activate the "desertion microbe" of "indifferent men" and start "a migratory epidemic."[109] He admitted that "amending the law so that deserted wives will not be eligible for relief will necessarily work a hardship to a few worthy cases." Still, in his opinion, "the good of the few must, how-

104. Ibid., 297.

105. Under the 1913 revision of the law, fourteen was set as the upper-age limit. In a 1923 revision of the law, the upper-age limit for eligibility was raised to sixteen. For a summary of the law's changes, see Goodwin, *Gender and the Politics of Welfare Reform,* 199.

106. For a discussion of both this racial ideology of difference as well as African-Americans perspectives on mothers' pensions, see Goodwin, *Gender and the Politics of Welfare Reform,* 31–36, and Abramovitz, *Regulating the Lives of Women,* 318–19.

107. The percentages have been calculated from the statistics in *Charity Service Reports* (1913), 92. Of the 190 cases of dependency involving African-American families, only six had received pensions. In contrast, 23 of 48 Austrian, 30 of 54 English, 140 of 311 Irish, 23 of 69 Russian families received pensions.

108. On concerns about desertion in this period, see Willrich, "Home Slackers."

109. Pinckney, "Public Pensions," 479.

ever, be sacrificed for the good of the many."[110] The consequences of this decision led to some children's separation from mothers who could not care for them. One brother and sister, for example, were committed to separate institutions and spent close to five years apart from each other and their mother.[111] In cases where the missing father was presumed to be dead, Pinckney made an exception to the desertion rule and provided pensions.[112]

Along somewhat similar lines, Pinckney granted one pension to a two-parent household in which the father was presumably incapacitated. The family received $21 per month for almost a year, but only the mother appeared for the court dates. The probation order also specified that the cash payment was for the mother. Pensioning families with an injured or institutionalized father became a feature of the welfare program and suggests that the court considered these families "fatherless" because of the man's physical or mental inability to fulfill his role as a breadwinner.[113]

The judicial administration of mothers' pensions, during its first phase under the loosely worded Funds to Parents Act, was clearly an effort to safeguard the entrance to the home-based track and to scrutinize those families allowed in. The judge and the citizens' committee were creating ad hoc procedures that reflected concerns about public assistance undermining traditional values and legal obligations among family members for mutual support. When Pinckney wrote more stringent eligibility guidelines into the law in 1913, he ensured that the juvenile court would continue to administer the home-based welfare program. This decision created a new division in the court, additional staffing, and a heavier overall caseload. The state had expanded the juvenile court, as critics like Eliot feared, by broadening its jurisdiction to address a social problem whose structural source, the uneasy position of the working-class in the new American economy, compounded by gender inequality, was beyond the ability of the court to resolve.

VIII. The Aid to Mothers Law

In 1912 Judge Pinckney traveled to Cleveland to defend his administration of the new welfare program before an audience of charity and social workers at the National Conference of Charities and Corrections. Pinckney announced that the period of ideal cooperation between society and the state

110. Ibid.

111. Case Nos. 44898, 44899.

112. Case Nos. 44881–44883 (3 siblings) and 44888, 44889 (2 siblings).

113. According to Goodwin's *Gender and the Politics of Welfare Reform,* "between 1911 and 1927, 13 percent of the pensioned families [in Cook County] included a father who had been either institutionalized or disabled through injury"(161).

in the administration of the Funds to Parents Act had laid the groundwork for a promising future in which the public would assume more responsibility for those in need.

The new era, however, began with a more restrictive and gender-specific *mothers'* pensions law. On July 1, 1913, the "Aid to Mothers Law," which Pinckney had drafted with the help of the citizens' committee and Joseph Meyer, the county agent, went into effect.[114] This revised law included: stringent new eligibility requirements (the mother now had to be a citizen of the United States and a resident of the county); caps on awards (aid was limited to $15 per month for the first child and $10 per month for additional children up to a $50 ceiling); and a new county tax of three-tenths of a mill to finance the program. This narrower scope left only widows and women with permanently incapacitated husbands eligible. Women who had been deserted, divorced, had husbands in jail, or were unmarried were excluded from receiving aid.

