

government itself. By the 1970s, the Border Patrol had entered yet another new phase, having reinvented itself as an organization positioned to fight crime, not just control migration. The various projects of drug, crime, and migration control became increasingly entangled. This change in tone coincided with the increasing criminalization of migrants themselves, a process that continues today.

Migra! will be a useful resource for any scholar seeking to understand the complex dynamics of race, migration, and law in the twentieth century. The border and the people patrolling it provide for a rich and provocative way to explore these issues, both in historical and contemporary perspectives.

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James D. Schmidt, *Industrial Violence and the Legal Origins of Child Labor*, Cambridge: Cambridge University Press, 2010. Pp. xxiii +279. \$85.00 cloth (ISBN 9780521198653); \$27.99 paper (ISBN 9780521155052).

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In *Industrial Violence and the Legal Origins of Child Labor*, James D. Schmidt examines the role of children in the nineteenth-century workplace and asks how, in the years between 1880 and 1920, such labor became anathema. Schmidt's subject is not the development of child labor laws, a story told elsewhere in detail. Instead, drawing on rich appellate records from six southern states, Schmidt skillfully traces how "the cultural imagination of youthful labor" changed dramatically in southern Appalachia (xix). As the author argues, new conceptions of child labor were not wholly attributable to progressive reformers who had turned their attention to the South. In fact, law was a crucial part of this discursive transformation, as industrial injury brought workers and employers into court. Legal language and courtroom experience validated child labor as a public problem for working-class families who had previously believed quite the opposite.

Schmidt begins by describing nineteenth-century producerist ideology, which valued individuals as workers. For Appalachian working families, clear lines between childhood and adulthood were absent. Instead children were brought into the workplace to perform tasks appropriate to their size and skill level, growing into their roles as workers as they became adults. As the South industrialized in the late nineteenth century, workers hoped that the paternalistic model to which they had become accustomed would protect them in this new environment. To the dismay of many, however, mechanization brought new opportunities for injury. Schmidt describes how

progressive reformers, long concerned about the industrial workplace, targeted the dangers faced by children in particular. Though reports, newspapers, magazines, photographs, and cartoons, progressives framed children as innocent victims of rapacious capitalists and negligent parents and pushed for statutory reform. Their definition of helpless childhood was at odds with the autonomy many children exercised, but tied neatly into progressive reform in areas including eugenics, labor, and juvenile justice.

These two narratives collided in court. As older traditions of paternalism disappeared, working families were unable to protect their members from industrial violence. Facing employers unwilling to make them whole, the injured resorted to the courts to assess responsibility. There, litigants, lawyers, judges, and juries discussed the meaning of child labor and the appropriate role for children. Influenced by publicity, by statutory age limits on work, and by compulsory education laws, judges accepted the idea that children lacked good judgment and that their appropriate place was at home or at school. Doctrinal developments in tort law made it difficult for adults to hold their employers liable, but, retreating from antebellum doctrine, judges carved out separate rules of liability for employers of injured children. Workers, whose own conception of childhood differed greatly, found themselves both constrained by legal language and willing to adopt narratives that supported their case. Through repeated encounters with the law as litigants, as witnesses, and as jury members, workers came to adopt a new cultural definition of childhood.

Schmidt is sensitive to the ways in which the southern story both resembles and deviates from that of the North. Faster industrialization hastened discursive change, and the racial, ethnic, and gender aspects of the southern workplace defined the “child” in peculiarly native-born, white, and male terms. At the same time, he argues, this is not an entirely southern story, and his absorbing research calls out for similar study of other regions. Schmidt’s detailed descriptions of factory life illuminate the perilous environment in which workers toiled, and his extensive use of court records gives voice to the child workers and families involved. Lively quotes and specific details about the workers in question offer a fascinating look into how working-class individuals articulated their own experience of industrialization. In addition, the contrast between the author’s penetrating analysis and litigants’ practical language makes the book a pleasure to read. This is an essential book for anyone interested in the history of childhood, labor, law, or the South.

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