The court, moreover, did not grandfather in prior recipients and these newly excluded families had to turn to private charities. In Cook County, 172 families had their pensions stayed that July; nearly 80 percent of these cases involved mothers who were "aliens" and another 18 percent were deserted or divorced women. The court referred all these families to the county agent and the private charity societies. Remarkably, only seven families (4 percent) were forced to place their children in institutions.[115] This is evidence that prior to the passage of the Funds to Parents Act private charities had probably managed to keep many families together. It is unclear what would have happened, however, if the pensions of *all* the families receiving relief had been terminated. Evidence about changing patterns of philanthropy in this period, charted by Kathleen McCarthy, suggests that private relief would not have met their needs.[116]

During the next two years, over one thousand applications for aid were rejected because of the new citizenship requirement, but this period of more restrictive legislation was for the most part coming to an end. The criticism of the harsh treatment of "American" children, for example, led to the law being amended in 1915 to make "alien" mothers with American-born children under the age of fourteen eligible for pensions. (The mothers had to file for citizenship and meet the other criteria.) Two years later, the law was again amended to restrict pensions to women whose husbands were residents of Illinois at the time of their deaths or in permanent incapacitation.[117]

114. *Laws of Illinois* (Springfield: State Printers, 1913), 127.

115. Goodwin, *Gender and the Politics of Welfare Reform,* 132.

116. Kathleen D. McCarthy, *Noblesse Oblige: Charity & Cultural Philanthropy in Chicago, 1849–1929* (Chicago: University of Chicago Press, 1982).

117. Abbott and Breckinridge, *The Administration,* 14.

After World War I the trend was to make the law more inclusive, as "organized women became a more visible and vocal advocacy group for the expansion of the mothers' pensions law."[118] In the 1920s, amendments to the law made "deserted women" eligible, raised the upper age limit for children to sixteen, adjusted the tax rate, and at the end of the decade initiated state reimbursements to counties for half their costs.[119]

Pinckney's promise of a new era was only half fulfilled. During his tenure on the bench the Aid-to-Mothers Division became an important part of the court system and continued to expand after he retired in 1916. By 1920, the division handled a quarter of the juvenile court's caseload.[120] Although it had become a vital part of the court system, financing continued to be a problem and limited appropriations created a long waiting list for pensions in the late 1910s. The United Charities of Chicago often assisted, although grudgingly, families on the waiting list.[121] The charity's board argued that supporting these families was a public responsibility. The home-based track for family preservation, thus, did not become an entirely public program in the Progressive Era.

Moreover, like many progressive programs, mothers' pensions were never uniformly implemented. Many rural county court judges in Illinois never instituted mothers' pensions programs. On the other end of the spectrum some continued to use the more inclusive Funds to Parents Act to justify more generous giving. These extremes clouded the progressive vision for a centralized, modernized system of public relief in Illinois. Nationwide, fewer than half of the counties in the United States had operative mothers' pensions program before the enactment of the Social Security Act in 1935, and this problem would continue into the 1940s.[122]

It is too simplistic to dismiss mothers' pensions as an experiment that failed because of the tenacity of localism. The mothers' pensions programs administered by juvenile courts did centralize the administration of home relief, albeit on the county level. The women lining up at the county building twice a month to pick up their checks were evidence of this centralization. They were all literally in the same place at the same time. These single female-headed families also remained physically together and embodied the new, progressive conception of family preservation. But, as long

118. Goodwin, *Gender and the Politics of Welfare Reform,* 134.

119. Ibid., 199.

120. Jeter, *The Chicago Juvenile Court,* 18.

121. Annette Marie Garrett, "The Administration of the Aid to Mothers' Law in Illinois 1917 to 1925" (master's thesis, School of Social Service Administration, University of Chicago, 1925). Also see Goodwin, *Gender and the Politics of Welfare Reform,* chap. 4. The amount Cook County spent on mothers' pensions also increased from roughly $86,000 in 1912 to over $280,000 in 1919, although the average pension remained fairly constant.

122. Leff, "Consensus for Reform," 413–14.

as the court continued to categorize and treat other wards as belonging to the institutional track, there would be a dual approach to family preservation in early twentieth-century Chicago.

IX. The Diverging Tracks of Dependency

As the two-track approach to family preservation continued in the 1920s, the experiences of the children diverged because those in the institutional track spent less time at home. It appears that the progressive child savers' efforts to prolong child dependency had the unintended consequence of prolonging the time that some dependent children spent in institutions. As Howard Hopkirk, the executive director of the Child Welfare League of America, later noted:

> Before 1900 elementary education in institutions generally led up to apprenticeship or to work on the farm or in domestic service. During the past thirty years various changes in the customs and attitudes affecting children generally in the United States and certain radical revisions of the policies of child-care agencies have tended to prolong the dependence of children under care of those agencies. There has been a growing tendency on the part of institutions to keep many of their intellectually more promising children under care until they have been graduated from high school and occasionally, in the case of students able to profit from college training, even to twenty or twenty-one years.[123]

Thus, the progressive efforts to keep children in school kept some dependent children in institutions for long periods of time.

A series of extant case files from September 1921 reveals the implications of the division of dependency into two tracks.[124] Sixty percent of the children from families not receiving pensions were institutionalized. All eighteen of these wards came from motherless families.[125] These motherless children remained in institutions longer, which stretched the nineteenth-century ideal of family preservation and challenged its underlying assumption that these families, while physically separated, remained together in spirit. Although roughly the same percentage of the institutionalized children were later reunited with their families as in 1912 (70 percent), a grow-

123. Howard W. Hopkirk, *Institutions Serving Children* (New York: Russell Sage Foundation, 1944), 14.

124. This series includes ninety-nine consecutive case files, Case Nos. 83301–83400, running from roughly September 1 to September 22. There are thirty-two "nonpensioned" dependency cases and thirty-five mothers' pensions among these records.

125. In all but two cases, the mother had died. See Case Nos. 83319 and 83320 (siblings, mother insane), 83347–83349 (siblings), 83350–83352 (siblings), 83353–83356 (siblings), 83367–83370 (siblings), 83370, and 83371, 83372 (siblings).

ing number were staying in institutions until they turned eighteen and aged out of the system.[126] Overall, the average period of confinement lengthened to almost five and a half years for girls and over eight years for boys, and these averages would have been higher without the deaths of a twelve-year-old boy and an eleven-year-old girl in training schools.

In 1921 an inadequate appropriation by the county precluded awarding pensions to any new families until the fall, but new legislation improved the situation.[127] The passage of amendments to the law raised revenue, removed family caps on aid, and raised pensions for a first child from $15 to $25 a month. The amendments also allowed for corresponding increases for additional children from $10 to $15 per month. In September, there were again funds to pension new families and, according to the extant case files, fifteen fatherless families with a total of thirty-five children were added to the rolls in September. These children, with one exception, spent no time in institutions.[128] As in 1912, there was also one two-parent family with children receiving a pension. The father was incapacitated but lived with his family.[129]

The case files also reveal a major change in the administration of the home-based family preservation program. Mothers in good health were now expected to work a few days a week outside of the home.[130] Eight of the fifteen mothers did so. As Joanne Goodwin has noted, this work requirement represented yet another chapter in the history of the devaluing of a mother's work in the home. Rhetorically, the progressives valued mothering, but in practice they demanded that a mother leave her own home to labor productively.[131]

X. Conclusion

The decision to place the administration of mothers' pensions in juvenile courts, which had seemed natural in the early 1910s, came under close

126. According to the case files, eleven of the eighteen children committed to an institution were reunited with a family member. See Case Nos. 83319 (parents), 83350–83352 (father), 83353 (father), 83356 (sister), 83368 (father), 83369 (cousin), 83370 (father), 83371 and 83372 (father). Two brothers aged out of the system. See Cases No. 83348 and 83349.

127. *Juvenile Court Annual Reports* (1920), 10. On the politics of mothers' pensions in Illinois during the 1920s, see Goodwin, *Gender and the Politics of Welfare Reform,* 146–53.

128. Case No. 83325.

129. Case Nos. 83399, 83400.

130. For the best discussion of the significance of this work requirement, see Goodwin, "An American Experiment in Paid Motherhood," 323–41.

131. On the consequences of the devaluing of women's work and the myth that women on welfare did not work, see Goodwin, *Gender and the Politics of Welfare Reform,* 187–97.

scrutiny by the 1920s. In 1921 the chief of United States Children's Bureau, Julia Lathrop observed that "the present tendency of expert opinion is undoubtedly toward placing responsibility for actual administration of mothers' pensions in a separate body qualified to deal with the matter scientifically and not in the spirit of the old poor relief."[132] Such critiques were part of a growing concern among social justice feminists over the failure of mothers' pensions to modernize the administration of public relief and move beyond the traditional stigmatization of the poor. The mother's aid component of modern welfare governance seemed like a relic from the past, and in the 1920s and 1930s states continued to remove the administration of mothers' pensions from juvenile courts and placed these programs in local or state welfare agencies.[133] The removal of mothers' pensions from the juvenile court helped to make welfare and juvenile justice appear to be separate systems. Yet the parallels between the political histories of welfare and juvenile justice in the twentieth century are striking and the efforts in the 1990s to dismantle both systems suggest how closely related these areas of public policy would remain. These connections merit further examination.

Critiques of the judicial administration of mothers' pensions also raised questions about the expansion of the juvenile court, which contributed to the reconsideration in the 1920s of the proper role of courts in American society. Conservatives concerned about the intervention of government into private life directed attention to the juvenile court. For example, in 1925, President Calvin Coolidge appeared before the international convention of the Young Men's Christian Association to criticize this development. "There are too many indications that the functions of parenthood are breaking down," proclaimed the popular president, a second-term Republican who had successfully built his career campaigning for law-and-order, less governmental regulation, and more traditional values. "Too many people," he explained, "are neglecting the real well-being of their children, shifting the responsibility for their actions, and turning over supervision of their discipline and conduct to the juvenile courts." This spelled trouble because "it is stated on high authority that a very large proportion of the outcasts and criminals come from the ranks of those who lost the advantages of normal parental control in their youth. They are the refugees from broken homes who were denied the necessary benefits of parental love and direction. . . . What the youth of the country need," the president concluded, "is not more control through Government action but more home control

132. Abbott and Breckinridge, *The Administration,* 6.

133. On the gradual removal of the administration of mothers' pensions from juvenile courts, see Howard, "Sowing the Seeds," 197.

through parental action."[134] The juvenile court had become a clear target for critics of the progressive efforts to make the state into a parent.

This article has revealed both the emergence of a new model of family preservation and demonstrated the tenacity of past assumptions and practices. Nineteenth-century institutions and ideals were not pushed aside but continued to structure the institutional track of dependency, while the spirit of scientific charity guarded the entrance to the new home-based track. Whether children lost their mothers or fathers helped to determine the paths of growing up dependent. The consequences of this tracking system grew more profound as the longer periods of institutionalization of motherless children helped to undermine family preservation. Thus, the use of a single parent's gender to track his or her children in the juvenile justice system shaped the experiences of children growing up dependent in early twentieth-century Chicago.

134. Calvin Coolidge, "Coolidge Urges Home Control Need," *New York Times,* 25 October 1925, pp. 1, 27. For an excellent analysis of Coolidge's "minimalist" ideology, see Paul Johnson, "Calvin Coolidge and the Last Arcadia," in *Calvin Coolidge and the Coolidge Era: Essays on the History of the 1920s,* ed. John Earl Haynes (Washington, D.C.: Library of Congress, 1998), 1–13.